

CABINET MEETING held at STANSTED FREE CHURCH HALL, ST JOHN'S ROAD, STANSTED MOUNTFITCHET on 30 MARCH 2017 at 7pm

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: Councillor A Dean (Chairman of Scrutiny Committee and Group Leader of Liberal Democrat Group), Councillor B Light, Councillor J Lodge (Leader of Residents for Uttlesford)

Officers in attendance: D French (Chief Executive), A Bochel (Democratic Services Officer), R Dobson (Principal Democratic Services Officer), B Ferguson (Democratic Services Officer), G Glenday (Assistant Director - Planning), S Pugh (Interim Head of Legal Services) and A Webb (Director of Finance and Corporate Services).

CA89 CHAIRMAN'S WELCOME

Councillor Rolfe welcomed all those present to this venue in Stansted.

CA90 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

Councillor Dean said Councillor Loughlin, as a representative for Stort Valley, had wished to attend this meeting as it was taking place in Stansted, but had given apologies.

CA91 MINUTES

The minutes of the meeting held on 16 February 2017 were received and signed by the Chairman as a correct record.

CA91 QUESTIONS OR STATEMENTS FROM NON- EXECUTIVE MEMBERS OF THE COUNCIL AND PUBLIC SPEAKING

Councillor Light spoke to the meeting in support of the recommendation for Item 8, that The Railway Arms public house become an asset of community value. It was one of only a few pubs left in the Town and had been extensively used as a community forum. The pub had a large garden and was a good place for a quiet drink. External buildings could easily be made use of for

activities such as craft work. She asked Cabinet to agree to this building be added to the list of assets of community value.

Dave Kenny, Tom Bennett, Mike Young, Doug Perry and Barry Drinkwater made statements, summaries of which are appended to these minutes.

CA92 **REPORTS FROM PERFORMANCE AND AUDIT AND SCRUTINY COMMITTEES**

Councillor Dean gave a brief report. He said the bulk of the work of the committee had been on the budget prior to the Council's budget-setting meeting in February. The Committee had noted there had been a delivery plan on the Corporate Plan, and had discussed the potential for improving support for neighbourhood plans.

CA93 **REFUGEE WORKING GROUP**

Councillor Redfern gave a report on refugees. She said there had not been much change since her last update. The Council had not yet been asked to provide accommodation, though it would be willing to if requested. There had been discussion about provision for unaccompanied children, although not in the Uttlesford area, as a consequence of which a page with relevant information had been added to the Council's website. In due course, the page would include a named point of contact. She had messaged all councillors and would be working with the County Council Chairman of the Housing Board.

Councillor Redfern said in conclusion that only one family had so far been taken in, but was settling down very well, and that she would continue to press for action.

CA94 **TO FILL VACANCIES ON THE POLICY PLANNING WORKING GROUP, REFUGEE WORKING GROUP AND STANSTED AIRPORT ADVISORY PANEL**

Councillor Rolfe said he did not intend to make appointments to the vacancies on the Refugee Working Group or Stansted Airport Advisory Panel until after the May elections.

Councillor Lodge nominated Councillor Petrina Lees for the vacancy on the Planning Policy Working Group.

Councillor Rolfe asked the Assistant Director of Planning to meet with Councillor Lees about the role.

RESOLVED to appoint Councillor Petrina Lees to the Planning Policy Working Group.

CA95

ASSET OF COMMUNITY VALUE – RAILWAY ARMS NOMINATION

Councillor Barker said the nomination of The Railway Arms as an Asset of Community Value depended on three points; whether it was a valid nomination, whether there was a time in the recent past when it had helped to further the social wellbeing and interests of the community, and whether it could again in the future. She believed the nomination was valid, that evidence had been provided that it had furthered the community's social wellbeing, and that there was a realistic prospect that it could do so in the future.

The Interim Head of Legal Services endorsed Councillor Barker's summary. He reminded Cabinet that the test was not one of the "balance of probabilities", but whether it was "realistic" to think that the use of the Railway Arms could further the social wellbeing or interests of the community.

Councillor Redfern spoke in support of the nomination. She said she had visited The Railway Arms for a long period of time. It was deteriorating because of the poor options available to customers. Saffron Walden had lost too many pubs lately and she could see no reason to refuse the nomination.

Councillor Howell spoke in support of the nomination. He said he knew The Railway Arms well and was conscious that it was central to the community.

