

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 22 OCTOBER 2015 at 7.00pm**

Present: Councillor H Rolfe (Leader)
Councillor S Barker (Deputy Leader and Cabinet Member for Environmental Services)
Councillor S Howell (Cabinet Member for Finance and Administration)
Councillor J Redfern (Cabinet Member for Housing and Economic Development)
Councillor L Wells (Cabinet Member for Communities and Partnerships)

Also present: Councillors A Dean (Liberal Democrat Group Leader and Chair of Scrutiny Committee), J Lodge (Residents for Uttlesford Group Leader) Councillors J Davey and D Jones.

Officers in attendance: J Mitchell (Chief Executive), C Canbolat (Specialist Accountant), M Cox (Democratic Services Officer), R Harborough (Director of Public Services), A Knight (Assistant Director – Finance), M Perry (Assistant Chief Executive – Legal) and A Webb (Director of Finance and Corporate Services).

CA40 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

There were no apologies for absence received.

Councillor Barker declared a non-pecuniary interest in item 8 - pooling of business rates as a member of Essex County Council.

CA41 MINUTES

The minutes of the meeting held on 17 September 2015 were received and signed by the Chairman as a correct record.

CA42 REPORT FROM THE REFUGEE WORKING GROUP

Councillor Redfern updated the Cabinet on developments around the refugee situation. Essex County Council was expecting to receive around 5 -10 households this side of Christmas and was asking districts to come forward with offers of accommodation. Uttlesford had identified a hard to let property in Saffron Walden, which would be passed to ECC to determine its suitability. In answer to a question, Councillor Redfern explained that ECC was looking for self - contained accommodation because the refugees were likely to be vulnerable families with particular needs where independent living would be more appropriate. However, officers had maintained a list of residents who

had offered accommodation within their homes in case there was a requirement for this in the future.

CA43

LOCAL PLAN REVIEW

Councillor Dean, as Chairman of the Scrutiny Committee made a statement following the committee's consideration of the Planning Advisory Service (PAS) review of the Local Plan process following the withdrawal of Uttlesford's Local Plan part way through the public examination. A full copy of the statement is attached to these minutes.

Councillor Dean highlighted the main points in the report. The purpose of the review was to understand the reasons for the Inspector's decision and to support the preparation of the new Plan by improving the process and identifying the key steps going forward.

The Scrutiny Committee had welcomed the document as a constructive report and noted that many of the recommendations had already been taken on board. However, these recommendations were not in a single place but scattered throughout the document. The Leader requested that a report be taken to the next Planning Policy Working Group setting out the recommendations in the report and the actions taken so far. This document could be used for future reference, to ensure that the process was kept on track.

The next stage of the Local Plan process was the Issues and Options Consultation, which was now underway. The Cabinet said it was important that all members of the council were fully aware of the process to enable them to properly inform the public.

In conclusion, the Cabinet agreed with the comments of the Scrutiny Committee that it welcomed the PAS report and thanked its representatives for their detailed work in identifying flaws in the past process and in making recommendations for improving the process used to produce the new local plan.

The Cabinet said that, working through the Planning Policy Working Group, it would take account of the findings of the report and the Scrutiny Committee's deliberations. The Leader agreed to provide regular updates to the Scrutiny Committee.

CA44

TREASURY MANAGEMENT OUTTURN 2014/15

Councillor Howell presented the report on the annual statement of the council's key treasury activity and outcomes during the year. This was part of the council's finance function, which managed its cash flows, bank accounts, deposits, investment and borrowing. The purpose of the statement was to ensure that risk was managed effectively to ensure security of funds, sufficient liquidity to enable commitments to be met and to generate income. He

highlighted that the position with regard to borrowing and investments was in line with the strategy and there had been no need to take out external borrowing to finance capital expenditure.

In relation to investments, the Leader asked officers to explore whether the list of UDC investments was typical for Essex authorities.

RESOLVED to approve the 2014/15 Treasury Management Outturn as set out in the report.

CA45

BUSINESS RATE POOLING

Councillor Howell presented a report, which considered whether the Council should join the Essex business rate pool for 2016/17.

He explained that under the system of local business rate retention some authorities collected more rates than the Government determined they needed to fund their activities, and they were required to pay over the excess to central government in the form of a tariff. This was the case for most Essex districts. Authorities that normally raised insufficient business rate income and got payments from central government were known as top up authorities. This was the case for most county councils.

The advantage from pooling was the inclusion of a large top up authority (ECC) in the levy calculation, which would reduce the rate and therefore the amount of levy to be paid to central government. The benefits would be shared across the pool and a greater proportion of business rate growth could be retained within the Essex Pool area.

In responding to Members questions, it was confirmed that officers had considered the risks and benefits of the proposal and concluded that under current arrangements the council could expect to benefit in the region of £0.32m by joining the pool. A formal commitment was being sought from each Essex authority with a view to submitting formal interest to the DCLG by 30 October 2015.

