



# Uttlesford District Council

Chief Executive: Dawn French

## Council

**Date:** Tuesday, 25 July 2017  
**Time:** 19:30  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** All members of the Council.

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days' before the meeting.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
  
- 2a Minutes of the Meeting on 16 May** 5 - 14  
To consider the minutes of the meeting on 16 May.
  
- 2b Minutes of the Meeting on 11 July** 15 - 28  
To consider the minutes of the meeting on 11 July.
  
- 3 Chairman's announcements**  
To receive any announcements from the Chairman

- 4 Reports from the Leader and members of the Executive**  
To receive matters of report from the Leader and members of the Executive
- 5 Members' questions to the Leader, members of the Executive and chairmen of committees (up to 15 Minutes)**  
To receive members questions
- 6a Matters Referred from the Executive: Discretionary Rate Relief Report** 29 - 42  
To consider the Discretionary Rate Relief and Business Rates
- 6b Matters Referred from the Executive: Carver Barracks Running Track Report** 43 - 50  
To consider the Carver Barracks Running Track Report.
- 7 Matters received about joint arrangements and external organisations**  
To appoint a substitute member to serve on the Essex Police and Crime Panel.
- 8 Matters received from committees and working groups (standing item)**  
To consider a verbal update on the work being carried out by the Public Engagement Working Group and to progress the establishment of a Youth Council.
- 9 Delegation to the Governance, Audit and Performance Committee** 51 - 52  
To consider the delegation of Electoral and Boundary Reviews to the Governance, Audit and Performance Committee.
- 10 Local Government Association Corporate Peer Challenge** 53 - 76  
To consider the Local Government Association Corporate Peer Challenge.
- 11 Repairs Notice for Tilty Mill** 77 - 82  
To consider the repairs notice for Tilty Mill.
- 12 Any other items which the Chairman considers to be urgent**  
To consider any items which the Chairman considers to be urgent.

- 13 Consideration of an item containing exempt information within the meaning of para 3 of schedule 12A of the Local Government Act 1972**

**PART 2  
Exclusion of the Public and Press**

- 14 Request by Aspire for Building Refurbishment Funding**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**ANNUAL COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30pm on 16 MAY 2017**

Present: Councillor G Sell – Chairman.  
Councillors A Anjum, H Asker, G Barker, S Barker, R Chambers,  
J Davey, P Davies, A Dean, P Fairhurst, T Farthing, M Felton,  
R Freeman, A Gerard, N Hargreaves, S Harris, E Hicks, S Howell,  
D Jones, G LeCount, P Lees, M Lemon, B Light, J Lodge, J  
Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe,  
H Ryles and L Wells.

Officers in attendance: D French (Chief Executive), B Ferguson (Democratic  
Services Officer), S Pugh (Head of Legal Services) and P Snow  
(Democratic and Electoral Services Manager).

**C1            TRIBUTES TO FORMER COUNCILLOR ALASTAIR WALTERS**

The Council paid tribute to former Councillor Alastair Walters.

The Leader said he was a good friend, a man of letters and a diligent councillor  
who was committed to the community he served.

Councillor Chambers remembered a tenacious man of meticulous detail who  
was passionate about his local community. He was a man who had done a lot of  
good in his life.

Councillor Freeman said it was the 50 year anniversary of the Shire Hill Nursery  
School, an institution Alastair Walters had been integral in establishing. An apple  
tree had been planted in his memory. Mr Walters was an excellent person to  
work with during the time they had shared on Saffron Walden Town Council.

Former Councillor, Mr LeFever, recalled his first day at Council and how Alastair  
Walters had been the first councillor to greet him. He described Mr Walters as a  
generous man who gave his time and energy for the benefit of the town. He was  
also a man of conviction; once he had set his mind on something, he would not  
give up. He said Mr Walters was not only a former councillor but a stalwart of  
Saffron Walden and asked for his passing to be marked appropriately.

The Council stood for a minute's silence

**C2            REMARKS OF THE OUTGOING CHAIRMAN**

Councillor Davey said it had been an honour to be Chairman of Uttlesford District  
Council. It had been a fantastic year in which he had raised £7,300 for his  
chosen charities through a number of events including a Garden Party, a Civic  
Dinner and Quiz Night. He had enjoyed the year in his role, and had attended  
over 60 civic engagements.

C3 **ELECTION OF CHAIRMAN OF THE COUNCIL**

Having been nominated at the previous meeting Councillor Sell was elected as Chairman of the Council.

C4 **STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Sell made the statutory declaration as Chairman of the Council for 2017/18. He thanked Councillor Davey for all the work he had done during the past year. The Chairman then presented a portrait and past Chairman's badge to Councillor Davey.

C5 **APPOINTMENT OF VICE-CHAIRMAN**

Councillors Richard Freeman and Lesley Wells had been nominated for the post of Vice-Chairman of the Council. The Chairman made it known to the Council that he had received a request from 5 members for the vote to take place by way of a ballot. Councillor Ranger requested a recorded vote, which was duly seconded. Under the Council Procedure Rules, the request for a recorded vote took precedence over the request for a ballot.

Councillor Wells was elected to the post of Vice-Chairman

The voting was as follows:

<b>For Councillor Freeman:</b>	<b>For Councillor Wells:</b>
A Anjum	G Barker
H Asker	S Barker
P Fairhurst	R Chambers
R Freeman	J Davey
N Hargreaves	P Davies
G LeCount	A Dean
P Lees	T Farthing
B Light	M Felton
J Lodge	S Harris
S Morris	E Hicks
A Gerard	S Howell
	D Jones
	M Lemon
	J Loughlin
	A Mills

	E Oliver
	V Ranger
	J Redfern
	H Rolfe
	H Ryles
	G Sell
	L Wells
<b>Totals: 11</b>	<b>Totals: 22</b>

**C6 STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Wells made her declaration of acceptance of office.

Councillor Chambers spoke of his concern that information regarding a candidate that had been forwarded to councillors by an officer at the request of a member. He said that members should not involve officers in political matters. Councillor Richard Freeman said it was important to distinguish between involving an officer in a political matter and asking an officer to distribute information about Council business.

**C7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors K Artus, J Freeman, M Foley, T Goddard, J Gordon and T Knight.

**C8 MINUTES**

The minutes of the meeting held on 4 April 2017 were received, approved and signed by the Chairman as a correct record.

**C9 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said he had looked up minutes for a meeting he attended back in 1998 and reflected that much had changed since he was first elected. He told members he believed we owed much to those who came before us.

The Chairman announced that he was delighted to nominate Support for Sight and Essex Wildlife Trust as his chosen charities for the year.

Important decisions would be made in the coming year and the Chairman hoped that whilst the debate would remain robust, acrimony would have no place in Council business.

#### C10 **LEADER'S ANNOUNCEMENTS**

The Leader congratulated Councillors Sell and Wells upon their election and thanked Councillor Davey for his efforts as Chairman. He said The Chairman played an important ambassadorial role in representing the Council across the district. He also thanked Councillor Wells for her work as a Cabinet member.

He congratulated members who had been elected in the Essex County Council election, and noted that Councillor Susan Barker had been appointed to the ECC Cabinet with a portfolio for Communities. He also congratulated Councillor Gerard who had been elected as the District member for Newport at the by-election on 4 May.

He reported that the Council's major investment at Chesterford Research Park had been finalised. The Leader thanked Adrian Webb (Director of Finance and Corporate Services), Richard Auty (Assistant Director Corporate Services), Nicola Wittman (Assistant Director of ICT & Facilities), Councillor Howell and all the team for their hard work. This was a great achievement and would help the Council meet its financial targets in the short and medium term.

The Leader informed members that Councillor Ranger would be replacing Councillor Wells as the Portfolio Holder for Communities and Partnerships. He explained that Cabinet would be reverting back to the tradition of deputies to each Cabinet post.

#### C11 **REVIEW OF POLITICAL BALANCE**

The Council received the report on the allocation of seats to the Council's committees in accordance with the political balance provisions of the Local Government and Housing Act 1989.

RESOLVED that the political balance of the Council and the allocation of seats set out in the report be agreed

#### C12 **GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE – PROPOSED TERMS OF REFERENCE**

The Council received the proposed terms of reference for the new GAP Committee.

Councillor Ranger said that *Item 20 y. (Duty to adopt a code of conduct for members under the Localism Act 2011)* could not be included in the terms of reference for the GAP committee as this was a Standards Committee

responsibility. He asked for this clause to be omitted from the final draft. Councillor Oliver pointed out a typographical error on Item 20 v.

RESOLVED to adopt the Governance, Audit and Performance Committee's Term of Reference subject to the deletion of the reference to the Code of Conduct.

C13

### **APPOINTMENT OF COMMITTEES 2017/18**

Councillor Fairhurst put forward the following proposal, which was duly seconded:

*"To call for a report to the next Council meeting with proposals for the establishment of an investment committee to oversee the Council's commercial investments through Aspire and to give advice to the Council and its Cabinet on further commercial investment by the Council through Aspire."*

Councillor Howell, the Portfolio Holder for Finance and Administration, said there was no need for an Investment Committee. Full Council was, in a sense, an Investment Committee, as all investments would come to Council where each member had an equal vote. He said that Aspire was a stand-alone entity and the governance structure was deliberately put in place to keep it separate from Councillors. Aspire would appoint two non-executive Directors to guide the board and provide scrutiny. In his view, a Committee would disenfranchise the majority of Councillors and therefore he would be voting against the proposal.

Councillor Ranger said he did not understand why the proposal had been put forward. Large investment decisions had been taken in the past, with respect to the Council's housing stock, which had not required an Investment Committee. He would be voting against the proposal.

Councillor Ryles agreed and asked all members to work together and to put party politics aside in the interests of the district.

Councillor Lemon said he would be voting against the proposal as it would limit his participation in matters relating to investments and Aspire.

Councillor Loughlin said the proposal made the assumption that Councillors were not up to the task of making commercial decisions based around Aspire, and she did not agree with that view.

Councillor Richard Freeman said he had been to all presentations regarding Aspire but had played no part in the related decision-making. All options brought before Councillors had been pre-determined and therefore the decision-making process had not been inclusive. He would not have chosen to invest in a Science Park based in the UK. He questioned the competency of local authorities to run investments of this kind and told members that this would bind eight consecutive Council Administrations.

Councillor Lodge said the proposal was not intended to cause a political squabble but to find some cross-party consensus. He personally agreed with the investment in Chesterford Research Park, although members in his party did not. The point was that the investment committee would be composed of external independent members who could give specialist guidance on investment opportunities.

The Leader expressed appreciation for Councillor Lodge's comments. He reassured members that any major decision would be based on empirical evidence and on external expertise. The non-executive members would bring due diligence to the process.

Councillor Fairhurst said he was disappointed in the discussion. He had the best of intentions and this was not meant to be a debate fuelled by party politics.

The proposal was put to vote and was rejected.

The Council agreed the appointment of committees, and their chairmen, vice-chairmen and substitutes where indicated, in accordance with the nominations received from each of the political groups.

**Planning:** R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, M Lemon, J Lodge, J Loughlin (vc), A Mills (c), L Wells

**Substitutes:** A Gerard, G LeCount, V Ranger, H Ryles, G Sell

**Licensing and Environmental Health:** A Anjum, G Barker, R Chambers (c), J Davey, A Gerard, T Goddard (vc), J Gordon, E Hicks, S Morris, G Sell

**Substitutes:** D Jones, J Freeman, H Asker, R Freeman, J Loughlin

**Government, Audit and Performance:** G Barker, M Foley, J Davey, J Gordon, S Harris, N Hargreaves, D Jones (vc), G LeCount, B Light, E Oliver (c)

**Substitutes:** A Anjum, A Dean, J Freeman, M Lemon

**Scrutiny:** H Asker, G Barker (vc), R Chambers, P Davies, A Dean (c), M Felton, S Harris, M Lemon, G LeCount, B Light, E Oliver

**Substitutes:** A Gerard, A Mills, G Sell, L Wells

**Standards** K Artus (vc), H Asker, A Dean, N Hargreaves, P Lees, J Loughlin, D Jones, T Knight (c) G Sell.

RESOLVED to approve the appointment of Committee Membership.

C14

## **APPOINTMENT OF WORKING GROUPS 2016/17**

The Council agreed the appointment of the Council working groups, and their chairmen where indicated, in accordance with the nominations received from each of the political groups.

**Public Engagement Working Group:** A Dean, P Fairhurst, M Felton, S Harris, M Lemon (c), B Light, J Redfern

**Local Joint Panel:** A Dean, S Morris, H Rolfe (c)

RESOLVED to approve the appointment of Working Groups.

C15 **APPOINTMENT OF MEMBER REPRESENTATIVE TO SERVE ON THE ESSEX POLICE AND CRIME PANEL**

The Leader proposed Councillor Gordon to serve as the Council's member representative on the Essex Police and Crime Panel.

RESOLVED to appoint Councillor Gordon to this position.

C16 **REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader made a statement summarising the Council's position at the end of the 2016/17 year. He said it was important to remember that there was a Corporate Plan for the district which he hoped had cross-party consensus. The past year had been a busy one, particularly with regards to the Local Plan. The future of housing in the district was taking shape, analysis would be carried out to ensure the most appropriate sites would be put forward and the proposals would come to Council on 11 July as part of consideration of the draft Local Plan.

He said the commercial investment would help to tackle the Council's financial challenges in the medium term. Longer term issues would be addressed in the year ahead. Council tax had been raised by just under 2% to ensure local services were protected. Other areas of development included the establishment of a new waste depot and the investment in new waste vehicles.

The Leader was delighted to confirm that 35 additional council houses had been built in the past year and spoke of the progression made on the sheltered accommodation at Reynolds Court.

In terms of engagement, a Youth Council had been established and the Leader welcomed the young members who had attended the meeting. Progress had been made on member development and the parish forum. He thanked the Youth Engagement Working Group for all its work and told members that it would have a wider remit as the Public Engagement Working Group in the future.

There would also be a focus on enforcement, as demonstrated by the appointment of a Cabinet Deputy with a portfolio for enforcement

In the upcoming year, Manchester Air Group of Stansted Airport had applied for a new terminal and it was almost certain that a planning application would be received to increase the capacity of the airport from 35 million people per annum to 43 or 45mpa. A new Technical and Professional Skills Centre would also be built at the airport, which would specialise in subjects such as engineering, business, finance and logistics.

He was delighted that the Council could support the local voluntary sector and said that Uttlesford was one of the most generous districts in the county. He spoke of a new project dealing with the problem of social isolation. This was a particularly important subject for Uttlesford due to the sparsely populated nature of the district.

