

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 15 SEPTEMBER 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)

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

Officers in attendance: D French (Chief Executive), M Cox (Democratic
Services Officer), R Harborough (Director of Public Services), A
Knight (Assistant Director –Resources), S Pugh (Interim Head of
Legal Services), A Turner (Licensing Team Leader) and A Webb
(Director of Finance and Corporate Services).

CA32 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

An apology for absence was received from Councillor Wells.

Councillor S Barker declared a non-pecuniary interest in the items relating to
the Great Dunmow Neighbourhood Plan and the Air Quality Action Plan as a
member of Essex County Council.

CA33 MINUTES

The minutes of the meeting held on 14 July 2016 were received and signed by
the Chairman as a correct record.

CA34 BUSINESS ARISING

i) Minute CA19 – Minutes – Structure of Building Control

In answer to a question from Councillor Dean, the Chief Executive confirmed
that the Essex Building Control Partnership was unlikely to go ahead,
although there had not yet been an official decision.

ii) Minute CA24 – 2017-18 - Local Council Tax support scheme

Councillor Barker thanked Councillor Howell for his helpful letter to the press,
to counter statements and confirm the position that Uttlesford's Local Council
Tax Support Scheme was still the most generous in Essex.

iii) **Minute CA26 – Development Site – Newton Grove, Newton Green, Great Dunmow**

Councillor Barker said a resident of Newton Grove had approached her with concerns at the proposed removal of the parking spaces used by the residents of the flats. Councillor Redfern said there had been developments with this site, which might provide some scope for redrawing and the residents should be advised that the council was mindful of their request.

CA35 **REPORTS FROM PERFORMANCE AND AUDIT AND SCRUTINY COMMITTEES**

Council Dean said the Scrutiny Committee on 6 September had raised the issue of devolution, Members had expected this to be discussed at the October Council meeting, but this had now been cancelled. He asked for an update, as he would like Scrutiny to be involved in this matter at an early stage.

Councillor Rolfe said there was little to update since his last report but agreed to prepare a briefing note for the November Council meeting.

He reminded members that the Essex Leaders and Chief Executives had voted 8:7 not to proceed with a scheme that included an elected mayor, but had supported a continued dialogue with the Government. There was no indication that the Government would be changing its position on elected mayors, but there might be some work streams where the opportunity for partial devolution could be explored. In any event there would be full discussion with the council before any decisions were taken.

Councillor Dean said the Scrutiny meeting had received the recommendations from the scrutiny enforcement review. These would be referred to Cabinet in due course.

CA36 **UPDATE ON REFUGEES**

Councillor Redfern said that Uttlesford would shortly be receiving its first refugee family. The council had been working with its partners to ensure that all the necessary support was in place. She also mentioned that ECC was discussing with other Essex authorities how to respond to the national transfer scheme on how to deal with unaccompanied child refugees.

CA37 **ASSETS OF COMMUNITY VALUE**

Mr and Mrs Wells, residents of Saffron Walden spoke to the meeting and explained why they considered the garage sites to be Assets of Community Value. A summary of their statements is attached to the minutes.

Councillor Barker presented the report. She said for a building to be listed as an Asset of Community Value it had to meet strict criteria, that the use would

further the social wellbeing or interest of the local community and this was likely to continue for at least 5 years. Officers had advised that the garage sites should not be included on the list because a garage was a personal facility, and there was no evidence of social interaction that could be construed as furthering the social wellbeing of the community.

In response to the public speakers, the Interim Head of Legal Services said that for the assets to be listed, members had to satisfy themselves that the garages were of community value. It was not enough that individuals could rent garages that would benefit them individually and then this was somehow collected together. There had to be some way in which the community benefited collectively, assets like the local pub, shop and leisure facilities fell into this category.

Councillor Redfern said the garage sites had been looked at when considering how best to use the council's assets, and some affordable housing had been developed on these sites. In these cases, the occupants had been offered alternative garage space. Currently there was no further development planned for any of the Saffron Walden garage sites, although she argued the positive benefits of using the sites to gain much needed affordable housing for the district.

The Interim Head of Legal Services advised members that the Cabinet was not here today to make a policy decision on the future use of the garages. The sites may or may not be suitable for housing but this was not relevant. The decision on the Assets of Community value was a separate issue.

