



# Uttlesford District Council

Chief Executive: Dawn French

## Cabinet

**Date:** Thursday, 24th May, 2018

**Time:** 7.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

**Leader and Chairman:** Councillor H Rolfe

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

**Other attendees:** Councillors A Dean (Liberal Democrat Group Leader and Chairman of Scrutiny Committee), J Lodge (Residents for Uttlesford Group Leader) and E Oliver (Chairman of Governance, Audit and Performance Committee)

### 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.

**2 Minutes of the meeting held on 4 April 2018**

5 - 12

To consider the minutes of the previous meeting held on 4 April 2018.

**3 Matters Referred to the Executive by the Scrutiny Committee or by the Council (standing item)**

To consider matters referred to the Executive for reconsideration in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Rules.

**4 Consideration of reports from overview and scrutiny committees (standing item)**

To consider any reports from Scrutiny Committee.

**5 Refugee Working Group (standing item)**

To receive any reports from the Refugee Working Group.

**6 Report of Delegated Decisions taken by Cabinet Members (standing item) 13 - 14**

To receive for information any delegated decisions taken by Cabinet Members since the previous Cabinet meeting.

**7 Establishing an Assets of Community Value Committee 15 - 18**

To consider establishing an Assets of Community Value Committee.

**8 Appointment to the Voluntary Support Grants Committee**

To appoint as members of the Voluntary Support Grants Committee, Councillors Simon Howell and Vic Ranger, and as Chairman, Councillor Howard Rolfe.

**9 Cabinet Working Groups 19 - 26**

To review and appoint membership of Cabinet Working Groups.

**10 Appointments to Outside Bodies 27 - 28**

To appoint representatives to outside bodies.

**11 Appointments to North Essex Parking Partnership**

To appoint as representative to the North Essex Parking Partnership, Councillor Howard Ryles, and Councillor Vic Ranger as Substitute Member.

**12 Appointment to West Essex Wellbeing Joint Committee**

To appoint as members of the West Essex Wellbeing Joint Committee, Councillors Vic Ranger and Howard Rolfe.

**13 Scrutiny Review 29 - 44**

To receive the Centre for Public Scrutiny review.

**14 Garden Communities Delivery Member Governance Board update** 45 - 52

To receive an update from the Cabinet Working Group on items discussed in the last four months.

**15 Asset of Community Value re-nomination of The Allotments, High Roding** 53 - 66

To consider the re-nomination of an asset of community value.

**16 Right of Way in Little Chesterford** 67 - 74

To consider the Right of Way in Little Chesterford report.

**17 S106 funding for Easy Access Path, Aubrey Buxton Nature Reserve, Stansted Mountfitchet - WITHDRAWN** 75 - 78

To consider the report on S106 funding for an Easy Access Path in Aubrey Buxton Nature Reserve, Stansted Mountfitchet.

**18 Any other items the Chairman considers urgent**

To receive any other items the Chairman considers urgent.

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk). For background papers in relation to this meeting please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510433/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

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.

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

### **Facilities for people with disabilities**

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) or phone 01799 510430/433 as soon as possible prior to the meeting.

### **Fire/emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

**For information about this meeting please contact Democratic Services**

Telephone: 01799 510433, 510369 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

**CABINET held at FOAKES HALL, GREAT DUNMOW, on WEDNESDAY, 4 APRIL 2018 at 7.00 pm**

Present: Councillor H Rolfe (Chairman)  
Councillors S Barker, S Howell, V Ranger, J Redfern, H Ryles and B Light

Officers in attendance: D French (Chief Executive), R Dobson (Principal Democratic Services Officer), R Harborough (Director - Public Services), S Pugh (Assistant Director - Governance and Legal) and A Webb (Director - Finance and Corporate Services)

CA106 **POW CAMP 116, HATFIELD HEATH: NOMINATION AS AN ASSET OF COMMUNITY VALUE**

**PUBLIC SPEAKING**

Statements were made by Nigel Robley, Niki Champion, Ivan Cooper, Sam Bampton and David Parish. Summaries of their statements are appended to these minutes.

Councillor Barker presented a report regarding a nomination for inclusion on the list of community assets of POW Camp 116 at Hatfield Heath, received from Hatfield Heath Parish Council. The report set out the statutory criteria for listing as an asset of community value. The recommendation was to reject the nomination as no current qualifying community use or qualifying community use in the recent past had been identified.

Councillor Ranger said there was no current qualifying use.

Councillor Barker said these were two private parcels of land, whereas normally the subject of an application was common land.

Councillor Howell said he had sympathy for the local community, as clearly the site had some historic value. However the criteria on which assets of community value were determined was clear. To date, the Council had not received a similar application. Whilst it did not meet the requirements for listing as an asset of community value, the site had some historic value.

Councillor Ranger said match funding had not yet been explored. This was a unique site, requiring a unique solution.

Councillor Redfern said she shared colleagues' concerns on this matter. Whilst she accepted this site was not an asset of community value, it did have historic value, which should be assessed with the Parish Council.

Councillor Light said she supported the preservation of the history of the place as the record was fascinating and the story of the Prisoners of War should be told.

Councillor Barker proposed to reject the listing as an asset of community value, but to recommend that Council work with heritage officers to add POW Camp 116 to the Heritage Asset List which was currently being compiled.

Councillor Rolfe said it was clear as to what an asset of community value was, and this site did not qualify. However, Cabinet appreciated that the site was very special. If added to the Heritage List it would be a material planning condition.

RESOLVED to reject the nomination to list POW Camp 116 as an asset of community value; and that Uttlesford District Council will work with the local community to ensure POW Camp 116 is considered for inclusion in the Local Heritage List.

#### CA107 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Dean.

Councillor Barker declared a personal interest in relation to amendments to the Housing Allocations Policy and Homelessness Strategy, as Chairman of the Essex Civilian Military Partnership Board; and in relation to the release of section 106 monies for the refurbishment of The Old School House, Priors Green, Takeley, and the nomination of POW Camp 116 as an asset of community value, as Essex County Councillor for Takeley and Hatfield Heath.

#### CA108 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 15 February 2018 were received and signed by the Chairman as a correct record.

#### CA109 **MATTERS REFERRED TO THE EXECUTIVE (STANDING ITEM)**

#### CA110 **REPORTS FROM GOVERNANCE, AUDIT AND PERFORMANCE AND SCRUTINY COMMITTEES (STANDING ITEM)**

In the absence of Councillor Dean, Chairman of the Scrutiny Committee, the Principal Democratic Services Officer read out a statement on his behalf.

The statement reported that Ian Parry from the Centre for Public Scrutiny had presented a report following his review of the Council's scrutiny process. Ian Parry had noted the Council was among only a few to have undertaken such a review. The Council's willingness to take on board constructive criticism and recognise where improvement could be made had been welcomed. The report had highlighted strengths in the Council's scrutiny arrangements, including good relationships between Scrutiny Committee Members and officers, and Executive

Members. The function was seen to be generally well-organised and welcomed in the Council. Areas for improvement which had been identified included a lack of purpose and authority in the Scrutiny function; that it did not provide sufficient impact and value in shaping and improving decision-making, and that Cabinet was not sufficiently visibly accountable to Scrutiny. The Committee had welcomed the findings and accepted the recommendations of the review, and an action plan to implement the recommendations would be developed.

The statement referred to the Scrutiny Committee's request that Cabinet consider the full report at its meeting in May, as some of the recommendations would require a closer working relationship between Cabinet and Scrutiny Committee, which Councillor Dean trusted could be taken under the Cabinet standing item for consideration of reports from the Governance, Audit and Performance and Scrutiny Committees.

Councillor Dean's statement then reported that the Scrutiny Committee had also discussed its work programme for 2018/19, and had considered a list of potential areas for review. For its May meeting the Scrutiny Committee had requested initial reports on recycling and affordable housing.

Councillor Rolfe said he had read the Scrutiny review report. A series of recommendations would need to be made, which Cabinet and Scrutiny Committee collectively would work to address.

**CA111 REFUGEE WORKING GROUP (STANDING ITEM)**

Councillor Redfern said there was no further information at present to report to Cabinet.

**CA112 CORPORATE PLAN DELIVERY PLAN 2018/19**

Members considered a report on the Corporate Plan Delivery Plan for 2018/19, for delivery of the Corporate Plan 2018/19 which had been agreed by Council at its meeting of 22 February 2018.

RESOLVED to approve the Corporate Plan Delivery Plan 2018/19, as set out in the report.

**CA113 FINAL PROGRESS REPORT ON THE CORPORATE PLAN DELIVERY PLAN 2017/18**

Members considered a report on the final end of year progress against the Corporate Plan Delivery Plan 2017/18.

RESOLVED to note final progress made against the Corporate Plan Delivery Plan 2017/18.

**CA114 VOLUNTARY SUPPORT GRANTS COMMITTEE**

Members noted a report on the review undertaken by the Voluntary Support Grants Committee of all voluntary sector grants awarded for 2017/18 and 2018/19.

**CA115 AMENDMENTS TO HOUSING ALLOCATIONS POLICY AND HOMELESSNESS STRATEGY**

Members considered a report on the review of the Council's Housing Allocations Policy and Homelessness Strategy, which required amendments to take account of changes in legislation. Such changes were necessitated by the Homelessness Reduction Act 2017, which had come into force on 3 April 2018.

Councillor Redfern said an additional amendment was needed to update the allocations policy in respect of applicants who were members of the Armed Forces as the policy referred to the phrase "honourably discharged", which was no longer in use.

Councillor Barker said the amendments were welcome, as they would enable intervention before a person was in fact made homeless.

In response to questions from Councillor Rolfe regarding allocation of void council properties for homeless people, and regarding use of accommodation in Harlow, the Housing Strategy and Operations Manager said as soon as properties became void they became subject to a process to enable them to be re-allocated as soon as possible, so they were not left vacant. Bed and breakfast accommodation in Harlow was used only in an emergency, for families and for as short a time as possible for single persons.

In reply to a question from Councillor Light as to whether there were currently any people who were homeless in the District, the Housing Strategy and Operations Manager said there were no "rough sleepers" in the District at present.

RESOLVED to approve amendments to the Council's Housing Allocations Policy and Homelessness Strategy to take effect from 3 April 2018, and to change the wording within the Allocations Policy in respect of the eligibility of members of the Armed Forces, to remove the wording "honourable discharge", and to replace it with the wording "applicants who are serving members of the Regular Forces or who have served in the Regular Forces".

**CA116 HRA LAND ASSET MANAGEMENT**

Members considered a report regarding potential development plots located at The Elms in Duton Hill and Hilltop Lane in Saffron Walden.



Councillor Light expressed concern that land belonging to the Council should be sold in order to build private properties, as in her view the Council should retain land to enable it to build social housing.

Councillor Howell said it was inappropriate to use the land to build a single house on its own, and the money would not be lost but would enable the Council to provide further housing.

Councillor Redfern said she took the point, but that it did not make economic sense to undertake a one-off build, when more council housing could be delivered by using the money for housing at a different location.

Councillor Light asked whether it was the case that the policy of the Council was that social affordable housing was not to be built in a block, but to be scattered. She would like to know the amounts and what they would be used for.

Councillor Rolfe said the Council had changed its social housing development policy over time, and that houses were built in clusters, not individually, for example at Forest Hall Park.

The Assistant Director – Legal and Governance advised against disclosure in the public meeting of the sums involved, as these were likely to be commercially sensitive.

Councillor Redfern said the costs of building were the issue, and offered to provide further details of the factors involved with Councillor Light outside the meeting.

RESOLVED that in accordance with the Housing Revenue Account Management and Development Strategy and subject to outline planning permission being granted for two sites, The Elms, Duton Hill, and Hilltop Lane, Saffron Walden:

1. That the identified sites be sold on the open market by way of sealed bids, with a guide price for offers as advised by the selling agent. The guide price will be set to maximise income to the Housing Revenue Account whilst maintaining competitiveness and interest in the plots.
2. That the receipt received is ring-fenced to fund the acquisition/development of new housing.

CA117 **S106, PRIORS GREEN, TAKELEY**

Members considered a report on a request from Takeley Parish Council for release of section 106 money for the refurbishment of The Old School House at Brewers End in Takeley.

RESOLVED to approve the release of £86,490.44 from Section 106 monies for the refurbishment of the Old School House at Takeley, subject to consultation with the contributing developers.

The meeting ended at 8.10pm.

## PUBLIC SPEAKING STATEMENTS

Nigel Robley spoke in support of the nomination of POW Camp 116, Hatfield Heath as an asset of community value, raising the following points:

- He spoke as a parish councillor;
- The Camp was virtually unique;
- The owners seemed to wish to build homes on the site;
- Contrary to a statement in the report that no access had been gained since 1980, research revealed that Alan Wilton, a school governor, arranged educational trips to the site in October 2014 and subsequently;
- Funding would be via the precept and the Lottery Heritage Fund, eventually becoming self-funding.

Niki Champion spoke in favour of the nomination of POW Camp 116 being included in the list of assets of community value. She raised the following points:

- As a resident who lived near the site, she wished to express the community view;
- She had witnessed numbers of visitors attending the site;
- People visiting had a variety of reasons, including family connections, historical and artistic interests;
- In 2017 a petition to prevent the development of the land had gained 500+ signatures;
- The site was one of the best surviving examples of POW camps in the UK, and it was important to remember that the prisoners had contributed to the local community.

Ivan Cooper spoke in support of the nomination of the Camp as an asset of community value. He made the following points:

- The POW Camp had educational value;
- Since 2009 Alan Wilton, in his role as School Governor, had taken students to visit the site;
- He had been involved in producing a book about the Camp, in 2013, which had sold over 240 copies globally;
- English Heritage had given the Camp a rating of "2", meaning it was nearly complete
- There was good reason to maintain the Camp for these reasons.