There had been progress on broadband development and an announcement of a £500,000 investment would be made with the aim of hitting a 95% coverage target by the end of next year.

He said he was pleased with the KPI results to be presented to the Performance and Audit committee, which was now to be known as the Governance, Audit and Performance Committee.

In conclusion, the Leader thanked Councillors, Officers and his Executive support team, particularly Janine Corbey, for all of their hard-work.

Councillor Redfern, the Portfolio Holder for Housing, gave a Building and Housing update. She said the in-house building control team had continued to thrive and had a market share of 84%, significantly better than neighbouring authorities. There had been success in bringing back a number of empty properties into Council ownership and thanked the Empty Homes Officer for his patience and hard work. With regards to the Housing Register, 149 new affordable homes had been completed, 107 of these were affordable rental homes and 42 were shared ownership

Councillor Susan Barker, the Portfolio Holder for Environmental Services, apologised that there were areas where bin collections had been delayed. She reminded members that there were 35,759 homes in the district, which equated to 3.7 million emptied bins a year. Targets had not been met but with more vehicles being put on the road, the district would be more resilient in future. She said that funding would be allocated to Grounds Maintenance and she was in correspondence with ECC to establish who was responsible for small, untended plots of land such as roundabouts or the area in Priors Green, Takeley which had been left unmaintained since the developers had left.

C17

## **MEMBERS QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND CHAIRMAN OF COMMITTEES**

Councillor Richard Freeman said there had been problems with bin collections at new housing estates. This was unacceptable for residents who had purchased a new house and paid their local taxes. They would expect the waste collection service to already be in place. Councillor Barker said she would check the procedure with officers and reminded members of the safety problems experienced with the current fleet of waste vehicles that had led to delays.

Councillor Lodge asked why the Residents for Uttlesford party had not been appointed to any key Council positions in comparison to the Liberal Democrats, who had the Chair of Council, Scrutiny and the Vice-Chair of Planning. The Residents party had no comparable positions, although it was the larger party.

The Leader replied that the dispute here was not about political balance but rather 3 unique positions, earned through convention, consensus and merit.

Councillor Asker asked the Leader if there was any ongoing discussion with Stansted Airport regarding a second runway. The Leader assured members that there was no ongoing discussion and the Council was officially opposed to a second runway.

Councillor Asker asked about the maintenance responsibility for areas within housing estates and new developments. She had received many questions from the public in Saffron Walden regarding small pockets of land that seemed to be neither the responsibility of the Town Council nor the District Council, but owned by third-part developers who had no interest in the local community. She said this had led to anti-social behaviour and caused issues for residents. The Leader said the Council had far less 'power' over developers if planning applications went through on appeal. Councillor Susan Barker said the issues raised by Councillor Asker could be resolved and there was a procedure to follow if the pockets of land in question were brought to her attention.

#### **C18 REVIEW OF STANDARDS CODE OF CONDUCT AND PROCEDURE**

Councillor Jones presented the report in the absence of the Chairman of the Standards Committee, Councillor Knight. He proposed that the recommendations in the report for a new Code of Conduct and procedures for dealing with breaches of the Code should be approved by Council.

RESOLVED to adopt the revised Standards Code of Conduct and Procedure.

#### **C19 SCRUTINY COMMITTEE REVIEW 2016-17**

Councillor Dean presented the review of the work of the Scrutiny Committee for 2016-17.

#### **C20 PERFORMANCE AND AUDIT COMMITTEE REVIEW 2016-17**

Councillor Oliver presented the review of the work of the Performance and Audit Committee for 2016-17.

#### **C21 MATTER RECEIVED FROM COMMITTEES AND WORKING GROUPS**

Councillor Ranger presented a revised Member-Officer protocol report, following the referral of the matter to the Constitution Working Group at the Council meeting on 4 April. Councillor Artus had proposed an amendment to the protocol and this had now been reviewed by the Constitution Working Group and agreement on wording had been reached. The group was now in a position to recommend the revised Member-Officer protocol to full Council.

Councillor Freeman asked for the following amendment:

- *To include the word 'Honest' in the 'to be' column – point 3.1, Working Relationships.*

RESOLVED to adopt the revised member-officer protocol including the above amendment.

C22

### **GAMBLING POLICY**

Councillor Susan Barker presented a report on updating the Council's Gambling Policy. Only minor amendments were proposed, although she highlighted the additional conditions put in place to protect vulnerable children and adults.

RESOLVED to approve the revised Gambling Policy with the new Statement of Principles to come into effect on 26 June 2017.

The meeting ended at 9.20 pm

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN at 7.30pm on 11 JULY 2017**

Present: Councillor G Sell – Chairman.  
Councillors K Artus, H Asker, G Barker, S Barker, J Davey, P Davies, A Dean, P Fairhurst, T Farthing, M Foley, J Freeman, R Freeman, A Gerard, N Hargreaves, S Howell, D Jones, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe and H Ryles.

Officers in attendance: D French (Chief Executive), D Barden (Communications Manager), R Dobson (Principal Democratic Services Officer), R Fox (Planning Policy Team Leader), G Glenday (Assistant Director – Planning) and S Pugh (Head of Legal Services).

**Public Speaking**

Statements were made by Chris Audritt, Andy Dodsley, Vincent Thompson, Jane Goodwin, Ken McDonald and Mike Young. Copies or summaries of the statements made are appended to these minutes.

C23

**APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Anjum, Chambers, Felton, Goddard, Harris, Hicks, Knight and Wells.

The Chairman reminded members that the Head of Legal Services had given advice that there was no necessity for members to declare as an interest their membership of town or parish councils.

Councillor S Barker declared an interest in that she was a member of Essex County Council.

Councillor Redfern said as a member of Great Chesterford Parish Council she felt it was necessary for her to declare an interest.

Councillor Dean said he wished to declare an interest in that his wife was a volunteer at the Gardens of Easton Lodge.

C24

**DRAFT UTTLESFORD LOCAL PLAN**

The Chairman welcomed all members and those members of the public in attendance, as well as those listening to the broadcast.

The Chairman said the only remaining item on the agenda was to give consideration to the recommendation of the Cabinet, at the meeting held last

Thursday, to publish the draft Local Plan for consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. All members had been given a copy of the full draft Local Plan under consideration at this meeting. It was also available, in full, on the Council's website.

The Chairman said members should note carefully that the decision to be made this evening was whether or not the draft Local Plan should be put out to consultation. If members felt it was not ready, they could vote against the recommendation. If members had reservations about particular aspects of the plan, they would have the opportunity to make representations during the consultation period. They would then be able to vote on the Plan when it returned to Council with the consultation outcome.

Councillor R Freeman said he would be proposing an amendment under Rule 11, and at the request of the Chairman provided in written form the amendment, so that a decision about when to take the amendment could be made.

The Chairman invited Councillor S Barker to speak.

Councillor S Barker presented the draft Local Plan for the regulation 18 consultation. She thanked officers for the great amount of work involved. There were three main parts to the consultation, housing allocations, employment allocations and the development of management policies. The consultation under regulation 18 was the opportunity to comment. She assured members and the public listening that every comment would be read and responded to. She explained that the document before members this evening had been amended to reflect minor changes which had been presented to Cabinet last week.

Councillor S Barker went on to say that a new settlement or settlements, following the Council's agreement in March 2016 as potential way of delivering its housing numbers, were now a reality of the draft Local Plan. Housing numbers had been arrived at by the consultants, ORS, using 2014 data, for the whole of the Strategic Housing Market Assessment (SHMAA) area, Epping Forest, East Herts, Harlow and Uttlesford District Councils. The number of homes needed was 14,100 per year. This was an enormous number of new homes, but it was important to recall that the Inspector had previously said the number in the East Herts plan had been insufficient because they were not taking account of the 2014 figures. Whilst far higher than anticipated, the figure of 14,100 was the one which had to be considered: the requirement to use the 2014 figures had been cited in the Inspector's comments on the East Herts plan, and had been recommended to this authority by planning inspectors and retained counsel. The figures for other neighbour authorities were all higher, but for Uttlesford were also challenging in percentage terms as against Uttlesford's base population. However, these numbers represented homes for the neighbours and children of people living in Uttlesford.

The Council had between 2011-16 built almost 500 new homes a year. In addition 4,513 planning permissions for dwellings as at March 2016 had been granted. The Council had built 70 homes a year from windfall allowance. The

balance of the supply would be Garden Community sites which were planned with capacity to be 1800 at Easton Park, 1900 in North Uttlesford and 970 at the site West of Braintree.

In proposing the settlements, officers had considered all three sites were needed to ensure a robust plan to deliver during the plan period and beyond it. All these allocations would result in infrastructure needs, including schools, water, health, open areas, broadband and 4G connectivity. Members were reminded that the National Planning Policy Framework set out economic, social and environmental themes which had to be met to realise sustainable development as well as home-grown jobs.

The policies since the last Local Plan had substantially changed, and therefore the Local Plan consultation provided opportunities to comment on the proposed sites in light of these policies. Councillor S Barker said she believed the draft Local Plan would deliver on housing needs. She proposed the motion.

Councillor Rolfe seconded the motion.

The Chairman invited Councillor R Freeman to speak regarding the amendment which had been circulated.

Councillor R Freeman proposed the amendment, which would add wording to the substantive motion, as follows: "This council agrees that residents' concerns emerging from this consultation will be noted and acted upon. Larger developments, especially the new 'Garden Villages', will be constructed with sufficient infrastructure to be independent of nearby communities. The Council will also take the necessary measures to ensure close and ongoing engagement and collaboration with developers and the communities."

Councillor Rolfe said all members could agree with the spirit of this amendment. This consultation was a genuine one. He was committed to proceeding on garden development principles. In terms of engagement, public meetings were already set up to ensure continual dialogue between developers, communities and the authority. Regarding the phrase "will be noted and acted upon", he would prefer to add "where possible".

Members made various suggestions as to how the amendment could be phrased.

Councillor Dean said he shared the concerns expressed by Councillor Rolfe, and suggested the wording "noted and taken into account". However the final sentence of the amendment was redundant in that the obligation described was implicit already.

Councillor Lees said it was important that members of the public should be assured that any sound point raised could be acted upon.

Councillor Gordon said he had difficulty with the phrase "acted upon", it was not possible to please everyone, and "take account of", or "be considered" was better. He also questioned what was meant by "sufficient infrastructure".

Councillor Artus welcomed the amendment, including the reference to sufficient infrastructure. He suggested “practicable” would meet the intention.

Councillor Fairhurst said it was a tall order to suggest that residents’ concerns could all be simply acted upon.

Councillor S Barker sought clarification as to which wording Councillor R Freeman wished to propose. She asked that the phrase “garden communities” be used rather than “garden villages”.

Following further comments about the wording, Councillor R Freeman, with the agreement of the seconder to the amendment, Councillor Lodge, read out the revised amendment to the substantive motion as follows:

“This council agrees that residents’ concerns emerging from this consultation will be noted and acted upon where practicable. Larger developments, especially the new ‘Garden Communities’, will be constructed with sufficient infrastructure to be independent of nearby communities. The Council will also take the necessary measures to ensure close and ongoing engagement and collaboration with developers and the communities.”

Councillor Redfern said she felt the amendment was unnecessary because she had been assured throughout the process that the whole idea was to be cross-party and inclusive.

Councillor Lodge said he would speak as seconder of the amendment.

Councillor Asker said the whole point was that the significance of regulation 18 would not be clear to everyone, and the amendment was to ensure that everyone could understand what this whole process was about.

Councillor Lodge said he was encouraged by the fact that the majority of the Council accepted the spirit of the amendment. He felt the pain of the potential development, and regretted that 14,100 houses had to be built. The Council was doing this because it had to. People should respond to the regulation 18 consultation, which he had promoted.

The Chief Executive said, if carried, the amendment would follow on from the wording of the substantive motion.

The altered amendment was put, as follows.

“This council agrees that residents’ concerns emerging from this consultation will be noted and acted upon where practicable. Larger developments, especially the new ‘Garden Communities’, will be constructed with sufficient infrastructure to be independent of nearby communities. The Council will also take the necessary measures to ensure close and ongoing engagement and collaboration with developers and the communities.”

The amendment was carried.

The Chairman opened the debate on the substantive motion.

Councillor Foley said he appreciated the great efforts and significant work of officers. He was concerned that land at Carver Barracks, which was not yet available, was not included in the draft Local Plan. He was also concerned at the prospect of large developments in the South of the district. He accepted bigger settlements could be preferable to “bolting on” smaller developments to existing settlements, but it was important to resist opportunistic developments which were given the “garden” label. The Council still didn’t have a “Plan B”, which seemed like predetermination.

Councillor S Barker said at this stage there could not be a “Plan B”. The Council was trying to find 640 homes a year, and if residents came up with reasonable suggestions in consultation then it would look at those.

Councillor Redfern said she agreed officers and the Planning Policy Working Group were delivering what they could. She found the prospect of three settlements challenging. One was in her area. Having the regulation 18 consultation was helpful. As member for Great Chesterford, she had great concern about the effect on the area. She encouraged all residents from the area to attend the forthcoming community meeting, and to take part in the consultation. It was unreasonable to act as if North Uttlesford was not part of Great Chesterford. She would like the proposals to include a green belt around the village to avoid predatory development.

Councillor Ranger said he also echoed the thanks expressed by other members to the planning policy team and the Working Group, as well as to the many hundreds of people who had contacted him. He requested that responses be given to all who participated in the consultation, but asked also that those taking part should treat the consultation as a narrative, and read everything from start to finish. He urged all consultees to consider the past, present and future, with regard to benefits that well thought out planning could bring to future generations, including supporting close family links. The Plan deserved members’ support.

Councillor Redfern said she represented six parish councils, most of which had had their July meeting and would not usually meet in August. She would like to see the consultation extended slightly.

Councillor Fairhurst said the Local Plan had come a long way. He was keen to see a hybrid scheme, which was evidence-based. There was still a long way to go. A number of issues had yet to be resolved, including air quality and housing numbers. This draft Local Plan was not a fait accompli. Members were here tonight to vote whether to go to regulation 18 consultation, not preconceived detail. The process was about listening, asking and considering. He asked that people give it an open mind.

Councillor Lees said Elsenham and Henham had taken part in previous consultation, which was again important to this process. She agreed with the

comment from Councillor Redfern regarding the duration of the consultation, since many parish councils did not meet in August.