Councillor Howell thanked Mr and Mrs Wells for their presentation. He said the listing of Assets of Community Value had been a positive initiative, and gave protection and confidence to the community. However, there was a clear distinction, that the community had to get genuine and collective benefit from the Asset and he understood why the garages did not meet this criteria.

RESOLVED to not include the following garage sites on the Assets of Community Value list, but include in the unsuccessful nomination list

- Birdbush Avenue
- Hunters Way
- Radwinter Road
- Brooke Avenue
- Lompits Way
- Rowntree Way
- Four Acres
- Newcroft
- Whiteshot Way
- Goddard Way
- Peaslands Road

CA38

BUDGET MONITORING P3 2016/17

Councillor Howell presented the Q1 budget monitoring report for 2016/17 for the General Fund, HRA, Capital Programme and Treasury Management. He highlighted the headline issues.

The General Fund was forecasting a £342,000 overspend, of which £94,000 related directly to services. The report set out the key variances greater than £20,000. Councillor Howell was disappointed to be reporting an overspend to this meeting and said he would be asking management to review, with service heads the forecast for the end of the year. At the next quarter, he expected to bring a forecast outturn to Cabinet that was in line with the budget set.

The report also explained the variances on the HRA and Capital Programme.

The report on Treasury Management, highlighted the current low interest rates. Members would receive a report to the November meeting on the Treasury Management Strategy.

Officers answered Members' questions on detailed aspects of the figures.

RESOLVED to note and approve the report.

CA39

FINANCE UPDATE

Councillor Howell said the council was facing unprecedented uncertainty around its future funding. He presented a report which updated the situation in relation to four areas of funding, the multi-year settlement, fair funding review, business rate retention, and the New Homes Bonus.

The Government had confirmed that the proposal for a multi-year funding settlement would go ahead. Officers felt that it was prudent to consider this option as it gave some confidence at a time when there was considerable uncertainty around other areas of funding. As part of the settlement the council was required to prepare an efficiency statement, this would be agreed at the Cabinet meeting on 12 October.

In relation to the consultation on business rate retention, of concern to the council was the question of whether the riskier hereditaments were retained on the national or local list. This concerned Stansted Airport and its related activities from which the council would wish to retain as much of the business rates as possible. Members said that although it was doubtful that Uttlesford would retain the terminal building and runway, it should press the Government to retain the wider airport related activities.

The fair funding review was an assessment of the council's relative needs and resources. UDC wished to retain as much of the business rates collected as possible and the review should be set in a way that did not disadvantage the council.

It was noted that the consultation on the New Homes Bonus was still outstanding.

On a separate issue, Councillor Howell announced a new consultation proposing that the referendum principle (the restriction on Council Tax increase) should apply to town and parish councils who raised a certain level of precept. This was likely to apply to Saffron Walden and possibly Great Dunmow Town Councils.

RESOLVED to approve that

- 1 The Council agrees in principal to opt for the multi-year settlement offer and;
- 2 The S151 Officer in consultation with the Finance Portfolio Holder are asked to prepare the efficiency statement for approval at the October meeting of Cabinet.
- 3 The S151 Officer in consultation with the Finance Portfolio Holder respond to the Business Rates Retention consultation and Fair Funding Review consultation
 - (i) emphasising that the Council does not agree with removing national airports from the local list.
 - (ii) Requiring government to ensure that no council receives less money under the retention scheme than they do under the current scheme.
 - (iii) Emphasising that if additional responsibilities are given to councils there should be additional payment to cover the cost

CA40

VOLUNTARY SUPPORT GRANTS COMMITTEE

At the last meeting, Members had agreed to establish a committee of the Cabinet to review and agree applications for the Voluntary Sector Grants Scheme. The Cabinet considered the proposed terms of reference and membership of the Committee.

In answer to a question, it was explained that the membership only included Cabinet members because the approval of grants was an executive function. However, the committee would serve to provide a degree of transparency, when previously there had been no oversight of the process. Members also asked for the decisions be brought back to the Cabinet for information.

RESOLVED to establish a Cabinet committee as follows

Title: Voluntary Support Grants Committee

Members: Cllrs Rolfe, Howell and Wells.

Terms of reference:

The Committee, supported by officers, to oversee and approves the allocation and award of all Voluntary Sector Grants on an annual basis.

