

**CABINET held at COUNCIL CHAMBER - UTTLESFORD DISTRICT COUNCIL, COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 18 OCTOBER 2017 at 7.00 pm**

Present: Councillor H Rolfe (Chairman)

Councillors S Barker, S Howell, V Ranger, J Redfern and H Ryles

Officers in attendance: A Bochel (Democratic Services Officer), D French (Chief Executive), R Harborough (Director - Public Services), A Knight (Assistant Director - Resources), S Pugh (Interim Head of Legal Services and Interim Monitoring Officer), M Watts (Principal Environmental Health Officer - Protection) and A Webb (Director - Corporate and Financial Services).

Also present: Councillors A Dean (Liberal Democrats Group and Chair of Scrutiny Committee) and B Light (Residents for Uttlesford Group, substituting for Councillor J Lodge).

**CA47 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

*Councillor Barker declared a non-pecuniary interest on Item 7, 100% Business Rates Retention, Essex Pilot Scheme, as a member of Essex County Council.*

Apologies for absence were received from Councillor J Lodge.

**CA48 MINUTES OF THE PREVIOUS MEETING 7 SEPTEMBER 2017**

The minutes of the meeting held on 7 September 2017 were received and signed by the Chairman as a correct record.

**CA49 REPORTS FROM GOVERNANCE, AUDIT AND PERFORMANCE AND SCRUTINY COMMITTEES (STANDING ITEM)**

Councillor Dean said there had been two Scrutiny Committee meetings since Cabinet last met. The first had been a call-in meeting regarding a Cabinet decision to dispose of land at DeVigier Avenue, on which members had voted to take no further action. He said the Council could probably proceed differently with call-in meetings in the future, and had asked officers to draw up a template for consideration of call-in items to ensure that the debate was conducted in the right sequence. An ordinary Scrutiny Committee meeting had also taken place.

Councillor Dean said he had had a lack of response regarding questions he had for the Army about Carver Barracks. He had advised the Scrutiny Committee that he had written to the Leader of the Council, but had yet to receive a response.

## CA50 100% BUSINESS RATES RETENTION, ESSEX PILOT SCHEME

Councillor Howell introduced the report. He said Uttlesford District Council was currently part of a business rates pool and benefited from a reduction of 3% in its levy payments. There was however an opportunity to take part in the pilot scheme to retain 100% of business rate growth.

There were criteria on which submission of an application for the pilot would be based and an application would not necessarily be successful. However it was almost certainly the case that in due course all councils would be obliged to participate in such schemes. There was a safety net for the pilot, but there was no guarantee that there would be a 'no detriment' clause. Initial predictions said the pilot was financially sound and would offer a high level of reward.

In response to questions from members, the Assistant Director – Resources said all councils which were considering involvement in the Essex pool were seeking member approval. The application to the scheme might still be successful if a few councils declined to cooperate, but the more that participated, the higher the likelihood of success. The Council currently retained 50% of the growth generated by business rates above the Council's baseline figure. The proposed scheme would allow 100% retention. If Essex failed to become one of the pools in the pilot scheme, councils in the pool would be no worse off.

The Director – Public Services said Uttlesford's functional economic area was Essex.

In response to Councillor Light's suggestion that a decision be taken by a meeting of the Council because of the importance of the issue, Councillor Howell said the decision was within Cabinet's remit. Failing to participate in the pilot would likely mean the government would enforce it upon Uttlesford at a later date. Uttlesford was a net contributor to the national economy, and this scheme was a way of ensuring that growth was retained.

RESOLVED to delegate authority to the Director of Finance and Corporate Services (S151 Officer) in consultation with the Cabinet Member for Finance and Administration:

- a) To agree the terms for an Essex application to become a Pilot area for 100% Business Rates Retention Scheme in 2018/19.
- b) In the event that the above application is not accepted to agree the terms of an extended Essex Business Rates Pool.

## CA51 GRANT FOR HARLOW COLLEGE

Councillor Ranger introduced the report. He said the Council did not have a further education college within the district. Young people therefore faced challenges in gaining additional knowledge and acquiring skills due to travel and time constraints. There was a dropout rate from sixth form education because of these factors. Adults might also wish to retrain. The Council had been

approached to make up the shortfall in funding for the provision of a Technical and Professional College. The Council's Strategic Initiative Fund had been created for projects such as the proposed grant, which benefitted communities. It was estimated around 530 people would be trained every year.