Councillor Hargreaves said, with reference to the point made by Mr McDonald and Mr Young, that calculation of the housing need figure of 14,100 should be tested. It was clear this Council did not have an auditable figure, despite his having requested this information many times. He did not understand why the calculations could not be made available, so that the validity of the figures could be checked. The figure looked high, and did not appear to him to be right, in which case it could make a difference to the areas potentially affected.

Councillor S Barker said ORS had presented to workshops on a number of occasions, but it was necessary for members to turn up to such events.

Councillor Hargreaves said he wanted the information, in a format for studying, not a powerpoint.

Councillor Morris asked for clarity on the version of the local plan document before members, as there were some changes from the one she had been working with as part of the Saffron Walden Neighbourhood Planning team. In particular there were some significant differences in relation to the section on sports facilities, a subject she had a keen interest in. The document was not marked as a separate version.

Councillor Rolfe said there had been a series of changes put forward at the Planning Policy Working Group which had gone to Cabinet. Such changes had been included in the new version of the draft Local Plan before members. He confirmed this document was the version which would be the subject of the Regulation 18 consultation.

Councillor Dean said he supported the recommendation before Council. It had been a long and tortuous journey. The district was now asked to consider the draft Local Plan, and it was the Council's job to listen and act accordingly. This was a serious set of proposals and a shift from the initial plan. The initial one in 1990 proposed mainly sites on brownfield land, but little of such land remained available now. There was a housing crisis. Some areas would have to change. He saw no credible alternative to three garden communities. Councillors had been ably assisted by officers. Last Autumn the numbers had increased again, and so there were three sites, but it turned out that all three were needed. He had had many emails giving views on why these sites should not be chosen. He would ask that people should also consider what they wanted if a new community did go ahead. That way the area would get the best possible outcome. The reason he had abstained from supporting the amendment was that it dealt only with concerns, and didn't address the positives. He looked forward to improvements in the draft Local Plan, and invited fellow councillors to support the motion in putting the draft Local Plan to consultation.

Councillor Mills said he had been a member of the Planning Policy Working Group, and followed the process throughout. He was a member for Felsted and Stebbing, and he supported the draft Local Plan, this was the best solution. He had some sympathy regarding the question of clarification of the right numbers

for delivery of housing. He did not like numbers to be rounded up, but he suspected the figure was about right. The transport study had not considered the impact of developments at Great Leighs, or Marks Tey, or the potential increase in passengers at Stansted Airport to 33 million passengers per year. How this factor would impact on Junction 8 was not clear. The spatial strategy only put 44 in the Class A villages, and there might be scope, but this was a working document. Finally, regarding the need for three settlements, this provision gave some leeway. Uttlesford had succeeded up to now in building 500 houses per year, and had maintained a five year land supply. He supported the resolution.

Councillor Loughlin said she would vote for the resolution because in a democracy there was a need to consult people. Whilst the parish councils would not be sitting during the consultation period, this was not a parish council subject, and the consultation was for everyone. Everyone deserved a voice. In relation to the point raised by Councillor Morris, she said the agenda pack referred to the modifications to the document as considered at Cabinet last week. The modified document included reference to provision of open spaces and playing pitches facilities.

Councillor Rolfe thanked colleagues for the maturity of the debate and cross-party unanimity. Members knew of the Council's statutory responsibilities and the consequences of failing to fulfil them. There was also a moral case. Reference had been made to legacy, as a council preparing for the future. Nationally there was a housing crisis. Fortunately Uttlesford did not face that kind of crisis. Nevertheless, if the Council didn't create homes, then it would not be undertaking its duty. The numbers were a sensitive issue. There were four authorities in the SHMAA, and the consultant company, ORS, which was considered expert by the Department for Communities and Local Government (DCLG), had advised on the figures. There was detail for people to read if they wished. When the draft Local Plan had been unsuccessful in December 2014, he had forcefully made the point to the Minister, Brandon Lewis MP, that numbers must be correctly given in order for the Council to work from them. Since then, the Council had had very good support from DCLG, two inspectors, the council's own QC and also could take note of what was happening in East Herts, all of which pointed to a figure of 14,100. He felt the pain: he had lived in one of the villages affected for 37 years. He recognised that this development should take place throughout Uttlesford. It was inappropriate that all of it should go in the South of the district. He understood why officers had come to the recommendations that they had. Regarding the length of time of the consultation, Cabinet had extended it until 4 September, nearly a week more. This was in his view sufficient time for those interested to respond. Regarding Carver Barracks, the intention of the Army was not to vacate the site until 2031, so clearly it could not be part of this Plan.

Regarding the amendment, he was happy to support it, but wanted to emphasise, that those intentions had always been there. The new development would be carried out according to garden community principles. This was an iterative process. Junction 8 was a key factor. These aspects were part of the next phase. This was about a consultation, it was not a planning application. He encouraged colleagues to support the recommendation.

Councillor G Barker requested that the question be put.

The Chairman agreed. He said he agreed with Councillor Rolfe's comment that this serious matter had been debated with maturity. It was a privilege to live in the district, and like others, he was very conscious of the significance of the decision before members tonight.

Councillor S Barker summed up. She said the debate had been adequate. It was necessary to go to consultation and to hear the views of the public. In terms of the vote, if there was not a unanimous show of hands, she requested a recorded vote.

Councillor Foley said Councillor Rolfe had referred to a moral responsibility. He understood that, but the Council also had a moral responsibility to protect the countryside as well as agricultural land, to protect food security for the future.

The Chairman reminded members of the original recommendation and the amendment which was now part of the substantive motion. He reminded members of the public that it was pertinent to suggest any improvements they would like to see when responding to the consultation. This was a meaningful consultation, views would be listened to.

The resolution was put to the vote and carried, with one member voting against.

#### RESOLVED

- 1 that the draft Local Plan be published in accordance with Regulation 18 of the Town and Country Planning (Local Planning ) (England) Regulations 2012;
- 2 that residents' concerns emerging from this consultation will be noted and acted upon where practicable. Larger developments, especially the new 'Garden Communities', will be constructed with sufficient infrastructure to be independent of nearby communities. The Council will also take the necessary measures to ensure close and ongoing engagement and collaboration with developers and the communities.

The meeting ended at 9.05pm.

#### **Public speaking statements**

Statement of Chris Audritt (overleaf)

# FULL COUNCIL MEETING – 11<sup>TH</sup> JULY 2017

## LOCAL PLAN PRESENTATION

Speaker - Chris Audritt

SPEAKING AS A RESIDENT OF LITTLE EASTON AND UNTIL RECENTLY A PARISH COUNCILLOR THIS IS NOT JUST ABOUT LITTLE EASTON.

IT IS ABOUT THE IMPACT ON THE WHOLE AREA OF A DEVELOPMENT OF THIS SIZE AND THE EFFECT IT WILL HAVE ON GREAT DUNMOW AND THE SURROUNDING AREA FOR GENERATIONS TO COME.

THE INCLUSION OF EASTON PARK IN THIS LOCAL PLAN IS THE WORST OF BOTH WORLDS.

THE 1800 HOUSES IN THIS PLAN PERIOD WOULD CREATE AN ISOLATED NON SUSTAINABLE SETTLEMENT WITH HOUSES DELIVERED SLOWLY IF THE EXPERIENCE WITH LAND SEC AT EBBSFLEET IS ANYTHING TO GO BY.

THE PROPOSAL FOR 10000 HOUSES AT EASTON PARK AND THE 3000 HOUSES EITHER INCLUDED IN THE NEW LOCAL PLAN, OR WITH PLANNING PERMISSION BUT YET TO BE BUILT IN GREAT DUNMOW, WILL CREATE AN URBAN SPRAWL FROM GREAT DUNMOW ALONG THE STORTFORD ROAD TO EASTON PARK AND ON TO LITTLE CANFIELD, TAKLEY AND TOWARDS BISHOPS STORTFORD.

WHAT IS OF REAL CONCERN IS THAT UDC HAVE LEARNT NOTHING FROM THE PREVIOUS FAILED LOCAL PLAN WHERE ELSHAM WAS PURSUED DESPITE ALL THE OBVIOUS PROBLEMS WHICH THE INSPECTOR HIGHLIGHTED IMMEDIATELY.

UDC COMMISSIONED AN INFRASTRUCTURE DELIVERY PLAN FROM TROY PLANNING, IN MAY 17, WHICH SPECIFICALLY SAID TWO ACCESS POINTS ARE REQUIRED FOR EASTON PARK AND WITHOUT THEM ACCESS TO EASTON PARK IS A RISK TO SCHEME DELIVERY.

HOWEVER AT THE 22<sup>ND</sup> JUNE PPWG MR FOX FROM UDC AND THE ESSEX HIGHWAYS REP BOTH SAID THERE WOULD ONLY BE ONE VEHICLE ACCESS

PARK ROAD HAS ALREADY BEEN EXCLUDED BY LAND SEC AND UDC AS A VEHICLE ACCESS POINT – COUNCILLOR ROLFE EVEN SAYING AT THE PPWG IN MAY IT WOULD

Statement of Andy Dodsley (overleaf)

At the Parish Forum last week, there was wide disbelief from local people that the development of two major sites along the A120 corridor – 20,000 new houses and an additional 6000 car journeys at peak time – will not totally overwhelm our already congested transport infrastructure.

Councillors from many parish councils, not just those directly impacted by the proposed developments, expressed their concerns that the transport study vastly underplays the impact that these developments will have upon the local road network – particularly the A120 and Junction 8 of the M11. Villages are already used as rat-runs to avoid the existing traffic issues around the district and these plans will lead to a huge increase in congestion.

Does the council seriously believe that they will be able to generate a so called “modal shift” in transport habits whereby people in rural areas will move away from their cars? We don’t think so.

Little Easton Parish are determined to preserve our heritage for future generations and we believe that the proposed Easton Park development is the wrong development in the wrong place and if it happens will deliver urban sprawl from Great Dunmow to Stansted Airport filling in all the open countryside, more than trebling the size of Dunmow from 3800 to 17000 houses with a further 10,000 just down the A120 at Stebbing.

It will deliver the irreversible destruction of the settings of vast numbers of listed heritage assets – So many in fact that they could not all be accommodated in the heritage impact assessment for Easton Park and were not individually assessed in the same way as all the other sites – An approach we still disagree with and will continue to challenge.

This proposal will have an enormous detrimental impact on this area’s unique identity, exceptional rural setting and wildlife, which unquestionably goes against the National Planning Policy Framework.

It will deliver the destruction of an historic deer park - concreted over by 10,000 homes. Once it’s concreted over – it’s gone forever.

A wonderful dark sky landscape will be blighted by light pollution.

Valuable agricultural land will be gone forever

This is more than just a blight on the local area – it is the total destruction of it.

Your vote today is a critical stage in the process. You are merely the current caretakers of our district and what you do now will affect this area long after you are gone.

Before voting today, I would urge you to consider the legacy that you will be leaving – Is your legacy to future generations to be the paving over of our heritage, and the creation of creeping urban sprawl and travel chaos?

I hope you will agree that it isn’t a legacy to be proud of.

Statement of Vincent Thompson (overleaf)

## VT to UDC PPWG on 22 June 17

Councillors.

I address you on behalf of the Residents Action Group, **STOP EASTON PARK.**

**I am concerned. Concerned that:**

- You are encouraged to vote in favour of proposals that are deeply unsympathetic to the rural nature of our District;
- That the Local Plan lacks detail in key areas;
- That the drop-in exhibitions are limited to three and a half hours each;
- And that the public have only six weeks in which to respond.

In short, the cart has been put before the horse to fit a predetermined plan. And now these proposals are being forced on your electorate, your tax payers without due process or consultation.

As you know it is the Inspector who must decide whether or not the Plan is 'sound'. Your attention has been focused on a narrow, legalistic definition of the word 'sound'. But I am advised that the Inspector's primary obligation is to use his judgement or what some might call common sense.

So, using your common sense, before you vote, I ask you to consider:-

- Does it make sense to embark on building a New Town of 10,000 houses for maybe 30,000 people so close to a major airport?
- In line of the prevailing wind with the attendant health issues?
- Under a major flight path with resultant noise issues?
- Directly alongside a working quarry?

Statement of Jane Goodwin

I am a parish councillor for Stebbing Parish Council. We are disappointed at the recommendation for the sites located at land West of Braintree as a Garden

Community. The land has been identified by Braintree District Council and seems to have been simply accepted by Uttlesford. Residents of Stebbing who have raised concerns have been told in patronising tones that they are NIMBYs. Stebbing is an established community, those living there fully accept aspects of living in the countryside such as erratic internet connection. We chose not to be urban dwellers. Residents deserve to continue the lifestyle they chose. Stebbing Parish Council has been told there would be consolation with various offers such as bypass, but we feel a greater responsibility to preserve the rural area for future generations. If a bypass is a genuine inducement, why isn't everyone demanding one elsewhere? Existing smaller scale development had already been proposed, but now the proposal for a Garden Community has come forward. You as a council may be relieved about that prospect: we are not.

#### Statement of Ken McDonald

Good evening. My name is Ken McDonald. I have lived in Uttlesford for 36 years. I am a Chartered Accountant and was for many years a financial director and company secretary. I am accustomed to working with figures and words, and I understand the concepts of auditing and audit trails.

At last week's Cabinet meeting, we heard councillors say that the housing numbers were much higher than expected. Rather than shrugging shoulders, shouldn't somebody other than me be ringing alarm bells? It may seem very late in the construction process to be questioning the soundness of the foundations, but I have been raising specific and detailed concerns about the Strategic Housing Market Assessment – the "SHMA" - for the last 20 months. When do you stop trying to save a drowning man?

Sadly, after getting not a glimmer of satisfaction from UDC, I hold out very little hope that anyone will take these matters seriously until I spell out the deficiencies for the benefit of the Inspector. That's a pretty sad indictment of Uttlesford's claims to consult and to welcome constructive comment.

Time and time again I have heard statements that your plan is evidence-based yet, whilst I have seen "evidence", some of it logical and some not, I have not seen how it has been taken into account or how the housing targets for Uttlesford have been derived. Have you?

Sadly, the only evidence is inference, hearsay and Chinese whispers – but no audit trail. As Mr Glenday remarked in January, there is a need to "show your workings".

But we have still not seen any workings that demonstrate how Uttlesford's housing need forecasts have been calculated.

Last week, when Mr Fox was asked to comment on my repeated complaint, rather than offer workings, he claimed that the SHMA had been reviewed by several eminent people.

But, as far as I am aware, those reviewers were not given a copy of my detailed challenges and my "demolition" of some of the weaknesses and deficiencies in

the SHMA. So, the reviewers' verdict of "innocent" came after hearing only the evidence for the defence, but not the evidence for the prosecution.