Councillor Lodge spoke in support of the nomination. He said he resented the approach of solicitors acting on behalf of the owners in threatening the possibility of seeking damages.

Councillor Rolfe reminded Members potential liability would bear no weight in the decision-making process.

Councillor Redfern asked that the Council investigate the possibility of other pubs in the area also being registered on the assets of community value list. Cllr Rolfe asked officers to look into this.

RESOLVED to approve the nomination to include the Railway Arms Public House, Saffron Walden, in the Assets of Community Value list.

CA96

OFFICE UNITS AT WALPOLE FARM

Councillor Howell presented a report seeking Cabinet approval to accept an option to take out a 10 year lease at a peppercorn rent, for four office units at a new development at Walpole Farm.

Councillor Howell said the units would form part of the Council's stock of lettable office space, and would allow the Council to generate a profit.

Councillor Dean welcomed the proposal. He asked whether the units would be used as a starter location for new businesses or whether they would be let to the highest bidder. He said Uttlesford District was in need of starter units.

Councillor Howell said he hoped to let them out at market rates. This would still create employment in the area.

Councillor Lodge asked what would happen to the businesses at the end of the 10 year lease.

Councillor Howell said that it was in the nature of a lease that there was a finite amount of time the units could be let out for and businesses would realise that.

Councillor Lodge said it would be good to see if the Council could keep the units for longer.

In response to a question from Councillor Barker, Councillor Howell said the units were being managed by the Council.

RESOLVED to approve the option to take out a 10 year lease at a peppercorn rent, on full insuring and repairing terms for office units.

CA97

STRATEGIC HOUSING MARKET AREA - MEMORANDUM OF UNDERSTANDING AND STATEMENT OF COMMON GROUND

Councillor Barker presented a report recommending approval of the Memorandum of Understanding and Statement of Common Ground.

Councillor Barker said the Memorandum of Understanding related to the distribution of Objectively Assessed Housing Need. In the 2015 Strategic Housing Market Area report, it was stated that Uttlesford would need an additional 12500 dwellings. Based on new figures, these projections had increased to 14100 dwellings.

The authority had also been asked to approve the Statement of Common Ground, which stated that there were no significant cross boundary issues between Uttlesford and North Herts District Council.

Councillor Lodge said he was disturbed by the recommendation to approve the memorandum. There was a lack of transparency at how the latest figures had been arrived at and he recommended deferring the situation until the method of calculation had been made clearer. He said it was necessary to have sufficient empirical evidence.

Councillor Barker said that the recommendation was simply that the Council recognise the original figure, although it was important to note this number was flexible and that a higher number may need to be considered.

Councillor Redfern said that this had been an issue for the Council for a long time, and that she would support it because she knew the Planning Policy Working Group would have explored the issue thoroughly and come to a sensible conclusion.

Councillor Rolfe agreed, and said that it had already take a long time to reach the point of a decision, and that a decision had to be made by the Council soon or it would be made for the Council instead.

RESOLVED to approve the Memorandum of Understanding and the Statement of Common Ground as appended to the report with the substitution of an amended paragraph 1:6, as tabled to members at Cabinet, as follows:

Three Strategic Housing Market Assessments (SHMAs), published in 2010, 2012 and 2015 have been undertaken for the combined area of East Hertfordshire, Epping Forest, Harlow and Uttlesford Districts². The most recent SHMA was commissioned by the Co-op Member Board and managed through a sub group of the Co-op Officer Group. Details of the terms of reference and working practices of the Co-op Member Board and the Co-op Officer Group are set out in Appendix 2. The 2015 SHMA gives an up to date and Planning Practice Guidance compliant³ assessment of housing need over the Housing Market Area (HMA) for the period 2011-2033. It is acknowledged that since the publication of the SHMA in 2015, updated 2014-based household projections have been published – see paragraph 3.4. The four authorities are all committed to identifying an up-to-date OAHN based on the 2014-based projections. The 2015 SHMA gave the following headline results (in net additional dwellings) for the HMA as a whole, and for each local authority.

CA98

HOUSING WHITE PAPER

Councillor Barker presented the Housing White Paper, 'Fixing our Broken Housing Market'. She said it clarified the government's policy direction on a range of housing issues, providing significant statements on government policy and the approach to improving the supply and affordability of housing at a national level.

