

26 November 2012

Dear Councillor

SCRUTINY COMMITTEE

A meeting of the Scrutiny Committee will be held at the Council Offices, London Road, Saffron Walden on 4 December 2012 at 7.45pm or at the conclusion of the question and answer session whichever is the earlier.

Yours faithfully

JOHN MITCHELL

Chief Executive

Commencing at 7.30 pm, 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 two working days prior notice

A G E N D A P A R T I

1	Apologies for absence and declarations of interest.	
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4	Consideration of any matter referred to the Committee for a decision in relation to call in of a decision (standing item).	
5	Responses of the Executive to reports of the Committee (standing item).	
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To: - Councillors G Barker, P Davies, I Evans, **E Godwin**, S Harris, S Howell, D Morson, E Oliver, J Rich and D Watson.

Lead Officer: Adrian Webb (01799 510421)

Democratic Services Officer: Rebecca Dobson (01799) 510433

[MEETINGS AND THE PUBLIC](#)

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Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 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.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510369, or Rebecca Dobson 01799 510433 or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30 pm on 4 SEPTEMBER 2012**

Present: Councillor E Godwin – Chairman.
Councillors G Barker, P Davies, I Evans, S Howell, D
Morson, E Oliver and D Watson.

Also present: Councillors R Chambers (Portfolio Holder – Finance), J
Cheetham (Deputy Leader) and A Walters (Portfolio
Holder – Community Safety).
Peter Massie (Highways and Transportation, Essex
County Council)

Officers: J Mitchell (Chief Executive), R Auty (Assistant Director
Corporate Services), R Dobson (Democratic Services
Officer), R Pridham (Head of Street Services) and A
Webb (Director of Corporate Services).

SC15 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors S Harris and J Rich.

Councillor G Barker said he had a disclosable pecuniary interest in that his spouse was a member of the District Council, and that he had been granted a dispensation regarding this interest by the Monitoring Officer.

SC16 HIGHWAYS STRATEGIC PARTNERSHIP

Peter Massie, Head of Highways Commissioning for Essex Highways and Transportation, gave a presentation on the new Highways partnership with Ringway Jacobs.

Mr Massie said it was intended that this partnership would achieve better collaboration than under the previous regime of entering into contracts with numerous other bodies. The new partnership should improve efficiency in terms of the programme of works and in making it possible for customers to access more live data online.

Mr Massie gave an overview of the contract with Ringway Jacobs which had been entered into on 1 April 2012, with a term of 10 years and the option to extend this term for a further 5 years. He explained there would be an opportunity under the contract for the strategic partnership to become a joint venture, that is, a separate company. Although itself a joint venture, Ringway Jacobs was fully accountable to the Highways service and operated to the standards and policies of Essex County Council. Mr Massie outlined how

responsibility for the partnership was structured, explaining that the Cabinet Member and Director of Highways and Transportation were responsible for the service and that Essex Highways now comprised two parts: the Commissioning Core and the Delivery Unit. He said the latter unit was staffed from both Highways and Ringway Jacobs, and that all staff answered to the Service Leader.

Members then asked questions as follows: how roadworks were scheduled in conjunction with works being done by the utilities companies; how the ordinary customer would benefit from this initiative; whether the contract provided for a get-out clause if the partnership failed to be effective; what the prospects were for repairing potholes; what future major roadworks were planned for Essex; and how Highways would address repeated damage to verges on rural roads caused by lorries and farm vehicles, resulting in wasted repair work to such areas.

Replying to these questions, Mr Massie said the periodic lack of communication from statutory undertakers was frustrating not only for customers but also for Highways as these bodies were obliged to inform Highways of their proposed works. There were various reasons why co-ordination sometimes failed. The partnership intended to run a programme management office for the whole area so as to link up better with the statutory undertakers.

Regarding the improvement of the service for customers, Mr Massie said the aim was to achieve efficiency targets and carry out more work for the money available, and to have better dealings with customers.

Regarding the options if the partnership were to fail, Mr Massie said the contract contained a get-out clause, but that the style of contract emphasised co-operation and trust between the partners. There was a performance framework which would help monitor whether such co-operation was achieving the targets.

Regarding potholes, Mr Massie described the new 'jet patcher' treatment now being applied to potholes, for which an extra £11 million had been provided. The process should ensure that the surface of treated potholes was sealed against winter conditions. Programmed remedial works were planned to start in the New Year as part of this planning cycle rather than waiting for the next financial year.

Regarding major roadworks planned for Essex, Mr Massie said he would obtain such information for Members.

Regarding repairs to verges and potholes Mr Massie gave a detailed explanation of the way in which the jet patcher equipment worked and said it enabled more repair work to be carried out than the method previously used.

Councillor Chambers said he endorsed the new jet patcher method although it was expensive.

The Chairman thanked Mr Massie and suggested that he be invited before the Committee at a future time to report on the partnership.

SC17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12 June 2012 were approved and signed as a correct record subject to the following amendment:

At Minute SC13, regarding outcomes of the Member survey, at the end of the first sentence of the last paragraph, to add the words 'and that there were some learning points that could be used for the future'.

