

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 9 MAY 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: Councillor J Parry.

Officers in attendance: J Mitchell (Chief Executive), R Dobson (Democratic Services Officer), S Ellis (Revenues Manager), R Harborough (Director of Public Services), S Joyce (Assistant Chief Executive-Finance), M Perry (Assistant Chief Executive – Legal), B Tice (Project Officer), J Troup (Communications Manager) and A Webb (Director of Corporate Services).

WELCOME AND PUBLIC SPEAKING

At the invitation of the Chairman, Robert Beer made a statement prior to the item on the Conservation Area Appraisal for High Easter. A summary of his statement is appended to these Minutes.

The Chairman welcomed to the meeting Councillor Joanna Parry, who had at been elected to the Newport Ward at the recent by-election on 2 May 2013.

CA129 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Cheetham, Lemon and Morson.

Councillor Barker declared her pecuniary interest as a member of Essex County Council and as a resident of High Easter in relation to the item on the Conservation Area Appraisal of High Easter.

CA130 MINUTES

The Minutes of the meeting held on 26 March 2013 were approved and signed as a correct record.

CA131 MATTERS ARISING

(i) CA118 - Gift of land for housing project

Councillor Redfern said she was pleased to report that she had received a letter of thanks from a resident who had benefited from a refuge for women suffering from domestic abuse. There had been good publicity for this initiative via an interview on Radio Essex.

(ii) CA122 – Land adjacent to Broomfields, Hatfield Heath

Councillor Barker said she was aware of an impression which had been gained by local residents that the new development would not after all be made available to people with a local connection. She asked the Portfolio Holder for Housing whether this was indeed no longer the case.

Councillor Redfern said she could assure Members that it was still the case that the new properties were intended to be let to those with a local connection.

CA132

CONSERVATION AREA APPRAISAL, HATFIELD BROAD OAK

Councillor Barker presented a report on a Conservation Area Appraisal for Hatfield Broad Oak. The report described the existing designated Conservation Area and summarised the results of a consultation on proposed changes. She reminded members that this periodic review was one of a series of Conservation Area Appraisals conducted by the Council across the district. She drew attention to a proposal within the report that consideration should be given to the preservation of the character of the Broad Street Green and the setting of listed buildings around it, possibly by designating a separate Conservation Area. She said there had also been a proposal from Councillor Artus to consider the frontage adjacent to the Church.

Councillor Barker said this was an interesting and very thorough report which included much history of the area. The report recommended two minor amendments to the existing Conservation Area, as set out.

RESOLVED

- 1 to approve adoption of the Hatfield Broad Oak Conservation Area Appraisal and its use in assisting the process of determining planning applications and implementing Management proposals
- 2 to approve the amendment of the Hatfield Broad Oak Conservation Area boundary to include
 - i. the car park in front of the Vicarage and the Vicarage site
 - ii. the lower end of Cage End.
- 3 To agree that further consideration be given to how to preserve and enhance the character of the Broad Street Green and the setting of listed buildings around it possibly by designating a separate Conservation Area
- 4 To agree that further consideration be given to whether the High Street frontage of the new village green should be included in a

further extension of the existing conservation area, and whether the historic parkland of Barrington Hall should also be included.

CA133

CONSERVATION AREA APPRAISAL, HIGH EASTER

Councillor Barker introduced a report setting out the recommendations of a Conservation Area Appraisal for High Easter. The report outlined responses to the consultation and made recommendations for formal changes to the Conservation Area boundary.

Councillor Barker said there was only one detail in the report which from her knowledge of the area she had noticed was not correct and this was the name of a property referred to as 'Randalls', which was in fact 'Elm Close'.

Mr Beer then made a public statement, a summary of which is appended to the Minutes.

Councillor Barker thanked Mr Beer for his statement. She said this was the first time during what was a series of conservation area appraisals that the suggestion to designate a buffer zone had arisen. The suggestion related to only one area adjoining the conservation area. She would inquire of her colleagues whether this would be an appropriate measure to include in a parish plan or the district's local plan, but she could not see any merit in selecting this particular area alone for such a designation since this type of protection had not been considered necessary during the course of the other conservation area appraisals which had already been dealt with.

The Director of Public Services endorsed Councillor Barker's comments. He noted the suggested objectives of buffer zones were to protect an area against unwanted development. The best way of achieving this objective was to adopt an up to date local plan confirming a settlement's development limits. He agreed with Councillor Barker that the best course of action was to consider whether the Local Plan should make provision for buffer zones to conservation areas. The designation of such zones could be done only on the basis of a suitable policy which would then be applied on a consistent basis.

Members discussed the possibility that the proposal for buffer zones could be considered by the Parish Council if it was working on a parish plan, and that consideration could be given to such a policy by the LDF Working Group.

RECOMMENDED

- 1 To approve adoption of the Conservation Area Appraisal and its use in assisting the process of determining planning applications and implementing Management proposals
- 2 That the High Easter Conservation Area boundary be formally amended

- (a) to extend the boundary to include the full extent of a number of rear gardens in line with best practice
- (b) to exclude Old Vicarage Close, consisting of seven properties.

- 3 To refer to the LDF Working Group the issue of whether the local plan should make provision in its strategic environmental policies for buffer zones to conservation areas, and whether buffer zones would be of benefit if defined in supplementary planning documents.