Sam Bampton spoke against the nomination of Camp 116 as an asset of community value. He made the following points:

- He represented the owners of the POW Camp, who agreed with the officer recommendation;
- Camp 116 had been built in 1941, was decommissioned in 1945 and returned to the original owners, who had chosen to retain the huts;
- There had been no qualifying use of the site as one which could be included in the list of assets of community value;
- There was no realistic prospect of the Parish Council matching the funding required;
- The timeframe for any bid to the Heritage Lottery Fund was longer than the legislative timeframe for determining the nomination of the site as an asset of community value;
- The legal status of the site seemed to have been misunderstood by the Parish Council;
- The owners had made several attempts to engage with the Parish Council, and had sought to preserve the mural and had installed an information board at the entrance
- To include the POW Camp in the list of assets of community value would be an error in law and open to challenge, therefore it was not in the public interest to add it to the list.

David Parish spoke in favour of adding the site to the list of assets of community value, making the following points:

- He was a member of the History Society of Hatfield Heath, and had a longstanding interest in wildlife;
- During his time as a parish councillor he had built up a wildlife register, and was dismayed at the action of the owners in fencing off most of the area, preventing herds from moving across the land;
- It was important to consider wildlife from now on.

This page is intentionally left blank

## RECORD OF EXECUTIVE DECISIONS

Decision maker	Details of Decision	Reasons	Other options considered and rejected	Conflict of interest declared by any Executive member consulted	Contact officer from where the documents can be obtained
Cllr Rolfe, Leader of the Council, Lead for Strategy, Strategic Partnerships and the Local Plan	<p>To include as a Member of the Governance Board for Garden Communities the Portfolio Holder for Housing.</p> <p>Membership:                      Leader of the Council                      Deputy Leader of Essex County Council/Deputy Portfolio Holder for Environmental Services                      Portfolio Holder for Communities and Partnerships                      Portfolio Holder for Housing                      Chairman of the Planning Committee                      Leaders of the R4U and Liberal Democrat Groups</p>	To include as a Member of the Governance Board for Garden Communities the Portfolio Holder for Housing.	None.	None.	Simon Payne, Project Manager - Planning Policy spayne@uttlesford.gov.uk

*An executive decision will come into force and may be implemented on the expiry of five working days after the date of publication unless either the Chairman or any three members of the Scrutiny Committee objects and calls it in.*

This page is intentionally left blank

## NOTICE OF EXECUTIVE DECISION

Decision maker	Date of decision	Details of Decision	Reasons	Other options considered and rejected	Conflict of interest declared by any Executive member consulted	Contact officer from where the documents can be obtained
Portfolio Holder for Economic Development	18 May 2018	<p>To agree the content of the draft Baseline Service Statements for Car Parking, Street Services and Environmental Health relating to the Saffron Walden Business Improvement District (SWBID).</p> <p>To agree the content of the draft SWBID Operating Agreement.</p> <p>To agree to the publication of the above mentioned documents on the SWBID website and for officers to make them available for</p>	<p>The Council has a responsibility to complete and provide Baseline Service Statements to the Saffron Walden BID, to ensure that services the BID provides are additional to those currently being delivered by the Council.</p> <p>The Council has a responsibility to collect the SWBID Levy and must agree an Operating Agreement which</p>			Roger Harborough, Director - Public Services

		scrutiny by local businesses throughout the BID ballot period at the Council Offices, London Road, Saffron Walden CB11 4ER.	sets out the terms of the relationship between the Council and the SWBID Company relating to the collection of the BID Levy.			
--	--	---	--	--	--	--

*A decision will come into force and may be implemented on the expiry of five working days after the date of publication unless either the Chairman or any three members of the Scrutiny Committee objects and calls it in.*



<b>Committee:</b>	Delegated Authority lies with Cabinet Member	<b>Date:</b>
<b>Title:</b>	Saffron Walden Business Improvement District	18 May 2018
<b>Portfolio Holder:</b>	Cllr Howard Ryles – Economic Development Portfolio Holder	
<b>Report Author:</b>	Roger Harborough Director of Public Services 01799 510457	<b>Key decision:</b> No

---

## Summary

1. The Saffron Walden Business Improvement District (SWBID) Steering Group established in 2017 by the Saffron Walden Town Team is leading on the development of a potential Business Improvement District (BID) in Saffron Walden. The District Council has a role in the consideration of a BID and if established its operation.
2. The SWBID Steering Group recently made the decision to take its proposal for a BID to a ballot of all businesses in the designated Saffron Walden BID area.
3. The Council has commissioned Electoral Reform Services to conduct the ballot on its behalf.
4. The Council has a number of additional responsibilities, outlined in the Government's Technical Guidance for Local Authorities. These include:
  - a. Provision of Baseline Service Statements
  - b. Input into an Operating Agreement with the SWBID
  - c. Holding BID Business Plan and Proposals for scrutiny by local businesses from the BID area during the ballot.
5. This report relates directly to the Baseline Service Statements and Operating Agreement.
6. A further report will be presented when the SWBID Business Plan and BID Proposals are available w/c 21 May 2018.

## Recommendations to Cabinet Member

- 7a. To agree the content of the draft Baseline Service Statements for Car Parking, Street Services and Environmental Health relating to the Saffron Walden Business Improvement District (SWBID).
- 7b. To agree the content of the draft SWBID Operating Agreement.
- 7c. To agree to the publication of the above mentioned documents on the SWBID website and for officers to make them available for scrutiny by local businesses

throughout the BID ballot period at the Council Offices, London Road, Saffron Walden CB11 4ER.

8. Reason

- a. The Council has a responsibility to complete and provide Baseline Service Statements to the Saffron Walden BID, to ensure that services the BID provides are additional to those currently being delivered by the Council.
- b. The Council has a responsibility to collect the SWBID Levy and must agree an Operating Agreement which sets out the terms of the relationship between the Council and the SWBID Company relating to the collection of the BID Levy.

**Financial Implications**

- 9. It was agreed by Chief Officer Management Team on 29 November 2017 that:
  - a. The SWBID would not be charged for any internal costs to cover the set-up of systems to collect the BID Levy
  - b. The SWBID would be charged 3% of billed BID Levy to cover the costs of collection. This is in line with The National BID Criteria 2018 as a maximum fee payable to a local authority for collection of the BID Levy.

**Background Papers**

10. 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.

Technical Guidance for Local Authorities  
The 2018 National BID Criteria

**Impact**

11.

Communication/Consultation	Businesses were widely consulted in the preparation of the BID Proposals.
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	UK Government legislation covers BID development.

Sustainability	N/A
Ward-specific impacts	The defined SWBID area lies within Saffron Walden Audley ward.
Workforce/Workplace	UDC staff in Economic Development, Environmental Health, Street Services, Finance, Revenues and Legal have all been involved in the preparation of the documents covered by this report.

## Situation

### 12. Background of SWBID Proposal

13. In 2015 the Economic Development Team researched models for sustainable town centre support and identified that BIDs were proving successful in many parts of the UK. The potential development of BID in Saffron Walden was included in the Economic Development Strategy 2016 – 18, which was approved by Cabinet in early 2016.

### 14. What is a BID?

15. There was a need to develop a long term sustainable model for delivering effective town and city centre management. This was necessary as town and city centre partnership had depended on voluntary funding which could not be guaranteed. Legislation covering the establishment of BIDs in England and Wales was passed in 2003 with subsequent regulations passed in 2004 and 2006.
16. The first UK BID was established in 2005. There are 300 active BIDs in the UK. Some are now in their third term.
17. A BID is a legal entity, a separate company, a business-led and non-profit organisation, established for a maximum of 5 years. It covers a defined geographical commercial area which varies in shape and size. Within the BID businesses vote to pay a levy for the delivery of projects and services to improve their trading environment. These services must be additional to those being delivered by the public sector agencies.
18. A BID Business Plan, produced before the BID Ballot sets out the projects and services to be delivered if the BID is established. The BID legislation states that the BID will only be established after a 28 day postal BID Ballot. A positive BID ballot result requires a positive vote from a simple majority of those who vote, and that the total rateable value of the yes vote is greater than the total rateable value of the no vote. This double trigger ensures that the vote is representative of businesses of all sizes.

19. The BID Levy is collected by the local authority and passed to the BID Company. An Operating Agreement is drawn up by the local authority and the BID Company to agree the method and process for collecting the BID Levy.
20. Local authorities draw up Baseline Service Statements of services being delivered from public funds. BIDs are only allowed to deliver additional services to those currently being delivered.

### **21. Potential BID in Saffron Walden**

22. The Saffron Walden Steering Group, established by the existing Saffron Walden Town Team in 2017, is leading the development of the BID, chaired by the Manager of Waitrose.
23. Cllr Redfern is a Steering Group Member representing UDC.
24. Proposed number of hereditaments in Saffron Walden BID which would be eligible to pay the BID Levy would be 280, compared with the national median of 408 hereditaments.
25. Saffron Walden BID Steering Group are proposing that a BID Levy of 1.5% is payable on all businesses with a rateable value of £5,000 or more. This would result in a total BID Levy of approximately £95kp.a., which is well below the national median BID Levy of £255kp.a.

### **Role of the Local Authority**

26. In March 2015 the DCLG issued "Technical Guidance for Local Authorities" in which they advised on a range of issues that need to be addressed by the local authority in relation to BIDs. This is available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415990/BIDs\\_Technical\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415990/BIDs_Technical_Guidance.pdf)

27. The local authority responsibilities include:
  - a. Veto of BID Proposals - the local authority should satisfy itself that the BID proposals do not conflict with any existing local authority policy such as the Local Plan; or propose a disproportionate burden on particular businesses. It is recommended that the BID Proposals are checked prior to the ballot to minimise the risk of having to veto after the ballot.
  - b. Submission of BID Proposals - the local authority should be satisfied that the submission from the BID Proposer meets the Regulations. It is likely that this information including details of consultation and arrangements for financial management are included in the BID Business Plan.
  - c. Contents of the BID Proposals - the local authority must check that the BID Proposals include all of the details included in the Regulations

including a description of the geographical area, a statement of baseline services, details about the BID Levy etc.

- d. Role as Service Provider (Baseline Agreement / Baseline Statement of Service) - the BID Regulations require a statement of the existing baseline services be provided by the local authority or any other public authority in the proposed BID area. The statement forms part of the BID proposals which demonstrate to businesses voting for the BID that the proposed BID services are additional to the baseline services provided by the public authorities.

It is best practice for a baseline agreement to be approved at the start of the BID's term which sets out baseline services and services to be provided by the BID.

It is unrealistic for local authorities to commit to specific service levels for the full five year term of the BID. The BID Proposer and local authority need to agree a process for reviewing the baseline agreement and best practice suggests an annual commitment to review and if necessary update service levels to reflect the services each will provide the following year.

Where a change in the baseline services provided by the local authority results in the BID having to alter the BID arrangements, it may need to hold an alternation ballot before it can do so. Changes can be made without a ballot but only if the original arrangements contain provision to this effect and only where the change would not alter the geographical boundary of the BID, increase the levy or cause anyone to pay the levy who had not previously been liable.

- e. Collection of BID Levy (Operating Agreement) - the local authority is required to manage the collection and enforcement of BID Levy charges. Chief Officer Management Team on 29 November 2017 considered a report on the costs and internal processes of the Council's role in the collection of the BID Levy.

It was agreed that the SWBID would not be charged for any internal costs to cover the set-up of systems to collect the BID Levy; and that the SWBID would be charged 3% of billed BID Levy to cover the costs of collection. This is in line with The National BID Criteria 2018 as a maximum fee payable to a local authority for collection of the BID Levy.

The BID body and local authority will establish an Operating Agreement to define the principles and processes for collecting the levy, enforcing the payment of the levy, reporting on collection and bad debt, monitoring provisions between the BID and local authority and providing regular detailed and summary information on the service to the BID as client.

Best practice suggests that a draft arrangement between the authority and BID should be available for scrutiny by businesses during the ballot period.

- f. Role of Ballot Holder - the timetable for the ballot is defined in the BID Regulations. A Notice of Ballot must notify all voters 42 calendar days before the Ballot Day (which is last day of 28 day postal ballot).
- g. Creating the Voter List - the local authority is required to create a voter list in readiness for the ballot. The voter must be an eligible ratepayer who will be liable to pay the BID Levy and that the address to which the ballot paper must be sent can be the address of the hereditament within the BID area or their principal place of business. In practice this list is developed by the Bid Steering Group throughout the development process as they attempt contact all local businesses and identify the name of the decision-maker within the business.
- h. Managing Changes to the List - the local authority should ensure the Voter List corresponds with the rating list update from the Valuation Office Agency closest to the date of Notice of Ballot.
- i. Ballot Principles - the ballot is run as a secret ballot and the BID Proposer will not be notified of which way the votes have been cast at any stage. However, the BID proposer can be advised of which ballot papers have been received.
- j. Ballot Materials - there are two sets of documents prepared for the ballot, the first set must be created and issued in line with the Regulations, while the canvassing and campaigning materials proposed by the BID proposer are not dictated by the Regulations.
- k. Ballot Documents - the local authority will send out the following:
  - i. Notification to the Secretary of State at least 42 days before Ballot Day (the day the ballot closes), confirming that the Notice of Ballot has been issued.
  - ii. Notice of Ballot and covering letter to those entitled to vote.
  - iii. Ballot Paper
  - iv. Ballot Statement – an impartial and factual document which provides an explanation of the BID arrangements and the ballot arrangements.
- l. Best practice suggests two additional documents, which are:
  - i. Statement of existing baseline services
  - ii. Draft Operating Agreement.

- m. Notification of Ballot Outcome - the Regulations require that as soon as is reasonably practicable after the ballot, the ballot holder should arrange for a public notice to be given of the outcome of the ballot.
- n. Declaring a Ballot Void - there is a 28 day period immediately after the result announcement during which a request to the Secretary of State to declare the ballot void can be made. The request can be made by either the BID Proposer, at least 5% of the voters or the local authority. If the Secretary of State declares the ballot void then a re-ballot must be made.
- o. Termination Procedures - the local authority has a role in pursuing termination procedures in the event that the BID has insufficient funds and/or is unable to deliver the services.
- p. The council on behalf of SWBID Steering Group has commissioned the Electoral Reform Services to undertake the ballot.