Councillor Light said she was very pleased that the Council was considering providing the grant, and asked if Harlow College had any other means of making up the shortfall. Councillor Ranger said the college had investigated other potential streams and had not been able to make up the funding gap. The Council wanted to take the opportunity to invest in people in the district and was in a position to help. The proposal was a good investment because it would be worth equipping the learning facilities properly.

In response to a question from Councillor Light, the Director – Public Services said students and staff would be eligible for an airport travel card, which would provide subsidised transport to the airport.

Councillor Dean said he thought providing the college with the grant would be good for the district and local people. He asked whether the project was paying the airport to use the land required. In response, the Chairman said the funding for the land was Manchester Airport Group's contribution to the project.

The Chairman said the Council was also investing in broadband and sports as well. None were statutory responsibilities, but all investments were with the aim of achieving the Council's corporate objectives. The grant would enrich opportunities for students and aid businesses in the district.

Councillor Redfern said this was a good way to use the strategic initiative fund. There was a lack of variety of opportunity for students in the district. Public transport was difficult, but Stansted Airport was one of the easier places to get to.

RESOLVED that the Council make a capital grant of up to £300,000 towards the provision of the proposed Technical and Professional College at Stansted Airport, subject to Harlow College providing a statement of the need for the amount of funding required up to the £300,000 cap and acknowledging the council as a supporter of the project.

## **CA52 AIR QUALITY ACTION PLAN**

Councillor Barker thanked the Scrutiny Committee for its work on the project. Councillor Dean said the concerns the committee had had the previous year had been addressed.

Councillor Barker gave a summary of the report. She said the team had been working on some of the priority measures in the report.

In response to a question from Councillor Light regarding how the action plan would tie in with planning decisions and the proposed local plan, Councillor

Barker said any planning application needed to be considered on its own merits, although she appreciated there was always a cumulative effect of traffic in any town or village. The Director – Public Services said the proposed local plan had looked at the implications of an increase in traffic flow. Sometimes development would not be appropriate without congestion mitigation.

In response to a suggestion that the cycle path between Saffron Walden and Audley End might be dangerous, members said it was not appropriate at this meeting to speculate about this.

In response to a question from Councillor Redfern, the Director – Public Services said there had been a reduction of business floor space at the old Coronation Works.

In response to a question from Councillor Redfern, Councillor Barker said travel plans were put in place when new schools were opened or existing schools expanded, although she was unaware of whether there was a team monitoring it at Essex County Council. She would look into it further.

In response to a question from Councillor Light regarding how the number of people travelling by car to work would be measured, Councillor Barker said it would be subject to monitoring and annual review.

The Chairman said it was important to note that there were 22 action points which would contribute to the plan. The work proposed by the plan was ongoing. Saffron Walden was the centre of much of the problem. There was now a clear route through Peaslands, Mount Pleasant Road, but there were other hotspots to look closely at. There was a pot of money available to mitigate these issues. He would arrange another meeting of the Saffron Walden Highways Group to discuss the hotspot areas further.

RESOLVED to approve the Air Quality Action Plan as a working document over the 5 year life of the plan.

#### **CA53 ARTICLE 4 DIRECTION FOR LOCAL HERITAGE LIST**

On advice from the Interim Head of Legal Services, Councillors Redfern and Rolfe declared personal non-prejudicial interests as the owners of properties with article 4 directions on them.

Councillor Barker gave a summary of the report.

In response to members asking for clarification on the reasoning behind the report, the Director – Public Services said the proposal was to carry out a comprehensive survey of properties worthy of inclusion on a local heritage list. It was to be a more systematic and specific approach to non-listed buildings. Article 4 directions would then be applied to these properties listing a specific set of works which would need approval before being carried out, rather than the more general set of alterations which required approval on listed buildings.

Councillors Ranger and Dean expressed concern that removing Article 4 directions on some properties could have a detrimental effect on the conservation areas they were located in.

Members agreed to withdraw the item for further clarification and consideration.