SC18 FORWARD PLAN

Regarding the Jubilee Fund outcomes, Councillor G Barker asked whether Members would be supplied with a list of the funds allocated. Councillor Chambers confirmed that this information would be made available on the Council's website following its ratification at Cabinet on 13 September. He said bids from town and parish councils had amounted to £233,000, some £17,000 less than the £250,000 allocated; but bids of £720,000 had been received from voluntary and community groups, indicating very successful publicity.

SC19 SCRUTINY WORK PROGRAMME

The Assistant Director Corporate Services explained the two scoping reports originally listed under the October meeting were to be dealt with later on tonight's agenda in order to clear time at that meeting for training. Tim Young, a Scrutiny training consultant and former Head of Scrutiny at the London Borough of Camden, would attend to provide training for Scrutiny Committee Members and for any other Members or officers who were interested. An earlier start time for the training session was requested, to which Members agreed.

SC20 HIGHWAYS PANEL UPDATE

Councillor Walters, Portfolio Holder for Community Safety and Chairman of the Highways Panel, gave an update on the work of the Highways Panel. He said the Panel had been set up at the end of 2011, and following a refreshment of the terms of reference all such panels in Essex, it had made good progress with a number of initiatives. The Panel had been diligent in allocating its budget of £472,000 towards a list of potential projects in this

district supplied by County as 85% of the budget was now allocated, ahead of all other Highways Panels in the County.

Councillor Walters described the types of scheme which the Panel would be approving, such as a puffin crossing in Newport and in Saffron Walden, a safety scheme on Stortford Road; bus stop cleans; traffic calming schemes and a 20mph speed limit in Great Chesterford, which would be the first such scheme in Essex. Councillor Walters explained there were certain criteria for imposing a 20mph speed limit, as this measure was only appropriate in areas where the mean speed was already less than 24mph and factors such as the impact of street furniture on an area needed to be considered very carefully.

Councillor Morson asked how matters from town and parish councils could be referred to the Highways Panel. Councillor Walters said the views of town and parish councils were reflected as the Panel included representatives nominated by the Uttlesford Association of Local Councils.

Members asked further questions regarding some of the schemes to which Councillor Walters had referred. In relation to cycle schemes, Councillor Walters said these were the subject of current campaigns, but that money was a factor, as well as whether certain narrow roads were suitable. The receptiveness of landowners regarding the widening of some roads would also be a factor.

Councillor Evans asked about the reference to a £200,000 scheme. Councillor Walters said this related to a use of section 106 money in Great Dunmow to design a traffic lights system, which represented a start in what could then be a longer term project to be taken on by Highways.

Councillor Howell congratulated Councillor Walters on the excellent initiative he was taking forward with the Highways Panel and said this work was an important part of the localism agenda along with the Highway Rangers. He had a concern about budgets; he also had a concern about cases where traffic management works seemed to appear overnight with no forewarning or explanation, such as the peninsula scheme in Thaxted. Councillor Howell said he also wished to thank Councillor Walters for his assistance in obtaining a footpath in Hempstead and asked that he continue to support this proposal.

Councillor G Barker asked about the use of section 106 funds. Councillor Walters said it was important to use money available from previous schemes which would otherwise be lost, so the Panel considered how best to do so. Where the money was insufficient to implement a scheme, the Panel took the view it would at least be progress to use funds for designs for traffic schemes to be drawn up.

Councillor Cheetham said many of the new section 106 agreements required the money to be spent within the development to which they related, as the

rules had changed over the years. She was pleased that Section 106 agreements were now dealt with from within the Council.

The Chief Executive confirmed in response to a question from Councillor G Barker that a report on section 106 funds would be brought to Cabinet on 25 October.

Councillor Walters then described the work of the Highway Rangers, who carried out smaller works across the district, in order to address minor maintenance or clearing jobs. The Highways Rangers comprised two people and a van; they worked to a programme which aimed to cover equally the North and South areas of the district, but which was inevitably flexible due to weather or other circumstances. The allocation of their work was done through parish and town council requests to Highways. The Highways Rangers had been averaging 30 to 40 jobs per month, and Councillor Walters said he was delighted to have had an opportunity to promote this service recently on BBC Radio Essex.

The Chairman thanked Councillor Walters for his presentation on what was clearly an excellent endeavour.

SC22

WASTE SERVICES UPDATE

The Committee considered the report of Councillor Barker on waste services. In Councillor Barker's absence the report was introduced by the Head of Street Services.

In reply to a question from the Chairman, the Head of Street Services confirmed the single pass system would commence on 18 September.

Members welcomed this initiative which would be less expensive than the former system and which would be likely to increase recycling. Regarding parish green waste skips, it was noted that responses were awaited from town and parish councils as to whether they wished to continue to participate in the scheme.

Councillor Howell commended officers for the enhanced recycling service due to be implemented as there were many challenges to be faced in setting up the new system. He commented on the references in the report to the ordering of an additional 4,000 caddies which had been ordered, and to reports of theft of a number of caddies.

Councillor Oliver asked for reassurance that initial problems with the operation of the new vehicles had now been resolved.

In reply the Head of Street Services said seven of the vehicles were now operational, and one was still awaited following initial problems with the mid

wheel steer. These problems had been rectified by the contractor, Dennis Eagle; and three days of training would be given. The successful operation of the vehicles meant that already the number of kitchen waste crew needed had already been reduced. Although the trucks went at a slower pace, this was mainly due to the need for the drivers to gain experience.