One of those reviews was carried out by the Planning Advisory Service in December 2016. Rather than endorsing the Plan, I would say it was rather damning. Mr Glenday's remarks about the need to "show workings" echoed one of their recommendations.

Yet we still have not seen any workings; there is no audit trail – one of the failings that led to the rejection of the 2014 Plan.

In this vacuum of evidence, can you really endorse a Plan that will commit Uttlesford to percentage population growth faster than ever seen before, and faster than almost every other district in the country?

#### Statement of Michael Young

The most critical figure in the Local Plan is that for housing need. Some of us have been questioning the calculations for over 18 months. No-one understands them, no-one can follow them and no-one can explain them. We are told that the results have been confirmed by independent experts – but what did they say? A consultant from the Planning Advisory Service said that the apportionment to Uttlesford was "not clear" and he could find "no explanation". The QC said that work needed to be strengthened and the Inspector from the Planning Inspectorate said the report "didn't show its workings", "the process wasn't clear" and you couldn't tell whether it was right or wrong. Why are these comments being dismissed and ignored?

I can't say whether the figures are right or wrong and neither can these paid consultants. So why are councillors so sure?

The final test to any calculation must be – does it look reasonable? The proposed expansion for Uttlesford is one of the largest in the country and far greater than our neighbours'. Can this be right? The only response we get from the council is to be told that the exercise is transparent and evidence-based. Neither is true.

We need councillors who are prepared to think outside the cliché and challenge these results.

I will give one example where the figures are clearly wrong. The figure for extra employment at Stansted airport is given as 8,000. But no consultant has ever been asked to check this figure and the correct figure is at least 5,000 fewer jobs. I can say this with confidence since it is taken from a consultant's report that was paid for by the airport and supporting organisations.

This overstatement of jobs was first pointed out to the Working Group in November 2015 and despite being regularly repeated has been continually ignored.

I am sure we will be told that this is a consultation exercise and will be given the predictable reassurances about all comments being taken into consideration. But how can we be confident that comments made in the next eight weeks will receive any more attention than those ignored over the last twenty months?

The Plan as drafted will totally transform the nature of our district. Is that what you want? I would submit that only if you are certain that all the figures are correct and can be fully justified can you vote in favour. Otherwise you must ask for it go back to the Working Party to be properly validated.

**Committee:** Council

**Agenda Item**

**Date:** 25<sup>th</sup> July 2017

**6a**

**Title:** Discretionary Rate Relief Policy 2017/18

**Author:** Councillor Simon Howell and Howard Ryles    Item for decision  
yes

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## Summary

1. The Government has undertaken a national revaluation of all commercial premises. From 1 April 2017, all premises will have been assigned a new 'rateable value' used to calculate business rates bills. The last time there was a revaluation was in 2010. This will be based on a valuation date of the 1<sup>st</sup> April 2015

The revaluation has resulted in the business rate bills charged on many businesses and companies in Uttlesford increasing significantly. Business rate bills have increased on average by 16% for most high street shops and premises within the district.

In this year's Spring Budget 2017, the Government announced additional discretionary reliefs which would be brought in under the S47 regulations, to support those businesses facing steep rises in their business rates following the revaluation.

### ***Local Business Rate Discount – funded locally***

*Section 69 of The Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows Councils to grant locally determined business rate discounts (in addition to the already available discretionary rate reliefs).*

*The new power recognises that the current business rates scheme is broadly prescribed by Central Government and its aim is to provide increased flexibility to local authorities to support organisations, recognising variations in economic conditions across and within local authority boundaries.*

These new reliefs would be implemented without legislation, and would be fully funded by Central Government under a S31 grant subject to qualifying criteria.

**Recommendations**

- 2. The Council is recommended to approve the following reliefs as set out in the main report and Appendix A
  - a. New discretionary rate reliefs
    - i. Supporting Small Businesses Relief
    - ii. Pub Relief
  - b. Revised criteria for Local Rural Rate Relief

**Financial Implications**

- 3. The new reliefs proposed to be included in the policy are funded by S31 grant. There is an overall reduction in cost in the local scheme to be amended compared to 2016/17.

**Background Papers**

<https://www.gov.uk/government/collections/business-rates-information-letters>  
<https://www.gov.uk/government/consultations/discretionary-business-rates-relief-scheme>

**Impact**

Communication/Consultation	None
Community Safety	No specific implications
Equalities	An EQIA is included with the main report
Health and Safety	No specific implications
Human Rights/Legal Implications	No specific implications
Sustainability	No specific implications
Ward-specific impacts	No specific implications
Workforce/Workplace	No specific implications

**Mandatory amendments**

- 4. Government have amended the criteria for the mandatory Small Business Rate Relief. Previously 50% relief was given to businesses with a Rateable Value (RV) below £6,000. For businesses between £6,000 and £12,000 a sliding scale of 1% for every £120 RV was applied.
- 5. The criterion has now been amended to allow 100% relief on all businesses with an RV of less than £12,000. For businesses over £12,000 RV, the sliding scale has been amended to 1% for every £30 of RV up to a maximum RV of £15,000.

6. In previous years the Council ‘topped up’ the relief to 100% for businesses with an RV below £6,000 and this was funded from S31 grant.

### **Discretionary Rate Reliefs**

7. The Council has an approved discretionary rate relief policy which has been in place since 2014; however this now needs amending to include the new discretionary reliefs and proposed amendments to current reliefs. The updated policy is shown in full in Appendix A.
8. The 2017 revaluation has had a significant impact on many businesses and in particular on our smaller local businesses.
9. The Government has provided transitional relief centrally where the rateable value exceeded a certain cap depending on the size of the business. They have also reduced the multiplier for all and amended the Small Business Rate Relief (point 5) to mitigate the impact of the revaluation. But this still left many businesses struggling with their new rateable values.

### **New Discretionary Reliefs**

10. In the spring budget, Government announced proposals for further new reliefs to support businesses; these are discretionary and will be funded through the S31 grant subject to meeting the prescribed criteria and members approval.
  - **Supporting Small Businesses Relief** – for businesses who are losing some or all of their small business or rural rate relief. This relief will limit the amount of rates payable in each year to the greater of
    - Cash value of £600
    - or
    - The matching cap on increases for small properties in the transitional relief scheme.

The cash minimum increase will stay flat in each year which means that under this scheme by year 5 the eligible ratepayer’s bill will not exceed more than £3,000 increase from their 2016/17 bill.

- **Pub Relief** – For Public Houses with a rateable value below £100,000.
    - Eligible Public Houses will receive £1,000 discount
11. The impact of the revaluation has meant 12 businesses have now received rates bills between £4,665 and £9,747, where prior to the revaluation they received full relief from either the Small Business or Rural Rate relief of which they now no longer qualify.
  12. By including the two new reliefs as detailed in point 7 all the worst affected businesses will receive either full or part relief.
    - 46 small businesses will be entitled to Supporting Small Businesses relief, with relief awards ranging from £38 to £9,147

- 34 businesses will receive the Pub Relief

### **Current transitional reliefs to be amended**

13. The Local Rural Rate Relief is discretionary and funded locally. It is proposed that due to the increased rateable values the upper level criteria is increased proportionally from £25,000 to £27,500.
14. The increase in the Local Rural Rate Relief is offset due to the Government increasing the RV eligibility for Small Business Rates Relief plus increasing relief from 50% to a mandatory 100% (point 4-6).
15. In 2016/17 the Council supported 7 businesses via the Local Rural Rate Relief scheme; the cost of this to the Council was £57,403.
16. Due to changes in the Small Business Rates Relief, 3 of the 7 businesses supported through the Local Rural Rate Relief in 2016/17 now receive Small Business Rates Relief.
17. In 2017/18 if the upper limit remains at £25,000 this reduces the number of businesses eligible from the remaining 4 down to 2, the 2 non-eligible businesses would receive no support.
18. If the eligibility is increased to £27,500 all of the remaining 4 businesses would still qualify for Local Rural Rate Relief.

	<b>Cost of Relief</b>	<b>Funded by S31</b>	<b>Funded by UDC</b>
Supported Small Business Rates	£124,000	£124,000	
Pub Relief	£ 35,000	£ 35,000	
Rural Rate Relief @ £25,000	£ 15,378		£ 15,378
Increased cost of Rural Rate Relief @ £27,500	£ 15,378		£ 15,378
<b>Total cost of reliefs</b>	<b>£189,756</b>	<b>£159,000</b>	<b>£ 30,756</b>

### **Revaluation Relief Fund**

19. The Government has announced that £300 million Transitional Relief funding will be allocated for local councils to finance business rates relief for revaluation support.

20. The Government's extra funding will only support relief schemes targeted at businesses facing an increase in their business rate bills following the 2017 revaluation.
21. The revaluation support scheme is a locally determined scheme and the Council is required to consult the major preceptors on any proposed scheme.
22. This funding is available for 4 years on a reducing basis and Uttlesford's share of this funding is shown in the table below

2017/18	2018/19	2019/20	2020/21	Total
£311,000	£151,000	£62,000	£9,000	£533,000

23. The Revenues team are carrying out detailed data analysis on all businesses that either fall outside of the current reliefs or are still in financial hardship after all other reliefs have been applied. This analysis will enable Members to establish a scheme that is fair and targets those businesses who facing financial hardship due to their revaluation.
24. It is anticipated that the scheme criteria will cover a 2 year period
25. The eligibility criteria will be set on a reducing basis in line with the funding available this will allow qualifying businesses time to plan ahead for future years as their relief award reduces.
26. The Business Rates Team will work closely with the Economic Development Team on providing support and guidance to local businesses.
27. A full report with detailed analysis and proposed options for a scheme will be presented to Cabinet on the 10<sup>th</sup> July.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If these reliefs are not implemented this would cause significant financial hardship to local small businesses	2	2	To implement all reliefs as above, there is minimal financial risk as the majority of reliefs are funded by S31

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**BUSINESS RATES - DISCRETIONARY RATE RELIEF POLICY****EFFECTIVE 1<sup>ST</sup> JULY 2014****UPDATED 25<sup>th</sup> May 2017****Policy objectives**

1. To support the local economy by providing incentives for occupation of empty premises, encourage business start-up and business expansion within Uttlesford.
2. To support rural communities by providing assistance to businesses operating in rural locations.
3. To contribute to maximising the Council's financial position under the business rates retention scheme by encouraging longer term rateable value growth.

**Administration**

4. The policy will be administered by the Council's Revenues service, who will determine the relief application process.
5. The Revenues service will determine applications for relief, using the criteria set out in this policy. Applications for the Business Development category of relief will be assessed by the Council's Economic Development Officer who will notify the Revenues service of decisions made. The Council will have discretion to backdate awards of relief to the beginning of the current billing period.
6. Eligibility for relief will typically be based upon objective criteria such as the rateable value, location and nature of an organisation's business. A business's profitability will not ordinarily be a relevant factor for determining eligibility. The intention is for a streamlined process that is simple to administer for both applicants and the Council. The Council shall have the right to request any additional information it considers necessary to determine an application.
7. The over-riding consideration in the determination of any application is that the granting of relief must be judged to be in the wider interests of the Uttlesford community and its council tax payers.
8. Appeals against unsuccessful applications for relief will be determined by the Section 151 Officer, whose decision shall be final. There shall be no further right of appeal.
9. The granting of discretionary relief will typically be on a rolling one-year basis so that the Council has the agility to adjust the policy to reflect changing needs and circumstances. However the Council reserve the right to make in year adjustments should the businesses circumstances change and the qualifying criteria for the award are no longer met.
10. The policy will be subject to annual review and approval by the Cabinet.

**State Aid Limitations**

11. All granting of discretionary rate relief is subject to limitations under applicable State Aid legislation and associated De Minimis Regulations.
12. The Regulations currently allow a business to receive up to 200,000 Euros of state aid over a rolling three year period.
13. In practice, this means that smaller, independent businesses are more likely to be eligible for relief and larger, national businesses (e.g. chain stores) less likely.