**28. Timeline for the SWBID Ballot**

- a. The timeline for a SWBID ballot is:
  - i. End of Challenge period (28 days from Ballot Date) July 27th
  - ii. Count and Declaration July 2nd
  - iii. Ballot Day (voting closes at 5pm ) June 29th
  - iv. Deadline for replacement of lost or spoiled ballot papers June 25th
  - v. Deadline for proxy cancellations June 23rd
  - vi. Deadline for proxy nominations 5pm June 18th
  - vii. First Day of Ballot period June 1st
  - viii. Issue Notice of Ballot & Final Date for Publishing Business Plan (42 days before Ballot Day) May 17th

**Risk Analysis**

29.

Risk	Likelihood	Impact	Mitigating actions
No risk	N/A	N/A	1. N/A.

- 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.

This page is intentionally left blank



**SAFFRON WALDEN TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT**

**BASELINE SERVICES STATEMENT**

<b>BASELINE ACTIVITY FOR:</b>	Environmental Health (Environmental Protection)
<b>EXISTING SERVICE PROVIDER:</b>	UTTLESFORD DISTRICT COUNCIL
<b>RESPONSIBLE OFFICER:</b>	Marcus Watts
<b>JOB TITLE OF RESPONSIBLE OFFICER:</b>	Environmental Health Manager (Protection)
<b>DATE COMPLETED:</b>	3/1/18

Summary of service provided:	Delivery of environmental protection service. To ensure regulatory compliance on matters concerning poor and inadequate drainage, nuisance offences, air quality, contaminated land. To provide planning advice to minimise adverse impact from development.
Associated services provided:	See above
Extent of BID geography covered:	Whole BID area (SW)
Service specification:	<p>Planning consultation responses to limit adverse impact of development</p> <p>Investigation of complaints concerning poor and inadequate drainage &amp; nuisances</p> <p>Monitoring of Air Quality</p> <p>The investigation and determination of Contaminated Land</p> <p>Provision of Animal warden services such as licensing and stray dogs</p> <p>Taxi &amp; premises licensing enforcement activity</p> <p>Enviro crime enforcement – Fly tipping, fly posting etc.</p>
No. staff required to deliver the service:	8.5 FTE to deliver District-wide services
Equipment required to deliver the service:	3 x Air Quality monitoring stations in Saffron Walden 13 diffusion tubes
Performance measures:	<p>The extent by which the national AQ objective has been exceeded.</p> <p>Number of enquiries / complaints received during the year</p> <p>Percentage of abandoned and untaxed motor vehicles that are dealt with within 5 working days</p>

	<p>Delivery of annual Air Quality status report</p> <p>Delivery of actions as outlined within the Air Quality Action Plan.</p>
Non-compliance – mitigation procedure:	<p>Managed in accordance with the service/corporate enforcement policy</p> <p>Assessed &amp; reported in accordance with DEFRA requirements</p>
Current costs of service provided within the BID area:	£370,708 to deliver District-wide services
Statement completed by:	<p>Marcus Watts</p> <p>Environmental Health Manager (Protection)</p>
Contact details:	01799 510595

DRAFT

**SAFFRON WALDEN TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT**

**BASELINE SERVICES STATEMENT**

<b>BASELINE ACTIVITY FOR:</b>	STREET SERVICES
<b>EXISTING SERVICE PROVIDER:</b>	UTTLESFORD DISTRICT COUNCIL
<b>RESPONSIBLE OFFICER:</b>	CATHERINE CHAPMAN
<b>JOB TITLE OF RESPONSIBLE OFFICER:</b>	OPERATIONS MANAGER
<b>DATE COMPLETED:</b>	11/05/18

Summary of service provided:	<ul style="list-style-type: none"> <li>• Commercial waste collection service</li> <li>• Street cleaning</li> <li>• Emptying of litter bins</li> <li>• Grounds Maintenance in town centre car parks within the BID area</li> </ul>
Associated services provided:	
Extent of BID geography covered:	Whole BID area is covered as part of District wide service
Service specification:	<p>Commercial waste collection – individual businesses have contracts with UDC for waste collection services and they pay for the agreed services.</p> <p>Street Cleaning – a mechanical sweeper is used to clean George Street, Hill Street, King Street, Market Place, Market Hill and Church Street on a daily basis and other streets on a weekly basis.</p> <p>Emptying litter bins on the following streets at least twice weekly:</p> <ul style="list-style-type: none"> <li>• Church Street</li> <li>• Market Street</li> <li>• Market Square</li> <li>• King Street</li> <li>• Cross Street</li> <li>• Gold Street</li> <li>• High Street</li> <li>• George street</li> </ul>
No. staff required to deliver the service:	<p>2 staff for commercial waste – 1 driver &amp; 1 loader</p> <p>1 mechanical sweeper driver</p> <p>1 street cleansing operative</p> <p>2 grounds maintenance operatives</p>
Equipment required to deliver the service:	<p>Mechanical sweeper</p> <p>Street cleansing van</p> <p>Refuse collection vehicle</p> <p>Grounds maintenance vehicle, hedge cutter, strimmer and chainsaw</p>
Performance measures:	Number of businesses with commercial waste contracts with UDC.
Non-compliance – mitigation	On-line complaint form can be completed.

procedure:	Customer Service Centre accept telephone complaints – 01799 510510. Official complaints can be submitted through the Executive Team.
Current costs of service provided within the BID area:	Unable to extract the costs from the whole service cost for the district so the net direct total costs have been provided from the 2018/19 budget book. Street cleansing: £384,010 Grounds maintenance: £314,340 Waste Management (including all domestic service provision as well as commercial waste): £509,160
Statement completed by:	Catherine Chapman Operations Manager
Contact details:	<a href="mailto:cchapman@uttlesford.gov.uk">cchapman@uttlesford.gov.uk</a> 01799 510557

DRAFT

**SAFFRON WALDEN TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT**

**BASELINE SERVICES STATEMENT**

<b>BASELINE ACTIVITY FOR:</b>	Off-street Car Parking
<b>EXISTING SERVICE PROVIDER:</b>	UTTLESFORD DISTRICT COUNCIL
<b>RESPONSIBLE OFFICER:</b>	Simon Jackson
<b>JOB TITLE OF RESPONSIBLE OFFICER:</b>	Economic Development Officer
<b>DATE COMPLETED:</b>	24/04/2018

Summary of service provided:	<p>Provision and management of 10 car parks across the district, two of which of which are in the Saffron Walden BID area, i.e. Fairycroft Road car park and the Rose and Crown car park.</p> <p>Provision of grounds maintenance and street cleaning services in the car parks is covered in the Street Baseline Services Statement.</p>
Associated services provided:	Day to day management and enforcement of the Car Park Order 2017 is delivered by the North Essex Parking Partnership (NEPP) UDC has a Service Level Agreement (SLA) with NEPP to cover all aspects of the off-street car parking operation.
Extent of BID geography covered:	Fairycroft Road car park and the Rose and Crown car park are both within the Saffron Walden BID area.
Service specification:	<p><b>Fairycroft Road car park</b> is attached to the Waitrose store.</p> <p>Maximum stay: 3 hours          Tariffs: Up to 30 minutes – 50p, Up to 1 hour – 70p, Up to 2 hours - £1.20, Up to 3 hours - £2          No. spaces: 294 marked bays</p> <p>The car park includes a multi-storey with one area of the top floor extending across the roof of the store. There is also a small ground level area adjacent to the multi-storey car park. Waitrose and UDC have a series of leases that set out the responsibilities for each party within the car park.</p> <p><b>Rose and Crown car park</b>          Maximum stay: 2 hours          Tariffs: Up to 30 minutes – 50p, Up to 1 hour – 70p, Up to 2 hours - £1.20          No. spaces: 27 marked bays</p> <p>Opening hours in both car parks – open to the public 24 hours a day, chargeable hours are 8a.m. – 5p.m.</p> <p>NEPP officers inspect both car parks on a daily basis and check that ticket machines are operational.</p> <p>NEPP employ Civil Enforcement Officers who patrol both off-street car parks and on-street car parking across the District. They patrol all off-street car parks</p>

	<p>on a rota that changes every day and they also respond to specific reports.</p> <p>Maintenance and repairs are undertaken as required.</p> <p>A mechanical sweeper sweeps all floors of the Fairycroft Road car park, except the roof of the store, weekly on Sundays.</p>
No. staff required:	<p>UDC has an SLA in place with the North Essex Parking Partnership who manage the car parks on behalf of UDC, and enforce the Car Park Order 2017. There is at least one inspection by a Technical Officer daily and regular visits from Civil Enforcement Officers.</p> <p>Three members of UDC staff are responsible for management of the district's 10 off street car parks as part of their roles.</p>
Equipment required:	<p>Car park ticket machines – 1 in Rose and Crown and 11 in Fairycroft Road car park.</p>
Performance measures:	<p>No. car park tickets purchased</p> <p>Compliance with Fit for Purpose Car Park Audit</p>
Non-compliance – mitigation procedure:	<p>UDC Complaints Procedure</p>
Current costs of service provided within the BID area:	<p>£158,000 is the cost of the SLA with NEPP to provide services across the District.</p> <p>Operational costs - electricity and business rates for BID area car parks - £53,400</p> <p>Cleaning Fairycroft Road car park - £4,000p.a.</p>
Statement completed by:	<p>Simon Jackson</p>
Contact details:	<p><a href="mailto:sjackson@uttlesford.gov.uk">sjackson@uttlesford.gov.uk</a></p>

**SAFFRON WALDEN BUSINESS IMPROVEMENT DISTRICT  
OPERATING AGREEMENT**

**UTTLESFORD DISTRICT COUNCIL**  
**and**  
**SAFFRON WALDEN BID COMPANY LIMITED**

**DATED**

## Contents

1	Definitions
2	Statutory Authorities
3	Commencement
4	Setting the BID Levy
5	The BID Revenue Account
6	Debits from the BID Revenue Account
7	Collecting the BID Levy
8	Communication with BID Levy Payers regarding collection
9	Procedures available to the Council for enforcing payment of the BID Levy
10	Enforcement Mechanisms for non-collection of the BID Levy by the Council
11	Accounting Procedures and Monitoring
12	Termination
13	Confidentiality
14	Notices
15	Miscellaneous
16	Exercise of the Council's powers
17	Contracts (Rights Of Third Parties)
18	Arbitration
	Schedule 1 – The BID Levy Rules
	Schedule 2 – BID Business Plan
	Schedule 3 - The Baseline Agreement
	Schedule 4 - The Complementary Services Agreement
	Schedule 5 - Recovery



## **Operating Agreement**

### **Dated**

### **Between**

- (1) Uttlesford District Council of Council Offices, London Road, Saffron Walden, Essex  
CB11 4ER  
and
- (2) Saffron Walden BID Company Limited [registered as a company limited by guarantee  
in England with number \*\* whose registered office is at \*\* ]

### **Recitals**

- A The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for collecting the BID Levy and administering the BID Revenue Account which shall be used towards the operation of the BID within the area of the Council and the funding of the BID Proposal.
- B The BID Company is responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID Proposal.
- C Both parties wish to confirm the arrangements by which the BID Levy shall be collected together with general arrangements as to the relationship to be established between the Council and the BID Company for the duration of the BID.
- D The purpose of this Agreement is to:
- establish the procedure for setting the BID Levy;
  - confirm the basis upon which the Council will be responsible for collecting the BID Levy;
  - set out the enforcement mechanisms available for collection of the BID Levy;
  - set out the procedures for accounting and transference of the BID Levy;
  - provide for the monitoring and review of the collection of the BID Levy; and

- confirm the manner in which the Council's expenses incurred in collecting the BID Levy shall be paid.

**It is agreed:**

## **1 Definitions**

**the Annual Report** means a report to be prepared by the Council which details the following:-

- (i) the total amount of BID Levy collected during the relevant Financial Year;
- (ii) details of the success rate for the collection of the BID Levy;
- (iii) the Council's proposals (if any) to help improve its efficiency in the collection and enforcement of the BID Levy;
- (iv) details of those BID Levy Payers who have paid the BID Levy and those who have not paid the BID Levy; and
- (v) the Council's proposals for bad or doubtful debts.

**the Appeal Notice** means a notice to be served by the BID Company in accordance with **clause 9.2**.

**the Ballot Result Date** means the date upon which a successful ballot result has been declared in favour of putting in place the BID Proposal.

**the Baseline Agreement** means the draft Agreement annexed at Schedule 3.

**the Complementary Services Agreement** means the draft Agreement annexed at Schedule 4.

**the BID** means the Business Improvement District which operates within Saffron Walden town centre (*see map attached*) and which is managed and operated by the BID Company as set out in the Business Plan.

**the BID Business Plan** (Schedule 2) means the plan voted for by the BID Levy Payers which sets out the objectives of the BID and identifies the various projects which will be undertaken using funds raised via the BID Levy.

**the BID Company's Report** means a report for each Financial Year to be prepared by the BID Company which details the following:-

- (a) the total income and expenditure of the BID Levy;
- (b) other income and expenditure of the BID Company not being the BID Levy;
- (c) a statement of actual and pending deficits; and
- (c) the various initiatives and schemes upon which the BID Levy has been expended by the BID Company

**the BID Levy** means the charge to be levied and collected within the BID Area pursuant to the Regulations

**the BID Company's Termination Notice** means a notice to be served by the BID Company on the Council pursuant to clause 11.8

**BID Levy Payer(s)** means the non-domestic rate payers responsible for paying the BID Levy

**the BID Levy Rules** means the rules set out in the Schedule 1 which sets out how the BID Levy will be calculated, details of Exempt or Discounted Properties and other requirements related to the BID Levy (as may be amended by a successful alteration ballot)

**the BID Revenue Account** means the account to be set up in accordance with Regulation 14 and operated in accordance with Schedule 3 of the Regulations

**the BID Term** means the period of 5 years from [X] to [X] (*insert date*)

**the Council's Termination Notice** means the notice to be served by the Council on the BID Company pursuant to **Clause 11.1**

**the Contributors** means the BID Levy Payers or other Contributors making voluntary contributions to the BID company.

**Demand Notice** shall have the same meaning ascribed to it as further set out in paragraphs 3 of Schedule 4 of the Regulations

**Heredity** shall have the same meaning as defined in the Regulations

**Electronic Communication** means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa):

- (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
- (b) by other means but while in electronic form

**the Enforcement Expenses** means the costs which are incurred by the Council in issuing a Reminder Notice, obtaining Liability Orders and associated administrative expenses which may be incurred in recovering unpaid BID Levy provided that such costs shall not exceed £90 against any one BID Levy Payer.