The Committee is given delegated powers to decide the allocation of grant funding to voluntary sector organisations under this scheme within the overall budget provision.

The decisions made by the Committee to be brought back to Cabinet for information

CA41 SCRAP METAL DEALERS ACT 2013

Members received a report, which reviewed the implementation of the Scrap Metal Dealers Act and the associated fee structure. The Act dealt with the licensing of motor salvage operators, and had been introduced in response to a rise in scrap metal thefts and gave local authorities the power to administer and endorse the legislation and set a schedule of fees. The costs incurred to the council had been reviewed and the fees had been set at a cost recovery level.

Cllr Howell said he supported the scrutiny of scrap metal dealers although he was not certain that the same rigor applied at other authorities.

RESOLVED

- 1 Members to note that, further to the report originally provided to Cabinet, part of the scheme would be funded by the licence holders but that the cost of enforcing unlicensed dealers would be met from existing Licensing budgets.
- 2 To approve the proposed revisions to the relevant fees and charges and the operation of the Council's responsibilities under the Scrap Metal Dealers Act 2013.

CA42 BRAINTREE LOCAL PLAN

The Cabinet received the proposed response to the Braintree Local Plan Preferred Options Document. The response had been updated since the PPWG meeting, when there had been concern that it hadn't been made sufficiently clear that UDC was yet to decide its housing allocations.

RESOLVED that the Cabinet approves the comments on Braintree District Council's consultation on the Preferred Options document as set out in Appendix 1 of this report and summarised below;

- It should be emphasised that UDC has yet to make any decision on its own preferred option regarding allocations or new settlements at this stage
- Uttlesford District Council (UDC) continues to plan to meet its full Objectively Assessed Housing Need and so welcomes BDCs commitment to fully meet its own housing needs
- Acknowledge that the joint strategic approach of the North Essex LPAs/North Essex Part One is helping in dealing with cross-boundary issues/positively planning the scale and distribution of growth

- Acknowledge that garden cities are put forward as part of a wider housing allocation strategy needed for sustainable social and economic benefits
- Acknowledge a proposed strategic location with the opportunity for a co-terminus new settlement between Uttlesford and Braintree Districts
- UDC will continue to liaise closely with BDC regarding;
 - considering evidence
 - assessing reasonable growth options/impacts
 - planning for growth/assisting BDC positively plan its preferred option
 - a joint position with BDC regarding planned growth
- UDC notes the opportunity regarding a Master plan framework, if applicable, to be prepared jointly between BDC and UDC.
- UDC welcomes the inclusion of proposed sustainable principles/mechanisms in the plan to support sustainable growth.

CA43

GREAT DUNMOW NEIGHBOURHOOD PLAN

The Cabinet received the Great Dunmow Neighbourhood Plan. The plan had been received from the Examiner with minor modifications and a recommendation that the plan could proceed to Referendum.

The Cabinet was advised of the proposed changes. The Referendum was expected to take place at the beginning of November and if more than half the people who voted were in favour, the Plan would be adopted and become part of the Development Plan.

Members said this was a fantastic piece of work and congratulated Great Dunmow Town Council for their efforts in completing the plan.

RESOLVED to accept and endorse the proposed changes to the Neighbourhood Plan as set out in the Examiner's report and support the Plan to go forward to referendum.

CA44

CAR PARKING INCENTIVES

Councillor Barker reported that representatives of Great Dunmow, Saffron Walden, and Stansted town/parish council, and town teams had submitted proposals for car parking incentives in their local area. These had been considered and evaluated but the proposals taken forward were for free parking after 2pm for council managed car parks leading up to Christmas.

It was hoped that in future years the town teams would take a more strategic approach, and consider more innovative ideas for future car parking incentives.

Councillor Dean said it would be helpful to have more detailed information about the current usage of the car parks and the impact of any changes. He was advised that work on evidence gathering was already underway.

RESOLVED

- 1 To agree the Christmas car parking proposals:
 - Introduce 'free after 2pm' on all Council managed car parks EXCEPT Fairycroft/Waitrose from Thursday 1st December 2016 to Saturday 24th December 2016 inclusive.
 - Introduce free parking on all Council managed car parks EXCEPT Fairycroft/Waitrose from Sunday 25 December 2016 to Monday 2nd January 2016 inclusive.
- 2 To approve a supporting marketing campaign at a cost of £2,750
- 3 To carry out a review of all options for car parking incentives that might operate throughout the calendar year for consideration by Cabinet to feed into the budget preparation for 2018/19.

