

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 4 DECEMBER 2014 at 7.00pm**

Present: Councillor H Rolfe – Leader
Councillor S Barker – Deputy Leader and Executive Member for Environmental Services
Councillor J Cheetham – Executive Member for Aviation
Councillor R Chambers – Executive Member for Finance
Councillor V Ranger – Executive Member for Communities and Partnerships
Councillor J Redfern – Executive Member for Housing
Councillor A Walters – Executive Member for Community Safety

Also present: Councillors A Dean, E Godwin, S Howell, M Lemon, K Mackman, J Rose.

Officers in attendance: J Mitchell (Chief Executive), M Cox (Democratic Services Officer), F Gardiner (Anti-Social Behaviour Case Officer), R Harbrough (Director of Public Services), A Knight (Assistant Director – Finance), R Millership (Assistant Director Housing and Environmental Services), M Perry (Assistant Chief Executive -Legal), J Snares (Housing Needs & Landlord Services Manager), B Tice (Scripting Officer) and A Webb (Director of Finance and Corporate Services).

CA58

STATEMENT BY THE LEADER OF THE COUNCIL

Councillor Rolfe informed the meeting that on the previous day, the Inspector had closed examination into the Uttlesford Local Plan. The Inspector's statement had highlighted concern in two main areas.

The Inspector had considered that the overall numbers in the plan were too low and the council should have taken account of other market signals, including employment and the housing market. He had signalled that the council should be looking at an increase of at least 10%, giving a housing requirement of about 580 dwellings per year. He suggested that the council should also take account of the forthcoming review of the SHMA and the duty to cooperate with other neighbouring authorities.

The second issue was the lack of evidence to justify the proposal for the enlarged Elsenham development and in particular the Inspector had highlighted problems with the road network near to the site and junction 8 of the M11.

The Leader explained that this was the Inspector's initial report. The Inspector was expected to publish the full report before Christmas, to which the council would have the opportunity to respond. The Chief Executive would make a full report to the Council meeting on 18 December 2014.

The next stage would be to first re-establish the housing number for the district and then work towards a further call for sites later in 2015.

The Leader said that the objective for the next stage was to put in place a fully transparent process and he intended that future meeting of the Local Plan Working Group would be open to the public and sound recorded.

CA59 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Salmon and Wells.

CA60 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 11 November 2014 were received and signed by the Chairman as a correct record subject to the correction of the spelling of the Clerk to Arkesden PC as 'Mr Coltman' and the correct spelling of Wicken Bonhunt.

CA61 QUESTIONS OR STATEMENTS FROM NON-EXECUTIVE MEMBERS OF THE COUNCIL

Councillor Dean referred to the Inspector's decision regarding the Local Plan and said he considered this to be both a triumph and disaster. The decision would cause problems in the short term as the council would be without a plan. However, the outcome should be better for the district in the longer term. The decision made common sense to those who had been campaigning against the plan, particularly in relation to the Elsenham development.

He considered that the plan had been found unsound. The Inspector had said the required changes were too significant for the plan to be suspended for a defined period to carry out additional work. It was clear that the council had a lot of extra work to do.

The council should now look at the key ways forward, and much of this would be for the new council to determine. However, he agreed it was essential for there to be a transparent approach and welcomed the proposal to hold the local plan meetings in public. The council should be frank and honest, admit its mistakes and not rush the next stage of the process.

Councillor Rose, representing Newport Ward, asked for reassurance that as a key settlement, Newport would not be asked to take more houses in addition to the number already allocated in the recent local plan. The Leader replied that the effect of the Inspector's decision was that further sites for more houses would be required. The council would need to agree on criteria for an objective assessment of the sites coming forward.

CA62 **MATTERS REFERRED TO THE EXECUTIVE**

There were no matters referred to the Executive

CA63 **REPORTS FROM PERFORMANCE AND AUDIT AND SCRUTINY COMMITTEES**

Councillor Godwin reported on the recent meeting of the Scrutiny Committee which had considered the financial outlook and the 2015/16 budget strategy.

The committee had been advised of the future uncertainty of the revenue budget, due in large part to the upcoming general election and the likely end of NHB funding. In that context although the council's reserves now seemed to be at a reasonable level, the committee had questioned whether this should be increased in future years.

It had been noted that Uttlesford was in a better position than many other authorities. However by the end of the next council term it would be under huge financial pressure.