**the Enforcement Notice** means a notice to be served on the Council as specified in **Clause 9**

**the Exceptions** means the circumstances in which the Council shall not be required to seek to enforce payment of the BID Levy where a BID Levy payer has failed to make payment pursuant to a Demand Notice. **The exceptions are as further set out in Schedule \*\***

**the Exempt or Discounted Properties** means those class or classes of properties as identified in the BID Levy Rules which shall be exempt either from any requirement to pay the BID Levy or are permitted a discount on the BID Levy

**the Financial Year** means the financial year for the BID Company which runs from \*\* to \*\*  
(insert months)

**the First Priority Payment** means the first 6 monthly administrative expenses incurred by the Council in respect of all reasonable costs arising out of compliance with its obligations under this Agreement and the Regulations [provided that such costs shall not exceed 3% of the total value of the billed BID Levy in any one Financial Year]

**Liability Order** means an order obtained from the Magistrates Court

**the Monitoring Group**<sup>1</sup> means the group to be set up to monitor the collection and enforcement of the BID Levy (as referred to in Clause 11) such group to consist of 3 Council officers (Economic Development, Finance and Revenues) and \*\* representatives from the BID Company [and \*\* Other Contributors if appropriate]

**the Operational Date**<sup>2</sup> means the date upon which the BID Proposal comes into force.

**the Public Meeting** means the meeting to be held of all BID Levy Payers pursuant to the Public Meeting Notice

**the Public Meeting Notice** means a notice to be served pursuant to Clause 11.1 or 11.8 by either the Council or the BID Company which provides the following:-

- (a) confirmation that either party is considering terminating the BID;
- (b) details of the venue where the public meeting will be held;
- (c) confirmation that all BID Levy Payers who attend will be permitted to make representations

**the Regulations** means the Business Improvement Districts (England) Regulations [2004] and such amendments made by the Secretary of State pursuant to Section 48 of the Local Government Act 2003 (from time to time)

**the Reminder Notice** means the notice to be served pursuant to Clause 8.1

## **2 Statutory Authorities**

**2.1** This Agreement is made pursuant to Part IV of the Local Government Act 2003 and Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all other enabling powers.

## **3 Commencement**

**3.1** This Agreement shall take effect on XX and shall continue until it either expires or is terminated in accordance with this agreement.

## **4 Setting the BID Levy**

**4.1** Immediately upon the Ballot Result Date the Council shall:-

- (i) calculate the BID Levy due from each BID Levy Payer in accordance with the BID Levy Rules (Schedule 1); and
- (ii) confirm in writing to the BID Company the BID Levy payable annually by each BID Levy Payer
- (iii) enter into the Baseline Agreement (Schedule 3) with the BID Company.

## **5 The BID Revenue Account**

**5.1** On commencement of this agreement the Council shall set up the BID Revenue Account and provide written confirmation to the BID Company once this has been carried out together with details of the account number sort code and any other details which the BID Company may specify.

**5.2** On commencement of this agreement the BID Company shall provide the Council with details of its own bank account into which the BID Levy shall be transferred from the BID Revenue Account.

## **6 Debits from the BID Revenue Account**

**6.1** The Council shall not debit any reasonable administrative expenses directly from the BID Revenue Account.

6.2 Upon the expiry of three months from the commencement of the BID Levy year (and throughout the BID Term) the Council shall provide quarterly invoices for its administration charges. Payment should be made in accordance with the Council's standard terms and conditions with payment being made by the BID Company within **X days**.

6.3 Administration charges shall be calculated as 3% of the billed BID Levy.

6.4 In the event that the BID Company fails to pay the said invoices within the prescribed time period then notwithstanding Clause 6.1 the Council shall be permitted to recover the invoiced costs directly from the BID Revenue Account.

6.5 The Council shall be entitled to recover the Enforcement Expenses from the BID Company as and when they are incurred and shall provide an invoice to the BID Company which provides a detailed breakdown of the costs incurred.

6.6 The BID Company shall arrange for any invoiced Enforcement Expenses to be paid within X days from the date of such invoice. In the event the BID Company fails to pay the said invoices within the prescribed time period then notwithstanding clause 6.1 the Council shall be permitted to recover the invoiced Enforcement Expenses directly from the BID Revenue Account.

## **7 Collecting the BID Levy**

7.1 The BID Levy invoice shall be sent under separate cover from the Business Rate Demand Notice at the beginning of the BID Levy year.

7.2 Pursuant to clause 7.1 the Council shall serve the Demand Notices on each BID Levy payer and thereafter shall continue to calculate the BID Levy and serve the Demand Notices throughout the BID Term. (Schedule 1)

7.3 The Council shall maintain a list which identifies payment and/or non payment of the BID Levy and shall make this available to the BID Company upon its reasonable request.

7.4 The Council shall use all reasonable endeavours to collect the BID Levy on the date specified (pursuant to clause 7.1 above) and thereafter on an annual basis and in accordance with the procedure set out in Schedule 4 of the Regulations.

7.5 The Council shall take all reasonable steps for collecting the BID Levy which are consistent with its usual procedures for the collection of non-domestic rates as set out in 8.1 and 8.2 (Schedule 5).

- 7.6 Refunds will be payable by the Council to the BID Levy Payer only in the event of the overpayment of the Levy by a BID Levy Payer.
- 7.7 The amount paid out in respect of refunds by the Council will be deducted from the BID Levy Payers account and the next payment made to the BID Company will be net of these refunds.
- 7.8 Within 10 working days from the end of the Council's monthly accounting period the Council shall advise the BID Company of the amount held in the BID Revenue Account.
- 7.9 On receipt of an invoice from the BID Company showing the said figure the Council shall pay the BID Company this figure (plus VAT) within 10 working days. The total amount will be transferred to the BID Company's own bank account as specified in Clause 5.2 above and provide written confirmation of the sum transferred.

## **8. Communication with BID Levy Payers regarding Levy collection**

8.1 The BID Company and the Council shall agree a template design for all levy collection materials including enforcement materials before the first demand notices are sent. The materials shall meet with the BID regulation requirements.

8.2 The BID Company and the Council shall agree a schedule for the provision of information from the BID Company (BID Company Report) which will be sent out with the invoice to the BID Levy Payers on an annual basis.

8.3 The BID Company shall refer all enquiries from BID Levy Payers regarding Demand and Enforcement Notices, and payment terms to the Council.

8.4 The Council shall refer all enquiries from the BID Levy Payers regarding the services provided by the BID Company for the BID Levy payment to the BID Company.

8.5 The Council shall ensure that the information set out in the BID Regulations, or such other information requirements under the Regulations is included with each Demand Notice.

This shall include:

- (i) the revenue received by the BID in the previous year.
- (ii) the amount spent on BID arrangements in the previous year.
- (iii) a description of the matters on which it was spent, and
- (iv) a description of the matters which it is intended to spend the revenue from the BID Levy in the financial year.

## **9. Procedures available to the Council for enforcing payment of the BID Levy**



9.1 In the event that the BID Levy is not paid **within X days** from the date that it becomes payable then (subject to the Exceptions or as may otherwise be agreed between the parties) the Council shall serve a Reminder Notice on such relevant BID Levy Payer which shall:-

- (i) identify the sum payable;
- (ii) provide a further **X days** for payment to be made;

If full payment has not been made after X days the Council shall serve a Summons Notice on such relevant BID Levy Payers which shall:

- (i) identify the sum payable;
- (ii) provide a further X days for payment to be made;
- (iii) confirm that the Council will make an application to Magistrates Court for a Liability Order to recover the unpaid sum together with costs.

9.2 If after a further X days from the payment date stated in the Summons Notice the outstanding sum of the BID Levy has not been paid, the Council shall make an application to the Magistrates Court for a Liability Order to recover the outstanding sum of the BID Levy as is permitted by the Regulations and the Non Domestic Rating (Collection & Enforcement) (Local Lists) Regulations 1989 (as amended)<sup>3</sup>

## **10. Enforcement Mechanisms for non-collection of the BID Levy by the Council**

10.1 In the event that the Council is not enforcing payment of the BID Levy pursuant to Clause 8 above the BID Company shall serve the Enforcement Notice on the Council requesting that:-

- (i) it serve a Reminder Notice; or
- (ii) it takes steps to obtain a Liability Order through the Magistrates Court pursuant to Clause 8.2 above.

---

<sup>3</sup> Note that under the NNDR enforcement mechanisms it goes further than Liability Orders; this can include distress. Consider if practically this is an option to be pursued. If not consider including it as an "Exception".

10.2 Within 14 (fourteen) days of receipt of such Enforcement Notice and the Council shall thereafter provide written confirmation of the action taken to the recover the unpaid BID Levy.

10.3 If after being served an Enforcement Notice the Council fails to take the requested action within the specified time frame then the BID Company shall serve an Appeal Notice to the Chief Executive of the Council. Such notice shall:-

10.3.1.1.1 detail the sum which remains unpaid;

10.3.1.1.2 confirm that the Council has failed to use the enforcement mechanisms available to it under this Agreement to recover the sum; and

10.3.1.1.3 request a meeting take place between the Chief Executive, relevant officers of the Council and BID Company to achieve a solution and/or agree a strategy to recover the outstanding sum such meeting to take place in any event no later that 28 (twenty eight) days from service of the Appeal Notice<sup>4</sup>

10.4 [In the event that the Council fails to take any of the steps requested by the BID Company pursuant to clauses 9.1 and 9.2 (above) the Council shall (within 28 days of receipt of written notice from the BID Company which specifies the amount of BID Levy outstanding) pay the specified sum into the BID Revenue Account and provide written confirmation to the BID Company that this has been done]

## 11. Accounting Procedures and Monitoring

11.1 Within 1 (one) month from the Operational Date the Council and BID Company shall form the Monitoring Group.

11.2 Every 3 months (for the duration of BID Term) the Council shall provide the BID Company with a breakdown of:

- (1) the amount of BID Levy for each individual BID Levy Payer;
- (2) the BID Levy collected in relation to each BID Levy Payer;
- (3) details (together with the outstanding unpaid sum) of those BID Levy Payers who have not paid the BID Levy during those 3 months;
- (4) details of the Reminder Notices issued throughout that period; and
- (5) details of any Liability Orders obtained or applied for by the Council;

11.3 Every 3 months (for the BID Term) the BID Company shall provide the Council with the following details:

- 11.3.1.1 the total amount of BID Levy received
- 11.3.1.2 the total amount of income received from the Contributors (excluding the BID Levy)
- 11.3.1.3 the total expenditure during that 3 month period.

11.4 The Monitoring Group shall meet no less than twice in any one Financial Year and on all other occasions further meetings of the Monitoring Group shall be arranged by the service of written notice by either party on the other, such notice to be provided no less than [28 (twenty eight)] days prior to the date of the proposed meeting (or lesser if otherwise agreed or in cases of emergency) and provided further that such meetings can be dispensed with altogether upon the written agreement of both the Council and the BID Company

11.5 At each meeting the Monitoring Group shall

11.5.1.1.1 review the effectiveness of the collection and enforcement of the BID Levy; and

11.5.1.1.2 if required, review and assess the information provided by the Council and the BID Company pursuant to Clauses 10.2 and 10.3 above and make any recommendations for implementation as may be agreed (and which are permitted by the Regulations and the terms of this Agreement)

11.6 Within 1 (one) month after the date of the end of the BID Financial Year the Council shall provide the Annual Report to the BID Company. If the dates of the BID Financial Year match the Council's Financial Year then this report shall be provided within 2 (two) months.

11.7 Within 1 (one) month from the date of receipt of the Annual Report the BID Company shall provide the BID Company Report to the Council

## **12. Termination of the BID**

12.1 Either party shall be permitted to terminate the BID arrangements in accordance with Section 18 (1) of the Business Improvement District (England) Regulations 2004 if there has been proper consultation with all relevant representatives of the BID area and it has served a Public Meeting Notice on the BID Levy Payers and the public meeting has taken place.

12.2 Upon termination of the BID Arrangements and this Agreement for any reason, the BID Company shall forthwith notify the Council of such termination in accordance with Regulation 18 (5) and the Council shall notify the BID Levy Payers in accordance with Regulations 18 (6) together with confirmation as to whether any part of the BID Levy is to be repaid to the BID Levy Payers.

12.3 The Council shall not be permitted to terminate the BID arrangements because:

- (i) in its opinion there are insufficient finances available to the BID Company to meet its liabilities for the chargeable period for the purposes of the BID Proposal; or
- (ii) the Council is unable, due to any cause beyond its control to provide the works or services which are secured as part of the BID Proposal

unless and until it first serves the Public Meeting Notice on the BID Levy Payers and the Council's Termination Notice on the BID Company and within 14 (fourteen) days from the date of service of such notice both parties shall arrange to meet where the purpose of such meeting shall be to discuss and/or agree all or any of the following set out in Clause 11.2 or 11.3 (whichever is applicable)

12.4 Where the BID Termination Notice relates to Clause 11.1(i) both parties shall agree and/or discuss or review the following:

- (a) the Council is concerned that the BID Company has insufficient finances to meet its liabilities for that period and details of such concerns should be made available to the BID Company;
- (b) insufficient funds;
- (c) alternative means by which the insufficiency of the funds can be remedied; and
- (d) an appropriate time frame to resolve this issue;

12.5 Where the BID Termination Notice relates to clause 11.1(ii) both parties shall agree and/or discuss or review the following:

12.5.1.1 the services or works which it is no longer able to provide together with confirmation and details as to why such works or services cannot be provided;

12.5.1.2 a review by both parties as to whether such works or services are of material importance to the BID so that termination of the BID Proposal is the only option;

12.5.1.3 alternative means of procuring the said services or works by third parties or increased financial funding from the BID Company;

12.5.1.4 alternative replacement services or works which will be acceptable to the BID Company ;

12.5.1.5 an appropriate time frame to resolve this issue

12.6 In the event that the parties cannot reach agreement in relation to the above and subject to consideration of representations made by any BID Levy Payer at the Public Meeting the Council shall be permitted to terminate the BID Proposal provided that notice by the Council to terminate the BID shall be provided to the BID Company no less than 28 days prior to termination taking place

12.7 Upon termination of the BID Proposal the Council shall review whether there is a credit in the BID Revenue Account and in the event that there are sufficient funds in the BID Revenue Account amounting to a refund of at least £5 for each BID Levy Payer (having already deducted a reasonable sum for the administration of such refund) to:

12.7.1.1 calculate the amount to be refunded to each BID Levy payer;

12.7.1.2 ensure that the amount to be refunded is calculated by reference to the amount payable by each BID Levy Payer for the last chargeable period; and

12.7.1.3 make arrangements for the amount calculated to be credited against any outstanding liabilities of each BID Levy Payer or, where there are no such liabilities refunded to the BID Levy Payer.

