

CABINET MEETING held at FOAKES HALL GREAT DUNMOW on 10 JULY 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 V Ranger (Cabinet Member for Communities and Partnerships)
Councillor J Redfern (Cabinet Member for Housing)

Also present: Councillor A Dean (Chairman of Scrutiny Committee and Liberal Democrat Group Leader) and Councillor J Lodge (Leader of the Residents for Uttlesford Group).

Officers in attendance: D French (Chief Executive), R Auty (Assistant Director Corporate services), G Glenday (Assistant Director – Planning), A Knight (Assistant Director – Resources), S Pugh (Interim Head of Legal Services), P Snow (Democratic and Electoral Services Manager) and N Wittman (Assistant Director ICT and Facilities)

CA22 PUBLIC SPEAKING

Ray Woodcock made a statement about agenda item 15 relating to the s106 community pot at Stansted which is appended to these Minutes.

CA23 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor Ryles.

Councillor Barker declared a personal and prejudicial interest in items 14 and 15 on the agenda as both matters fall within her remit as a Portfolio Holder at Essex County Council. She said that she would leave the room during the discussion of those items.

CA24 MINUTES

The Minutes of the meeting held on 6 July 2017 were not yet available and would be submitted for approval at the next meeting on 7 September.

CA25 REPORT FROM THE CHAIRMAN OF THE SCRUTINY COMMITTEE

Councillor Dean said the Scrutiny Committee meeting on 20 June had reviewed its work programme for 2017/18. The Committee had approved the draft proposals for the Local Council Tax Support Scheme for 2018/19. He also confirmed that the proposed terms of reference for monitoring the Local Plan had been rejected and so would not be taken on board.

CA26 **REFUGEE WORKING GROUP**

Councillor Redfern said that the Refugee Working Group had not met and she was presently discussing with the Assistant Director of Housing and Environmental Services the impact of changes in the benefits system.

CA27 **BUDGET OUTTURN 2016/17**

Councillor Howell presented a report recommending approval of the budget outturn position, as well as reserve transfers and balances, and capital programme slippage requests. He congratulated the management team for the disciplined approach to budget control leading to an underspend for 2016/17. He also thanked the Director of Finance and Corporate Services and the Assistant Director – Resources and their team for their hard work in finalising the budget position.

In summarising the report, Councillor Howell drew particular attention to sections indicating variances, both within and outside the Council's control; movements in the forecast position from period 9 reported in February 2017; the allocation of underspent items to the Strategic Initiatives Reserve; the Housing Revenue Account position; and changes to the capital programme.

The accounts would be submitted for final approval to the Governance, Audit and Performance Committee on 27 July, subject to external audit comments.

Councillor Lodge asked a question about the corporate items included within the capital programme. The Assistant Director – Resources replied that no external borrowing was required as there were cash balances in hand and the programme was funded through internal borrowing. The capital overspend had arisen mainly because of an unbudgeted housing grant. Some projects within the capital programme were offset against allocations drawn down from the general reserve.

Councillor Barker asked a question about the balance of £38k of New Homes Bonus money allocated for use by ward members. The Assistant Director – Resources said the ward grants sum had been carried forward as a balance.

RESOLVED to

- a. Approve the 2016/17 outturn position set out in the report
- b. Approve the reserve transfers and reserve balances set out in the report
- c. Approve the capital programme slippage requests

CA28 **TREASURY MANAGEMENT OUTTURN**

Councillor Howell presented the annual statement of the key treasury management activity and outcomes. He drew attention to the summary in paragraph 4 stating that no short or long-term borrowing was required to meet in year commitments, that no cash flow difficulties had been experienced, and that the Council's policy when lending money to counterparties remained cautious. As set out in the report the Council was supported in its treasury management activity by its independent financial advisors Arlingclose.

He would be reporting back to the Cabinet in due course on the Council's borrowing strategy.

In referring to the loan needed to fund the payment of £88 to the Government following reform of the housing subsidy system, Councillor Howell said that interest in the sum of £2.627m had been paid in 2016/17 and this was the final year before principal repayments would begin to be made.

The counterparty list was set out in the report and the list of overall investments detailed in appendix B.