CA133 ASSETS OF COMMUNITY VALUE

Councillor Rolfe presented a report on a request to include on the list of assets of community value the Methodist Chapel, Castle Street, Saffron Walden. He reminded Members of the provisions of the Localism Act 2011 which placed a duty of local authorities to maintain a list of such assets.

RESOLVED that the Methodist Chapel, Castle Street, Saffron Walden be included on the Assets of Community Value list.

CA134 BUSINESS RATES WRITE OFF

Councillor Chambers presented a report on business rates liability in respect of the district's second largest business ratepayer, Eighteen Aviation Ltd. He said it was with great reluctance that he had to inform Members that the recommendation was to write off business rates liability of £1,155,066.48. This measure was necessary to protect the interests of the Council and local taxpayers.

Councillor Chambers described the circumstances leading to the necessity to make such a recommendation. The company had lodged an appeal against the rateable value of the property from which it operated. The Council had taken all appropriate recovery measures and had attempted to obtain interim payments on the business rates liability. These were not made. The Council could not take legal action until the conclusion of the appeal process. Once the appeal had concluded the Council swiftly took such action but unfortunately there was no prospect of the company paying the amount owing. It was therefore necessary to write off the business rates liability in the 2012/13 accounts.

Councillor Chambers informed Members there was no direct impact on the Council as there would be a corresponding reduction in the amount handed over to central government for the financial year 2012/13. Nevertheless there was a substantial loss to the public purse. For the financial year 2013/14, the Council now operated under the new business rates system which meant the finances of the Council were directly affected by fluctuations in business rates income. Therefore it was important that the company be wound up so that the liability ceased and the Council was taking legal action to do so.

Councillor Chambers said he hoped this situation would not recur. He said he and officers were pursuing the matter with Valuation Office in order to identify what should be done to fast-track future appeals.

Councillor Barker said this was an enormous amount which related to substantial premises. She suggested lobbying Government as it was of concern that under the new rules next year a potential repetition of this incident on a similar scale would affect local taxpayers.

Councillor Redfern asked about the history of business rates paid for the premises in question. The Assistant Chief Executive-Finance said he would circulate this information to Members.

Councillor Howell said as Chairman of the Performance and Audit Committee he had been aware of this issue for some time. The impact was potentially serious. Appealing against valuations was a routine and legitimate practice, and it was clear the Council had made all reasonable attempts to recover this income. It was of concern that a business's failure to meet the obligation to pay its business rates could be an attempt to manipulate the appeals process. This raised a real concern in future years if businesses were able to rely on the appeals process to avoid business rates liability. The Council had been constrained in a way which HMRC would not have been. There was a legitimate question to ask the directors of the company whether they were knowingly trading whilst insolvent and whether there was frivolous use of the appeals process. It was good that the Council would be following up with the Valuation Office the possibility of fast-tracking the appeals process but the Government should also be approached.

The Assistant Chief Executive-Finance said these risks had been identified by local authorities and notified to Government prior to the introduction of the new policy on business rates. It was unlikely that representations at this stage would change the ministerial view. As far as this council was concerned, the risk was ameliorated by the fact that there was a limit to the budgeted loss which it would bear to a maximum of £100,000. This did not however prevent the fact that there was a loss to the public purse.

Councillor Godwin said she too was concerned. She said there were many other large businesses in the district and she was worried this incident would send the wrong sort of message. She wished to see the Council take every possible step to minimise risks and identify potential business rates defaulters early so as to avoid this situation arising.

The Assistant Chief Executive-Legal said one of the functions of the liquidator was to carry out investigations into whether the company's directors had been trading whilst insolvent. He reassured Councillor Howell that if this were established that the directors could become personally liable.

Councillor Chambers proposed the motion, which was seconded by Councillor Barker, with the amendment that he would also write to the government to

express concern about the impact on local authorities for failures by businesses to pay business rates liability.

RECOMMENDED

- 1 To agree the 2012/13 business rates write off of £1,155,066.48 relating to Eighteen Aviation Ltd
- 2 To agree to delegate to the Assistant Chief Executive-Finance, in consultation with the Assistant Chief Executive-Legal and the Finance Portfolio Holder, authority to write off 2013/14 business rates for Eighteen Aviation Ltd as may become necessary pending conclusion of winding up proceedings
- 3 To agree that the Finance Portfolio Holder write to the Department for Communities and Local Government to express concern about the potential impact of any future defaults of this nature on the Council's business rates collection and the resources available to it, in the context of the localised retention of business rates.

The meeting ended at 7.40pm.

PUBLIC STATEMENT OF MR BEER

I should like to congratulate Mr Tice and his team for their excellent consultation work on the High Easter Conservation Area Appraisal. My comment regarding this item is to propose there should be a buffer zone on Barnston Road. This is a unique heritage area, and together with 10 other residents and the support of the Parish Council I feel this suggestion would be appropriate. I accept that planning laws do not provide for buffer zones, but this policy could be included, as mentioned in supplementary planning guidance. The reason I make this suggestion is that it is a nonsense to offer a measure of protection but to fail to protect areas which immediately adjoin the protected area. I would refer members to best practice as used at Staffordshire Council. I believe that buffer zones offer useful protection, and I would therefore ask the Cabinet to consider this measure seriously as one which could be included in the Local Plan.