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<b>Supporting Small Businesses relief</b>	For small businesses who are losing some or all of their small business or rural rate relief	Not applicable	<p>To support ratepayers by limiting the amount of rates payable in each year to the greater of ;</p> <ul style="list-style-type: none"> <li>• Cash value of £600 or</li> <li>• The matching cap on increases for small properties in the transitional relief scheme.</li> <li>• The cash minimum increase will stay flat in each year which means that under this scheme by year 5 the eligible ratepayer will not be paying more than £3,000 than they did in 2016/2017</li> </ul> <p>LA's will be fully reimbursed under s31 grant</p> <p>Eligibility will <u>not</u> be lost with a change of occupier but will be lost if the property becomes vacant or is occupied by a charity or Community Amateur sports Club</p>
<b>PUB RELIEF</b>	For Pubs with rateable value below £100,000	Not applicable	<ul style="list-style-type: none"> <li>• All eligible pubs will receive a £1000 discount on their bill.</li> <li>• The government will compensate Local Authorities for the cost of granting the relief through a section 31 grant</li> <li>• Currently subject to government consultation</li> </ul>
<b>Local Newspaper Relief</b>	Local newspapers occupying office space	Not applicable	<ul style="list-style-type: none"> <li>• One discount per newspaper title</li> <li>• Discount of £1500</li> <li>• 2 years only from the 1<sup>st</sup> April 2017</li> <li>• S31 grant</li> </ul>
<b>Rural Rate Relief</b>	Within a rural settlement with a population below 3,000, a sole general store, post office, food shop, public house or petrol station	<p>Within a rural settlement with a population below 3,000, the following will receive 100% mandatory rate relief:</p> <ul style="list-style-type: none"> <li>• A sole general store, post office or food shop with a RV of less £8,500</li> <li>• A sole public house or petrol station with a RV of less than £12,500</li> </ul>	<p>Within a rural settlement with a population below 3,000:</p> <ul style="list-style-type: none"> <li>• A sole general store, post office, food shop, public house or petrol station with an RV exceeding the stated thresholds, but with an RV of up to £16,500, may be considered for up to 100% discretionary rate relief.</li> </ul>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
			<ul style="list-style-type: none"> <li>• <b>NEW FOR 2017/18:</b> A sole general store, post office, food shop, public house or petrol station with an RV of between £16,501 and £27,500 may be considered for 100% discretionary rate relief up to the value of the £16,500 RV level. For example, a qualifying business with an RV of £18,500 would receive 100% relief up to £16,500 RV and have to pay rates on the remaining £2,000 RV.</li> <li>• Discretionary local rural rate relief will be applied after any other applicable reliefs have been deducted.</li> </ul>
<b>Charitable relief</b>	Registered charities  Registered Community Amateur Sports Clubs  Community Interest Companies	Charities and Registered Community Amateur Sports Clubs are entitled to 80% relief where the property is occupied by the Charity or Club and is wholly or mainly used for charitable purposes or as a Registered Community Amateur Sports Club.	Charities and Registered Community Amateur Sports Clubs may be considered for up to 20% discretionary rate relief.  <b>From 2014/15:</b> Community Interest Companies that have charitable aims (and use profits for charitable purposes) may be considered for up to 100% discretionary rate relief.
<b>Business Development relief</b>	New non-retail SME businesses starting up, operating from new premises or premises that have been unoccupied for 12 months*  Expanding non-retail SME businesses who enlarge their existing premises, or occupy an additional premises that is new or has been unoccupied for 12 months*  *including the conversion of former agricultural buildings	Not applicable	<b>From 2014/15:</b> Qualifying businesses can be considered for discretionary rate relief of 50% for the first year and 25% for the second year. In the case of enlarged premises, the relief would be on the difference between the rates payable on the original premises and the rates payable on the extended premises.  This is subject to demonstrating that: <ul style="list-style-type: none"> <li>• A minimum three year lease / occupancy commitment exists*</li> <li>• The business will endeavour to ensure that at least 50% of the business's employees are Uttlesford residents</li> <li>• The business will endeavour to ensure that at least 25% of the business's supplies and services expenditure is with Uttlesford businesses.</li> </ul>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
			*In the event of the business vacating the premises within the first three years, the Council reserves the right to clawback the rate relief granted.
<b>Small Business Rate Relief</b>	Qualifying Businesses with a rateable value of up to £14,999 will receive small business rate relief  For properties from 15,000 – 50,999 will have their business rates calculated with the small business rate multiplier	From 1 <sup>st</sup> April 2017 Businesses with an Rateable Value up to £12,000 will receive 100% relief  RV £12,000 to £14,999 – 100% relief decreases on a sliding scale by 1% for every £ 30 of RV between £12,000 and £ 14,999. RV £15,000 to £ 51,999 – no relief is allowed but the bill is calculated using the small business multiplier	None
<b>Flooding Rate Relief</b>	Businesses whose premises were flooded due to bad weather between 1 December 2013 and 31 March 2014	Not applicable	100% rate relief for three months from the date of the first flooding. (approved by Full Council 27 February 2014)
<b>Unoccupied property rating</b>	Any business	Business rates are not payable in the first three months that a property is empty. This is extended to six months in the case of certain industrial properties.  Certain definitions and exemptions apply – please see the website.	None
<b>Hardship Relief</b>	Businesses who are suffering financial hardship because of a one-off event demonstrably beyond their control.	Not applicable	UDC local scheme Discretionary rate relief of up to 100% for a limited period depending on circumstances. Consideration would also be given to deferring payment due dates.

**Committee: Full Council**

**Agenda Item**

**Date: 25<sup>th</sup> July 2017**

**6b**

**Title: Business Rates - Revaluation Relief**

**Author: Councillor Simon Howell and Howard Ryles** Item for decision

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## Summary

1. The Government has undertaken a national revaluation of all commercial premises. From 1 April 2017, all premises will have been assigned a new 'rateable value' used to calculate business rates bills. The last time there was a revaluation was in 2010. This will be based on a valuation date of the 1<sup>st</sup> April 2015

The revaluation has resulted in the business rate bills charged on many businesses and companies in Uttlesford increasing significantly. Business rate bills have increased on average by 16% for most high street shops and premises within the district.

In this year's Spring Budget 2017, the Government announced additional discretionary reliefs which would be brought in under the S47 regulations, to support those businesses facing steep rises in their business rates following the revaluation.

### **Local Business Rate Discount – funded locally**

*Section 69 of The Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows Councils to grant locally determined business rate discounts (in addition to the already available discretionary rate reliefs).*

*The new power recognises that the current business rates scheme is broadly prescribed by Central Government and its aim is to provide increased flexibility to local authorities to support organisations, recognising variations in economic conditions across and within local authority boundaries.*

These new reliefs would be implemented without legislation, and would be fully funded by Central Government under a S31 grant subject to qualifying criteria.

## Recommendations

2. The Council is recommended to approve the Revaluation Relief Funding scheme as detailed in the main body of the report from point 6 to point 16.

## Financial Implications

3. Central Government have provided specific funding and the proposals contained in this report have no impact on council funds.

## Background Papers

None

## Impact

Communication/Consultation	None
Community Safety	No specific implications
Equalities	An EQIA is included with the main report

Health and Safety	No specific implications
Human Rights/Legal Implications	No specific implications
Sustainability	No specific implications
Ward-specific impacts	No specific implications
Workforce/Workplace	No specific implications

### Business Rates Reliefs

4. Following the 2017 revaluation of all Businesses and the subsequent increased rateable values, the Government introduced new rate reliefs, to be administered under Local Authorities discretionary powers, these are funded from Grants, either Section 31 or a specified grant.
5. A report was presented to Cabinet on the 25<sup>th</sup> May 2017 and will be submitted to Full Council on the 25<sup>th</sup> July 2017 for approval. The report detailed the following reliefs;
  - a) **Supporting Small Businesses Relief** – for businesses who are losing some or all of their small business or rural rate relief.
  - b) **Pub Relief** – For Public Houses with a rateable value below £100,000  
The two reliefs above are funded via the Section 31 grant and have no financial impact on the Council.
  - c) **Local Rural Rate Relief** – to increase the upper limit from a rateable value of £25,000 to £27,500 and this is funded locally.

### Revaluation Relief Fund

6. The Government announced that £300 million Transitional Relief funding would be allocated for local councils to design a business rates relief scheme to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation.
7. Small businesses under 20,001 RV are protected by the main transitional relief scheme to a 5% cap, and therefore do not need to be included in this scheme
8. The Government's extra funding will be ringfenced to support relief schemes targeted at businesses facing an increase of 12.5% or more in their business rate bills which were directly related to the 2017 revaluation.
9. The revaluation support scheme is a locally determined scheme and the Council is required to consult the major preceptors on any proposed scheme.
10. The funding is allocated over four years on a reducing basis and Uttlesford's share of this funding is shown in the table below.
11. Business Rates Information Letter (BRIL) 4/2017 stated that 'the design and administration of schemes is for authorities to decide and does not necessarily need

to follow the distribution methodology used in the consultation to determine allocations’.

12. The Council will only receive funding equal to the reliefs it has allocated; it is a ‘use it’ or ‘lose it’ scheme.

2017/18	2018/19	2019/20	2020/21	Total
£311,000	£151,000	£62,000	£9,000	£533,000

13. For businesses to qualify for the revaluation relief they must have a rateable value of less than £200,000 and suffered increases of 12.5% or more.

14. It is proposed that the scheme will be based on the following principles;

- a) The scheme will cover a period of three years, with the allocation for 2020/21 to be added to 2019/20.
- b) National and large chain businesses will be excluded\*
- c) The scheme is by application only
- d) Relief will be awarded on the following basis
  - i. year 1- 50% relief
  - ii. year 2 – 25% relief
  - iii. year 3 – 12% relief
- e) A contingency pot will be held each year to cover any changes in businesses valuations

*\*A group of outlets owned by one company and spread across various locations nationwide or worldwide, with similar appearance and providing similar services or goods across the outlets.*

15. The revaluation relief funding is applied after all other reliefs have been allocated.

16. A detailed analysis of local businesses has been carried out to identify all businesses who have suffered large increases due to revaluation and are either not eligible for any other reliefs or still have significant increases after other reliefs have been applied.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If these reliefs are not implemented this would cause significant financial hardship to local businesses	2	2	There are no financial risks as funding is allocated by Government

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Committee: Cabinet**

**Agenda Item**

**Date: 10 July 2017**

**6c**

**Title: Carver Barracks Running Track**

**Portfolio Holder: Cllr Ranger**

Item for decision  
Yes

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## Summary

1. This report invites the Cabinet to consider providing the sum of £500,000 by way of a grant to Carver Barracks to enable match funding for the provision of an eight lane running track. The money would be funded from the Strategic Initiatives Fund.

## Recommendation

2. If Cabinet concludes that the funding should be made available, it is recommended that
  - i. Cabinet resolves to make the payment subject to endorsement by Full Council
  - ii. that the sum of £500,000 is given as a grant, with terms as set out in this report.
  - iii. That delegation is given to the Director of Finance and Corporate Services and the Head of Legal, in conjunction with the Portfolio Holder for Communities and Partnership to agree the terms of the grant.

## Financial Implications

3. The funding requested will, if approved, be drawn from the Strategic Initiatives Fund. There are no other financial implications arising from this report.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Sports Facilities Development Strategy: January 2016

## Impact

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	Debden and Wimbish
Workforce/Workplace	None

## Situation

### Negotiations with the Army

5. There has been ongoing discussion for a number of years about the provision of a running track at Carver Barracks. The facility would be open to both the Army and the public with the administration and maintenance being undertaken by the Army. To demonstrate the commitment by councillors to the scheme the Council paid for the planning application.
6. The contribution sought by the Council would make matched funding available from the LIBOR fund for the project. It would also release further grants for the project of £196,000.
7. An agreement was close to being reached when the Ministry of Defence announced the future closure of Carver Barracks. The date of closure is currently scheduled to be 2031.
8. Lengthy discussions have been held with the Army Estates – Land Management Services as to a way forward to give an element of protection for the Council investment should the facility close early.
9. The only option offered is for a refund of approximately £35,000 for each year that the facility closes using 2031 as the baseline. For example if it closed in 2029 the Council would receive back £70,000 and if it closed in 2025 the refund would be £210,000. Both of these examples assume whole years.
10. The Army is ready to proceed with the project and say that the facility could be in place within 22 weeks, possibly quicker.
11. In addition to providing a running track, a full size football pitch would be provided in the space within the track.

### Sports Facilities Development Strategy

12. Evidence for the need of a running track is contained within the Uttlesford District Council Sports Facilities Development Strategy which was adopted by Cabinet on 16 February 2016. The identified current assessed deficiency is stated as “Emerging demand for a specialist athletics facility in the north of the district”. The action to the plan is to “confirm the arrangements for secured community access to the proposed 400m track at Carver Barracks”.
13. The report makes the following audit findings regarding running facilities:
  - **Demand** - There are four local running clubs, although there is no club in the Stansted sub-area. According to the most recent ‘Active People’ survey, 8.2% of the adult population of Uttlesford runs at least once a week, compared with the national average of 6.5%.
  - **Supply** - There is no synthetic athletics track in Uttlesford, but some needs are served by two facilities in neighbouring areas.
  - **Accessibility** - Tracks in neighbouring areas are available for hire by clubs and individuals at rates that are unlikely to preclude access.
  - **Used capacity** - There is some spare capacity at both neighbouring tracks.

- **Access** - A large area in the north of the district is beyond the catchment of the nearest track.

14. The report summarises consultation findings as follows:

- **UK Athletics and England Athletics** stated that:
  - A marked-out, hard-standing and lit running route for the Saffron Striders club may provide an appropriate alternative to a track.
  - In the absence of a track and field club in Saffron Walden at present and with plans for a satellite/after school club for juniors taking time to develop, it is difficult to make a clear case for specialist track and field facilities at present.
  - Should the Carver Barracks project proceed, then UK Athletics and England Athletics would be supportive of the existing clubs using the site, although at this stage they see no need for field event facilities, since they believe that only endurance athletes would use the track.
  - Some consideration should be given to exploring demand for a Compact Athletics Facility, but given the lack of a track and field club in the area it is difficult to ascertain current demand in the area.
- **Saffron Striders Running Club** confirmed that they have 146 members at present, but 'no lit, open areas for running in the dark. Hence a lot of running takes place on roads which is not ideal for safety and has acted as a barrier to setting up junior running activities'. Specialist track and field facilities of some sort would help to rectify this.
- The Army base at Carver Barracks near Debden is the base for two Engineer Regiments who want to develop sports facilities on the base, primarily for use by the armed forces but also with community access. The Army has developed proposals that include an 8-lane 400m track as part of the package of provision.
- 100% of respondents to the sports clubs survey believe that there are too few athletics facilities in the district at present.

15. The strategy assesses current provision and need as follows:

There is some emerging demand for a facility in the north of the district. The UK Athletics 'Facilities Strategy 2014 - 2019' (2014) defines a hierarchy of athletics facilities provision, which includes the following elements at a district level:

- **Club Training Venues** - Track and field facilities (indoor and outdoor) that have a strong anchor club(s) with 100+ track and field members and a focus on athletes at the Event Group stage of the Athlete Development Model, promoting appropriate training and competition opportunities. To support site sustainability, Club Venues should have excellent social and ancillary provision and facilities that actively encourage multi-sport usage. Club venues are suitable for low level competitions only.
- **Compact Athletics Facilities** - A new generation of affordable and sustainable indoor and outdoor athletics satellite facilities that provide a stepping stone into Club Venues. Compact Athletics Facilities are designed to fit available spaces and budgets, and provide functional, inspiring, facilities at which people of all ages and abilities can improve their fitness and confidence and develop the fundamental athletics movement skills of run, jump and throw.

The provision of a Compact Athletics Facility in Saffron Walden, in conjunction with other multi-sport facility developments in the town, would be the most appropriate scale

of facility to meet the needs arising from current local development initiatives. However, the proposed provision of a 400m track at Carver Barracks, it would comprise an additional means of meeting local needs.