Councillor Lodge asked a question about the Chesterford Park investment whilst appreciating that this related to the current year. The Assistant Director – Resources confirmed in response that the investment had been covered initially from internal borrowing by use of cash balances. Now that a loan had been secured the sum invested would be drawn down in three tranches.

The recommendation was put to the vote and carried.

RESOLVED to approve the 2016/17 Treasury Management Outturn as set out in the report

CA29

LOCAL COUNCIL TAX SUPPORT SCHEME 2018/19

Councillor Howell reported on the process for reviewing the Local Council Tax Support (LCTS) Scheme and the requirement to consult on the proposed scheme before submitting it to Council for approval in December.

Table 8 in the report demonstrated that Uttlesford had the lowest percentage contribution rate within Essex. People of working age in Uttlesford previously on Council Tax Benefit were expected to pay no more than 12.5% of their council tax bill. It was proposed to maintain this level of contribution for the fifth year in succession.

The transitional funding through the Revenue Support Grant (RSG) was being replaced gradually by New Homes Bonus and Business Rates Retention and in 2018/19 would be withdrawn altogether. When this happened it would no longer be possible to maintain support for those people presently benefitting from LCTS.

Paragraph 10 of the report indicated that the number of working age claimants had declined through the life of the scheme, although vulnerable and disabled claimants had increased in number.

Councillor Howell then proposed the recommendation to maintain the LCTS on the same basis as in 2017/18. The timetable for the review was set out in the report.

Councillor Dean asked the Cabinet to note the intention to consult on both the budget and the LCTS at the same time and to include an item in Uttlesford Life.

Councillor Redfern said she had been surprised by the LCTS caseload associated with the increase in the number of disabled claimants.

The Assistant Director – Resources said that this was explained partly because the reporting method had changed to separate vulnerable and disabled claimants.

Councillor Lodge drew members' attention to the table in paragraph 35 indicating that Basildon and Brentwood councils had maintained 100% funding of their parish grant. If that was the case, he felt that Uttlesford could not claim to have the most generous scheme in Essex.

Councillor Howell agreed that both of these councils did totally fund their schemes but both equally had fewer parishes than Uttlesford. The future position of the RSG was unknown in 2013/14 and there would be a loss of future funding. Uttlesford did nevertheless have the lowest contribution rate for claimants.

In proposing the recommendation, Councillor Howell said he wished to apologise for the omission of a reference to Uttlesford Life in the timetable.

RESOLVED to agree proposals for the 2018/19 LCTS scheme and consultation process as follows:

- i. The 2018/19 LCTS scheme is set on the same basis as the 2017/18 scheme and therefore the contribution rate is frozen for the fourth consecutive year
- ii. The Council continues to protect vulnerable and disabled residents and carers on a low income
- iii. The discretionary grant for town and parish councils is withdrawn

CA30

BUSINESS RATES – REVALUATION RELIEF

Councillor Howell presented the report recommending approval of a revaluation relief funding scheme for the payment of business rates by commercial properties. This followed the national revaluation of all commercial premises resulting in the allocation of new rateable values from the beginning of April 2017.

The revaluation had resulted in the business rates bill charged on many businesses and companies in Uttlesford increasing significantly. The average increase was 16%. On the other hand, Councillor Howell explained that many businesses had been taken out of liability for business rates altogether.

The 2017 Spring Budget had included provision for discretionary reliefs to support businesses facing steep increases. Any reliefs applied under the legislation would be fully funded by central government subject to qualifying criteria.

The scheme being proposed would award relief over a three year period reducing from 50% in year 1 to 12% in year 3. It would be available by application only and would exclude national and large chain businesses.

Councillor Howell proposed adoption of the scheme in order to support local businesses.

Councillor Barker asked what would happen in the event of changes to the valuations. The Assistant Director – Resources said that if revaluations were notified then businesses would be rebilled and any reliefs clawed back where necessary.

Councillor Redfern asked specifically about the impact on local businesses as some had seen significant increases applied. The Assistant Director confirmed that some local businesses had fallen under the limit but that some relief was transitional.

The Leader said that councillors would wish to know the impact on local businesses and this would become clearer when reported to Council. Councillor Howell asked for further information about the number of local businesses exempt from paying business rates.

The recommendation was put to the vote and carried.