The Head of Street Services said the contractor would provide for a week or so a maintenance officer at the depots every day to be on call in case of any mechanical difficulties with the vehicles when the scheme was implemented. He said he was pleased to report there had been no problems in hard to reach areas such as Stoneyfield Common.

Members queried the delivery of excess numbers of caddies following requests for additional caddies in Birchanger and lack of security regarding the stack of caddies prior to distribution which had been left in a car park in Stansted.

The Head of Street Services gave an explanation for having to order a further 4,000 caddies. He said he had overestimated the number of flats in the district, and therefore more caddies had had to be ordered.

Members raised further points regarding 'hard to reach' properties; concern about how people would dispose of green waste if parish councils did not subscribe to the green waste skips; and the retention of bottle banks in some areas of the district.

The Head of Street Services said he would supply a list of hard to reach properties; that if people needed a second green bin they could apply for one; and that it was preferable for people to recycle their glass in the green bin because the Council received £45 per tonne for it. He asked Members to ensure that their parish magazines encouraged this practice.

Members commended the recycling team for having improved what was the Council's most high profile service whilst at the same time saving a significant sum of money. The Chairman thanked the Head of Street Services for attending.

SC23

EAST OF ENGLAND AMBULANCE SERVICE STATION CLOSURES

The Committee considered a brief report submitted by the East of England Ambulance Service on initiatives to be implemented. The report set out brief details of how the scheme would affect Uttlesford. The initiative would involve no change to the ambulance station in Dunmow and a small reduction in hours at Saffron Walden. The ambulance station at Stansted would no longer have any vehicles starting or finishing from it but would continue to be used as a deployment/standby point. Bishop's Stortford ambulance station, which

was located nearby, would cover that area; and staff from Stansted would be redeployed to other local stations.

Members found the report to be lacking in clarity in some respects and expressed concern regarding the proposals affecting Stansted and Birchanger. Councillor G Barker said a significant problem for ambulances was the shortage of beds available at hospitals, resulting in ambulances spending time outside Accident and Emergency departments unable to send the patient into the hospital. Members raised further issues such as the level of training of ambulance staff and response times.

The Chairman asked officers to seek clarification regarding the closure of Stansted Ambulance station. The issue of waiting to transfer patients to hospital was a matter about which the Committee was very concerned; as was the fact that no-one from the ambulance service had attended the meeting to enlarge upon the report. The Committee would note the report and seek a further presentation from the ambulance service in June 2013.

SC24

REVENUES AND BENEFITS PARTNERSHIP UPDATE

The Chief Executive presented a report updating the Committee on the proposed revenues and benefits partnership with Harlow Council. He said there was nothing to add to the written report, as the next meeting of the Joint Partnership Committee would take place on 16 October, when the matter would be discussed.

Councillor Morson asked a question about the financial contribution to be payable under the contract with the consultant Steria, should the partnership not proceed. The Chief Executive said this outcome had been budgeted for, and further details depended on the forthcoming discussion with Harlow.

In reply to a question as to whether Harlow was more keen to proceed than this council, the Chief Executive said the tenor of the reports and minutes of the last Council meeting indicated the position and that there had been enormous changes to the national situation regarding the introduction of Universal Credit, such changes having been identified by the section 151 officer. The Chairman noted that national circumstances had greatly changed since the proposals were first considered.

SC25

CAR PARKING – SCOPING REPORT

Members considered a scoping report on the issue of car parking in the district, in order for officers to produce a full review of this subject which they had requested following an increase in parking charges in 2011.

Draft terms of reference were discussed and the following suggestions were made regarding the report's scope: assessment of complaint levels and the

success rate of appeals against fines; benefits and disadvantages of local business and the Council of introducing free parking at certain times of the day and analysis of the use of the car parks.

The Committee also approved the terms of reference suggested in the scoping report.

SC26

ENFORCEMENT – SCOPING REPORT

The Committee considered a further scoping report to enable a full report on enforcement of airport-related parking to be prepared. Suggested terms of reference were approved and an additional proposal for the report to address was suggested: to consider levels of use of Stansted Airport's parking helpline and public perception regarding its effectiveness.

The meeting ended at 9.35pm.

DECISION PLANNER (incorporating the Forward Plan)

COVERING PERIOD: 1 DECEMBER 2012 TO 31 MARCH 2013

Title and description of decision	Type of decision			Decision maker	Proposed date of decision	Consultation and background papers	Portfolio Holder	Contact officer
	Key	Council	Non Key					
Corporate Plan	X			Cabinet	13 December		Cllr Ketteridge	John Mitchell
Voluntary sector support	X			Cabinet	13 December		Cllr Rolfe	John Mitchell
Adoption of Conservation Area Appraisals (Felsted, Saffron Walden)			X	Cabinet	13 December		Cllr Barker	Andrew Taylor
Budget Monitoring Report	X			Cabinet	13 December		Cllr Chambers	Stephen Joyce
Treasury Management Interim Review	X	X		Cabinet	13 December		Cllr Chambers	Stephen Joyce
Assets of Community Value			X	Cabinet	13 December		Cllr Barker	Andrew Taylor
Housing Strategy	X			Cabinet	13 December		Cllr Redfern	Roger Harborough
Rent Setting Policy	X			Cabinet	13 December		Cllr Redfern	Roger Harborough
Allocations Policy Review	X			Cabinet	13 December		Cllr Redfern	Roger Harborough
Tenancy Policy (Uttlesford)	X			Cabinet	13 December		Cllr Redfern	Roger Harborough