## Conclusion

16. In order to secure the matched funding a council decision needs to be made by the end of July. The funding will come from the Strategic Initiatives Fund and is a Cabinet decision. However an undertaking was given that all councillors would be able to vote on the proposal, hence the recommendation to Full Council.
17. If Full Council endorses the allocation of funds Officers would work to agree amongst others, right and times of access to the track which would mirror those in place for the other facilities on site.
18. The current “heads of terms” for the proposed grant, submitted by the Army, are appended to this report. Further work would be needed to develop these and the recommendation proposes that officers are given delegated authority to settle these, in consultation with the Portfolio Holder for Communities and Partnerships. terms of the proposed grant. T
19. The project would take approximately 22 weeks to complete and therefore the work would be complete by early 2018

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Issues would arise as this would be a non-commercial arrangement and would therefore be based to a large extent on trust.	1 The council has an excellent working relationship with the Army and meets regularly to ensure this continues.	3 The Council investment could be at risk	The council has an excellent working relationship with the Army and meets regularly to ensure this continues. We will document the arrangement with the Army, establish regular liaison regarding community use and seek to include a dispute resolution procedure.
Access to the running track is removed earlier than 2031.			Pro-rata refund of monies paid. Potential to add running of the site to the PFI contract
The Barracks start to wind down in anticipation of closure and the Army is unable to manage the facility.	2 As the 2031 date approaches there is a risk the service personnel responsible for the administration of the site will disappear	3 The loss to the community of the facility	The running of the asset could/would transfer to 1Life as part of the PFI contract. This would include any maintenance requirements.
Adequate community access is not provided.	1 this would be set out as part of the initial grant agreement	3 the inability of local groups to access the facility	Assurances are being sought from the Army about the level of community access to be provided. This would form the basis of a more

			detailed memorandum of understanding about operation of community access. We would seek to protect the Council's position by the inclusion of a dispute resolution mechanism and provision for the Council to end the agreement and secure pro rata return of the grant if adequate community provision was not made.
Maintenance, repair and renewal. The understanding is that maintenance costs will be met by the Army. It is not clear what the position would be if major works were needed and the Army would probably be reluctant to pay for significant work as the date of expiry of the facility approaches.	2 the likelihood increases, as does the amount of work needed, as the closure date approaches	3 the potential loss of the site to users due to poor maintenance, or the requirement for the Council to take on the responsibility	Seek to include a right for the Council to terminate the agreement and secure a pro rata refund if the track is not adequately maintained.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**HEADS OF TERMS**

**8 LANE ATHLETIC TRACK AND MULTI-USE GAMES AREA WITH FLOOD LIGHTING AT  
 CARVER BARRACKS, WIMBISH, SAFFRON WALDEN**

**SUBJECT TO CONTRACT**

<b>Property:</b>	An athletics track, MUGA, associated floodlights and sufficient parking spaces (to be constructed); and an existing pavilion.  Access to the Property via the public highway
<b>1:</b>  <b>Telephone:</b>  <b>Contact:</b>  <b>Solicitors:</b>	The Secretary of State for Defence c/o Defence Infrastructure Organisation, Bazalgette Pavilion, RAF Wyton, Huntingdon, Cambridgeshire, PE28 2EA    TBC
<b>2:</b>  <b>Telephone:</b>  <b>Contact:</b>  <b>Solicitors:</b>	Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex, CB11 4ER   Adrian Webb <a href="mailto:awebb@uttlesford.gov.uk">awebb@uttlesford.gov.uk</a>  TBC
<b>Use:</b>	Community and Health uses to be defined but likely to include: Community groups, meetings and activities Skills training/educational classes Cultural sport and leisure activities Other uses and activities agreed between MOD and UDC.
<b>Permitted Users:</b>	Clubs, schools and other associations approved by UDC and MOD.
<b>Permitted hours of use:</b>	At times and dates to be arranged in advance at the discretion of MOD.
<b>Fees:</b>	£500,000 contribution towards the development of the Property.
<b>Term/Duration:</b>	From the date the Property is ready for use until such time as the land known as Carver Barracks is sold by MOD, estimated 2031.
<b>Break Option:</b>	1: MOD to be able to terminate the agreement given 1 months' written notice for reasons of national security 2: MOD to be able to terminate given 12 months' written notice for any reason and at any time. 3. In the event of MOD terminating the agreement, a partial refund of

	the contribution (on the basis of straight line depreciation), is to be made to UDC.
<b>Conditions:</b>	Subject to military & board approvals. Subject to Contract.
<b>Legal Fees:</b>	Each party to pay own fees.
<b>Dated:</b>	14 <sup>th</sup> June 2017



**Committee: Full Council**

**Agenda Item**

**Date: 25 July 2017**

**9**

**Title: Delegation of Electoral and Boundary Reviews to the Governance, Audit and Performance Committee**

**Author:**

Item for decision:  
yes

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## Summary

1. The functions of the Electoral Working Group have been subsumed into the Governance, Audit and Performance Committee. Matters formerly considered by the working group were recommended for approval by the Full Council. Now that a committee of the Council is available to deal with reviews of this nature it seems sensible to delegate these matters to enable the effective management of electoral and boundary reviews.

## Recommendations

2. That approval is given to delegating the following matters for decision to the Governance, Audit and Performance Committee:
  - Carrying out and giving effect to the outcome of community governance reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
  - Carrying out and giving effect to the outcome of statutory and interim reviews of polling districts and polling places as needed.

## Financial Implications

3. There are no direct financial implications as it is anticipated all reviews of this nature will be accommodated within budget.

## Background Papers

4. There were no papers referred to by the author in the preparation of this report.

## Impact

- 5.

Communication/Consultation	Consultation arrangements are incorporated into all statutory electoral and boundary reviews
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Community Safety	N/A
Equalities	Equality considerations are taken into account in undertaking all reviews
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

### Situation

6. It is expected that a community governance review and an interim review of polling districts and polling places will be programmed in the work schedule for democratic and electoral services to be completed by November 2017.
7. Although the Interim Head of Legal Services will be bringing a report to members in due course with a suggested list of overall delegations to the Governance, Audit and Performance Committee, the immediate powers requested will be helpful in completing the planned reviews.

### Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
1 – democratic controls will be achieved either by reporting to Council or to the Governance, Audit and Performance Committee	1 – the reviews will be undertaken with full accountability	1 – see comments opposite	1 – all reviews will be undertaken with full consultation

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee:** Council

**Agenda Item**

**Date:** 25 July 2017

**10**

**Title:** Local Government Association Corporate Peer Challenge

**Author:** Dawn French

Item for decision:  
yes

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## Summary

1. This report requests Council to note the findings following the Local Government (LGA) Peer Challenge Review.
2. The Corporate Management Team has considered the findings of the Peer Challenge report and developed an action plan to address the key recommendations within the report for Council to agree.

## Recommendations

3. That Council note the findings and key recommendations from the Local Government Corporate Peer Challenge (appendix 1)
4. That Council agree the action plan that addresses the key recommendations (appendix 2)

## Financial Implications

5. The resources required, where necessary, are identified within the action plan.

## Background Papers

None

## Impact

Communication/Consultation	The LGA Peer Challenge team spoke to more than 75 people to obtain views and feedback. One of the recommendations relates to improving communication and engagement.
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a

Human Rights/Legal Implications	n/a
Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	A focus group was held with staff and their feedback incorporated into the report. One of the recommendations relates to improving the council's holistic workforce strategy.

## Situation

6. During November 2016 the Local Government Association undertook a peer challenge. Peer challenges are a tool for assisting councils to identify areas for improvement, provide challenge and share learning. The process involves a small team of local government peers spending time with the Council. Peer challenges are not a formal inspection and are designed to complement and add value to the Council's own performance and improvement.
7. The scope and focus of the peer challenge
  - i. Understanding of the local place and priority setting
  - ii. Leadership of place
  - iii. Organisation leadership and governance
  - iv. Financial planning and viability
  - v. Capacity to deliver
8. The team spent three days on site and met with more than 75 people including a range of council staff together with councillors and external stakeholders. They gathered information and views from more than 18 meetings with visits to key sites and additional research and reading.
9. Their report is attached at appendix 1.
10. The findings have been shared with staff and the corporate management team have prepared an action plan in response to the recommendations; this is attached at appendix 2.
11. Progress against the plan will be regularly monitored and reported the Governance, Audit and Performance Committee.
12. The LGA peer challenge process includes a follow up visit. The purpose of the visit is to help the Council assess the impact of the peer challenge and the progress it has made against the areas of improvement and development

identified by the peer team. The timing of the visit is yet to be agreed but will be organised at a time when the council would most benefit from a further assessment.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
There is a risk that the council fails to action the recommendations made, resulting in missed opportunities for the residents, communities and businesses in the district and the staff and members of the organisation.	1	3	Action plan has been drafted that will be regularly monitored; a revisit will be arranged at a suitable time.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.





# Corporate Peer Challenge

## **Uttlesford District Council**

8<sup>th</sup> – 10<sup>th</sup> November 2016

Feedback Report



## 1. Executive Summary

Uttlesford District Council (UDC) is a well-run and stable council that is highly regarded by partner organisations, stakeholders and staff. The view of members is one of UDC being efficient and effective. Members who have experience of representing more than one council feel this strongly. Uttlesford itself is a great place to live with high employment (80.2%). It has a mix of heritage sites, thriving towns and rural landscape. Uttlesford also benefits from good transport links. Stansted Airport is within the district, there are train connections to London and it has the M11 and the A120 running through it connecting it to other parts of the region and London.

UDC has a fairly new leadership team. The chief executive has been in post less than a year and the leader has been in post for approximately 18 months. The peer team felt that this new leadership team was bringing energy to the council and its partnership working. The leader has been described as accessible to staff, members and partners and the chief executive is seen to be already having a positive impact on the district.

UDC is thought to be a positive and friendly place to work by its staff. The council is supportive and staff are proud to say that they work for UDC. It was evident that staff hold strong public service values and want to serve the community in the best way possible. There is a good skills base within the council and staff are well-motivated and keen to deliver. The council could maximise this asset by developing a comprehensive workforce strategy. This would help the council with its talent management, change agenda and succession planning. The council could also be strengthened through the creation of a member development strategy. This would ensure that all members in the council were confident about the expectations of their role within the council and as community leaders.

The council had a financial crisis in 2007 which had a profound impact on the organisation. Since then it has benefited from good financial management and is currently in a more fortunate position than many other councils. It has the capacity to deliver its own services, support partners and provide a high level of grant aid to the voluntary sector. One consequence of this is that the council lacks a burning platform. Without this there is less of a driver for change, although this is not to say that there isn't an appetite within the council for improvement and modernisation. The council does need to consider how it avoids complacency, maintains momentum for innovation and how it fosters a culture of change and modernisation. Whilst Uttlesford is currently financially stable, many other parts of the public sector are changing and evolving to deliver innovative services with less funding and UDC needs to reflect and respond so that it doesn't get left behind when facing future challenges.

Partnership working is strong in Uttlesford and the council has solid links and relationships with the business sector, the police, health and the voluntary sector. The council is well regarded by its partners both regionally and sub-regionally but there is further work to be done in strengthening existing relationships to enable different types and the intensity of service delivery. This would create some resilience for the council. It has good working relationships with two LEPs - Greater

Cambridge Greater Peterborough (GCGPLEP) and South East (SELEP) as well as the London Stansted Cambridge Consortium (LSCC). The council needs to continue to develop its position as a place of opportunity with regional and sub- regional partners and maximise its resources, assets and great transport links to enhance the councils influence and role on a wider economic development stage

Communication is one aspect of work within the council that has room for improvement. Partners know that UDC is committed to working together but they don't always know the outcomes of discussions. It is essential that UDC create a feedback loop for all their interactions, with staff, partners, and residents so that there is universal awareness of any results and decisions. Often it is the case that a matter has been dealt with or a problem has been solved. UDC needs to be braver in shouting about its successes but also informing stakeholders of any outcomes generally. This will result in greater buy-in and more satisfaction and understanding from residents and partners.

## **2. Key recommendations**

We have included a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions. The following are the peer team's key recommendations to the council:

1. ***Continue to develop your position as a place of opportunity with regional and sub-regional partners***
2. ***Communicate and engage effectively at every level***
3. ***Create a compelling narrative and subsequent transformation agenda***
4. ***Review and re-provide member development / investment***
5. ***Improve your holistic workforce strategy***
6. ***Strengthen the partnership relationships and increase the intensity of delivery***
7. ***Continue to take pride in what you do.....***

## **3. Summary of the Peer Challenge approach**

### **The peer team**

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and

expertise and agreed with you. The peers who delivered the peer challenge at Uttlesford District Council were:

- Andrew Muter, Chief Executive, Newark & Sherwood District Council
- John Cotton, Leader of South Oxfordshire District Council
- Sal Khan, Head of Service, East Staffordshire Borough Council
- Thomas Gower, NMT Officer, West Sussex
- Ami Beeton, Peer Challenge Manager, LGA

### **Scope and focus**

The peer team considered the following five questions which form the core components looked at by all Corporate Peer Challenges cover. These are the areas we believe are critical to councils' performance and improvement:

1. Understanding of the local place and priority setting: Does the council understand its local context and place and use that to inform a clear vision and set of priorities?
2. Leadership of Place: Does the council provide effective leadership of place through its elected members, officers and constructive relationships and partnerships with external stakeholders?
3. Organisational leadership and governance: Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. Financial planning and viability: Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
5. Capacity to deliver: Is organisational capacity aligned with priorities and does the council influence, enable and leverage external capacity to focus on agreed outcomes?

In addition to these questions, you asked the peer team to provide feedback on member support, engagement and the change readiness of the organisation.

### **The peer challenge process**

It is important to stress that this was not an inspection. Peer challenges are improvement-focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement focus. The peer team used

their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 3 days onsite at Uttlesford District Council, during which they:

- Spoke to more than 75 people including a range of council staff together with councillors and external partners and stakeholders.
- Gathered information and views from more than 18 meetings, visits to key sites in the area and additional research and reading.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (8<sup>th</sup> -10<sup>th</sup> November 2016). In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

## **4. Feedback**

### **4.1 Understanding of the local place and priority setting**

Uttlesford is made up of two market towns - Saffron Walden and Great Dunmow, a range of key villages; Elsenham, Takeley, Great Chesterford, Newport, Stansted Mountfitchet and Thaxted and a number of smaller parishes. The towns within the district are thriving and have not suffered greatly with the recession. Saffron Walden in particular is a busy successful market town with many independent retailers.

It is a predominantly rural district with transport links to London and Cambridge and it also hosts an international airport – London Stansted Airport. The connectivity via public transport links within the district itself is poor outside of the road network. This has caused problems of rural isolation and loneliness for some residents who have trouble accessing services or finding employment if they do not own a car. Whilst there is high employment generally across the district and large areas of affluence, the council is aware of pockets of deprivation within Uttlesford and strives to ensure that all residents can access the services that they need.

The council has recently refreshed its corporate priorities and senior management at the council have a strong understanding of the council's strengths and how they fit with the priorities for the council. The council needs to ensure that all members, staff and partners are aware of these priorities and that they are the driver for any decisions or changes that the council makes. A

strong evidence base needs to be in place to support the decision making process and align service delivery to the corporate priorities. The council currently looks to support partners and services it can but in the wake of future funding challenges it needs to consider a rigorous evidence based approach to support and deliver only those services that align with the council's priorities and objectives. This will also make the performance monitoring process more streamlined and effective.