It was noted that with the recent announcements around business rates local authorities might retain 100% of the funds, the ability to pool business rates might be removed from the Autumn statement. However, Essex authorities agreed to proceed with establishing a 2016/17 pool.

RESOLVED to

- 1 Approve in principle to join the Essex Business Rates Pool administered by Essex County Council.
- 2 Approve that delegated authority be given to the Section 151 Officer, in consultation with the Finance Portfolio Holder, for the pooling proposal and governance arrangements.

CA46

FRAUD AND COMPLIANCE

The Cabinet noted progress of the Essex wide council tax sharing agreement and the fraud compliance business case and other initiatives that had been implemented to reduce fraud. This included an empty homes and single person review, which had both generated significant results. Members said that this was important work to ensure that public money was directed properly to those who were entitled to receive it.

The report was noted.

CA47

CARNATION NURSERIES NEWPORT

Councillor Redfern reported an item from the Housing Board, where a request had been considered from a developer to gift the council three affordable homes on this site plus a cash payment, in lieu of transferring the eight affordable units to a Housing Association as provided for in the S106 agreement. The other five affordable housing plots would revert to being private sale.

The Cabinet agreed with the views of the Housing Board that the option, which would secure the maximum number of affordable homes, should be exercised, given the pressure on the housing waiting list and the uncertainty around proposed Government housing policies. At the present time it was felt that the situation was too uncertain for an informed decision to be made on the gifted units proposal, but this option should not be ruled out for consideration if circumstances changed in the future.

RESOLVED

- 1 Not to accept the offer of gifted units at the Carnation Nurseries site on the terms laid down in the report.
- 2 To consider all future offers of gifted units on a scheme by scheme basis.

CA48

GREAT DUNMOW NEIGHBOURHOOD PLAN

The Cabinet considered the council's response to the consultation on the Great Dunmow Neighbourhood Development Plan. The response suggested a number of changes to the policies and minor textual changes, which aimed to ensure that the plan was compliant and to inform the ongoing process.

The Cabinet said the preparation of a neighbourhood plan involved a tremendous amount of work and congratulated Great Dunmow Neighbourhood Plan Group for getting this far in the process.

RESOLVED to approve the council's consultation response to the Great Dunmow Neighbourhood Development Plan pre-submission consultation document.

CA49 **ASSETS OF COMMUNITY VALUE**

This item was deferred to a future meeting in order to consider a late objection to the proposed listing.

CA50 **DUNMOW DEPOT TRANSFER OF LAND**

Councillor Barker reported that following an accident to a property adjacent to the council's depot, it was proposed to transfer a small piece of land into the grounds of the house as part of a package of risk mitigation measures and to alleviate concern about a future reoccurrence of a similar incident.

RESOLVED that

- 1 the land be sold to the owners of 72A High Street Great Dunmow for 5,000 subject to a covenant restricting its use.
- 2 the legal costs and the cost of erecting the boundary wall will be met by the Council.

CA51 **ENFORCEMENT**

Councillor Howell spoke to an information report, which explained the work carried out by the enforcement team within the council. He said planning enforcement was an area of concern for many residents and highlighted concerns in a number of areas including the internal organisation of the service, the question of expediency and when enforcement action should be taken.

Councillor Jones felt the council should be doing more to take enforcement action in order to prevent the development of unsatisfactory situations. He looked forward to taking a more active role as the Portfolio Lead for this area.

Officers said there a common misunderstanding of the way that the service operated and the limitations of the law, but the council did have a robust enforcement service. Members could ask further questions during the forthcoming Scrutiny review of the service.

The meeting ended at 8.35pm

Appendix to Item 8 – Statement by Councillor A Dean

REPORT TO CABINET 22ND OCTOBER BY CHAIRMAN OF SCRUTINY COMMITTEE SUBJECT: LOCAL PLAN REVIEW BY PLANNING ADVISORY SERVICE

Introduction

Whilst members and officers present will be aware of the background to this report, for the benefit of anyone listening tonight I will set the context.

The council's former draft Local Plan was undergoing an examination in public last November and December. Part way through the exercise the examining Inspector decided to suspend the public sessions as he felt he could not conclude the examination satisfactorily.

At the start of this year the Council decided to withdraw the former plan and has subsequently begun creating a new Local Plan. The Council also decided to seek advice through a review by the national Planning Advisory Service into the Local Plan process that ran from 2006 to 19 December 2014.

The review would be expected to identify the key steps moving forward to provide assurance to the then new Planning Policy Working Group that it could improve on what had gone before and in the way the next Local Plan would be produced.

The Planning Advisory Service (PAS), as a national advisory service for local authorities, was chosen as it is competent on all aspects of planning. It is and would, therefore, be seen as independent from the Council; independent from those being reviewed - us.

I have no reason to believe that this is what has been delivered. I am satisfied that an objective report that is independent from internal influence has been delivered. The report is critical.

