

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 11 DECEMBER 2012 at 7.30pm

Present: Councillor C Cant – Chairman.
Councillors K Artus, H Asker, G Barker, S Barker, R Chambers, J Cheetham, J Davey, P Davies, A Dean, R Eastham, K Eden, E Hicks, A Ketteridge, J Ketteridge, K Mackman, J Menell, D Morson, E Oliver, E Parr, D Perry, V Ranger, J Redfern, J Rich, H Rolfe, D Sadler, A Walters, L Wells and P Wilcock.

Officers in attendance: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive – Legal), R Harborough (Director of Public Services), S Joyce (Assistant Chief Executive – Finance), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Corporate Services).

C46 PUBLIC SPEAKING

Prior to the meeting, Councillor Howard Bowman of Newport Parish Council asked two questions about the process for approving a new local plan. The questions were answered by Councillor S Barker as the portfolio holder for planning policy.

The questions and replies are appended to these minutes.

C47 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors D Crome, I Evans, M Foley, J Freeman, E Godwin, S Harris, S Howell, T Knight, R Lemon, J Loughlin, J Rose, L Smith and D Watson.

Councillors S Barker and Chambers declared their interest as Members of Essex County Council and of Essex Fire Authority.

Councillors S Barker also declared an interest in respect of Council Tax benefit subsidy.

C48 MINUTES

The minutes of the meeting held on 2 October 2012 were received, approved and signed by the Chairman as a correct record.

C49 BUSINESS ARISING

(i) Minute 37 – Members' question and answer session

On behalf of Councillor Foley, Councillor Morson asked for an update about the future of Clarence House. Councillor Chambers said that problems had arisen in settling the future of Clarence House but he would ensure that full information was given to Thaxted members or to Councillor Morson as appropriate, as soon as it became available.

Councillor Morson then asked about the proposed member workshop on the local plan consultation in the light of further delays in obtaining transport studies. Councillor Ketteridge confirmed that the highways assessments were not yet available and he had spoken to the Assistant Director of Planning and Building Control about the prospects for holding the planned workshop. This was now unlikely to take place on 17 December but suitable arrangements would be made as soon as possible.

Councillor Wilcock said that he was concerned about what was being done within the LDF Working Group to provide for affordable housing. He asked whether the intended targets would be met and at what percentage.

The Leader replied that what was being proposed was a complete mix of accommodation across the spectrum. The present policy was to achieve a 40% provision of affordable housing and he believed that was the maximum that was deliverable within the district.

Councillor Wilcock asked whether the required percentage would be met. Councillor S Barker responded that it would be lovely to provide for all of the 1,200 people on the waiting list but there were degrees of need and the need of some was not as great as others. The solution was to ensure that would be developments incorporated provision for 40% affordable units and that these were allocated to those in the greatest need, many of whom were younger people. As part of that aim, the Council must maintain a clear strategy outlining bands of housing need.

Councillor Redfern then added that she sympathised with the comments made about the effect of the allocations policy and that eligibility was determined by the way that applicants fell within the bands. The Council continued to work hard at exception sites such as the site in Newport but there was no priority for the young.

C50 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked those members who had attended the carol service in Stebbing Church. The event had succeeded in raising a good amount for her twin charities of Marie Curie Nurses and Diabetes UK for which she was appreciative.

The civic dinner would be held on 16 April in the Foakes Hall at Dunmow and she hoped it would be a splendid occasion.

C51 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader said it would be a busy week with a heavy agenda for Cabinet. The Corporate Plan would be updated and then submitted to Council for approval.

The Electoral Working Group would meet on the following day to consider the Further Electoral Review and the LDF Working Group would be meeting at the end of the week to consider the outcome of the Gypsy consultation and the

employment site at Stansted Airport. As before, all members were welcome to attend either of these meetings.

He reported that the abolition of the East of England plan had now been laid before Parliament and this would cease to have effect from 3 January.

A letter had been received from the Minister of Housing advising the Council's New Homes Bonus allocation in the sum of £2,042k. Uttlesford had featured in a Government press release and on the DLG website as an example of what could be done with New Homes Bonus.