#### **CA54 REVIEW OF ENFORCEMENT**

Councillor Howell said Cabinet had been keen to prioritise the Council's approach to enforcement. He gave a summary of the report. The Scrutiny Committee's work had formed the basis of the corporate strategy. There were areas where work still needed to be done in relation to individual services. Regulatory enforcement powers would be exercised on the basis of being proportionate, accountable, consistent, transparent and targeted. The aim was to change and deter non-compliant behaviours and eliminate financial gain or benefit from non-compliance. Enforcement was a key responsibility of the Council and was consistently identified as a priority by local people and businesses.

The Chairman said enforcement was a key objective and the new framework was very clear.

In response to a question from Councillor Light asking how many fixed penalty notices were issued by officers, the Principal Environmental Health Officer – Protection said officers did not issue many, but were looking at making more use of them.

RESOLVED to approve the draft enforcement policies annexed to this report, subject to authorising officers to carry out further work to ensure consistent presentation and layout.

#### **CA55 STREET NAMING AND NUMBERING POLICY**

Councillor Barker gave a summary of the report. Councillor Hargreaves had proposed that the phrase "or had a very close connection" be added to paragraph 6.3.7 so that it read:

'The use of a name which relates to people either living, or deceased should be avoided if possible. Only in very exceptional circumstances would such a suggestion be given consideration. It is essential that the person put forward lived in the town or village in question or had a very close connection. The final decision will be to the discretion of the Assistant Director Planning.'

In response to a question from Councillor Redfern on the restrictions in paragraph 6.3.7 on naming streets after people, Councillor Barker said this was national good practice, but she would consider any objections raised during the consultation. Councillor Dean said the rule was often imposed to avoid naming a street after a person who might later fall from grace, though it was possible to be overly concerned. Cabinet should look carefully at responses to the consultation.

Councillor Barker said the list of suffixes for street names on paragraph 6.3.13 was not exhaustive. The idea of the policy was to be consistent and sensible with allocating names and to ensure an outcome that all were happy with.

In response to a suggestion from Councillor Redfern, members agreed to amend the list of suffixes in paragraph 6.3.13 to include 'yard'.

Councillor Howell said he was happy to see that parish councils were the driving force behind street naming. He also urged the Council to use recyclable material wherever possible.

Councillor Howell challenged the provision in paragraph 6.3.16 which would bar the use of apostrophes in street names. Members agreed to remove paragraph 6.3.16 from the policy.

In response to a suggestion from Councillor Ryles, members agreed the first line of paragraph 6.3.7 should be further amended to delete the phrase "either living or deceased", as this was superfluous.

RESOLVED that the proposed policy attached to this report be approved as a consultation draft subject to the following amendments:

- a) Paragraph 6.3.7 to read: The use of a name which relates to people should be avoided if possible. Only in very exceptional circumstances would such a suggestion be given consideration. It is essential that the person put forward either lived in, or had a very close connection with, the town or village in question. The final decision will be to the discretion of the Assistant Director Planning.
- b) Paragraph 6.3.13 to include the term 'yard' in the list of possible suffixes.
- c) Paragraph 6.3.16 to be deleted.

## **CA56 SAFFRON WALDEN TOWN CENTRE CULVERT PARTNERSHIP**

Councillor Barker gave a summary of the report. A full repair scheme to be funded by the Environment Agency, Anglian Water and Essex County Council meant that the culvert should not require any further work for 25 years. However, the Environment Agency had approached the Council as a flood risk management authority to take on a continuing role after the full repair had been completed. The Council was being asked to seek to establish a partnership of all the riparian owners to build up a revenue fund with contributions from the owners to monitor the condition of the structure and to carry out any necessary future works to maintain the culvert in good condition. As a first step, the report recommended that the Council explored the willingness of all the riparian owners to cooperate to this end.

In response to a question from Councillor Light regarding the anticipated 25 year life of the repairs being funded by the Environment Agency, the Director – Public Services said it might be possible to implement a repairs scheme with a longer anticipated duration, but the proposed scheme was more affordable.

Councillor Howell said he supported the recommendation. He was pleased that the repair work was being done, and the Council was to be commended for taking a leadership role. He hoped very much that the riparian owners would participate in the scheme.

RESOLVED that the Council explores the willingness of all the riparian owners to cooperate over jointly building up a revenue fund using owners' contributions to monitor the condition of the structure. Subject to the participation of the owners, the council would hold the revenue fund for periodic monitoring of the condition of the culvert, and any necessary maintenance works over the 25 year period that the full repair scheme is expected to remain effective, and any necessary repairs at the end of the 25 year period.