The PAS report and its contents

The structure of the PAS report is set out in the covering report to your agenda; this is a procedural report by Mr Adrian Webb. The cabinet has been provided with all seven sections of the report and these are available in your meeting pack and on the Council's website.

What I intend to do tonight is pull out some of the highlights from the report, mainly those raised at the Scrutiny Committee meeting in September. Cabinet Members have the minutes of that meeting in their document pack.

I will conclude by suggesting a way forward. The key fact is that the report contains a large number of recommendations (though not in tabular form) which I feel should be acted upon and the public should have a means to satisfy themselves that the extensive advice has been acted upon.

I will say at this point that it is my opinion that many of the recommendations are already being put into practice. The council has not sat around for the eight months waiting for better ideas to be despatched to it.

As a member of the new Planning Policy Working Group I can say personally that – apart from the odd wobble – I believe the council is on a better pathway second time round.

I started off the discussion at the September committee by saying that the meeting was an opportunity to question the authors about their report to ensure good understanding. I also said

that was not the night to put individual Members or Officers under the spotlight for their roles in what went wrong.

It is, however, my intention to talk in due course to a few select and remaining participants on a one-to-one basis to satisfy myself that everyone is now plugged in to the new way of producing a Local Plan.

Feedback

1. I will start with a reassurance. PAS considered there had been no impropriety during the years that led to the demise of the Local Plan;
2. They felt that there was insufficient narrative in the old plan for anyone not involved to work out how it had progressed from its inception in 2006 to its demise in 2014. I guess that means they couldn't work out how and why all the twists and turns on housing numbers and distribution strategies had come about. The solution to that is maximum transparency;
3. On lack of trust from the public and others, they advised explain it, explain it again and try to gain public buy-in;
4. The authors were quite clear that the Inspector had acted consistently and properly in the way he suspended the Examination in Public and identified the weaknesses in the plan;
5. The authors were concerned that there had been a deficit of formal review points during the long progress of the last plan to take account of major disagreements, of which we all know there were many. We need to be more sensitive to major disagreements, if there are any, this time round and ensure there are ways of addressing them that are evidence based and not founded in political ideology that cannot be justified; King Canute knew nine centuries ago that the tide will come in, whatever rules man may write!
6. There was major criticism of past sustainability assessments that had seemed more designed to provide a justification for suspect political decisions but were not based on well founded and, in part, statutory methodologies. It was said that the Council's new approach seemed encouraging and likely to avoid that trap in future;
7. They said that evidence and not electoral mandate must rule a Local Plan;
8. The report used the phrase "prevailing political desires", which the authors said referred to past attempts to reduce the housing numbers based on a political desire rather than on any objective evidence.
9. They also used the lovely term "dodgy assumptions" to describe past discussions by the old working group that migration of people into the district could be ignored when assessing one's local housing need. Obviously, this terminology will be unnecessary in future!
10. We were advised to develop a vision for Uttlesford to match our sense of place; I guess the first step will be to agree a common understanding of "sense of place"!

11. Discussion took place on how the Planning Policy Working Group and the Cabinet could ensure all Council Members knew what was going on at each stage to avoid unnecessary conflict and misunderstanding. Workshops! Focussed Member Briefings! Workshops! Bite sized Master Classes! Call them what you will.
12. Of course, we all know how difficult it is to get elected members to these sessions in high numbers. (And I hear there may have been a temporary wobble at last week's Council Meeting when I was away on holiday.) So other ways of informing people may be needed in future to avoid unnecessary misunderstandings.
13. PAS was asked for recommendations on achieving best community engagements. They suggested that the Council needs to remain clear and consistent in what we tell people; ensure that the public is allowed to add value where there are options and tell them clearly what can't change;
14. We were told to reassess the role of scrutiny in the process to maximise the value it adds to the process.

Those are what I feel were the highlights of the evening. The rest is in the report and its several sections.

Next Steps

I am sure that no one wants the report to be put on a shelf to gather dust. It was commissioned following what was probably the most traumatic event for the Council in my 28 years as a Member.

The report does not contain a single, simplistic action plan for the future. So I can't ask the Cabinet and its Planning Policy Working Group to go away to tick the boxes. The suggestions for "better behaviour" are scattered throughout the documents.

Last month the Scrutiny Committee welcomed the report and thanked the Planning Advisory Service people for their work. I hope that the Cabinet will do the same.

The Cabinet and its Planning Policy Working Group were asked to take account of the findings of the report and the Scrutiny Committee's deliberations.

At the meeting the Leader of the Council, you Mr Chairman, offered to provide feedback to my committee on what is done about it.

May I suggest that a way forward would be for an officers' high-level report on advice and recommendations that flow from the PAS report to be put to the next meeting of the Planning Policy Working Group. That this report is in some way contains an action plan of things to be done or that are already being done.

This will allow the Council to demonstrate to the public that lessons learned are indeed being taken seriously and that a new and better Local Plan regime is now in place and will continue to be followed.

Thank you for listening to me.

Alan Dean
Chair of Scrutiny
21st October 2015