RESOLVED to recommend to Council approval of the Revaluation Relief Funding Scheme as detailed in the report

CA31

LOCAL HERITAGE LIST OF NON-DESIGNATED HERITAGE ASSETS

Councillor Barker presented a report setting out for approval the selection criteria and methodology to manage the Local Heritage List of non-designated heritage assets in Uttlesford. Once approved, forms would become available for nominations to be submitted. These would be reviewed periodically by a panel established for that purpose. The list of selected assets would then be published on the website.

The proposed selection criteria were set out in full in the Local Heritage List report attached to the agenda.

Councillor Howell expressed his support for the proposal which he said would help to preserve and value the rich cultural heritage of the Uttlesford area. He hoped the process of establishing a heritage list would be supported by parish councils and other local community groups.

The recommendation was approved.

RESOLVED to approve for publication the proposed selection criteria and methodology, along with the nomination form to be made available on the website, and to enable proactive work to compile and manage the local heritage list

CA32

ASSET OF COMMUNITY VALUE NOMINATION – THE CROWN PUBLIC HOUSE ELSENHAM

Councillor Barker introduced the consideration of an application from Elsenham Parish Council to include The Crown Public House, Elsenham on

the list of assets of community value. She confirmed that the application made was valid. In view of the problems associated with the closure of many country pubs in recent years, she proposed that the application be approved. Councillor Ranger seconded the motion and it was duly agreed.

RESOLVED to approve the nomination of The Crown Public House as an Asset of Community Value

CA33

ASSET OF COMMUNITY VALUE NOMINATION – THE BLACK LION PUBLIC HOUSE HIGH RODING

An application was reported to nominate The Black Lion, High Roding as an asset of community value but the time scales had prevented the preparation of a report for consideration at this meeting. The meeting agreed to establish a sub-committee to determine the application.

RESOLVED to appoint a sub-committee consisting of the Leader and the Portfolio Holders for Environmental Services and Communities and Partnerships with delegated power to determine the nomination of The Black Lion Public House as an Asset of Community Value

Councillor Barker left the room before the consideration of the following items relating to Carver Barracks Sports Project and Stansted s106 Community Pot and took no part in the discussion or decisions.

CA34

CARVER BARRACKS SPORTS PROJECT

Councillor Ranger presented a proposal to make a grant payment of £500,000 to the Army for the creation of an eight lane running track at Carver Barracks. The funding would be provided from the Strategic Initiatives Fund and would enable match funding to be secured by the Army to allow the project to proceed.

He said the proposal had been in the system for a number of years on the basis of becoming a shared facility between the Army and the public. It had been delayed because of the announcement that Carver Barracks would close by 2031. The proposal provided an investment opportunity that would add local community value and it should be supported for that reason.

Councillor Lodge indicated that he was unhappy with the item in the proposed heads of terms agreement that the MOD could give 12 months' notice of termination for any reason and at any time. He also asked how the structure of fees for use of the facilities by local clubs would be determined.

In reply, Councillor Ranger said that national security considerations could be one reason for closure. He would agree for the clause concerned to be put on the table for review.

Councillor Rolfe confirmed that the Council could set fees for the use of the facilities if it chose to do so.

Before the proposal was put to the vote, it was noted that the loan decision was an executive matter for decision but that the Cabinet had selected to seek the Council's approval before proceeding any further.

The proposal was then agreed subject to the inclusion of Councillors Artus and Knight in the list of members to be consulted about the grant terms.

RESOLVED that:

- i. Subject to approval by the Council, a grant of £500,000 be made to Carver Barracks to enable match funding for the provision of an eight lane running track;
- ii. The Director of Finance and Corporate Services and the Head of Legal Services, in consultation with the Portfolio Holder for Communities and Partnerships, and with Councillors Artus and Knight, be authorised to agree the terms of the grant

CA35

S106 COMMUNITY POT STANSTED

Councillor Ranger reported on the position regarding the allocation and use of S106 financial contributions intended for the provision of leisure, recreational and/or community facilities for the benefit of residents of the Forest Hall Park development at Stansted.

A request had been received from Stansted Mountfitchet Parish Council for assistance to alleviate a problem that had arisen because of the existence of reserved rights held by a third party over all of the Parish Council owned land at Crafton Green. Advice had been received that it would be appropriate to allocate the sum of £200,000 requested to enable the release of reserved rights, as it would allow the community hub to go ahead to the overall benefit of all residents of Stansted. It would then leave £52k in the pot to allocate to community projects.