Title and description of decision	Type of decision			Decision maker	Proposed date of decision	Consultation and background papers	Portfolio Holder	Contact officer
	Key	Council	Non Key					
Progress on S106 agreements			X	Cabinet	13 December		Cllr Barker	Roger Harborough
Land transfer at Great Dunmow			X	Cabinet	13 December		Cllr Chambers	Stephen Joyce
Transfer of Crabtrees MUGA to SWTC			X	Cabinet	13 December		Cllr Barker	Roger Harborough
Designation of Saffron Walden Neighbourhood Plan Area			X	Cabinet	13 December		Cllr Barker	Andrew Taylor
UDC Parking Standards				Cabinet	17 January 2013		Cllr Barker	Andrew Taylor
Rent Setting	X			Cabinet	17 January 2013		Cllr Redfern / Cllr Chambers	Roger Harborough
Adoption of Conservation Area Appraisals (Ashdon, Arkesden, Manuden and Radwinter))			X	Cabinet	17 January 2013		Cllr Barker	Andrew Taylor
Street naming and numbering policy			x	Cabinet	17 January 2013		Cllr Barker	Andrew Taylor
Budget and Discretionary Rate Relief	X			Cabinet & Council	19 February 2013		Cllr Chambers	Stephen Joyce
Local Plan pre-submission consultation	X			Cabinet	ongoing		Cllr Barker	Andrew Taylor
Rolling programme of			X	Cabinet	Ongoing		Cllr Barker	Andrew Taylor

Title and description of decision	Type of decision			Decision maker	Proposed date of decision	Consultation and background papers	Portfolio Holder	Contact officer
	Key	Council	Non Key					
Article 4 directions								
Localism Act 2011 community empowerment	X			Cabinet	Ongoing		Cllr Rolfe	John Mitchell
Adoption of Conservation Area Appraisals (Hatfield Broad Oak and High Easter)			X	Cabinet	Ongoing		Cllr Barker	Andrew Taylor
New lease for Turpins Bowls Club			X	Cabinet	Ongoing		Cllr Rolfe	Roger Harborough

Work Programme 2012/13

Date	8 May 2012	21 May 2012	12 June 2012	4 September 2012	16 October 2012	4 December 2012	7 February 2013	18 April 2013
Standard agenda items	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in	Consideration of any decisions called in
	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee	Responses of the reports of the scrutiny committee
	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan	Leaders forward plan
	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan	Scrutiny forward plan
Agenda items	LDF proposed distribution strategy	LDF draft consultation document	PCT – Establishment and provision of essential services (Toni Coles Assistant Director of Development for the CCG)	Highways – Strategic Partnership (Paul Bird) Highways Panel Update (Cllr Walters)	Scrutiny Training – Tim Young	Budget Process - preparatory report and briefing (Stephen Joyce)	Budget	CCG NHS West Essex update – (Toni Coles, Dr Rob Gerlis & Dr Susan Humphries)
	Jubilee Fund (New Homes Bonus) – Gaynor Bradley	Cabinet System Review – scoping report & Members Survey	Homelessness – Speaker Kate Robson CAB & Report from Roz Millership/Judith Snares	Waste update – written statement (Ron Pridham)		Car Park Charges	Municipal Waste Management Strategy – scoping report	Police update – (Cllr Chambers)
			Members Attitude Survey	East of England Ambulance Service Station Closures – written statement		Enforcement Airport Fly parking	NHS West Essex Scoping report	Scrutiny Committee 2012/13 review and 2013/14 plan
				Revenues and Benefits Partnership update –		Scrutiny training review		Municipal Waste Management Strategy

Date	8 May 2012	21 May 2012	12 June 2012	4 September 2012	16 October 2012	4 December 2012	7 February 2013	18 April 2013
				written statement (John Mitchell)				Update
				Car Park Charges – scoping report				
				Enforcement Airport Fly parking – scoping report				

Committee: SCRUTINY

Agenda Item

Date: 4 December 2012

8

Title: ENFORCEMENT

Author: Councillor Alastair Walters

Item for decision

Summary

1. This report has been requested by members of this committee to enable the committee to understand issues relating to airport related parking.

Recommendations

2. None.

Financial Implications

3. There are no financial implications associated with this report.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	Some wards in the vicinity of Stansted Airport may be more prone to airport related parking than others.
Workforce/Workplace	None.