The year coming to an end had been a good one. The Council had an enviable record with Council Tax again being frozen. He listed the Council's achievements over that period and confirmed that it was proposed to cut Council Tax by 1% in 2013/14.

In a recent MORI survey of opinion, Uttlesford had been classified as the best district overall for a variety of indicators including health and sense of identity. He congratulated the management team and all members of staff for their achievements over the past year, as well as members for the input and support they had offered. He concluded his remarks by wishing everyone a happy Christmas.

Councillor Chambers reported briefly on the report he had submitted as the portfolio holder for Finance and Administration. He referred particularly to the Local Council Tax Support Scheme and to the budget planning process for 2013/14 leading to a proposed cut in Council Tax.

The Council's finances overall were in good shape thanks to prudent financial management on the part of Mr Joyce and his team.

Councillor Walters spoke to the report submitted in his capacity as portfolio holder for community safety. He highlighted the community safety partnership embracing a multi-agency approach and the three core projects underway in the district.

Councillor Chambers said that the application for funding for fully trained special constables was on track. This initiative was helping to reduce crime in the area. Uttlesford was the first council to introduce this scheme. This enabled some of the money lost in budget cuts to be restored and provided a fair share of policing resources in the district.

C52

MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN

Councillor Morson referred to the process for identifying and allocating housing development sites as part of the local plan preparation work and asked why this work could not be conducted in public as was the case in two neighbouring authorities.

The Leader said that the LDF Working Group had met in private since being set up in 2004 and would continue to do so. When the Cabinet met on Thursday it would consider the demographic forecasts and it would then be apparent whether all of the sites would have to be allocated. It was likely that more two bedroom houses would be needed at the expense of three bedroom properties. The identification of which sites were to be taken forward would remain in the hands of professional officers.

All members would be invited to the special meeting whenever it took place.

Councillor Dean asked Councillor Chambers about the use of New Homes Bonus money. He said that the first year's use of the NHB funding did not indicate much continuity or forward planning as it had resulted in one off schemes. He thought that more should be done to emphasise the distinctiveness of the district. If this approach was adopted a start could be made in the area of economic development. For example, as in Braintree, the development of incubator units could be encouraged.

Councillor Chambers responded by saying that he had asked all members to contribute ideas and to suggest priorities both for next year and for coming years. New Homes Bonus funding should be used to benefit the whole community. There had been Jubilee funding this year and the development of community projects. A surplus from the receipt of NHB money was expected for the next two to three years and would then reduce.

He said it was important to ensure that any money spent was sustainable in the long term. He then urged members to come forward with suggestions.

The Leader commented the Council had an exemplary record for financial management. Many councils had used NHB money for revenue spending. The funding in Uttlesford was being used for the benefit of the whole community and this was reflected in the money allocated to members to spend in their individual wards.

Councillor Wilcock congratulated Councillors Chambers and Walters for the concise reports they had submitted to this meeting. He invited other Cabinet members to produce something similar.

The Leader said in response that it had been decided that a report from every Cabinet member would take too much meeting time and two or three reports for each meeting was about the right number.

C53

MATTERS RECEIVED FROM THE EXECUTIVE

(i) Cabinet on 20 November 2012 – Local Council Tax Support

Councillor Chambers submitted the recommendation of the Cabinet to approve the Uttlesford Scheme of Local Council Tax Support (LCTS). LCTS would replace Council Tax benefit from 1 April 2013, with reduced Government funding for housing benefit.

The proposal in Uttlesford was to limit the payment of Council Tax to those currently receiving Council Tax benefit to 8.5% of the full liability. In many other council areas the equivalent figure was in the region of 20%. The Government had made provision for transitional one-off funding for 2013/14 of £100 million to help minimise the financial hardship likely to result from the welfare budget cuts.