The Parish Council had given an undertaking to provide a replacement pot of money for projects at Forest Hall Park.

Councillor Dean said he wished to make clear that of the £1.4m funds provided only £7,000 had been spent so far at Forest Hall Park. The Parish Council had agreed to provide a replacement pot to be utilised at Forest Hall Park and he asked for the minute to record their agreement to provide funding for the original purpose.

Having noted the commitment given by the Parish Council, Cabinet members supported the aim of the proposal and agreed accordingly.

RESOLVED that:

- i. Subject to the agreement of the developer, a sum of £200,000 is allocated to Stansted Mountfitchet Parish Council to fund the release of all "reserved rights" held by a third party over all of the Parish Council owned land at Crafton Green;
- ii. The allocation of £52,290 for the skateboard park is removed and the monies added back to the available pot of money

At this point, Councillor Barker came back into the meeting.

CA36 **APPOINTMENT OF ASPIRE (CRP) LIMITED NON EXECUTIVE DIRECTORS**

Councillor Howell proposed the appointment of Mary Archer and Alan Jones as non-executive directors to the board of Aspire (CRP) Limited. He explained their background and said their appointment would strengthen and underpin the company's board. It would be for a period of one year on a rolling contract basis.

RESOLVED to appoint Mary Archer and Alan Jones as Non-Executive Directors on the board of Aspire (CRP) Limited

CA37 **EXCLUSION OF THE PUBLIC FROM THE MEETING**

RESOLVED to exclude the public from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of part 1 of schedule 12A of the Local Government Act 1972

CA38 **ASPIRE (CRP) LTD – REQUEST FOR BUILDING REFURBISHMENT FUNDS**

Councillor Howell presented a report including exempt information about a request to provide funding to Aspire (CRP) Ltd for the provision of building refurbishment funding in the sum of £2.75m for use on one of the units at Chesterford Park.

The recommendation was subject to approval by the Council and was agreed by members of the Cabinet.

RESOLVED to recommend to Council approval of a loan of up to £2.75m to Aspire (CRP) Ltd to enable the redevelopment of a unit at Chesterford Park, on the same terms and repayment date as the original loan, and to delegate authority to the Assistant Director – Resources to determine the most appropriate method of funding, in consultation with the Finance Portfolio Holder

The meeting ended at 8:40pm.

APPENDIX – PUBLIC SPEAKING STATEMENT

Statement to UDC Cabinet on 10th July 2017

Agenda item 15, the issue.

To pay £200,000.00 to release all reserved rights held by a third party over all of the Parish Council owned land at Crafton Green.

Statement:

Chairman, Cabinet members and Parish Councillors present. I'm Ray Woodcock an active resident of Stansted Mountfitchet, I get involved with a variety of issues in our village.

The new Parish Council hub on Crafton Green, which received full planning approval a few years ago started to be constructed about 12 months ago, it is a much needed new facility. Our existing Parish Council office and meeting room is not fit for purpose and people who are less able find it difficult and others impossible to gain access to the office. The new facility will be compliant with modern access and safety standards.

I was not in favour of the design of this building and said so prior to approval but accept it now that it has full approval.

Construction work stopped about 10 months ago and rumours soon started to circulate in the village as to the reason; it is now clear that an error has been made by possibly the Parish Council or their advisors, hence this issue on the agenda. The Third Party could have informed the Parish Council of the "Reserved Rights" sadly it did not until the old Library had been demolished and construction of the "Hub" started.

It seems to me that the Third Party holder of the "Reserved Rights" could have accepted that than error was made and found a better way of resolving this issue but it's now going to cost the Community £200K, the third party gain, the community's loss. I wonder what that £200K could have provided for the benefit of the Community, we may never know.

With reluctance, I hope that you approve the Recommendation on the document prepared by District Councillor Ranger dated 10th July 2017 so that construction of the "Hub" can start again without delay.

Maybe the Third Party might consider returning this money to UDC for the benefit of Stansted Mountfitchet Community?

One final point, I hope all have learned much from this matter.

Thank You.

Ray Woodcock

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