12.8 Upon termination of the BID the Council shall notify the BID Levy Payers of such termination in accordance with regulation 18(6) of the Regulations together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy payers in accordance with clause 11.6

12.9 The BID Company shall not be permitted to terminate the BID Proposal where:

12.9.1.1 the works or services under the BID Proposal are no longer required; or

12.9.1.2 the BID Company is unable, due to any cause beyond its control to provide works and services which are necessary for the BID to continue

unless and until it has served the BID Company's Termination Notice on the Council and thereafter carried out a proper consultation with all relevant representatives of the BID Area as considered appropriate by the Council.

12.10 Upon termination of the BID Proposal the BID Company shall notify the Council of such termination in accordance with Regulation 18(5) and the Council shall notify the BID Levy payers pursuant to Regulation 18(6) together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy payers in accordance with clause 11.6

**11.10** [21] days prior to the expiry of the BID Term (notwithstanding any rebalot and new BID term commencing) the Council shall provide the BID Company with a reconciliation of the BID Revenue Account (for its written Agreement) identifying (if any) all outstanding costs payable to the Council as a consequence of collecting the BID Levy, any outstanding Enforcement Expenses and any BID Levy monies not passed to the Bid Company's account (pursuant to clause 7.7 above.)

**11.11** Subject to the costs ( pursuant to clause 11.10 above) being agreed and prior to the start of a new BID Term the Council shall deduct the Final Costs from any BID Levy and transfer any remaining BID Levy to the BID Company pursuant to clause 7.7

### **13. Confidentiality**

13.1 Both the Council and the BID Company agree to keep confidential and not to divulge to any person without the prior written consent of the other party all information (written or oral) concerning the business affairs of the other nor any information which has been exchanged about the BID Levy Payers or Contributors or about other third parties which it shall have obtained or received as a result of operating the BID. This obligation shall survive the termination or lapse of the BID Proposal and is subject to FoI, EIR and data protection obligations.

### **14. Notices**

14.1 Any notice or other written communication to be served or given to or upon any party to this Agreement to the other shall be in writing and shall be sent to the address provided for above or such substitute address in England as may from time to time have been notified by that party

14.2 A Notice may be served by

14.2.1 delivery to the Chief Executive at the Council's address specified above; or

14.2.2 delivery to the Company Secretary at the BID Company's address specified above; or

14.2.3 registered or recorded delivery post

14.2.4 Electronic Communication (provided that it is in legible form and is capable of being used for subsequent reference)

14.3 Any notice served shall be deemed to have been validly served or given at the time when in the ordinary course of business it would have been received.



## **15. Miscellaneous**

- 15.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Secretary of State may issue pursuant to Part IV of the Local Government Act 2003 then such part shall be struck out and the balance of this Agreement shall remain.
- 15.2 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement.
- 15.3 For the avoidance of doubt the provisions of this Agreement (other than those contained in this Clause) shall not have any effect until this document has been dated.
- 15.4 Where reference is made to a Clause, Part, or Recital such reference (unless the context requires otherwise) is a reference to a clause, part, plan, or recital attached to this Agreement.
- 15.5 References to the Council include any successors to its functions as local authority.
- 15.6 References to statutes, bye laws, regulations, orders, delegated legislation shall include any such instrument re-enacting or made pursuant to the same power.

## **16. Exercise of the Council's powers**

Nothing contained in this Agreement or implied in it shall prejudice or affect the rights discretions powers duties and obligations of Uttlesford District Council under all statutes bye-laws statutory instruments orders and regulations in the exercise of its functions as a local authority.

## **17. Contracts (Rights Of Third Parties)**

The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

## **18. Arbitration**

The following provisions shall apply in the event of a dispute:

18.1 Any dispute or difference of any kind whatsoever arising between the parties hereto out of or in connection with this Deed shall be referred to arbitration before a single arbitrator.

18.2 The parties shall jointly appoint the arbitrator not later than 28 (twenty eight) days after service of a request in writing by either party to do so and each party shall bear its own costs.

18.3 If the parties are unable to agree within 28 (twenty eight) days as to the appointment of such arbitrator then such arbitrator (hereinafter referred to as "the Tribunal") shall be appointed on the application of either party to the President for the time being of the Law Society.

18.4 In the event of a reference to arbitration the parties agree to:

- prosecute any such reference expeditiously and
- do all things or take all steps reasonably necessary in order to enable the Tribunal to deliver any award (interim, final or otherwise) as soon as reasonably practicable.

18.5 The award shall be in writing signed by the Tribunal and shall be finalised within 21 (twenty one) days from the date of such award.

18.6 The award shall be final and binding both on the parties and on any persons claiming through or under them.

**Signed** by the parties [or their duly authorised representatives]

## Schedule 1 – The BID Levy Rules

This will set out the manner in which the BID Levy will be calculated – i.e. what was approved as the BID Proposal

1. A business will be subject to the Levy if:
  - (a) it falls within the classified Non-Domestic Rating List description as outlined in the Business Plan; and
  - (b) that it is subject to Business Rates on the first day of the BID Levy year.
  
2. For the purpose of calculating the BID Levy, the rateable value will be that shown in 2017 Valuation List as at **1<sup>st</sup> April 2018 / 1<sup>st</sup> January 2019**.  
The Levy rate to be paid by each property or hereditament is to be calculated at 1.5 % of its rateable value (using the published 2017 or subsequent Non-Domestic Rating List) as at the chargeable day (**1<sup>st</sup> January / April** each year).
  - (a) All properties or hereditaments identified in the Business Plan with a rateable value of £5,000 or above will be eligible for payment of the BID Levy.
  - B The Levy will be charged annually in advance for each BID Levy year commencing on **1<sup>st</sup> January 2019**
  - C The minimum payment will be £75.00.
  - D The BID Levy is payable in one instalment. The instalment date will be specified on the Demand Notice. The Council may serve a Demand Notice before the commencement of the BID in accordance with paragraph 5(2) of Schedule 4 of the Business Improvement Districts (England) Regulations 2004.
  - E Owners of untenanted properties or hereditaments, including listed buildings will be liable for payment of the Levy.
  - F Charitable organisations that are subject to relief on their business rates will pay 100% of the BID Levy.
  - G Refunds will only be made in accordance with **Clause 7.6**.
  - H The Levy is an annual sum and will not be apportioned during the year when a ratepayer vacates or occupies a property.
  - I If a new property is entered into the ratings list by the Valuation Office Agency mid-year no charge will apply until the following year's Levy become due.
  - J If a property undergoes a split or merger in the ratings list mid-year the Levy will not be amended to reflect the change until the following year.
  - K If a property's rateable value is increased or decreased mid-year the Levy will not be amended to reflect the change until the following year.
  - L There will be no allowance applicable to the BID Levy regardless of those allowances awarded against a ratepayers's non-domestic rates. The include the following:
    - Mandatory (Charitable, CASC)
    - Discretionary (Section 4A, Rural, Hardship)
    - Small Business Rate Relief
    - Transitional Relief
  - M The Council or its agents will be responsible for collection of the Levy. The cost of collection made by the Council will be 3% of the billed BID Levy in the first year and subsequent years. There will be additional charges for enforcement costs as set out in clauses **6.5 and 6.6**.

DRAFT

DRAFT

**Signed by** )  
duly authorised for and )  
on behalf of )  
**NAME OF COUNCIL** )

---

**Signed by** )  
duly authorised for and )  
on behalf of )  
**NAME OF BID COMPANY** )

---

DRAFT

<b>Committee:</b>	Cabinet	<b>Date:</b>	24 May 2018
<b>Title:</b>	Establishing an Assets of Community Value Committee		
<b>Portfolio Holder:</b>	Cllr Barker, Cabinet Member for Environmental Services		
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal <a href="mailto:spugh@uttlesford.gov.uk">spugh@uttlesford.gov.uk</a>	<b>Key decision:</b>	No

---

## Summary

1. The Council has an obligation to determine whether nomination of land or buildings as assets of community value (“ACVs”) should be accepted. This is an executive function and therefore is a Cabinet responsibility. However, the Cabinet has power to delegate this function to a Cabinet Committee or to officers.
2. The Cabinet has not delegated the exercise of this function and nominations seeking designation of land or buildings are referred to Cabinet for decision.
3. There is a statutory time limit of six weeks for reaching a decision on an ACV nomination. This can cause problems if scheduled Cabinet meetings do not fit with this timescale. Special ad hoc meetings of an ACV Committee made up of three Cabinet members have been called on five occasions since August 2017. On each occasion the Cabinet’s consent was obtained to convene the Committee.
4. This report seeks to establish a standing Assets of Community Value Committee made up of three Cabinet members, which would meet when required. It would be open to members to delegate all ACV decisions to the Committee but officers suggest that nominations are referred to Cabinet when this is practical.
5. The main reason for referring nominations to the proposed Committee will be the need to meet the deadline. However, there may also be occasions when the volume of business that Cabinet needs to consider (e.g. at budget time) is such that nominations should be referred to the Committee.

## Recommendations

6. That the Cabinet appoints an Assets of Community Value Committee of three members to consider nominations which cannot, in the view of the Assistant Director, Governance and Legal, conveniently be considered by the Cabinet.
7. That the Cabinet appoints to membership of the Committee.

8. That the Cabinet appoints all or some of its members not appointed to the Committee to act as substitutes.

### Financial Implications

9. None

### Background Papers

10. 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.

None

### Impact

- 11.

Communication/Consultation	Persons making nominations will be informed who will make the decision and when.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	There is a legal obligation to decide whether to accept nominations within a six week period. The appointment of a committee will help ensure that the deadline is met.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

### Situation

12. There is nothing to add to the summary in paragraphs 1 to 4.



## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
That the Council will not determine applications within the statutory six week period.	3	2	The creation of a committee which can meet when required.

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.

This page is intentionally left blank

## CABINET WORKING GROUPS 2018/19

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership
Community Achievement Panel	To oversee the organisation of the Community Achievement Awards scheme and make recommendations on the recipients of those awards.	5	Sue Hayden	John Freeman Petrina Lees Janice Loughlin Vic Ranger Julie Redfern
Governance Board for Garden Communities	<p>To act as a 'reference panel' and give advice, views and guidance to Cabinet members and Council officers in progressing the delivery of proposed Garden Communities within the district, including commercial and investment opportunities for the District Council. The Board will act as a panel for enabling contributions, discussion and the sharing of information.</p> <ul style="list-style-type: none"> <li>• An important part of the role of the Board will be to oversee discussions and negotiations with landowners and promoters of the new communities and the Board will meet in private to allow discussion about commercially sensitive information. It will also act as a 'sounding board' for innovative ideas.</li> <li>• The Board will not have any decision making powers and will not replace any of the established functions of the standing committees of the Council. The Board will have the power to invite representatives of other organisations to attend the</li> </ul>	7 + the Deputy Leader of ECC	Dawn French	Leader of the Council – Howard Rolfe Deputy Leader of Essex County Council – Kevin Bentley Portfolio Holder for Environmental Services – Susan Barker Portfolio Holder for Communities and Partnerships – Vic Ranger Portfolio Holder for Housing – Julie Redfern Chairman of the Planning Committee – Alan Mills Leader of the R4U Group – John Lodge Leader of the Liberal Democrat Group – Alan Dean

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership
	<p>panel.</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>•</li> </ul> <p>The objectives of the Board will be:</p> <ul style="list-style-type: none"> <li>•</li> <li>• to take a strategic view about the potential delivery of the Garden Communities over and beyond the period of the local plan;</li> <li>• promote the delivery of Garden Communities that will be provided in compliance with the Town and Country Planning Association garden city principles,</li> <li>• to promote the new Garden Communities as exemplars of 21<sup>st</sup> Century living providing well designed and well built homes, high quality employment services; and good quality facilities to meet the needs of residents and business;</li> <li>• to advocate a high quality of place and high quality of life in both the new and existing communities in the district with long term management and stewardship arrangements; and that community engagement forms a central element in the delivery of the Garden Communities; and</li> </ul>			

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership
	<ul style="list-style-type: none"> <li>to help facilitate both environmental and economic sustainability for the new Garden Communities; and to support the economic development objectives of the District Council for the district and the sub region.</li> </ul>			
Highways Panel	<ul style="list-style-type: none"> <li><b>The LHP is Accountable for:</b></li> <li>Recommending the annual LHP programme for submission to the Cabinet Member with responsibility for Local Highway Panels.</li> <li>Documenting highways issues raised by residents and the community in its area, so that the concerns can be investigated and the possibility of addressing these through engineering solutions can be validated.</li> <li><b>The LHP is Responsible for:</b></li> <li>Ensuring that when making recommendations the LHP:</li> <li>Ensures that the County's Prioritised Road Safety Schemes are included in the annual LHP programme in order to enable the County Council to fulfil its statutory duty.</li> <li>Ensures that as far as possible that recommended schemes meet ECC policies, strategies and standards and have due regard to the advice from Officers.</li> </ul>	4 + 4 County members	Rissa Long ECC	Heather Asker John Freeman Alan Mills Geoffrey Sell