Currently, UDC has a positive working relationship with Manchester Airport Group (MAG) who now own and operate London Stansted Airport. This has evolved and strengthened over the years moving from a position of opposition to the airport to one where it sees the benefit of working with the airport and works together to facilitate growth and development for the district (whilst being clear about its opposition to a second runway). This pragmatic approach is also demonstrated in the relationships that the council has with the business sector and the support that is available for the many micro businesses. The council needs to continue to demonstrate to partners within the sub- region and region that Uttlesford is a great area for growth and economic opportunity. At the same time as championing growth opportunities, the Council is sensitive to challenges such as rural deprivation that some parts of the district face. Linking the benefits of growth to measures which address pockets of disadvantage is an opportunity for the Council. One issue which the Council is aware of is the demand for additional employment land so that local companies can grow and expand in the district. This was identified through work on the Local Plan. The peer team recommend that UDC should consider whether this should be a stronger priority for the council. If more employment land was found this could help the council to build its position with partners and the LEPs as a key area which can grow. The council also has an opportunity to use its investment strategy to place itself in a strong position with economic development partners.

The council is active in the health and wellbeing delivery to residents and the leader has a strong understanding of the health needs and requirements of the district. He is keen for the council to get more involved with the Hertfordshire and West Essex Sustainability and Transformation Plan (STP) which covers the area of Uttlesford. But it is proving difficult, as it is for many councils across the country to effectively influence the STP process with partners. UDC needs to continue its current role of understanding partners' strategic health programmes so that it can effectively lead, reflect and influence where and when it can as the agenda moves forward.

The average house price in the district is currently £450,300 compared to a regional average of £299,400 (August 2015). With an average income of £24,575, the average house is more than 18 times the average income and housing affordability is a continuing issue that the council and its communities have to face. This has put a strain on housing stock and other housing solutions. In terms of housing development the council has a strong focus on the social rented sector. The council needs to consider strengthening the contributions of other affordable housing and the private rented sector to help solve the housing challenges that the district faces. This is something the council is already looking at.

## **4.2 Leadership of Place**

Officers and members are recognised and valued as community and place based leaders by partners and stakeholders. Both the leader and chief executive are described as accessible and keen to deliver services well. Externally the key contacts for the council are the leader and chief executive. There could be room here to maximise capacity within the council and for other members and staff to increase their visibility outside of the district and look to work with and share good practice with other councils and partner organisations in the region. Partners reported that the new chief executive was already having a positive impact on the district.

There are strong partnership arrangements in place with the business sector, the police through the community safety partnership and the voluntary sector as well as with the County Council. This is demonstrated through the council's support of the voluntary sector, the Police hub within the council building and the positive relationship that has been created with MAG, who operate London Stansted Airport. UDC has been successful in working with the airport and the county council to progress the potential for the first HE college to be built in the district..

The council has taken a supportive and traditional community role, partly due to its stable financial position but it needs to now consider whether there are new opportunities to build more effective relationships. Partners feel that sometimes the council has an inward focus and that the council looks to provide all the solutions to any problem that arises rather than sharing this responsibility externally. Now would be a good time for the council to change its focus and reach outwards encouraging and empowering partners to deliver services and avoid possible duplication. It should also consider whether all of the work with partners is aligned to deliver the council's objectives. A stronger partnership approach will provide the council with some needed resilience in case the financial situation changes and it is unable to deliver everything as it has done previously. A good example of where this has already happened is the delivery of the council's own sports and health improvement service; this has been reviewed and new commissioning arrangements have been put in place that facilitate these services being delivered more efficiently and effectively by their sports and fitness facilities provider. The council needs to continue this programme of reviews.

## **4.3 Organisational leadership and governance**

There is a good organisational spirit at UDC. Staff were proud to work for the council and it is perceived as a friendly place to work by staff, members and stakeholders. It was clear to the peer team that the new chief executive and corporate management team have brought a new energy to the organisation which has been well received by staff and members. Staff and stakeholders generally see leading members as accessible and approachable.

Regular appraisals are taking place throughout the organisation with a completion rate of 86% which is a great improvement on previous years but is still short of a 100% completion rate. Staff expressed concern that in the past they felt it was difficult to follow the golden thread from

the council's vision and objectives through to individual and team activities. Communication around this needs to be strengthened to ensure that all staff understand their contributions to the council's objectives. There is an appetite in the council for change and improvement. This needs to be supported by good engagement of staff and members and excellent communication with effective feedback loops.

Communication was a recurring theme that cropped up in discussions with staff, members and stakeholders. Some of the issues will be picked up in this section whilst other issues are covered later in the report under engagement.

There is scope across the council to improve communications internally and externally. This is a key issue for the council and one that it needs to get right. At times it can appear that the council is not acting on an important issue when in reality it just hasn't communicated about actions which they have taken. An example of this is when some UDC members have learnt about UDC issues via their parish council colleagues. This has a reputational impact for the council and also makes members feel isolated and disengaged.

Staff also feel that communications need to be improved. Some staff felt that they had to ask what issues are being discussed or find out what the outcome has been after something has been agreed. They are keen to be involved earlier in decision making so that they can contribute and be involved in the delivery process. Staff want to understand how their role contributes to delivery of the council's objectives. More regular and proactive communications will help members and staff to take ownership and feel more involved in the whole council delivery of services rather than just a service or ward area. Staff understanding the issues across the council could also lead to greater innovation and cross team working. This will build on the existing dedication that staff have towards public service and supporting vulnerable people

Whilst members and officers worked generally well together there were a few areas where this was more strained. Members were pleased that the forward planning process had been improved. Some members said they did not always feel that they were listened to and that sometimes they did not feel sufficiently well-informed to be able to contribute effectively to decision-making. Whilst these were not universally held views, it is clear that this has meant that some relationships within the Council have been strained at times. The process to develop the Local Plan is an example of an issue where some Members feel they could have been better informed and more involved. Following the decision to pause the local plan process the council has an opportunity to reassess and support all members to gain a clearer level of understanding about how the decision-making process will work and what role and influence members have at different stages of the process.

The Peer Team recognise that the Council has a number of relatively recently elected members and that different levels of knowledge and experience can sometimes leave some Members with a perception that they are not as involved as they should be. We therefore stress the importance of the recommendations in section 4.6 of the Report

#### 4.4 Financial planning and viability

UDC has strong financial health which demonstrates the effective political and managerial leadership that is in place e.g. the council has had early sign off of its Statement of Accounts. This is a very different position to the financial crisis that the council faced in 2007. There is no doubt that this crisis has shaped the way the council has operated and staff are very proud of their contribution to the council operating at a difficult time when it continued to deliver key services to residents. The council is now in an enviable position, being in the top quartile for many financial indicators. Members are proud of the progress the council had made in terms of financial performance in recent years. The council may need to consider how far the crisis of 2007 continues to shape the focus on finances and the mostly traditional way in which the council operates. The peer team believe that UDC need to consider the different approaches that can be applied to encourage innovation and allow the council to find untapped opportunities for cost saving and efficiencies. This would help to support its long term viability and modernise the way in which it operates, allowing the council to be flexible and responsive to change.

The peer team found that the council has a credible Medium Term Financial Strategy with a sound understanding of future financial risks, including potential business rate appeals, especially in regard to Stansted Airport, the outcome of business rate retention consultation, reforms to new homes bonus and the fair funding review. The council has identified potential for further cost savings if required but the peer team feel that this could be strengthened by looking at the current expenditure on discretionary services that do not support the council's priorities and agency staff. Whilst agency staff may be required in the short term, the council needs to look at other options to reduce its reliance on this. It was acknowledged that many councils in the East of England had trouble recruiting and retaining professionals, often losing out to London and Cambridge. Again a holistic workforce strategy will help to identify solutions for this.

The council takes a positive approach to supporting partners financially and supporting voluntary sector projects. Whilst this is to be commended the changes that are being made in regards to the application processes for grants for the voluntary sector and the increased accountability of the recipients will ensure a more robust and sustainable process. The more rigorous approach that the council is adopting will demonstrate how the council aligns its funding and grants to meet councils objectives and the needs of its residents.

The council operates most of its services in-house which is a traditional approach to service delivery. It has had limited success so far with shared services due to a variety of reasons. However, Essex County Council delivers part of the HR role for the council and there are other smaller examples, including delivery of the council's insurance service by a neighbouring district. Nonetheless, the peer team believe that, notwithstanding the challenges, this is a route that the council should continue to explore with partners and other councils. Sharing services with other councils could provide opportunities for efficiencies and provide the council with some resilience which it will need as the funding regime changes. It would also help recruit and retain high quality staff.

The council is in the process of rationalising some of its assets e.g. moving 3 depot sites into 1 more efficient site that would serve the district and free up the land to help with housing numbers; it is also marketing some of its main office accommodation that is surplus to requirement. This is an example of how the council is looking to be more commercially minded - thinking about income generation but also about the needs of the economy and community. The council has also set up wholly owned subsidiary companies of the council around housing and maintenance. Whilst these have not started trading yet it does show that UDC is keen to think about alternative sources of income.

The council also has a solid resource base in its staff. UDC could harness the knowledge and enthusiasm of its staff to identify further income streams and efficiencies. This approach would be supported by more cross organisational working and less silo based service delivery. The peer team felt that officers were not always empowered to take appropriate decisions. For example the decision on cleaning of the council building is an operational decision for officers. Where members have set clear organisational priorities and policies, officers should be able to take decisions about the best way to deliver priorities within the council's policy framework.

#### **4.5 Capacity to deliver**

It is clear from speaking to stakeholders that the council is seen as having well motivated competent and professional teams. This is supported by the positive results of the customer satisfaction survey results, particularly for frontline services and feedback from partners. It is clear that UDC is doing a good job in delivering lots of services and currently has the capacity for this. The council may need to review this in future years as the funding changes. A prioritisation exercise will be fundamental to any review to ensure that the right services are being delivered.

There are good examples of career progression throughout the council with staff being able to rise up through the organisation via development and promotion. To ensure that this is sustainable, UDC needs to develop a comprehensive workforce strategy. This would allow them to take into account the difficulties they face in the recruitment of professional roles e.g. planning, staff retention, rewards and talent management. UDC needs to look at options to address staff salary levels as they are currently in the lowest quartile for pay. When needed UDC has the option of paying market supplements for key posts. Whilst this addresses the problem in the short term, the council needs to think about longer term sustainability and resilience. Market supplements will also be extending the pay gap even further with permanent members of staff which could potentially lead to staff looking elsewhere for a new job with a higher salary.

Whilst there is capacity within the organisation, there is a lack of agile working and of a corporate resource across the council. Currently projects, training and development and innovation happen within a team or silo environment. The council would benefit from cross

organisational working as this would increase resilience and innovation. A holistic workforce strategy would help with this whilst also looking at talent, development and succession planning.

There is a recognition within the council of the potential that Information Technology could help to enable improvement e.g. technological changes in digital and customer services. There is not currently a corporate approach to IT and it is felt that silo based decision making has resulted in some systems not being joined-up. This has caused issues in terms of accessing and sharing data of vulnerable people. To work more effectively the council needs to review its corporate IT strategy to ensure that it is more clearly aligned to corporate priorities and supports their digital strategy, customer service changes and achieves cost savings.

The use of evidence to support decision making is not always applied consistently or to its full effect across the organisation. To improve evidence based decision making the council could develop its research, policy and project and programme management capabilities. This would help to give members more confidence when making decisions and would also support and underpin any future transformation process that the council undertakes.

Following on from decision making, the peer team feel that the outcomes of decisions could also be measured in a more consistent way. The council could ask 'What does success look like?' more often. This is a question which could be asked internally of staff and members and externally of partners who are receiving grants. This would help all stakeholders to understand how their projects and services are contributing to delivering the councils objectives and the role and impact they have had, ensuring that the council is focusing its resources in the right places.

#### **4.6 Support to Members**

There are a number of experienced and knowledgeable members at UDC. There are also some fairly new members who bring energy and fresh perspectives but who would benefit from having a greater understanding of their role and responsibilities as members of the council and as ward councillors. Some members indicated that they were unsure of the expectations on them and what powers they had or didn't have. The peer team believes that the council could carry out some rapid member development and;

- refresh the member induction and create a comprehensive member development programme so that all members have the same understanding and a chance to develop and refresh their skills
- Centrally manage/ co-ordinate the member development programme and training needs analysis so that there is a corporate overview

- Strengthen member engagement through further involvement in the corporate plan, target setting and monitoring of the councils objectives. This would help to increase member understanding of their wider council role.
- Consider a community leadership training programme for members. This will provide a greater role for backbench and opposition members
- Continue to develop the way the Forward Plan is used to give all members a better understanding of future decisions and their part in them. Use the Forward plan process to reinforce the link between individual decisions and the Council's corporate plan.
- Update member and officer protocols and offer guidance so that all members understand the relationships.
- Ensure that members are well informed about activities within their wards and work with town and parish councils.

#### 4.7 Engagement

The peer team found evidence that staff were receptive to the regular briefings and focus groups that had been established since the arrival of the new chief executive. Staff were very positive about this approach and appreciated being asked their views. However they didn't always feel that they had been listened to as they were not sure of the changes or outcomes as a result of their contributions. The introduction of a strong feedback loop would strengthen internal communications and ensure staff understood any outcomes from their input and discussion.

Whilst staff reported having team meetings it was understood by the team that the frequency of these varied leading to some staff feeling ill informed about key decisions and key information. The council needs to build on the work it has already started with the briefings by developing a coherent narrative on the organisation's vision and progress, ensuring that there is a golden thread between the corporate plan and individual and service objectives. Key messages could then be cascaded to all staff, fortnightly following the Corporate Management Team (CMT) meetings ensuring that all staff within the organisation are aware of the decisions and objectives that are being considered by the council. This would empower junior staff and address the communication issues felt by some staff at different levels of seniority because there would be a universal understanding of key issues and objectives. Inclusion of a wider range of managers in some of the CMT discussions would also be welcomed.

The council has a number of enthusiastic and motivated staff members who could play a greater role in innovation across the council but who currently do not feel empowered enough to do so. There is some innovation, including suggestions by staff for new ways of working, but this appeared to be mainly within teams and service areas. Sharing the key decisions and objectives

of the council and providing a clear narrative will go some way to opening this up as all staff will have the same understanding. The staff suggestion scheme could be developed and enhanced to encourage and empower staff to suggest innovative ideas for work across the council. This would also help to break down some of the silos in the council and increase engagement and communication between staff whilst supporting a culture of innovation across the council. This would also help with identifying and managing talent within the organisation.