He then referred to and read to the meeting in full the proposals recommended to this meeting for approval as follows:

- Pensioner claimants to be protected from the changes
- Vulnerable working age claimants to be protected, defined as:
 - Claimant, partner or dependent receives DWP Disability Living Allowance and/or Personal Independence Payments
 - Claimant or partner receiving Carers Allowance
 - Claimant or Partners is Registered Blind (please see additional description at Appendix C)
- Non-vulnerable working age CTB claimants will see a reduction in the amount of support given. Support to be restricted to a maximum **91.5%** of the Council Tax liability
- **People currently receiving full Council Tax Benefit will not be required to pay more than 8.5% of the Council Tax liability**
- **The capital cut off limit to be retained as £16,000**
- Minimum award of **£2** per week; awards currently worth less than **£2** per week to be cancelled
- To disregard up to £25 per week of wages earned from the income assessment
- Child Benefit **will continue to be** disregarded from the income assessment
- Child Maintenance **will continue to be disregarded from the income assessment**
- Second Adult Rebate scheme will not be treated as a class of eligible claimants
- Reduce the period of backdating from 6 months to 3 months
- Minor changes to treatment of changes in circumstances
- A sum of **£10,000** to be made available to cover exceptional hardship cases.

Councillor Chambers said that rather than impose a cut of 20% in year one it he considered it fairer to phase in the changes over a period of time and to review the position after that. This would be funded initially by drawing upon reserves in the sum of £212k and would enable benefit applicants to adjust gradually to the loss of benefits.

He then proposed the adoption of the recommendation and this was duly seconded by the Leader.

The Assistant Chief Executive Finance then clarified to the meeting that the recommendation from the cabinet was as set out on page 19 of the report.

Speaking for the Liberal Democrat group, Councillor Dean said that he welcomed much of the proposed scheme but wished to propose an amendment. He welcomed in particular the retention of the capital cut off limit at £16,000 and the proposal to disregard child benefit from the assessment of income. The amendment was as follows:

“Amend item a) to readto approve:

a) The UDC LCTS Scheme as set in paragraph 43 of the attached report, pursuant to Section 13A & Schedule 1a of the Local Government Finance Act 1992 (as amended) and subject to the following amendments:

At bullet point 3 the figure "91.5%" be replaced with "97.5% in 2013/14 and 95% in later years".

At bullet point 4 the figure "8.5%" be with "2.5% in 2013/14 and 5% in later years".

The additional cost of £97,000 to achieve this more generous scheme to be funded from the UDC budget.”

The amendment was seconded by Councillor Morson.

Councillor Dean then said that the aim of his amendment was to ensure fairness for the most vulnerable residents in Uttlesford. It was part of the localism agenda to be able to make local decisions as closely as possible to the people affected. In contrast, the Administration’s proposal reflected the local administration of central government funding.

There had been a panic reaction by the Secretary of State to ease the strain on vulnerable people and this remained a matter of concern. The changes should be phased in over two years to minimise the shock to those affected. Accordingly, the amendment proposed a reduction in the maximum payment of Council Tax to be made by benefit claimants to 2.5% in 2013/14 and then 5% in succeeding years. This would add £97k to the cost of administering the new scheme. In the interests of fairness the proposal would reduce the average cost to those affected to £1.20 per week.

He had personal knowledge of a woman in his ward who had incurred extra electricity costs in caring for a sick child and there were many people in a similar position. It was right to put extra money in the budget to provide extra relief for people in difficult circumstances.

In responding to the amendment, the Leader said that realism should be added to the list mentioned by Councillor Dean. The ground rules had changed so that transitional relief was now available. The effect of the amendment may seem like small change but the cost of £97k to implement this measure was not small

change. Uttlesford's scheme was the most generous in Essex and the only one to take up the transitional relief on offer.

It was unlikely the Council would be able to support the further benefit changes he expected to be introduced. The subsidy of £212k would be borne by all council taxpayers in Uttlesford and it was neither sensible nor prudent to increase that subsidy further. Reserves had already been increased to ensure that people would not have to pay more. If more funding was committed now there would be no benefit to the local taxpayer. The policy would be reviewed next year. He asked members to support the motion and defeat the amendment.

Councillor S Barker said that she wished to echo the Leader's remarks. There had been a real terms cut of 20% and the Council must consider the impact of taking on the cost of the transitional grant in the following year. There was a growing population but the Government had placed a cap on the figure and this pressure would only increase in future years.

Councillor Morson said he agreed with Councillor Chambers that this was one of the biggest issues facing the Council. Information from the Citizens Advice Bureau indicated that the cuts would cause a real problem for vulnerable people who would find it increasingly difficult to manage their finances. Many would struggle to take responsibility for paying their own bills.