Situation

6. At its meeting on the 4 September this committee requested a report dealing with airport related parking issues. The terms of reference were:
 - To identify what the airport related parking issues are and if levels increased over the summer.
 - To establish how many incidents have been reported yearly.
 - To understand what action has been taken to eliminate and rectify issues.
 - To identify what the success cases are.
 - To determine if the airport's delegated complaints line is successful or if more publicity is needed.
 - To consider what prevents successful enforcement.
7. Uttlesford District Council's current Local Plan adopted in January 2005 describes Stansted Airport as "an airport in the countryside". Pursuant to this general statement the Local Plan provides that development unrelated to the airport will not be permitted within the airport boundaries. Conversely parking associated with the airport is not favoured. The current Local Plan states "adequate space exists inside the boundary of Stansted Airport for air passengers to park their cars if they have driven to the airport. It is important that the character of the villages and countryside around Stansted and residential amenities are not damaged by car parking compounds. The scale and management of car parking needs to be carefully controlled in order to maximise the percentage of non-transfer air passengers using public transport to get to or from the airport. This would not be practicable if the provision of car parking became fragmented and included off-airport sites. It would undermine the airport service access strategy agreed by the Multi-Agency Airport Area Transport Forum. It will also be important to ensure that the scale of car parking associated with hotels, bed and breakfast accommodation and the like does not exceed vehicle parking standards for the same reason. There are market pressures to use spare capacity to accommodate air passengers' cars whilst they are not in residence at these establishments. Policy T3 - Car Parking Associated with Development at Stansted Airport – "Proposals for car parking associated with any use at Stansted Airport will be refused beyond the airport boundaries as defined in the Stansted Airport inset map".
8. Proposals for the council's Local Development Framework do not suggest any departure from these policies.

9. Although there is clearly adequate capacity at Stansted Airport to park vehicles within the airport boundary at existing car parks a number of consumers are unwilling to pay the prices charged by the current on-airport operations. At the date of writing this report the parking charges at Stansted Airport were:

Long Stay - £15 per day

Medium Stay - £16.50 per day

Short Stay - £36 per day

10. The charging regime is part of the strategy to reduce the number of private car journeys to the airport. This strategy appears to be successful as Stansted compares very favourably with other airports in terms of transport mode share for those flying from the airport.
11. The fact that some people are unwilling to pay the current rate does give rise to a number of parking related issues which can be described as follows.
12. There is evidence that some airport customers will park their vehicles on the street in the vicinity of the airport and complete their journey by taxi. As part of the s.106 agreement linked to the planning permission expanding the airport to 25 mpm pa capacity, funds were made available for a study to be carried out by Essex County Council to examine the magnitude of this problem. As a result some parking restrictions were introduced. Providing the cars are legally parked on street this is a matter over which there is no control.
13. There are a number of valet parking operations. These businesses tend to advertise their services on the internet. These are sometimes described as “meet-and-greet” operations. The method of operation is that a booking is generally made online. The customer meets a representative of the company at the airport and hands over his or her vehicle. The car is then driven away and returned to the customer at the airport at a pre-arranged date and time. A web search indicates that this type of service can be purchased at a considerably lower rate than is charged by the airport starting at just over £5.50 per day.
14. Valet/meet-and-greet services do not per se breach planning control. The issues are whether the premises from which the business is run has planning permission for office use and whether the locations where the cars are stored are authorised for that purpose.
15. There is anecdotal evidence that a proportion of vehicles which are parked using this type of service are in fact parked on the street. Provided they are lawfully parked this is not a planning enforcement issue.
16. With other operations vehicles are parked in buildings or on open land. Where such use is not authorised under the planning legislation this gives rise to enforcement issues.
17. Another type of operation is what is commonly described as “park and fly”. Under this system customers drive their car to a particular drop-off point where

they leave their cars. The customer is then taken to the airport. On their return from their journeys the customer are collected from the airport and taken back to the site where they collect their vehicle. This type of operation may give rise to enforcement issues with regard to both planning and licensing.

18. From the planning perspective, there are potentially two issues. The first is that the premises from which the business is run would usually need to have business use. This will include the drop-off/pick-up point if this was other than where the business's offices are. Providing that business use for such premises is authorised the next issue relates to where the cars are stored. In some cases the vehicles are stored away from the pick-up/drop-off point. In others they are stored at or in the vicinity of the drop-off/pick-up point. In either case the area where the vehicles are stored would need to be authorised under the planning acts for that purpose.
19. Included in the "park and fly" operations are a number of hotels and guest houses which advertise free or discounted parking for people staying at the hotel or guest house prior to departure. Most hotels and guest houses that have been given planning permission for hotel/guest house use are subject to planning conditions which prevent the use of the car park other than for bona fide guests whilst staying at the establishment. However, there are some premises which were long established for planning purposes or which were granted planning permission some time ago where no such condition applies. A notable example of this is the Hilton Hotel within the airport boundaries. In such cases unless the degree of parking is such as to constitute a material change of use of the planning unit as a whole there will be no breach of planning control.
20. Finally there is evidence that some home occupiers permit parking within the curtilage of their properties for payment of a fee. This type of operation can be found online under the heading "park on my drive", "park at my home" etc. This type of operation is often found in commuter areas as well as in the vicinity of airports. Typically only one or two cars additional to the householder's normal vehicles are capable of being parked at any one time. Unless the number of cars parked is such as to constitute a material change of use of the planning unit as a whole there would be no breach of planning control. Where this type of operation offers transport to and from the airport licensing enforcement issues may also arise.
21. With regard to park and fly/hotel and guest house/house holder parking if transport is offered to and from the airport, unless such transport is in a vehicle constructed or adapted for carrying more than 9 persons including the driver, that aspect of the operation would need to be licensed under the Local Government (Miscellaneous Provisions) Act 1976 even if no separate fee is charged for such transportation. Where such arrangements are encountered the operator is encouraged to apply for the appropriate licenses or to use licensed taxis under threat of prosecution if they do not do so. To date this approach has secured 100% compliance with operators taking one of the recommended courses of action.