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership	
	<ul style="list-style-type: none"> <li>• Recommending work to be undertaken by the Highway Rangers and receive reports of the minor works to be undertaken by the Highway Rangers.</li> <li>• Monitoring the delivery of the annual LHP programme.</li> <li>• Considering and respond to any requests referred to the LHP by other council constituted bodies, panels or groups.</li> </ul> <p>The membership consists of the four county councillors representing county divisions within Uttlesford and four district councillors.</p> <p>Meetings are held quarterly and the quorum is three as long as either the Chairman or Vice-Chairman is present.</p> <p>Meetings are not open to the public other than by specific invitation of the Chairman, although written questions may be submitted for consideration. The person submitting the question may be invited to attend to receive an answer orally.</p>				
Housing Board	<ol style="list-style-type: none"> <li>1. Inform on and monitor the performance and delivery of all Council housing related strategies and policies</li> <li>2. Monitor housing related performance indicators</li> <li>3. Inform on and monitor the Council's Housing</li> <li>4. Monitor the Council's Housing Revenue Account</li> <li>5. Monitor and inform on the delivery of affordable housing units in the District</li> </ol>	10 + 2 tenant reps	Roz Millership	Alan Dean Terry Farthing (VC) Marie Felton (C) John Freeman Anthony Gerard	Petrina Lees Janice Loughlin Alan Mills Vic Ranger Julie Redfern

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership	
	6. Consider the use of existing housing stock and other housing assets				
Planning Policy Working Group	To give advice and guidance to officers in progressing the Local Plan and other planning guidance and report recommendations to Cabinet. This Working Group will meet in public and include public speaking.	10	Gordon Glenday	Susan Barker (VC) Paul Davies Alan Dean Stephanie Harris Petrina Lees	John Lodge Janice Loughlin Alan Mills Edward Oliver Howard Rolfe (C)
Museum Management Working Group	<ol style="list-style-type: none"> <li>1. The Group shall comprise the Cabinet Member with responsibility for the Museum Service and three further members and four directors of the Society.</li> <li>2. The Museum Curator shall attend all meetings of the Group in an advisory capacity and in accordance with the requirements of the national Accreditation Scheme for museums or any replacement thereof.</li> <li>3. Meetings shall normally be held in private and the Council shall meet the costs of all MMWG meetings and be responsible for the taking of minutes at such meetings.</li> <li>4. The Group is to meet a minimum of four times in a year in order to:- <ol style="list-style-type: none"> <li>i. Receive a quarterly report from the Museum Curator about the Museum Service.</li> <li>ii. Agree and recommend to the Council and the Society the provision of the Uttlesford Museum Service and the Museum Service strategic objectives and long term plans</li> <li>iii. Discuss matters and make recommendations to the Council and the Society on matters</li> </ol> </li> </ol>	5	Richard Auty	Robert Chambers (C) Barbara Light Vic Ranger Geoffrey Sell Lesley Wells	

Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership
	<p>relating to the management of the Museum Service where a decision needs to be taken or an action needs to be ratified by the Council and/or the Society including the purchase or disposal of objects and the loan of objects to other museums</p> <p>iv. Act as the Museum's governing body for the purpose of the Accreditation scheme and implementation of appropriate codes of practice</p> <p>v. Appoint from the Group the Council's representative to attend at and report on any relevant meetings of other organisations as determined by the Group</p> <p>vi. Invite representatives of other Uttlesford museums and public galleries to attend a meeting of the Group if necessary or appropriate to the matters under discussion</p> <p>vii. Recommend to the Council hours of opening to the public and the admission charges to be levied on all users of the Museum having regard to promoting accessibility of the Museum and social inclusion and any requirements imposed on the Museum Service by other agencies.</p> <p>viii. Where appropriate make recommendations to the Society and/or the Council concerning alterations to the interior or exterior of the Museum building major projects capital developments and any other significant proposals affecting the Museum</p> <p>ix. Generally promote and act as advocates for the Museum</p>			



Name of Group	Terms of reference	No of Members	Lead Officer	Current Membership	
Refugee Working Group	To oversee the implementation of the Council's policies regarding the support for refugees within the Uttlesford areas	5	Roger Harborough	Graham Barker Alan Dean Marie Felton	Sharon Morris Julie Redfern
Stansted Airport Advisory Panel	1) Form an overview of policy and operational issues in relation to Stansted 2) Monitor the activities of the airport in the interests of the people of the district. 3) Monitor the implementation of Section 106 agreements and related undertakings by MAG and others 4) Review and anticipate future developments at the airport and in aviation policy.	10	Roger Harborough	Keith Artus (C) Terry Farthing Paul Fairhurst Martin Foley Anthony Gerard	Thom Goddard Derek Jones (VC) Gary LeCount Mark Lemon Howard Ryles
Waste Strategy Panel	To monitor the implementation of the waste strategy and the inter authority agreement between collection and disposal authorities. To consider the need for review of policies and procedures, and enable members to contribute to resolution of recycling and street cleansing service delivery issues.	5	Cat Chapman	Susan Barker Terry Farthing Martin Foley Richard Freeman Lesley Wells	

This page is intentionally left blank

## REPRESENTATIVES ON OUTSIDE BODIES 2018/19

Organisation	Number	Representative(s)
Armed Forces and Community Covenant	1	Keith Artus
Birchanger Wood Management Committee	1	Geoffrey Sell
Board of Turpins Indoor Bowling Club	1	Paul Fairhurst
Campaign to Protect Rural Essex	1	Simon Howell
Committee of the Friends of the Maltings	1	Vic Ranger
Cooperation for Sustainable Development Board	1	Susan Barker
Council for Voluntary Service – Uttlesford	1	Eric Hicks
Dunmow Day Centre Management Cttee	1	Eric Hicks
Dunmow Museum Management Cttee	1	Vic Ranger
Dunmow Town Strategy Group/Town Team	1	Graham Barker
Essex County Health Overview and Scrutiny Committee	1	Vic Ranger
Essex County Strategic Partnership	1	Howard Rolfe
Essex County Traveller Unit	1	Susan Barker
Essex Flood Partnership Board	1	Vic Ranger
Essex Waste Partnership Board	1	Susan Barker
Friends of Bridge End Gardens	1	Richard Freeman
Historic England Heritage Champion	1	Geoffrey Sell
Local Government Association - General Assembly	1	Howard Rolfe
LGA - Rural Community Partnership	1	Stephanie Harris
LGA – SPARSE Rural Assembly		Susan Barker
London Stansted Cambridge Consortium	1	Howard Rolfe
Parking and Traffic Regulation outside London Adjudication Committee	1	Howard Ryles
Saffron Walden Arts Trust	1	Sharon Morris
Saffron Walden Day Centre Management Cttee	1	Aisha Anjum
Saffron Walden Museum Society	1	Barbara Light
Stansted Airport Community Trust	1	Marie Felton
Stansted Airport Consultative Committee	1	Keith Artus
Stansted Day Centre Management Committee	1	Geoffrey Sell
Strategic Aviation Special Interest Group	1	Keith Artus
Takeley Day Centre Management Cttee	1	Derek Jones
Thaxted Day Centre Management Cttee	1	Martin Foley
Thaxted Guildhall Management Cttee	1	John Freeman
Uttlesford Association of Local Councils	1	John Davey
Uttlesford Carers	1	Petrina Lees
Uttlesford Citizens' Advice Bureau	1	Tina Knight
Uttlesford Community Travel	1	Geoffrey Sell
Uttlesford Futures	1	John Lodge
Uttlesford Over Sixties Association	1	Neil Hargreaves

<b>Organisation</b>	<b>Number</b>	<b>Representative(s)</b>
Uttlesford Transport Forum	4	Richard Freeman Mark Lemon Alan Mills Howard Ryles
West Essex Alliance	1	Julie Redfern
West Essex Transportation Board	1	Susan Barker

<b>Committee:</b>	Cabinet	<b>Date:</b>	
<b>Title:</b>	CfPS Review		24 May 2018
<b>Portfolio Holder:</b>	Cllr Simon Howell, Cabinet Member for Finance and Administration		
<b>Report Author:</b>	Richard Auty, Assistant Director - Corporate Services <a href="mailto:rauty@uttlesford.gov.uk">rauty@uttlesford.gov.uk</a>	<b>Key decision:</b>	No

---

## Summary

1. The council commissioned the Centre for Public Scrutiny (CfPS) to carry out a review of the effectiveness and impact of its current approach to overview and scrutiny. Ian Parry, from the CfPS, carried out the review and presented his findings to the 27 March 2018 meeting of the Scrutiny Committee.

If adopted, his recommendations will have implications for the way the Cabinet interacts with Scrutiny.

## Recommendations

2. That Cabinet accepts the recommendations in the CfPS report.

## Financial Implications

3. There are no direct financial implications associated with 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.

None

## Impact

- 5.

Communication/Consultation	In order to put the CfPS recommendations in place there needs to be communication and consultation with relevant members and officers
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

6. The council commissioned the CfPS to review scrutiny arrangements. This piece of work took place at the beginning of 2018 and involved on-site interviews with councillors and officers, a review of documents including agendas and minutes and an observation of the February 2018 Scrutiny Committee meeting.
7. The scope of the report was to “assess the current approach to scrutiny and make recommendations aimed at improving its impact and effectiveness in Uttlesford District Council”.
8. More specifically, the review considered the value and impact of scrutiny in terms of:
  - Effectively holding the executive to account
  - Contributing to policy making
  - Acting as a voice for the public
  - Adding value to whole council decision making
9. The final report is attached as Appendix A. It highlights the following strengths:
  - Scrutiny is generally well organised and is welcomed in the council.
  - Relationships between scrutiny members and officers are good and there is a general willingness to support scrutiny.
  - Scrutiny and executive members in general have a good relationship and scrutiny aims to be objective. It is not seen as threatening or negative.
  - Members appreciate the role of scrutiny and want it to become better.
  - In the main cabinet decisions are transparent and accessible for call-in or scrutiny.

- Scrutiny members take their role seriously and are willing to develop and improve.

10. The report also lists areas for improvement. These are:

- Overview and scrutiny is underachieving. It lacks purpose and authority.
- It is widely valued, but not consistently understood and there are wide differences of opinion about its purpose, potential and function.
- It does not provide sufficient impact and value in shaping and improving decision-making and performance in the council.
- Scrutiny is too focused on monitoring and therefore missing opportunities to provide strategic input.
- There are signs that scrutiny is not integral to or valued as part of the decision and policy making process.
- Cabinet is not sufficiently visibly accountable to scrutiny. Scrutiny is not effectively holding it to account. Cabinet members are often observers or not present at scrutiny meetings.
- There is too little structured scrutiny and too much consultative activity - information giving or clarification-seeking in scrutiny meetings

11. While acknowledging established processes for work planning and managing the meetings are in place, and that meetings are polite and good natured, the report notes that Scrutiny Committee meetings tend to be led from the Chair, who will often be the main questioner, and that there is no pre-planned or constructed scrutiny. Mr Parry also comments that the meeting pace is slow and there is little evidence of members acting as a team with clear lines of enquiry.

12. The CfPS goes on to make the following 11 recommendations to address the identified weaknesses in current arrangements:

- Create a common understanding and purpose for scrutiny (Mission)
- Leader and Cabinet members all directly accountability and visible
- Relationship with cabinet - structured meetings to discuss scrutiny
- Corporate team to have greater oversight to ensure scrutiny plays its full role
- Scrutiny planning forum to set strategic objectives for the plan

- Consideration of public input and access
- Scrutiny built-in as integral part of decision-making and policy forming process
- Annual report and performance review on scrutiny effectiveness and impact
- Further skills development – members, chair (key skills/advanced chairing skills)
- Structure of meetings – set objectives, create lines of enquiry etc
- Briefings for scrutiny – Ensure that scrutiny members have necessary information and facts to prevent scrutiny meetings becoming information exchanges

13. More detail on these recommendations is contained in the attached report.

14. The Scrutiny Committee has accepted the recommendations and requested Cabinet consider the report and its implications.

15. Officers are discussing how to implement the recommendations and Cllrs Dean and G Barker, the committee’s Chairman and Vice-Chairman will be involved in those discussions. An action plan will be presented at a future meeting of the Scrutiny Committee. However, before an action plan can be compiled, officers need to understand Cabinet’s views on the recommendations and how Cabinet wishes to be involved in developing the council’s response to the proposals.

## Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
If Cabinet does not agree the recommendations then some of the improvements outlined in the report cannot be put in place, leading to a less effective change	2 – the research and report was carried out by an experienced, independent organisation which understands public sector scrutiny. This	3 – the report identifies key changes that should be made. In the opinion of the CfPS these are important improvements that would	Involvement of Cabinet members in formulating and implementing recommendations.



programme for the scrutiny function	gives confidence to the suitability to the recommendations	lead to lasting change. If they are not put into place then the positive impact would be diminished.	
-------------------------------------	--	--	--

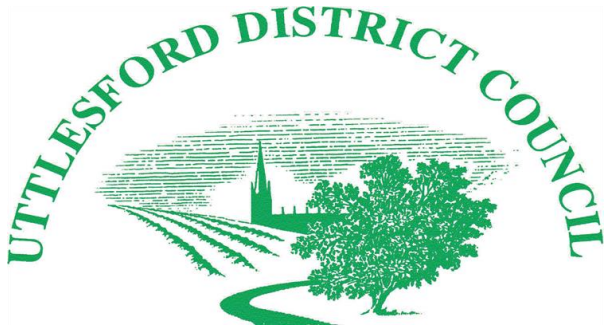
1 = Little or no risk or impact

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.

This page is intentionally left blank



Uttlesford District Council

Overview and Scrutiny Review

Report and Findings

March 2018

Contents:

- Executive Summary:
  - Introduction
  - Scope and methodology
  - Summary of findings
  - Scrutiny in Uttlesford – observations
  - Recommendations
  
- Appendix – Meetings and interviews

# Executive Summary

## Introduction

1. The Centre for Public Scrutiny (CfPS) was commissioned by Uttlesford District Council (UDC) to consider the effectiveness and impact of their current approach to overview and scrutiny.
2. Thank you to the elected members and officers who took part in interviews, for their time, insights and honesty. Also to Paula Evans and Richard Auty for their support in arranging interviews and collecting evidence.

## Scope and methodology

3. The scope of the report was to 'assess the current approach to scrutiny and make recommendations aimed at improving its impact and effectiveness in Uttlesford DC.