It was suggested at the last Cabinet meeting that the figures could be raised as a local initiative to take away from relief for second homes and empty homes. He appreciated the difficulties faced by the Council this year in confronting the many changes to welfare payments but the adoption of the amendment would send a signal to local people that their concerns were being addressed.

Picking up on the previous remarks, Councillor Rolfe confirmed information from the CAB that the difficulties faced by vulnerable people over benefit cuts were already being manifested. In meeting these difficulties it was important to balance fairness and sustainability. It was essential that the policy delivered was sustainable in the longer term and for that reason he rejected the amendment and would support the motion.

In conclusion, Councillor Chambers said he was surprised that the support was considered insufficient as £212k seemed a sizeable sum. The approach adopted by the Administration was realistic and he did not believe the Council was just doing the Government's bidding.

He urged people who stood to lose the most from these changes to get in touch with the Council early to enable any difficulties to be overcome. The scheme being proposed was a generous one and would be reviewed next year. He proposed rejection of the amendment and adoption of the motion.

The amendment was put to the vote and rejected by 24 votes to four. The substantive motion was then approved with no votes being cast against.

RESOLVED that the following policy be approved:

- a. The UDC LCTS Scheme as set out in paragraph 43 of the report to this meeting, pursuant to Section 13A and Schedule 1a of the Local Government Finance Act 1992 (as amended)
- b. Confirmation that council tax discounts for Empty Homes and Second Homes will be unchanged for 2013/14, with a view to reviewing the discounts for 2014/15
- c. UDC General Fund base budget funding for additional Recovery team resource of up to £40,000 (less any external contributions received)
- d. UDC General Fund base budget funding for exceptional hardship relief of up to £10,000 (less any external contributions received)
- e. Authority for the Assistant Chief Executive Finance to submit a claim to DCLG for Transition Grant Funding

C54

MATTERS RECEIVED FROM COMMITTEES AND WORKING GROUPS

Councillor Perry proposed changes to the Council's Statement of Licensing Policy as presented to the meeting and this was agreed without discussion.

RESOLVED to approve the revised Statement of Licensing Policy

C55

CHANGES TO THE CONSTITUTION

(i) Amendments to the Access to Information and Executive Procedure Rules

Councillor Eden proposed adoption of changes to the Access to Information and Executive Procedure Rules contained in part 4 of the Constitution adjourned from the previous meeting under Procedure Rule 20.2, and as set out in full in the report to this meeting.

RESOLVED that amendments to the Access to Information and Executive Procedure Rules be adopted as submitted

(ii) Adoption of Revised Codes and Protocols

Councillor Eden proposed the adoption of revised Codes and Protocols in part 5 of the Constitution adjourned under Procedure Rule 20.2.

The revisions applied to the Codes of Practice: Probity in Planning and Probity in Licensing, and to the Code of Conduct.

RESOLVED that the revised Codes and Protocols be adopted

C56

NOTICE OF MOTION 1

Councillor Parr proposed, and Councillor Morson seconded, the following motion, of which notice had duly been given under Procedure Rule 10:

"This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer

and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) That a cap should be set on an individual's contributions, and
- b) That the upper threshold for means-testing should be raised

This Council calls upon Her Majesty's Government to:

- i. Bring forward legislation to implement these two proposals without any further delay and
- ii. Ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns."

Councillor Parr said that this motion was close to her heart as the funding of social care devastated lives. She said that a cap should be set on the contributions to be made by any individual and that the upper threshold for means testing should be raised. The Dilnot report had proposed a cap of £35k and a rise in the threshold for means testing from £23,250 to £100k and this would make a significant difference. She urged the Council to support the motion.

Councillor Rolfe proposed the following amendment and this was duly seconded by Councillor Eastham:

"This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2011. The report recommended that, inter alia:

- a) That a cap should be set on an individual's contributions, and
- b) That the upper threshold for means-testing should be raised

This Council calls upon Her Majesty's Government to:

Intensify its efforts to find all party agreement for a long-term plan which is both compassionate and affordable; and asks our Member of Parliament to represent to the Government the urgency which the Council attaches to this matter."