Councillor Rolfe said the paper had been long awaited but that it was disappointing that it would not do more to solve problems in the housing market.

The Assistant Director of Planning agreed, but said it was a consultation document and there was more information to come from the government.

Councillor Redfern said the paper was disappointing and would not help to deliver affordable housing. The situation was that the Council did give planning permission for development but then no builds began.

Councillor Rolfe said that this issue of landholding had been fed back to the government, and it had been hoped that it would respond to this issue in the white paper.

The Assistant Director of Planning said a carrot and stick approach was favoured by the government for encouraging the development industry, but this had not been fully explored in the report.

In response to a question from Councillor Dean as to how this matter would be taken further, Councillor Rolfe said , information would be put on the Council website to give prominence to the issue.

CA99

DELEGATED POWERS FOR MINOR LAND TRANSACTIONS

Councillor Redfern introduced a report on delegated powers for minor land transactions. She said it proposed an extension to the delegated powers of the Assistant Director – Housing and Environment. This would avoid reports to Cabinet on minor matters and allow these matters to be dealt with promptly.

RESOLVED that the Assistant Director – Housing and Environment be given delegated power, after consultation with the portfolio holder, to authorise:

- a. The disposal of small parcels of land for amenity use, not exceeding 12 square metres, provided that the land does not have development potential;
- b. Boundary rectification and other rectification needed to correct errors made in right to buy disposals

CA100

CORPORATE PLAN DELIVERY PLAN 2017/18

Councillor Rolfe presented a report on the Corporate Plan delivery plan for 2017/18. He said that Uttlesford was a special place with a unique character which should be preserved. The plan included a vision for Uttlesford and four objectives. The delivery plan set out how to achieve this, including the more significant actions/projects (outputs), likely resources, expected outcomes, performance measures by which success will be measured, and designation of the officers and members responsible.

Councillor Dean said that although the document encouraged the production of local plans, there had been criticism by neighbourhood plan groups about obtaining information from the Planning Department. One idea had been to create a neighbourhood planning network.

The Assistant Officer for Planning said he was not aware of that proposal. The planning department had met with Stansted neighbourhood plan steering group, and had agreed to meet every six months. The resource was available and was publicised on the website, but if there was an issue he would encourage people to contact him directly.

Councillor Dean asked why the delivery plan only specified an 'improved public realm', since many eyesores such as fly-tipping were in the private realm. It was good the paper focused on the Uttlesford area in general, but there would need to be action on the part of the Council to engage with

people. He also spoke about the need to encourage more people to visit Uttlesford.

Councillor Rolfe said he took the point about an improved private realm, but often these issues ended up with Enforcement. In terms of encouraging people to visit, the 100 Parishes website was good for promoting attractions around Uttlesford. He thanked Councillor Dean for his comments.

Councillor Howell said the delivery plan was achievable because it was based on pragmatic objectives.

Councillor Redfern asked if the line 'promotion events in Dunmow and Stansted' on page 7 could be changed to 'promotion events across Uttlesford'.

RESOLVED to approve the Corporate Plan Delivery Plan with the following amendment on Page 7: Instead of 'promotion events in Dunmow and Stansted', the line should read 'promotion events across Uttlesford'.

CA101 **CONSIDERATION OF AN ITEM CONTAINING EXEMPT INFORMATION
WITHIN THE MEANING OF PARA 3 OF SCHEDULE 12A OF THE LOCAL
GOVERNMENT ACT 1972**

RESOLVED under section 100I of the Local Government Act 1972 that 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 of Schedule 12A of the Act.

CA102 **SUPERFAST BROADBAND INVESTMENT**

Members considered a report on Superfast Broadband investment detailing the positive consequences that implementation of the proposal would have.

RESOLVED to approve the recommendation.

The meeting ended at 8.45pm.

Public speaking

Statement of Dave Kenny

I am Chairman of the Save The Railway Arms Pub (STRAP) campaign. The campaign has attracted widespread support, including membership of over

130 people in Saffron Walden and the backing of 10 town and district councillors. Comments by solicitors acting on behalf of the pub's owner portray it as simply a food and drink shop. In reality, the pub has furthered social wellbeing, cultural, sporting and recreational interests. Uttlesford had so far registered all 15 pubs that have applied for such a status as assets of community value. The Railway Arms should not be the first one turned down. The land is prime location for development, but prior to being taken over by the current owner, it was a thriving community pub. That community has now emerged with funds, support and a business plan to take over the pub.