The committee had asked the Cabinet to consider the following

- The appropriate level of reserves
- Assume the worst when planning for the future
- Look for efficiency savings and partnerships
- Produce a more user friendly budget format

CA64 **FINANCIAL OUTLOOK AND THE 2015-16 BUDGET STRATEGY**

Councillor Chambers presented the report on the financial outlook and the strategy for drawing up the 2015/16 budget.

He said it was clear that as the general election approached the uncertainty around local government finance and future Government funding had increased. The major uncertainty was in relation to the New Homes Bonus (NHB), as all political parties had indicated that the scheme would not continue in its current form. The NHB was forecast to be £3.4m in 2015/16 and the assumption had been made that funding from this source would continue in 2016/17 as revision to the scheme was not likely to take place until 2017/18. The report set out a number of impact scenarios on the possible levels of reduction of the NHB.

Further assumptions were that there would be no significant changes to the current Localisation of Council Tax scheme. It was also assumed that Universal Credit would be implemented on the current timescales. Based on these assumptions, there would still be an in-year surplus for 2016/17, 2017/18 was likely to be the first year to show a deficit.

The report set out the outcome of the budget modelling which showed that there would be almost no budget surplus by the end of the 5 year model period.

There was £2m of available reserves, to cover the shortfall and give the council time to look at the way it worked, and investigate ways to increase income and reduce spending. The council would also introduce and implement a reserves strategy that took account of areas of priority.

In relation to the 2015/16 budget, the report explained the key actions and assumptions that would inform the 2015/16 budget process. This included the indication from the Administration that Council Tax would be frozen in 2015/16.

Councillor Howell said there had been a significant debate on the budget at the Scrutiny Committee. It was clear that the council was in a more favourable position because of the significant work undertaken over the last years. There was uncertainty over future funding and each variable could potentially have a major effect. He considered that the reserves were at an appropriate level at this stage and he endorsed the paper.

Councillor Dean said he welcomed the proposal for a reserves strategy and looked forward to the outcome of the analysis. He asked about the use of reserves for further work on the Local Plan. The Leader said there had been much speculation about the cost of the Local Plan process but said he would obtain a detailed analysis of the figures.

Councillor Chambers said that council's external auditors considered the council's reserves to adequate. The reserves strategy was not something new but part of good financial management.

Councillor Mackman said he had met with the Director of Finance concerning the council's financial position and proposed budget strategy and had been impressed with the high calibre of the council's finance officers.

RESOLVED to approve the financial outlook and the 2015/16 budget strategy.

CA65

HOUSING ALLOCATIONS POLICY

Councillor Redfern presented an updated version of the Housing Allocations Policy, which set out how Uttlesford proposed to allocate council and RSL properties.

This latest version, adopted in January 2013 had been updated following further Government guidance, which stated that local authorities should ensure they prioritised applicants who could demonstrate a close association with their local area. As a result new eligibility criteria had been introduced for joining the housing register.

A further change to the eligibility rules was around those residents who did not have the financial resources to meet their housing need within the private sector.

The proposed changes had been subject to a wide consultation and had been agreed by the Tenant's Panel and the Housing Board.

Councillor Dean pointed out that the report did not reflect the decision of the Housing Board that the eligibility criteria should continue to apply to students from Uttlesford whilst they were attending university outside of the district. It was confirmed that an updated version of the policy, which included this clause would be circulated to members.

The Leader thanked officers for this substantial piece of work and commended the resulting policy that was fair and just for the people of Uttlesford.

RESOLVED to approve the adoption of the new Housing Allocations Policy.

CA66

ANTI- SOCIAL BEHAVIOUR POLICY AND PROCEDURE

Councillor Redfern reported that the Anti-Social Behaviour, Crime and Policing Act had introduced simpler, more effective powers to tackle ASB that provided better protection for victims and communities. In response, the council had fully reviewed its ASB policy and procedures. The policy had been subject to consultation and been approved by the Housing Board.

Members welcomed the report and thanked Fiona Garner, the ASBO officer for the work she had undertaken in this area.

RESOLVED to approve for adoption the Anti-Social Behaviour Policy and Procedures.