22. Airport related parking issues tend to be seasonal, the greatest amount of activity occurring when the airport is at its busiest e.g. the summer months, Easter, the period around Christmas and the New Year and school half term holidays.

23. The level of airport related parking incidents fluctuates yearly. For the last six years the figures are:

2006	13
2007	6
2008	13
2009	16
2010	11
2011	17
2012	9

24. When any breach of planning control is identified, enforcement officers make contact with the land owner and (if different) the person responsible for the breach and endeavour to negotiate compliance with the legislation. This approach coupled with the threat of enforcement action in the event of non-compliance often produces positive results, particularly if the land owner is not the same as the operator of the business. This frequently is the case as often the business operator will have rented the land upon which the vehicles are parked.

25. Where negotiated compliance is not achieved, the case will be passed for enforcement action. There are a number of steps the council can take in this connection.

26. Where there is a breach of planning control arising from a breach of a condition attached to a planning permission (e.g. with regard to hotels and guest houses) the council may serve a Breach of Condition Notice. A Breach of Condition Notice identifies the breach of planning control and requires it to be rectified within a specified period of time being not less than 28 days. Breach of a Breach of Condition Notice is an offence which carries a fine of up to £2,500. Multiple prosecutions are possible. There have been no issues identified to date involving airport related parking where the service of a Breach of Condition Notice would have been appropriate.

27. The council may serve an Enforcement Notice. An Enforcement Notice will describe the nature of the breach of planning control involved, state what steps are required to comply with the notice, the date upon which the notice is to take effect and the period for compliance. The notice cannot take effect earlier than 28 days after it is served. A reasonable time must be allowed for compliance which ought to have regard to the fact that the operator will have taken advance bookings and would be in breach of contract if he failed to honour these.

28. If an Enforcement Notice is served, the operator of the business may appeal against the Enforcement Notice prior to the date upon which it takes effect. The effect of an appeal is to suspend the Enforcement Notice until such time

as the appeal has been determined. The activity may therefore be lawfully carried on during the appeal process.

29. It is possible to serve a Stop Notice (either a Temporary Stop Notice before an Enforcement Notice is served or a Standard Stop Notice with or after the Enforcement Notice is served) requiring the use to cease forthwith. Service of a Stop Notice is a high risk strategy as if the Enforcement Notice is not upheld the council could be required to pay compensation to the operator of the business. The amount of the compensation would be the equivalent of the operator's loss of income. As the enforcement appeal process can take up to 12 months in certain circumstances, depending on the size of operation, this could give the council a liability of up to £400,000.
30. The third method of enforcement open to the council is a Planning Injunction. Planning Injunctions can be applied for speedily and unlike an Enforcement Notice have immediate effect. However, in terms of the time for compliance, similar considerations would apply as with an Enforcement Notice. Further there is no guarantee that an injunction would be granted. In considering applications for Planning Injunctions, unlike appeals against Enforcement Notices, the court is not concerned with the planning merits of the situation. If the operator were to apply for planning permission the court may be unwilling to grant an injunction pending the determination of that application. Further, courts have on some occasions indicated that they would only grant a planning injunction if an Enforcement Notice were to be served so that the planning merits of the case can be tested through conventional routes. Unlike a Stop Notice there is no automatic right of compensation for an operator in the event that the injunction is not ultimately upheld. However, the court does have the discretion to ask the council to give an undertaking in damages. If given, the effect of such an undertaking is the same as the compensation provisions for a Stop Notice.
31. In terms of successes in respect of virtually all identified breaches of planning control, compliance has been achieved by one means or another. There are currently 7 matters outstanding. In respect of one of these the development is actually within the airport boundary and is not therefore contrary to policy. Planning officers take a view that at present enforcement is not expedient but are endeavouring to negotiate with the operators to apply for a temporary planning permission to regularise the situation. In another case an Enforcement Notice was served and appealed against. The inspector on appeal upheld the Enforcement Notice but extended the time for compliance to two years from the date of the appeal. This period is still running. The inspector in this case appeared to be influenced by submissions made on behalf of the operator to the effect that the current policy was anti-competitive. In two other cases, Enforcement Notices have been served and appeals have been lodged. In respect of one site an application has been made for a Certificate of Lawful Use and it will be premature to issue an Enforcement Notice until such time as that application has been determined. In one case an Enforcement Notice is awaiting service at the time of preparation of this report and in the final case enforcement officers are having difficulty in tracing the owner of the land and it may be necessary to consider other matters of service if this cannot be resolved shortly.