Councillor Rolfe said that people were now working longer and the rising cost of care was placing more pressure on the provision of services. The key words in the amendment concerned the finding of all party agreement for a long term and affordable solution. He reminded members of the factors underlying the Dilnot report, especially the brief he was given to propose affordable and sustainable solutions.

It now seemed that some of his ten recommendations were being unpicked and the matter had become urgent. He asked members to support the amendment.

The amendment was then put to the vote and agreed. This then became the substantive motion which was duly put to the vote and approved with no votes cast against.

RESOLVED to adopt the motion as now amended and to make representations to the Secretary of State as agreed

C57

NOTICE OF MOTION 2

Councillor Cheetham proposed the following motion:

“This Council notes the Government’s intention to extend permitted development rights for householder extension applications as announced by the Secretary of State on 6 September 2012.

This Council believes that this change is unnecessary and dilutes the democratic control of sustainable and suitable development in our local area.

This Council states that democratically elected and accountable councillors are best placed to make the right decisions on development and evidence shows that councils across the country have a demonstrable record of achieving the correct balance between promoting sustainable and suitable development while having proper regard to residents’ objections.

This Council resolves to write to the Planning Minister and Sir Alan Haselhurst MP to highlight our concerns on this issue and also to propose that the Government uses the Growth and Infrastructure Bill to give councils the powers to set out permitted development rights locally, thereby allowing local policies to boost small scale development or facilitate change of use to stimulate growth in a way that caters to local needs and is accountable to local people.”

She said that the intended changes announced by the Secretary of State would allow householders to be able to build large extensions 4m x 8m and up to 4m in height. There were similar proposals for semi-detached dwellings for which single story extensions measuring 3m x 6m x 4m would become permitted development, provided they did not exceed 50% of the size of gardens.

The proposed permitted development changes involved a massive increase and would change the character of town and village communities. She said that the Government should leave planning to local authorities. The motion presented for approval was based on the model motion drafted by the Local Government Association and she proposed acceptance.

Councillor Wells seconded the motion.

Councillor Dean said that the Government’s policy was totally misguided and he supported the motion.

It was then put to the vote and approved with no dissent.

RESOLVED to approve the motion about the proposed changes to permitted development rights and makes representations to the Planning Minister and to Sir Alan Haselhurst MP

Before concluding the meeting, the Chairman wished all members and officers a very happy Christmas.

The meeting ended at 9.05pm.

PUBLIC STATEMENT BY HOWARD BOWMAN

Set out below are questions posed in the public speaking session by Councillor Howard Bowman of Newport Parish Council and the answers provided by Councillor S Barker.

Q1. The residents of Newport are against your development proposals; can you demonstrate that the parishioners' views are being taken into account and what is being done to address their concerns, and where is the evidence that shows that the Council and our District Councillors specifically demonstrate this?

Response by Councillor S Barker: The LDF Working Group has been receiving reports of representations made during the last consultation over its meetings. These have been divided into topics to allow the members to consider each area in turn. All the reports and minutes of the meetings are available publicly on the website. The Working Group have not yet considered housing allocations as we are awaiting the results from the Highways Study being carried out by Essex County Council. When this information is received a special LDF Working group will be arranged one evening to allow these comments and suggested officer responses to be considered.

Q2. Why do you feel it is necessary to hold the LDF Working Group meetings in private?

Response by Councillor S Barker: This is an issue which was discussed in some detail at the last Full Council meeting. It is important for Working Group members to be able to fully explore all options available to them before recommending a specific course of action. The current arrangements are the most appropriate way of carrying out this work without starting hares running on schemes which would not be supported. Members are able to discuss openly issues and think the unthinkable to enable a proper consideration of all the issues. The Working Group is dealing with site specific issues, many of which are commercially sensitive and not suitable to be discussed in public. The current way of working has served the Council well since the group, and its predecessor, was set up in 2004.

The district councillors from Newport ward were welcome to attend the meeting on Friday and their views would be taken into account.

Mr Bowman then said that there had been rumours and scaremongering relating to potential development in Newport. Having heard the answers to his questions he now understood the difficulties involved in this process but it was important that transparency and democracy took precedence.

Councillor Barker said that the proposals would be submitted to Scrutiny Committee and then to Cabinet and the Council would continue be as open and transparent as circumstances permitted.