CA45

AIR QUALITY ACTION PLAN

Cllr Barker presented the Air Quality Action Plan for the Saffron Walden Air Quality Management Area. The plan had been reviewed previously by the Scrutiny Committee and had been through consultation with the public and key stakeholders. An amendment was circulated in relation to section 2.3 Traffic Management, to remove the reference to improvements with the introduction of Euro6/V1 compliant vehicles.

The plan set out 22 actions, each with an estimated cost, timescale for completion and the contribution toward the reduction in nitrogen dioxide levels. Councillor Barker said it was important for UDC to lead on the actions, to develop alternative to car schemes and to work with ECC in relation to traffic flow in the town. She suggested that the Plan should be reviewed after a year to see what had been achieved.

Councillor Rolfe said there should be a project plan for each of the actions. These could be agreed on a cross party basis.

Councillor Lodge said the plan was a good start but felt it lacked some integrity, for example the quoted policy ENV13, was likely to be updated in the Local Plan and the amended policy circulated at the meeting pointed toward some possible misleading information in the plan. He thought the plan was premature and asked for the approval to be deferred until further work was undertaken.

He also felt that the plan should include quantifiable actions with measurable outcomes and this was not the case.

He said there was a need for new traffic plans for the Saffron Walden, to look at the effect of the developments that had already been approved and there was no consideration of this in the plan. A robust plan would be required to absorb the additional traffic generated by the new houses, given that there were already marginal exceedances at the affected junctions.

Cllr Rolfe said this was a comprehensive piece of work and there was no need to delay the implementation of the plan. It had to fit in with the Local Plan preparation and any resulting mitigation would be added to the action plan.

RESOLVED that the Action Plan be adopted, subject to the circulated amendment to the second paragraph of section 2.3 Traffic Management.

CA46 **EQUALITIES SCHEME**

The Council was working towards the achieving level of the Equalities Framework of Local Government and this report updated the relevant equalities objectives. The new scheme also strengthened the links to the council's core objectives.

Councillor Barker asked for Member training to be organised so that members understand their responsibilities in relation to equalities issues.

RESOLVED to approve the draft revised Equality Scheme for the purposes of consultation, and to use on an interim basis

CA47 **EXCLUSION OF THE PUBLIC**

RESOLVED under section 1001 of the Local Government Act 1972 that the public be excluded for the following item of business of exempt information on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

CA48 **BUSINESS RATES WRITE OFF**

The Cabinet was asked to agree to the write-off a business rate in a case where all options had been explored for recovering the debt.

RESOLVED to write off the business rate as detailed in the report.

The meeting ended at 8.55pm.

PUBLIC SPEAKERS

Air Quality Action Plan

Mrs Wells

Mrs Wells said she was a member of the Saffron Walden local community. The street where she lived couldn't accommodate a garage and there was limited space for private parking. There was a residents parking scheme but this was in high demand. She therefore rented a council garage, which cost £600 a year and provided undercover parking and storage space. The use of the garage furthered the social wellbeing of the local community by freeing up parking spaces for other residents. It also benefited every Uttlesford resident as a freedom of information request revealed that garage rents made a surplus of £100k for the council.

Mr Wells

Mr Wells said that the law in this case was unequivocal. If an asset qualified under S90 of the Localism Act then it had to be listed as an Asset of Community Value. There was no degree of value required; the council was not obliged to judge how valuable, only that it did have value. To be an Asset of Community Value, it should further the social wellbeing and social interest of the local community. The word social was not defined so should be taken as its ordinary dictionary meaning, of relating to society or its organisation. This didn't imply the requirement for leisure or interaction as suggested in the officer's report. So, the garages had to further the social wellbeing and interests of society, which in this context was the local community.

The forms submitted to the council set out the value to the local community and how it would further its wellbeing and interests. The garages were a useful amenity used by the community and benefited the community by reducing on street parking and raising money for all. As with all assets provided for the community, they furthered the interests of the community and therefore had to be listed.