32. The terms of reference ask whether the airport's dedicated complaints line is successful or if more publicity is necessary. Officers are not aware of a dedicated complaints line at Stansted Airport. Examination of the airport's website does not reveal any such line save for in connection with noise complaints. In any event, the airport is not able to exercise any control over off-airport activities. Complaints regarding off-airport related parking issues should be (and are) made to the council as the local planning authority. In the event that such complaints were made to the airport operator it is anticipated that they would refer the complainer to the council.
33. The terms of reference ask what prevents successful enforcement. Clandestine activities on the part of operators can be a factor. This can occur where vehicles are stored in such a way that they are not visible (e.g. within a building such as a barn). Where a use has continued in breach of planning control for a period of 10 years or more it becomes immune from planning enforcement and the operator is entitled to a Certificate of Lawful Use or Development. Recent amendments to the law have however given local planning authorities the opportunity of enforcement outside the 10 year period where clandestine activities have been involved in certain circumstances. There is one building in Uttlesford with a Certificate of Lawful Use in respect of vehicle storage which was granted many years ago. There is at least one other parking operation in the district (not airport related) which officers are aware of which is immune from enforcement due to the passage of time.
34. The Enforcement Team do not have the resources to be proactive in seeking out airport related parking. Members of the team do go out throughout the district regularly and are vigilant. Where they have picked up on airport related parking issues this has been processed in the usual way. However, primarily the Enforcement Team are reactive in respect of airport related parking issues responding to complaints as and when received.
35. In terms of securing compliance, negotiated compliance has been successful in a large number of cases. Where formal action has been necessary the council has used both Enforcement Notices and Planning Injunctions. A decision as to which is the most appropriate manner of enforcement is taken jointly in each case by the Assistant Chief Executive – Legal and the Assistant Director Planning and Building Control.
36. In terms of the timescales for enforcement, much of this is dealt with above. However, members should be aware that under the Town & Country Planning (General Permitted Development) Order 1995, the use of any land for any purpose for not more than 28 days in total in any calendar year generally has the benefit of deemed planning permission for that purpose. Until the use is continued for more than 28 days there is therefore no breach of planning control.

Risk Analysis

37. There are no risks associated with this report.

Committee: Scrutiny Committee

Agenda Item

Date: 4 December 2012

10

Title: 2013/14 Budget

**Author: Stephen Joyce
Assistant Chief Executive - Finance**

Item for information

Summary

1. At its meeting on 7 February, the Scrutiny Committee will be invited to comment on detailed proposals for the 2013/14 budget, ahead of consideration by the Cabinet on 19 February and determination by the Full Council on 28 February.
2. This report provides an overview of the budget setting process and the documentation that will be coming forward for review. There are pointers for the sorts of issues the Scrutiny Committee may wish to consider.
3. The Scrutiny Committee's role is to provide an independent endorsement of the proposals prior to consideration by Cabinet, or to suggest alternatives. This is ordinarily an apolitical process; alternative budget proposals from Opposition Members should be formulated away from the Scrutiny process and presented to Cabinet and Full Council at the appropriate time.

Recommendations

4. None.

Financial Implications

5. None.

Background Papers

6. None.

Impact

Communication/Consultation	Public consultation and business ratepayers consultation is carried out as part of the budget process.
Community Safety	None
Equalities	An Equalities Impact Assessment will be completed as part of the budget process.
Health and Safety	None

Human Rights/Legal Implications	It is a legal requirement to produce a balanced budget.
Sustainability	Budgets must be drawn up in the context of the Council's Medium Term Financial Strategy.
Ward-specific impacts	None
Workforce/Workplace	Some budget proposals may affect staff e.g. efficiency savings requiring different ways of working.

Budget setting process and timetable

7. The 2013/14 budget relates to the financial year that will run from 1 April 2013 to 31 March 2014. The Full Council meeting on 28 February will set the budget, taking into account recommendations from the Cabinet. The Scrutiny Committee will have an opportunity to review the budget proposals before the Cabinet determines its recommendations.
8. The following are the key steps taken to draw up the budget:

July 2012	Public consultation carried out
October 2012	Financial forecasts updated, preliminary informal discussions with the Administration
November 2012	Budget Strategy approved by the Cabinet Business ratepayers consultation initiated
December 2012	Briefing for Scrutiny Committee (this report) Provisional Local Government Finance Settlement released by DCLG Completion of detailed number crunching
January 2013	Finalisation of budget proposals Preparation of formal paperwork Confirmation of Local Government Finance Settlement
February 2013	Formal consideration of budget proposals by Members; Scrutiny Committee, Cabinet and Full Council
March	Council Tax bills issued Budget Book published
1 April	Financial year commences

Budget papers for consideration by Members

9. Below is a summary of the separate components of the budget papers and suggestions for the types of issues the Scrutiny Committee may wish to consider. These suggestions are neither compulsory nor exhaustive.

10. Housing Revenue Account (HRA)

Summary

- a) Deals with budgets for council housing only, which by law are kept in a separate ringfenced account, separate from other council services.
- b) Expenditure on council housing is funded by rents and service charges payable by council tenants.
- c) HRA finances underwent substantial reform on 1 April 2012. Negative housing subsidy was abolished, replaced by the Council having to take on a share of the national housing debt. The result is that the HRA has significant levels of revenue headroom in its budget.
- d) The HRA has a 30-year business plan which sets out plans to maintain and improve housing stock and provide services to tenants, and plans for funding new council houses. The business plan allocates the revenue headroom and ensures that the debt is repaid within the 30-year period.
- e) HRA budgets are discussed by the Tenants Forum and Housing Board prior to consideration by Cabinet.

Possible issues for consideration by Scrutiny:

- Do the proposals have the support of council tenants?
- Is the rationale for proposed rent & service charge increases clearly explained and justifiable?
- Are there clear plans for the use of revenue headroom that deliver useful outcomes within reasonable timescales?

11. Treasury Management

Summary

- a) Including monies collected for other organisations, over £125m flows in and out of the Council's bank accounts each year. Inevitably, temporary cash surpluses arise.
- b) In addition, the Council holds financial reserves, including its own balances, and S106 funds.