CA67

FAIRCROFT ROAD CAR PARK

The Cabinet was advised that the district council was the Trustee of the Saffron Walden Pig Market Charity which owned part of Faircroft Road car park. The other part of the car park was part owned by the council in its local authority capacity. In light of the proposed extension to the Waitrose store and the reconfiguration of the car park a report had been undertaken on behalf of the charity giving advice on the proposed land transactions. The council in its role as trustee considered the report and confirmed its final agreement to the proposed transactions.

RESOLVED that the trustees agree

1. To exchange the land in its ownership shown on the Plan at Appendix 8 the Surveyor's report for the land owned by the District Council being of equivalent area shown on the same

Plan on such terms and conditions as are reasonable including the granting of rights of way

2. To grant a lease (jointly with the Council) for 50 years to Waitrose Limited of the newly constructed car park on the terms set out in the Surveyor's report
3. To accept a lease back of the newly constructed car park from Waitrose Limited for 50 years less 3 days jointly with the Council on the terms set out in the Surveyor's
4. To the temporary relocation of the 6 spaces under the control of Self Build Limited to the Charity land during the period of the rebuild
5. To the redevelopment of the car park by Waitrose on the terms set out in the Surveyor's report
6. To enter into the Car Park Management Agreement with the Council and Waitrose on the terms set out in the Surveyor's report
7. To delegate to the Assistant Chief Executive –Legal the authority to conclude the legal documents following receipt of the Charity Commission approval and in accordance with their requirements That the Charity's share of car park income split is 22.38% (with UDC having 55.7%, and the remainder to Waitrose).

CA68

DESIGNATION OF FELSTED NEIGHBOURHOOD PLAN AREA

The Cabinet noted that Felsted Parish Council had submitted an application under Section 5 – 7 of the Neighbourhood Planning (General Regulations) for the designation neighbourhood plan area. It was proposed that the boundary would be contiguous with the parish boundary of Felsted. The next stage was for the parish council to develop the policies to be included in the plan.

The application had been advertised and no comments had been received.

Councillor Cheetham asked how the parish council would deal with it neighbouring parishes in the preparation of its plan. She was advised that there was no duty to cooperate but there was likely to be consultation with neighbouring areas given that they were so closely linked. All neighbourhood plans had to be in general conformity with the strategic policies of the local plan.

RESOLVED to designate the parish of Felsted as the Felsted Neighbourhood Plan Area.

CA69

ELMDON CONSERVATION AREA APPRAISAL

The Cabinet received the proposed conservation area appraisal for Elmdon. This included a proposal to formally amend the boundary to include a range of outbuildings next to Elmdon Lodge. The report set out the key issues within the CAA and the results of the consultation exercise and the changes proposed.

RESOLVED that

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

CA70

DEVELOPER CONTRIBUTIONS GUIDANCE

The Cabinet noted that on 28 November 2014, the Government had amended the National Planning Practice Guidance which altered the circumstances in which affordable housing contributions could be requested. As the guidance would override the council's adopted Developer Contributions Guidance, it was necessary for the council to review and alters is current stance.

The relevant areas of the guidance were as follows

- Contributions should not be sought from developments of 10-units or less, and which had a maximum combined gross floorspace of no more than 1000sqm.
- In designated rural areas, local planning authorities could choose to apply a lower threshold of 5 units or less, but no affordable housing or tariff-style contributions should then be sought from these developments (designated rural areas were defined under the Housing Act 1985 and included all Uttlesford parishes except of Great Dunmow, Saffron Walden and Stansted)
- In a rural area where the lower threshold was applied, affordable financial contributions should be sought from developments of between 6 and 10 units in the form of cash payments which were commuted until after completion of units within the development.
- Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

The new policy for affordable housing provision was therefore as follows

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;
- 20% on sites of 11 - 14 dwellings or sites between 0.30ha and 0.49ha or an equivalent financial contribution as advised by the District Council; and
- Financial contribution on sites of 6 - 10 dwellings in designated rural areas.

In answer to a question from Councillor Barker it was confirmed that contributions should be sought for developments which were less than 10 units but had a combined floorspace of more than 1000sqm. An appropriate amendment to the guidance would be made to cover this.

The Cabinet considered the guidance to be a retrograde step that would result in the reduction in the amount of money available for the provision of affordable housing in the district.

RESOLVED to adopt a revised Developer Contributions Guidance, in accordance with the updated National Planning Practice Guidance, as a material planning consideration.

The meeting ended at 8.00pm.