We explored the value and impact of scrutiny in terms of:

- Effectively holding the executive to account
  - Contributing to policy-making
  - Acting as a voice for the public
  - Adding value to whole council decision making
4. Specific areas to be included were:
    - How well the role of scrutiny is understood within the council and amongst members and officers and the perception of its value?
    - How focused and well managed the work programmes are in relation to corporate priorities and issue of immediate concern?
    - How effectively scrutiny constructively challenges executive decisions?
    - How members are trained and supported to undertake scrutiny and how this contributes to their broader development?
  5. Evidence gathering included:
    - Desk research of key council documents, agendas, minutes, work programme, etc.
    - Observations of a scrutiny meeting
    - Interviews with both executive and scrutiny key members and officers who support scrutiny or who have corporate responsibility

## Summary of findings - Highlights

### **Strengths:**

Based on the evidence gathered our feedback is:

- Scrutiny is generally well organised and is welcomed in the council.
- Relationships between scrutiny members and officers is good and there is a general willingness to support scrutiny.
- Scrutiny and executive members in general have a good relationship and scrutiny aims to be objective. It is not seen as threatening or negative.
- Members appreciate the role of scrutiny and want it to become better.
- In the main cabinet decisions are transparent and accessible for call-in or scrutiny.
- Scrutiny members take their role seriously and are willing to develop and improve.

### **Areas for improvement:**

Based on the evidence gathered our feedback is:

- Overview and scrutiny is underachieving. It lacks purpose and authority.
- It is widely valued, but not consistently understood and there are wide differences of opinion about its purpose, potential and function.
- It does not provide sufficient impact and value in shaping and improving decision-making and performance in the council.
- Scrutiny too focused on monitoring and therefore missing opportunities to provide strategic input.
- There are signs that scrutiny is not integral to or valued as part of the decision and policy making process.
- Cabinet is not sufficiently visibly accountable to scrutiny. Scrutiny is not effectively holding it to account. Cabinet members are often observers or not present at scrutiny meetings.
- There is too little structured scrutiny and too much consultative activity - information giving or clarification-seeking in scrutiny meetings

## Context

6. The importance of good governance and the value of accountability and openness in local government is well documented, and scrutiny is a key contributor. In the context of austerity across all public services, challenges in relation to demand and the need for clear accountability, scrutiny's role is even more significant. The recent Communities and Local Government Select Committee review into local government scrutiny ([report here](#)) confirmed that the culture of an organisation is vital to ensuring independent and effective challenge.
7. UDC has seen some political changes after the last election and changes to Scrutiny positions. It has continued in the convention to appoint an opposition member as the chair of the scrutiny committee.

## Scrutiny in Uttlesford – analysis

8. For scrutiny to be effective it should develop the confidence, authority and capability to be an effective counter-balance to the executive. In UDC, we observed different opinions about this. Some see scrutiny as an option, e.g.: 'it's up to them if they want to scrutinise decisions'. Others see it as potentially disruptive, unhelpful or unnecessarily challenging. Others see it as absolutely essential, supporting and testing the council in a democratic and visible way. Overall however Scrutiny does not seem to hold a position of authority as a robust critical friend. It needs to be reinforced and supported to become more effective.
9. Scrutiny is not always scheduled into the programme of change or important decision-making pathways. It can therefore surprise the scrutiny committee or mean that effective scrutiny is absent.

During the review two examples where scrutiny is not involved until the end were disclosed. In both cases this was a problem; one surprised the council and delayed the implementation of a decision the other resulted in light-touch scrutiny, simply because the committee was not fully informed or had insufficient time to consider. Scrutiny have the tools and the time to do its job.

After open and effective scrutiny, the Council can be assured that it has been visibly and openly tested. And the public can be satisfied that the decisions which affect them are robustly checked and challenged.

There requires a level of maturity and trust to establish and imbed scrutiny as a partner in the process of decision-making and policy development.

10. The scrutiny function, in terms of structure, is well-established and well-supported by a dedicated team of officers with a strong mix of experience and skills. Members and officers are engaged and are positive about the potential for scrutiny to make a difference.
11. Staffing support for scrutiny is reduced since a member of staff moved to a new job outside the council. This could provide an opportunity to consider the structure and management of scrutiny.

12. There are known processes for work programming planning, agenda setting and managing the meetings. Meetings are well-run in terms of logistics, layout, attendance. Meetings tend to be led by the Chair, who will often be the main questioner. There seems no pre-planned or constructed scrutiny.
13. Meetings are polite and good natured. There is a tendency to spend an unnecessary amount of time on basic procedure or minutes. The meeting pace is slow. There is little evidence of members acting as a team with clear lines of inquiry. This is leaving space for un-co-ordinated individual questions, some of which result in a small measure of scrutiny happening but not usually by design.
14. There appears to be a practice at UDC that officers attend scrutiny rather than Cabinet members. However, generally it is expected that the Leader and cabinet members are scrutinised, with officer support for advice and technical information. There is no real clarity at UDC on when the Leader or Cabinet member should attend. The Leader attends sometimes as an observer. Officers should not be expected to attend and to receive criticism or challenge, which is intended as part of holding to account – that is the role of elected executive politicians. It could be argued that there is a democratic deficit here.
15. It is the prerogative of scrutiny to examine and challenge the Cabinet forward plan in what is widely termed 'pre-scrutiny'. There is almost no pre-scrutiny at UDC. This is a further weakness and missed opportunity to add real value.
16. Scrutiny informs and advises the Cabinet on its activities, ideas and plans based on an oral report of the previous committee meeting. As this report may not always, and completely, be the majority view of the committee, there may be some concern over the presentation of this information. Alternative approaches could include an officer prepared report, presented by the chair or a separate scrutiny/cabinet liaison meeting.
17. The scrutiny programme is publicly accessible along with minutes and associated reports via the Council's website. The programme itself could benefit from a review. It is largely a static programme of familiar items about which the committee receives reports, asks questions and sometimes monitors performance. To add more value it would need to be more strategic and integral to the council's decision making and policy forming process. The focus on operational issues has also led scrutiny taking on a monitoring rather than scrutiny role. Briefings are common place and many items are on a regular loop of appearing frequently on scrutiny agendas.
18. There has been a shift away from its core focus of holding the executive to account and as a result the organisation appearing open to challenge. This position has happened over time, rather than by design, and has become normal and established. For many it is not seen as problematic. It does however prevent democratic accountability and transparency to work as effectively as it could.
19. There is a lack of understanding or visibility of the council's corporate plan. Members are very passionate about the district and their communities but lack a sense of what the purpose and priorities are for the organisation. This has led to a weaker focus on outcomes and the shared sense of value in scrutiny's work.



20. Whilst the role of scrutiny can be articulated it does not translate into practice. Scrutiny is currently focused on holding officers to account and not the executive. Cabinet members rarely attend scrutiny and when they do most of the questions are directed at officers. Cabinet seem content with how scrutiny is currently functioning and there is not sense of the 'critical friend'/ 'grit in the oyster' that you would hope to see.
21. Scrutiny is currently mainly internal in its focus looking at council processes and reviewing decisions. There is little evidence of scrutiny acting as the voice of the public (apart from using specific ward issues to highlight concerns).
22. The foundations are in place for Uttlesford for raise its game in terms of impact. To do this there are a number of factors which need to be addressed:

### Summary of recommendations

23. The following recommendations are made:
  - Create a common understanding and purpose for scrutiny (Mission)
  - Leader and Cabinet members all directly accountability and visible
  - Relationship with cabinet -Structured meetings to discuss scrutiny
  - Corporate team to have greater oversight to ensure scrutiny plays its full role
  - Scrutiny planning forum to set strategic objectives for the plan
  - Consideration of public input and access
  - Scrutiny built-in as integral part of decision-making and policy forming process
  - Annual report and performance review on scrutiny effectiveness and impact
  - Further skills development – members, chair (key skills/advanced chairing skills)
  - Structure of meetings – set objectives, create lines of enquiry etc
  - Briefings for scrutiny – Ensure that scrutiny members have necessary information and facts to prevent scrutiny meetings becoming information exchanges

### Recommendations – detail

24. Getting a shared view of scrutiny's role and purpose is vital. The lack of understanding was cited as a key issue getting in the way of good scrutiny in a recent CfPS/ [APSE Report](#) . Undertaking this as a joint exercise would provide a route for Cabinet to demonstrate its commitment to being challenged. It could also form part of the work programming process.
25. Scrutiny's job is to the hold the executive to account, this means Cabinet members should be front and centre. Reports should therefore be in their name and they attend meetings as required. Whilst the current committee structure does not lend itself well to this (Cabinet members could be at all of them, all of the time) this is not an acceptable excuse. Officers can be present but for technical support only. Cabinet should view scrutiny as a critical friend who offer additional insight and sometimes challenge that may strengthen decisions and improve performance.
26. To ensure that scrutiny is baked-in to all council decisions relevant directors could strengthen the advisor/guardian role, to ensure that scrutiny has the tools, access and support it needs to be effective.

27. Scrutiny members need a clearer sense of what is required of them as committee members and the work involved which allows good scrutiny to happen. Practically the chair and vice-chair must aim to build a team approach to evidence gathering and questioning. Support from officers will help. There needs to be more detailed pre-briefing of the members on major and important items.
28. Refresh the work planning programme process that allows scrutiny councillors to focus in the most important issues for the council and residents. A high-quality work programme is critical to success. It may help in this process if a forum was established between scrutiny and cabinet to decide on priority areas for scrutiny and to also shape a task and finish schedule.

A good work programme is about impact and outcomes. Work programming is about highlighting and proceeding with those matters where scrutiny can make most difference to the lives of local people.

This relies on two things – firstly, having the information at hand to be able to make informed choices. Secondly, it is important that scrutiny understands what “impact” looks like, so it can plan for it. In summary:

- Scrutiny needs to be more flexible and responsive;
- Scrutiny must focus relentlessly on adding value – on making a direct difference to the lives of local people – by bringing a different and unique perspective to bear on local decisions, with scrutiny doing a specific job that doesn’t duplicate the work of others;
- Scrutiny’s role needs to be well articulated and, critically, understood by scrutiny members, senior officers and Cabinet members;
- While increased resourcing will always help, the reality is that the prospects of this for most councils are remote. As such focus should lie on prioritisation.

Be creative in the approach to scrutiny and experiment to engage more widely and hear different voices

There are a wide range of models, systems and approaches to managing committee meetings, and to carrying out task and finish groups, which UDC can trial and adapt to its own circumstances.

Scrutiny could consider co-option both of expert professionals (who may also be local people) and local people who while not professionals, may still have expertise in specific issues. This could be done along with thinking more generally about scrutiny’s ability to draw in and involve local people more.

## **Conclusion**

29. There are solid foundation stones in place for Uttlesford to make changes which will deliver purposeful scrutiny that is valued and makes a difference.
  
30. The recommendations in this report require commitment from scrutiny members, senior officers and the council's leadership. Scrutiny councillors, and the officers who support them, cannot make scrutiny effective, and enhance its impact, on their own. Part of the change will require a whole council approach to accept and meet this challenge.

**Evidence gathered**

On-site – meetings and interviews

Scrutiny members  
Democratic Services staff  
Senior Corporate officers  
Heads of service interviews  
Leader and Cabinet leads

O&S Committee observation

Desk research

Corporate planning documents  
Website review  
Minutes and report review  
Scrutiny work programme

Consultant:

Ian Parry | Development Manager  
Centre for Public Scrutiny Ltd | 77 Mansell Street | London | E1 8AN  
Tel: 07831 510381  
[www.cfps.org.uk](http://www.cfps.org.uk)  
[Twitter@cfpscrutiny](https://twitter.com/cfpscrutiny)  
CfPS is a registered charity: number 1136243

<b>Committee:</b>	Cabinet	<b>Date:</b>	24 May 2018
<b>Title:</b>	Update on Garden Communities Delivery Member Governance Board February – May 2018		
<b>Portfolio Holder:</b>	Councillor Howard Rolfe, Leader of the Council		
<b>Report Author</b>	Dawn French, Chief Executive 01799 510400	<b>Key decision:</b>	No

---

## Summary

This report describes the work of the Garden Communities Delivery Member Governance Board and the progress made over the last four months.

## Recommendations

To note the update for meetings of the Garden Communities Delivery Member Governance Board between February 2018 and May 2018

## Financial Implications

All financial implications arising from the work of the Governance Board are reflected in the approved budgets of the Council

## Background Papers

No papers were referred to by the author in the preparation of this report.

## Impact

1.

Communication/Consultation	<ul style="list-style-type: none"><li>No impact to date. Future work programme will address consultation and stakeholder programme</li></ul>
Community Safety	<ul style="list-style-type: none"><li>No impact</li></ul>
Equalities	<ul style="list-style-type: none"><li>No Impact</li></ul>
Health and Safety	<ul style="list-style-type: none"><li>No impact</li></ul>

Human Rights/Legal Implications	<ul style="list-style-type: none"> <li>• No impact</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>• Linked directly to the draft local plan that addresses environmental sustainability issues and is subject to an Sustainability Appraisals</li> </ul>
Ward-specific impacts	<ul style="list-style-type: none"> <li>• Indirect link to all wards in conjunction with the emerging Local Plan</li> </ul>
Workforce/Workplace	<ul style="list-style-type: none"> <li>• No impact</li> </ul>

## Situation

2. The Member Governance Board has been set up as a “reference panel” to give advice and guidance to Cabinet members and Council officers. It is important to note that the Board does not have any decision making powers but has been established as a forum to discuss and advance plans and to test innovative ideas whilst also protecting the Council’s negotiating position with landowners and promoters of the proposed Garden Communities.

The objectives of the Board are:

- to take a strategic view about the potential delivery of the Garden Communities over and beyond the period of the local plan;
- promote the delivery of Garden Communities that will be provided in compliance with the Town and Country Planning Association garden city principles;
- to advocate a high quality of place and high quality of life in both the new and existing communities in the district with long term management and stewardship arrangements; and that community engagement forms a central element in the delivery of the Garden Communities; and
- to help facilitate both environmental and economic sustainability for the new Garden Communities; and to support the economic development objectives of the District Council for the district and the sub region.

There is a six month work plan in place which sets out key action areas to keep the process on track. This can be seen at Appendix 1. The six month work plan is designed to support negotiations with the landowners and promoters which will take place in Summer 2018.