Partners also fed back their views on communication with the council. As mentioned above, partners were complimentary about the role of UDC in delivering services to the community however they too felt unsure at times about what action had been taken as a result of discussions, consultations and meetings. UDC needs to be bolder in telling its partners and the community that it has acted on their needs and wants and delivered services and objectives as a result. There is a risk that partners and residents feel that UDC are listening but not acting on feedback and input from others. A clear 'we asked, you said, we did' approach could be adopted by the council. This would ensure that engagement is improved and more transparent.

#### **4.8 Change Readiness**

There is no 'burning platform' for change within UDC because it does not face the same immediate financial pressures that are being faced elsewhere in local government. This means that the council needs to create its own compelling narrative that defines the clear business imperatives, which fit with its own context and challenges. There is a danger in feeling safe and comfortable with the council's current position. The council can avoid this by keeping abreast of the changes that are happening in the sector. There is an opportunity for the council to lead the change rather than have it imposed. UDC is in a fortunate position in that it can make changes and explore innovative ways of working without huge financial pressures hanging over it. If it acts now and modernises its way of working the council will be in a stronger position when possible changes to delivery and structures happen within the sector e.g. devolution, more systematic sharing of services or even reorganization etc. The council could seize this opportunity to position itself with partners and talk about the opportunities that can be found in the district and the work that the council is already doing e.g. new college, development of business parks, the very good strategic transport links and the role that Uttlesford has to play in maintaining and growing economic prosperity for the area. There is an opportunity for UDC to lead and promote change with neighbouring councils within Essex, demonstrating that the Council has an outward focus on public sector transformation.

UDC has the opportunity right now to plan and do things differently. Not just to fill future budget gaps but also deliver and create some innovative outcomes for its residents and stakeholders. The council needs to develop a sustained, integrated, proactive and engaging transformation programme around its change objectives and shape the cultural values that will help achieve the change that is needed within the organisation. There should be more systematic use of staff across the organisation to innovate and bring scale and pace to support the rate of change. It is clear that they staff are motivated, competent and keen to be involved in future decision making and design of service delivery. The council could use some benchmarking, both in terms of

CIPFA nearest neighbours and geographically close districts for inspiration and ideas for shaping their own agenda that is appropriate to UDC.

To prepare for the changes that lie ahead the council should look to invest in its leadership team (political and managerial). An exercise in creating a narrative and clear future vision for the council will help with any future direction, transformation and cultural programme that the council undertakes. The council is in an enviable and exciting position and the peer team look forward to hearing about what happens next.

## **5. Next steps**

### **Immediate next steps**

We appreciate you will want to reflect on these findings and suggestions with your senior managerial and political leadership in order to determine how the Council wishes to take things forward.

As part of the peer challenge process, there is an offer of further activity to support this. The LGA is well placed to provide additional support, advice and guidance on a number of the areas for development and improvement and we would be happy to discuss this. Gary Hughes, Principal Adviser and Rachel Litherland, Principal Adviser are the main contact between your authority and the Local Government Association (LGA). Their contact details are: [gary.hughes@local.gvo.uk](mailto:gary.hughes@local.gvo.uk) and [rachel.litherland@local.gov.uk](mailto:rachel.litherland@local.gov.uk)

In the meantime we are keen to continue the relationship we have formed with you and colleagues through the peer challenge. We will endeavour to provide additional information and signposting about the issues we have raised in this report to help inform your ongoing consideration.

### **Follow up visit**

The LGA peer challenge process includes a follow up visit. The purpose of the visit is to help the Council assess the impact of the peer challenge and the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the original peer team. The timing of the visit is determined by the Council. Our expectation is that it will occur within the next 12-24 months.



Recommendation	Area of focus	Detailed action	Indicative Timescale	Resources	Officer Responsible
Continue to develop your position as a place of opportunity with regional and sub-regional partners	Understanding of the local place and priority setting/Leadership of place	Revise corporate Economic Development strategy. To include: Ensure the availability of a portfolio of sites to provide opportunities for inward investment and local businesses to grow. Workspace will be an integral element of the sustainable garden communities planned.	Strategy adopted by October 17	Within existing	Gordon Glenday
		Target Council investment at opportunities within the District that supports growth (including grow on space) and attracts new businesses	Ongoing	To be identified with each business case	Adrian Webb
		Continue to work with the LSCC to progress the Core's 'offer' including its liveability strengths	Ongoing	Within existing	Gordon Glenday
		Identify and liaise with key partners around targeted topics, to include: - M11 J8 - Four tracking for the West Anglia main line - Improved rail connectivity to and from Stansted	Ongoing	Within existing	Gordon Glenday

Recommendation	Area of focus	Detailed action	Indicative Timescale	Resources	Officer Responsible
Create a compelling narrative and subsequent transformation agenda	Understanding of the local place and priority setting/Leadership of place	Define and communicate compelling case for change, to include: <ul style="list-style-type: none"> <li>- drivers for change – why do we need to be different</li> <li>- target operating model (<i>crossover with workforce strategy</i>)</li> <li>- action plan (<i>crossover with workforce strategy</i>)</li> <li>- Align with corporate plan priorities</li> </ul>	December 17	Within existing but outputs to be incorporated in 18/19 budget and MTFS	Dawn French (CMT)
Communicate and engage effectively at every level	Organisational leadership and governance	Develop internal communication plan. Staff focus to include: <ul style="list-style-type: none"> <li>- embedding 'you said, we did'</li> <li>- 'late opening' for team meetings</li> <li>- staff recognition</li> <li>- more regular and coordinated internal communications</li> <li>- more channels of communication, including a mechanism for staff suggestions</li> </ul>	Plan agreed September 17	Within existing	Richard Auty
		Member focus to include: <ul style="list-style-type: none"> <li>- Revised member/officer protocol (including communications programme)</li> <li>- Better use of members bulletin</li> </ul>	Adopted May 17		Simon Pugh
		External focus to include: <ul style="list-style-type: none"> <li>- More channels of communication</li> <li>- Review of Utles Page 7 (style,</li> </ul>	Ongoing		ALL Richard Auty

Recommendation	Area of focus	Detailed action	Indicative Timescale	Resources	Officer Responsible
		frequency, format, etc.) - arrangements for local councils liaison - arrangement for youth engagement - update consultation and engagement toolkit - consultation and engagement plan - update of SCI	November 17		Gordon Glenday
Review and reprovide member development /investment	Capacity to deliver	Engage with member development group to: - develop general induction/member training - review role profile and 'person specification' - review current development programme and realign - plan whole programme - communicate and promote - keep under review, seek feedback	Plan to be agreed out of initial engagement	Within existing (unless plan dictates otherwise)	Dawn French
Improve your holistic workforce strategy  Continue to take pride in what you do	Capacity to deliver	Develop a workforce strategy to ensure our people are equipped to deliver the future council agenda and retain the best of the culture in terms of pride, commitment, etc. <i>Overlaps with narrative and communication recs.</i>	Timescales to produce the plan with key outputs and milestones to be developed	Within existing (unless plan dictates otherwise)	Richard Auty (CMT)
Strengthen the partnership	Leadership of place	Review of LSP structure to ensure clarity, focus, governance, etc.	Timescales to produce the plan	Within existing (unless plan	Dawn French

Recommendation	Area of focus	Detailed action	Indicative Timescale	Resources	Officer Responsible
relationships and increase the intensity of delivery		- consider establishing an innovation fund	with key outputs and milestones to be developed	dictates otherwise)	(CMT)
		Review grants to consider match funding criteria, development of SLA's, etc.	Review to be completed October 17	Within existing	Richard Auty
		Pilot strengthening communities approach to tackle social isolation	Timescales to produce the plan with key outputs and milestones to be developed	Within existing (unless plan dictates otherwise)	Roz Millership

**Committee: Full Council**

**Agenda Item**

**Date: 25<sup>th</sup> July 2017**

**11**

**Title: Repairs Notice for Tilty Mill**

**Portfolio Holder: Councillor S Barker, Cabinet Member for Environmental Services**

**Key decision: No**

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## **Summary**

1. This reports serves to introduce and seek agreement from Council for the proposal to issue a Repairs Notice on Tilty Mill, Tilty: a Grade II\* listed mill building which has been on the authority's Buildings at Risk Register (B.A.R.) since 1990.
2. Tilty Mill has also been added to Historic England's Heritage at Risk register (H.A.R.).

## **Recommendations**

3. That a Repairs Notice be served upon the owners of the mill, to secure repairs to bring this building back to its condition at the time of listing to arrest further deterioration of the fabric and structure, unless reasonable steps are being taken to carry out essential repairs to the building.
4. That the Assistant Director Planning is given delegated authority to prepare and serve the Repairs Notice and associated Schedule of Repairs and to take all reasonable steps connected to the preparation, service, defence and enforcement of the Repairs Notice short of instigating compulsory purchase.

## **Financial Implications**

5. The process will be managed internally by officers, alongside advice and guidance from the Heritage at Risk team at Historic England. Service of the notice will require specialist advice to be sought from the following professions; conservation architect, a millwright, structural engineer, quantity surveyor and valuer. Specialist legal advice may also be required. The Authority would need to procure these services prior to the service of the notice, in order to compile a detailed Schedule of Works, to accompany the notice.
6. These costs would be considered non-recoverable costs. The council could apply to Historic England for a grant to cover such costs, and initial discussions with Historic England's H.A.R. team suggest that such an application would be considered favourably, and the Authority could claim up to 80% of these costs back.
7. Were this grant application to be successful, the council would be liable for a minimum of 20% of the costs of procuring these specialist services. A precise

figure cannot be calculated until quotes/tenders have been submitted for the works, and the outcome of the grant application is known.

8. There would be further potential costs if it were necessary to compulsorily purchase the property should the necessary repairs not be carried out. However, that stage would be subject of a further formal decision by the council. Arrangements would be made for the council to do a back to back transfer of the property to a suitable body to take on the future maintenance of the important historic building.

### Background Papers

9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - Historic England Heritage at Risk Register – Current
  - Uttlesford District Council Building At Risk Register, 2017
  - Listing Description Ref: 1112221 for Tilty Mill
  - Historic England – Stopping the Rot: A guide to Enforcement Action to Save Historic Buildings, 2016

### Impact

10.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	Health and Safety procedures should be observed during site visits due to the dilapidated condition of the structure, and risk of further collapse of floors, machinery and walls. As such, a risk assessment may be required, and PPE worn as necessary.
Human Rights/Legal Implications	Legal advice will be sought internally with regards to service of the notice, and specialist legal advice may be procured in addition.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Compiling the Repairs Notice, in addition to site visits and meetings associated with the process will impact upon Conservation

	Officer workload, and that of supporting senior team leaders/ managers.
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## Situation

11. The mill has been included on the Buildings at Risk register for some 27 years. During this time, the Conservation Officer has sought to work with the owners, who have owned the property throughout this period, to agree urgent works to make the building structurally sound and water/weather tight.
12. During this time, the owners have undertaken minimal action to address these requests, such as the cutting back of overgrown vegetation and boarding up of the openings to both secure the building, however, works have been insufficient to address the risk, and remove the building from the register.
13. The mill is an important local heritage asset, and has been recognised for its significance on a national level, through its designation as a Grade II\* listed building in 1981. The now redundant watermill is early C18th in date, and was heightened in the C19th. Much of the machinery is still in place, and though not thought to be original, is historic and unusual in its survival, thereby contributing to the significance of the building.
14. A lack of maintenance of the structure has resulted in part of the external wall over the wheel-pit partly collapsing, as well as sections of the ground and first floors. As a result, some of the machinery in these areas has also been compromised.
15. The building is in a continued state of decline, and the works carried out to date have been insufficient to address this risk and arrest further deterioration or collapse.
16. Historic England contacted the Authority by letter on 16 February 2017 requesting that we issue a Repairs Notice on Tilty Mill. Prior to this, they had been in contact with the owners, and had suggested a series of urgent works for the mill. The owners then engaged a structural engineer of their own who responded with a report challenging the urgency of the works. Historic England had also forwarded details to the owners of various grant schemes available to them. The owners have not yet pursued this line of funding.
17. Suggestions for possible funding and grant schemes have also been suggested by the Conservation Officer, including the Eastern Plateau scheme, and the Countryside Stewardship Scheme.
18. A planning and listed building consent application was submitted in 2005 for the change of use of the mill to residential use. This was called in by the Secretary of State and the Listed Building Consent application refused.
19. An initial warning letter has been sent to the owners, advising them of the Authority's intention to consider using its powers under section 47 of the Listed Buildings Act 1990, and requesting a further site visit alongside Historic England representatives.

20. In order to serve the Repairs Notice, the Authority will need to engage specialist advisors as detailed in paragraph 4 above, to assess the building and put together a Schedule of Repairs for the building, to accompany the notice. The process will be carried out in strict accordance with the Historic England guidance set out in their updated publication 'Stopping the Rot', published 2016.
21. Once the Repairs Notice has been issued, the owners will have a period of 2 months to comply or demonstrate that they have taken 'reasonable steps for preserving the building'. There is no appeals process against a Repairs Notice. (*Stopping the Rot, 2016*)
22. Of the repairs notices approved by Local Authorities '69% did not need to be served, as the owner carried out the . . . works or sold the building following the threat of action' ( *According to English Heritage, 2011*).
23. The notice can be withdrawn by the Authority at any time.
24. If the owners do not undertake works themselves, the Authority may then consider whether to pursue a Compulsory Purchase Order (CPO) and a back-to-back agreement with a trust/ developer. The decision to pursue a CPO would be at the discretion of the Local Authority.
25. Once the CPO notice has been served, any person with an interest in the building must apply to the magistrate's court within 28 days, for an order staying further CPO proceedings. They must demonstrate that reasonable steps have been taken to preserve the building. There is a right of appeal to the Crown Court.
26. The Authority has received interest from the East of England Building Preservation Trust (EEBPT) and Essex County Preservation Trust (ECPT) in terms of entering into a back-to-back agreement. It is assumed that further discussion and firm agreement would be sought from a partner organisation, prior to the CPO process being instigated.
27. As part of the CPO process, the Authority could apply under Section 50 of the Listed Buildings Act for minimum compensation to be paid to the owner, rather than the market value for the land 'enhanced by an assumption that listed building consent authorising works to preserve the listed building will be granted and carried out' (*Stopping the Rot, 2016*).
28. The CPO process enables the order to include 'Relevant land' in addition to the building itself, which it is necessary to acquire for its preservation, thereby facilitating future use and the long term viability of the asset.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If adequate repairs are not	3 The building is in a poor	3 The building is listed as	Serve a repairs notice as recommended

<p>carried out in the short term, the building will deteriorate further and potentially collapse</p>	<p>condition and already deteriorating. Limited interventions by the owners have not arrested the deterioration.</p>	<p>Grade 2*</p>	
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