- c) Treasury management is the process by which these cash flows and balances are managed. The prime objective is to ensure security of funds; secondary priorities are to ensure sufficient liquidity to enable commitments to be met, and capacity to earn income on the balances held.
- d) The Council is required to approve a Treasury Management strategy that ensures appropriate risk management including a safe approach to investing surplus funds. This has particular importance in wake of the Icelandic banking crisis in 2008, and volatility in the industry generally.
- e) Treasury management strategy also governs how long term borrowing is used to fund capital expenditure.
- f) The strategy is accompanied by mandatory “prudential indicators” which are technical measures of the affordability and sustainability of the Council’s borrowings and investments.
- g) The Council is advised in its treasury management activity by leading independent experts, Arlingclose Ltd.

Possible issues for consideration by Scrutiny:

- Is the strategy consistent with advice provided by Arlingclose?
- Does the strategy ensure that the Council’s exposure to risk is appropriate and properly managed? Has the right balance been struck between safeguarding funds and earning a return?
- What do the prudential indicators say about the appropriateness of the Council’s plans?

12. Capital Programme

Summary

- a) Capital expenditure is spending on schemes or assets that have long term value to the Council and the community. Examples include council housing, vehicles, IT systems, building improvements, or grants to outside bodies and individuals such as disabled adaptations.
- b) Capital expenditure is financed by contributions from the HRA or General Fund, capital receipts (sale of Council assets), external funding such as S106 contributions or government grant, or by borrowing.
- c) The Capital Programme sets out capital expenditure plans for the next 5 years, together with details of how this is to be financed.

Possible issues for consideration by Scrutiny:

- Do the proposed items in the Programme provide tangible outcomes and value for money?
- How do we ensure that capital grants given to outside bodies and individuals achieve the intended outcomes?
- Are the financing methods appropriate, and built into revenue budgets?

13. Medium Term Financial Strategy (MTFS)

Summary

- a) The MTFS relates to the General Fund (all services except Council Housing) and sets out forecasts for the next five years.
- b) It includes estimates of income and expenditure, and quantifies the extent of any surpluses or deficits anticipated during the five year period.
- c) The MTFS sets out in outline the Council's strategy for addressing deficits, or using surpluses, in order to ensure that Corporate Plan priorities are underpinned by sound finances.
- d) The key reason for having an MTFS is to anticipate potential difficulties long before they arise and ensure that robust plans are in place to address them. This is of particular importance in the wake of the Council's financial problems in 2007/08, and expected future cuts in Government funding of local government.

Possible issues for consideration by Scrutiny:

- Are the assumptions used to build the forecasts reasonable?
- What would happen if actual events differed from the assumptions?
- Does the Council have a robust plan for addressing any deficits forecasted?
- Are plans for the use of any surpluses prudent, sustainable and good value for money?

14. Robustness of Estimates and Adequacy of Reserves

Summary

- a) By law, the Council must set its General Fund budget and Council Tax having given due regard to advice from its chief financial officer on the robustness of estimates and adequacy of reserves.

- b) The report will summarise the key risks in the Council budget, and the assumptions that are most volatile. This will be translated into advice about the minimum safe level of contingency reserves that should be maintained, and whether other reserves are needed to meet expected pressures in the coming years.
- c) The Secretary of State has powers to intervene if the CFO's advice is disregarded by Members, in the event of inappropriately low levels of reserves being maintained.

Possible issues for consideration by Scrutiny:

- Are the risks clearly explained?
- Is the advice about minimum safe contingency reserves proportionate to the risks involved?
- Is the level of reserves held by the Council appropriate?

15. General Fund Budget and Council Tax

Summary

- a) The General Fund covers budgets for all Council services except council housing.
- b) General Fund expenditure is mostly funded from fees & charges and Government grant. The balance is funded by Council Tax. By law the Council must set a balanced budget.
- c) The report will set out in detail proposed budgets for all General Fund services, proposed fees & charges, and a Council Tax resolution. On 20 November, the Cabinet indicated that it intends to recommend that the Council approves a 1% cut in Council Tax, when final budget proposals come forward in February.

Possible issues for consideration by Scrutiny:

- Is the proposed budget consistent with the Medium Term Financial Strategy and the CFO's advice on the level of reserves that should be maintained?
- Is the budget consistent with the Budget Strategy approved by the Cabinet on 20 November?
- Have consultation responses been properly taken into account?
- Does the budget support the Corporate Plan?
- Are proposed budget growth items (service investment) justified with clear outcomes that provide value for money?

- Are proposed budget reductions (efficiency savings or service reductions) reasonable and consequences properly thought out?
- Is the Equalities Impact Assessment satisfactory?
- Is the proposal regarding Council Tax reasonable?

Further background reading

16. Scrutiny Committee Members are invited to familiarise themselves with the Council’s existing Medium Term Financial Strategy and Budget Book. Both can be found on the Council’s website at: www.uttlesford.gov.uk/finance (see box on bottom right of webpage)

17. In addition, Members are requested to review the Budget Strategy report approved by the Cabinet on 20 November.

18. At all times the Assistant Chief Executive – Finance shall be pleased to meet with Members individually or in groups to discuss any aspect of the Council’s finances.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
A detailed risk assessment shall accompany the budget proposals. There are no specific risks at this stage.			

- 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.