Statement of Tom Bennett

I am Secretary of STRAP. I contest the owner's claim that The Railway Arms was not a financially viable organisation. I am critical of the business model of large pub companies seeking to maximise profits rather than meeting the needs of the community. The owners of The Railway Arms had not sought to reach its full potential. There are external buildings which could be used for other purposes. Community-owned pubs are now a common business model. With STRAP's viable business model, The Railway Arms offered an opportunity to run a thriving pub and to serve the local community.

Statement of Doug Perry

Mr Leader and Cabinet Members.

Although Licensing matters do not form part of your brief as it is a regulatory function and Quasi Legal, I wanted to share with you what has been happening on the ULODA/Trade front.

I joined ULODA late last year as Hon President, and was proud to do so. My aim and vision is to encourage partnership working with UDC, the Licensing Committee, Councillors and Officers, to our mutual benefit.

I have had many meetings with ULODA's Executive, operators both Large and Small which bring vast sums of money into the Uttlesford Economy (in the region of 50 million last year).

I have spoken with my Chairman at Meetings of Full Council, The Licensing Committee and with Officers, and have been pleased to do so.

I have also been encouraging working together with officers on a number of issues and although the response has been one of almost complete silence, we do hope for more effective engagement in the near future.

The trial of the "Right to work" as suggested by 24/7, has been a great success, and it is understood that officers will be taking this forward, with immediate effect.

We have also been involved in the Uttlesford Business Awards in encouraging members of the trade to participate, and have supported the nomination of two of our excellent operators, who have a very good story to tell.

Some members of the Executive Committee also attended last week's award Networking Event, and a photograph of both myself and my Chairman can be seen on the Uttlesford Web site (perhaps we should charge).

I just want to leave you with one thought from both Scrutiny and Councillors, who have stated and it is a matter of record, that Consultation and effective engagement with the Trade IS to be introduced along with time factors which are almost upon us..

As I hand over to my Chairman I wish to place on record that it is not just ULODA that you are dealing with, but also the Major operators. We constantly consult and support each other and we speak WITH ONE VOICE (The true meaning of working together in partnership).

Thank you for giving me the opportunity to speak.

Statement of Barry Drinkwater

Mr Leader, Members of the Cabinet. I'm Barry Drinkwater, Chairman of ULODA, Uttlesford's taxi trade association open to all licensed operators, proprietors and drivers since 2004. It's a pleasure to be taking the baton from our esteemed President, who's been such a valued and valuable asset to me and my executive committee colleagues over the past five months since we invited him to take on his Honorary role.

Let me wind back the clock to 17 November 2015 when the Scrutiny Committee established a Task and Finish Group to consider the functioning of enforcement within the council. Cllr Chambers was the first to alert us. Given the strong interest of the taxi and private hire trade, we seized the chance to have our say - and asked to contribute to its ongoing work - at the Scrutiny Committee's meeting on 9 February 2016, when we were warmly welcomed by Cllr Dean. We attended two further Scrutiny Committee meetings to listen to progress reports and the one on 6 September 2016 when the final report of the ETG was presented. We should add here that during the course of the ETG's work, our senior trade representatives including the Managing Directors of our largest operators, 24x7 and Acme Transport, plus ULODA's Vice Chairmen, met with Cllr Jones as Lead Member for Enforcement to speak fully and frankly about the old "draconian" enforcement regime.....

At your Cabinet Meeting on 12 January this year, Cllr Howell presented his report on the Scrutiny Committee's recommendations. We were very disappointed that four of these (including one which supported new enforcement policies for Licensing, taxis and private hire operators) were approved but without a timed schedule for implementation - when Scrutiny had stipulated "by 1 April 2017". The final recommendation on taxi forums was referred to the Licensing & Environmental Health Committee.

We are also disappointed that the Scrutiny Committee has made no attempt to give us feedback about these outcomes - which we were naturally expecting in the interests of transparency and respect for the trade.

Cllr Howell in his report says "Under the better regulation agenda, the council needs to engage effectively with local taxi drivers and operators". We continue to wait patiently to be consulted properly ahead of any changes in policy and practice which may be being planned.

Thank you very much for this opportunity.

Statement of Michael Young

See the document appended to these minutes.