#### CA57 WEST OF BRAINTREE GARDEN COMMUNITY PLAN

The Chairman said the report had been discussed at the Planning Policy Working Group the previous evening, and a few amendments had been proposed.

Councillor Barker gave a summary of the report and detailed the proposed amendments. These were as follows:

**Amendment 1: Page 203 (Page 11 of the Document). Paragraph 4.**

The first sentence to read:

*Braintree and Uttlesford District Councils, together with Essex County Council, **propose** the delivery of this Garden Community which will be developed alongside all necessary infrastructure.*

**Amendment 2: Page 205 (Page 13 of the Document). Paragraph 3.**

The start of the first sentence to read:

*Uttlesford District Council supports **in principle** the proposal for a new Garden Community at West of Braintree...*

**Amendment 3: Page 216 (Page 24 of the Document). Para 3 of the Highlighted Vision.**

The start of the second sentence to read:

*It will be a healthy, **safe** place, where walking and cycling.....*

**Amendment 4: Page 253 (Page 61 of the Document). Question 13.**

Delete the fourth bullet point: *There is a triangular area of land...*

The Director – Public Services said the piece of land mentioned in the fourth bullet point of page 253 could potentially positively contribute to development. The consultation question on that point did not prescribe that the land would be

used for development, but it was important to draw attention to it and ask a question about the inclusion of the land. However if the Cabinet agreed with the amendment suggested by the Planning Policy Working Group, it would have to be taken out.

The Chairman said he understood the point made by the Director – Public Services, but the piece of land in question had not been in the original draft 18 local plan and development there would have a great impact on the residents of Stebbing.

Members said changes could be made between regulation 18 and 19 drafts.

The Chairman said it was important to note the consultation would be a joint exercise between Uttlesford and Braintree District Councils. The Director – Public Services said the consultation would ask for responses from anyone affected by the proposals, regardless of where they lived. Councillor Barker said it was very important that both councils were in agreement on the document.

The Director – Public Services said the second bullet point on page 253 asked a similar question to the fourth bullet point, but was phrased in more general terms.

RESOLVED that

- a) Cabinet agree the appended West of Braintree Garden Community Plan Issues and Options document for public consultation, subject to incorporation of the amendments suggested by the Planning Policy Working Group on 17 October 2017.
- b) The Director of Public Services be given authority to make final minor amendments to the West of Braintree Garden Community Plan Issues and Options document following consultation with the Leader.

## **CA58 PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES: GOVERNMENT CONSULTATION**

Councillor Barker gave a summary of the report.

The Chairman thanked Councillor Hargreaves for his input on the issue. The new method of calculation had resulted in polarised outcomes for some districts. Under the new formula, Greenwich needed an 848% increase in the provision of homes while Barrow in Furness did not need to build any new homes. There was obviously a need for the methodology to be revised.

In response to a question from Councillor Dean regarding the reference in the recommendation to the Planning Policy Working Group, members noted that the report had not been submitted to the Planning Policy Working Group. Councillor Barker said the last sentence of the recommendation should be removed.

Councillor Ranger expressed concern that the Council's response to question 6 in Appendix A would indicate it was not at an advanced stage of plan-making until the regulation 19 consultation. The Chairman said the Council's view was

that it would be sufficiently advanced by 31 March 2018 to operate on the previous figure of new-build houses required, rather than the updated figure. The Director – Public Services said the wording drew the distinction between what was being consulted on and what was ready to be consulted on.

The Chairman said he would discuss rewording the sentence with the Director – Public Services and Councillor Ranger. Councillor Barker said if that was the case, the last sentence of the recommendation could substitute the reference to the Planning Policy Working Group with a reference to the Cabinet.

In response to a question from Councillor Dean, Councillor Barker said that Question 11(a) in the consultation document was unnecessary, and Question 11(b) was over simplistic.

RESOLVED that Cabinet note the publication of the government's proposals "Planning for the right homes in the right places" and endorse the Draft response to government set out at Appendix A. Any changes to the response subsequent to Cabinet should be agreed by the Leader and the Chief Executive.

The meeting ended at 9pm.