## Key Themes

3. Land Securities own the land identified for the Easton Park Garden Community and Grosvenor has an agreement with landowners who own the site for the North Uttlesford Garden Community . The Council has established a professional team to negotiate with the two promoters to secure all the garden city principles identified by the Town and Country Planning Association (TCPA). The team includes Cushman & Wakefield (property consultants), Arup (consultants), Hyas (viability specialists) and Dentons (legal). Key areas for leverage have already been established and a comprehensive strategy is being developed. This will ultimately lead to a decision by the Council at the end of the summer as to the best method to deliver the proposed Garden Communities. It also important to note that engagement with key stakeholders and other parties (eg Essex County Council and North Essex Garden Communities Limited) will be an important part of the process going forward, especially in relation to the proposed West of Braintree Garden Community.
4. A housing strategy for the Garden Communities is being developed in line with the TCPA principles. Most recently a member workshop took place to help officers work up the strategy for formal consideration. The focus is around mixed and balanced communities with provision to support vulnerable people; healthy lifestyles with access to leisure facilities and open space; improved infrastructure and access to employment, education and community facilities. Suggested housing principles were discussed to include:
  - Mixed and Balanced Communities;  
(including mixed tenures, ages, ethnicity and income)
  - Provision to support Vulnerable People;  
(including people with learning difficulties, people with mental health issues and people with physical disabilities)
  - The opportunity for healthy lifestyles;
  - Good access to work;
  - Good leisure, recreation and community facilities;
  - Places where people live out of choice rather than necessity;
  - Housing for local workers;  
(especially key workers and workers who cannot currently to afford to live in the district)
  - Houses and places that are well managed in the long term;
  - Phasing and programming designed to meet these objectives throughout the delivery period;
  - Full engagement by the community in the planning, delivery and management of the place;
  - Improved quality in housing design and construction;
  - High environmental sustainability;
  - Future proofing for changes in lifestyle; and
  - An approach that takes account of the needs of the whole district.

5. Health and wellbeing is a key issue for new garden communities and these objectives will be built into the whole approach to designing, delivering and managing the new Garden Communities. A presentation has been made to the Member Board. There are so many factors that have an impact on human health (including education, socialisation, housing, income and employment) by focussing on providing better built environments from the outset we can help people to choose to live healthier lives. Many aspects of healthy living chime with the TCPA principles including: access to quality open space, active travel principles to increase physical activity, affordable and adaptable housing and promoting community and social cohesion with access to leisure and recreation facilities.
6. The health and wellbeing implementation strategy is to be considered in greater detail at an officer meeting on 24 May 2018. The importance of whole system working will underpin the approach. All key stakeholders need to be involved, including developers and health professionals, to ensure that the scale afforded to a garden community development means a new kind of environment to promote healthy communities can be delivered.
7. Members will be aware that work is taking place with North Essex Garden Communities Limited (NEGC) in connection with the West of Braintree Garden Community. NEGC follows the TCPA principles and consequently has the same aims as the District Council in this respect. A long term plan is being developed to bring forward new settlements over 25 years, providing innovative infrastructure, employment opportunities and sustainability features. Working with NEGC will help develop a streamlined approach with the high quality plans for delivery. The Council is also engaging key stakeholders from the outset by including on the Board Councillor Bentley as Deputy Leader of Essex County Council along with David Hill who is a Director of the authority . The District Council alone cannot deliver on all aspects of Garden Communities and support is needed for key issues like transport infrastructure and education.
8. Community engagement from a very early stage will be one of the most important factors in winning over the hearts and minds of the public. The scale of the proposed development means that there is likely to be some level of opposition. By engaging with key stakeholders and interested parties from the outset the Council can listen to the concerns of surrounding communities and also take account of a wide range of groups who will have an interest in the new Garden Communities. Consultants will shortly be appointed to lead a comprehensive programme of community engagement and to communicate the proposals as they are brought forward.
9. The Board is also visiting other examples of new communities and recently a visit took place to Alconbury Weald. This is an Urban & Civic scheme of 5,000 new homes. Key learning points from the visit were that early and consistent community engagement is key to gaining support for the development; large scale and early infrastructure is probably the most important pre-development



issue and forward planning for adequate healthcare provisions from the outset is very important.

### Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
The proposed Garden Communities are not delivered in accordance with the TCPA garden city principles	Medium risk given that not all of these principles are normally secured through the planning process	The impact would be high given that the Council is committed to create Garden Communities that are in accordance with the TCPA principles	Establishment of an effective negotiation strategy and careful monitoring of the progress of the negotiations to inform appropriate delivery arrangements.

This page is intentionally left blank

## **APPENDIX 1**

### **GARDEN COMMUNITIES DELIVERY MEMBER GOVERNANCE BOARD**

#### **OUTLINE WORK PROGRAMME FEBRUARY 2018 – AUGUST 2018**

**(Suggested issues – the actual work plan will vary as required)**

##### **6 February 2018**

- Discuss Terms of Reference and Objectives of the Board
- Update on Delivery Progress
- Outline Work Programme

##### **9 March 2018**

- Outline of Housing Strategy Issues and Preliminary Discussion in advance of facilitated All Member Workshop
- Presentation on Health and Wellbeing Issues
- Update on Delivery Progress
- Presentation by Garden City Developments on report findings: Delivery Options and Landowner/Promoter Negotiating Strategy

##### **10 April 2018**

- Discussion with Richard Bayley, Managing Director of North Essex Garden Communities Company
- Review of Community Engagement
- Update on Delivery Progress (including Summary Infrastructure progress)
- Feedback from Members' Housing Workshop

##### **18 April 2018**

Study Tour of Alconbury Weald

##### **3 May 2018**

- Feedback on Alconbury Weald Visit
- Appointment of Legal Support
- MHCLG Update
- Update on Delivery Progress

##### **10 May 2018**

- Presentation by Stephen Ashworth on S106, CIL, Compulsory Purchase and Development Corporations
- Negotiating the Infrastructure: Key Issues
- Housing Strategy Update

##### **5 June 2018**

- Community Engagement and Communications Proposal and Programme

- Review of Education, Recreation, Health and Wellbeing Delivery Issues.
- Possible presentation on Harlow and Gilston Garden Town
- Negotiating the Infrastructure: Review of Negotiators Guidance
- Update on Delivery Progress
- Update on Garden Communities Master Planning Programme

**13 July 2018**

- Presentation on Smart City Issues and Implications for Delivery
- Review of Strategic Transport Issues related to Delivery
- Review of Economic Development Strategy Issues in context of sub-regional issues
- Update on Delivery Progress
- Work Programme for Next 6 months

**10 August 2018 (Note Local Plan consultation due to end 13<sup>th</sup>)**

- Formal Report Back on EPGC and NUGC Promoter Negotiations and steps to finalise the negotiations
- Update on Delivery Options

Simon Payne  
Policy Officer  
Uttlesford District Council  
4.5.18

<b>Committee:</b>	Assets of Community Value	<b>Date:</b>	
<b>Title:</b>	Nominations for Assets of Community Value		24 May 2018
<b>Portfolio Holder:</b>	Cllr Barker, Cabinet Member for Environmental Services		
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal	<b>Key decision:</b>	No
	<a href="mailto:spugh@uttlesford.gov.uk">spugh@uttlesford.gov.uk</a>		

---

## Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
  - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
  - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.or
  - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
  - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The purpose of this report is to enable members to determine:
  - a. Whether there is a valid nomination;
  - b. Whether the use of the building (current or recent past) furthers the social wellbeing or interests of the community;
  - c. Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.

In considering these questions, members need to consider principal, rather than ancillary, uses of the building.

If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

## **Recommendations**

### 6. Recommended for Listing

There is currently only one nominated asset of community value. Namely, the allotments at High Roding. This was listed as an asset of community value on 12 September 2013. The nomination is not due to expire until 12 September 2018 but High Roding Parish Council have asked us to consider it now. On the basis that there is a valid nomination and that there is current use of the allotments which furthers the interests of the community officers would recommend that the site be re-listed for a period of 5 years from today.

7. The nomination form in full and maps can be viewed on the website under [currently nominated assets](#).

## **Financial Implications**

8. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
9. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

## **Background Papers**

10. 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.
11. Submission for consideration as Assets of Community Value and any representations available on the website at under [currently nominated assets](#).

## **Impact**

- 12.

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	High Roding
Workforce/Workplace	No impact

## Situation

### a. Is this a valid nomination?

13. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.
14. The nomination has been validly made by a Parish Council within the definition of a parish council for these purposes and the nominated property falls within their area.
15. A nomination must also include:
  - i. A description of the nominated land including its proposed boundaries.
  - ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
  - iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.

- iv. The nominator's eligibility to make the nomination.
16. If it meets these requirements it is a valid nomination under S89(2)(i). The nomination being considered is validly made.
- b. Does the use of the building (current or recent past) further the social wellbeing or interests of the community?**
17. The following is from High Roding Parish Councils nomination form regarding the current use: "Allotments create community and social wellbeing and are likely to continue to do so in the future. They are the only facility in High Roding for people to grow their own vegetables and soft fruit and enjoy open space. They continue to be fully occupied and are the only viable site."
18. There is legal authority that use as an allotment satisfies the test of furthering social wellbeing or social interests of the local community..
- c. Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.**
19. In considering this question, the test is whether it is "realistic" to think that the use of the building could further the social wellbeing or interests of the community. It is not a balance of probabilities test – realistic means "more than fanciful". The use does not have to be the same as that which took place within the recent past.
20. The following evidence is from High Roding Parish Council regarding how they might fund the purchase of the allotments for future use by the community: "The Parish Council would try to purchase it for the benefit of the village. The purchase could be funded by means of a loan. Allotment holders currently pay rent of £450 per annum this could be used to repay the loan as well as fundraising events (eg selling plants/ honey)."
21. There are no factors relating to the status of the land (e.g. approved planning consents for development) that might suggest that it is not realistic to think that the use of the land to will continue to further the social wellbeing or interests of the community over the next five years.

### **Representations**

22. The Council has not received any representations regarding the proposed asset of community value nomination. Any representations received after publication of the report will be reported to Members at the meeting.

### **Conclusion**

23. A valid nomination has been made to the Council.
24. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.



25. Members need to consider whether it is realistic to think that the property can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
26. Consideration of these issues will lead the Cabinet to determine whether the allotments in High Roding should be relisted as an asset of community value for a period of a further five years.

### Risk Analysis

27.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	The owner has rights of internal review and appeal and can claim for compensation.  The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.  If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

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.

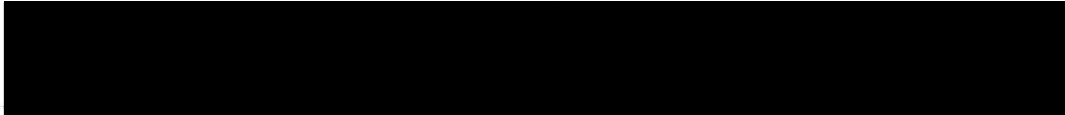
This page is intentionally left blank

**Section 1 ABOUT YOUR COMMUNITY ORGANISATION**

**Q1 Name and address of your organisation**

**Organisation name:** HIGH RODING PARISH COUNCIL

**Address and postcode:** c/o THE CLERK MRS JOY STEVENSON.



**Registration number**

(if you are a charity, company, CIC or social enterprise)

—

**Q2 Please specify what type of organisation you are**

**Category**

**Tick** ✓

**Parish/Town Council**

✓

**Unconstituted / unincorporated Community Group** whose members include at least 21 individuals who appear on the electoral roll

**Neighbourhood Forum** designated as pursuant to section 61F of the Town & Country Planning Act 1990

**Industrial & Provident Society** which does not distribute any surplus it makes to its members

**Company Limited by Guarantee** which does not distribute any surplus it makes to its members

**Community Interest Company** which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004

**Charity**

**Q3 Who should we contact to discuss this nomination?**

**Name:** MRS JOY STEVENSON

**Address and postcode:**

A/A

**Telephone number**



**Email address**

JOYHRPC@OUTLOOK.COM

**Section 2 ABOUT THE PROPERTY TO BE NOMINATED**

**Q4 Which asset do you wish to nominate?**

**Name of property:** THE ALLOTMENT GARDENS

**Address and postcode:** THE STREET, HIGH RODING,  
DOWNHOLM, ESSEX. CM6 11NW

**Name of property owner:** EARL OF ARRAN

**Address and postcode:**



**Telephone number**

-

**Email address (if known)**

-

**Current occupier's name**  
(if different from property owner)

**Details of occupier's interest in property**

OWNER | FREEHOLDER

### Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

**Q5a** Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

ALLOTMENTS CREATE COMMUNITY AND SOCIAL WELLBEING AND ARE LIKELY TO CONTINUE TO DO SO IN THE FUTURE. THEY ARE THE ONLY FACILITY IN HIGH ROADING FOR PEOPLE TO GROW THEIR VEGETABLES AND SOFT FRUIT AND ENJOY OPEN SPACE. THEY CONTINUE TO BE FULLY OCCUPIED AND ARE THE ONLY VIABLE SITE.

**Q5b How could the building or land be acquired and used in future?**

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.

The Parish Council would try to purchase it for the benefit of the village.

The purchase could be funded by means of a loan.

The allotment holders currently pay rent of £450 per annum this could be used to repay the loan as well as fund raising events e.g. sale of plants/honey.

**Q6 What do you consider to be the boundary of the property?**

Please give as much detail as you can, including an Ordnance Survey plan outlining the site.

PLEASE REFER TO THE PLANS ATTACHED TO THE ORIGINAL APPLICATION.

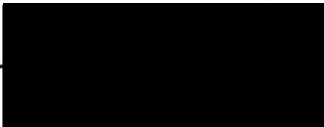
**Attachment checklist**

PLEASE REFER TO ORIGINAL APPLICATION

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed: .....  .....

Print Name: ..... JOY STEVENSON .....

Position in Organisation: ..... CLERK (RFO) .....

Date: ..... 4/5/18 .....

**FOR OFFICE USE ONLY**

Date received:

Page 103

Decision deadline:

This page is intentionally left blank



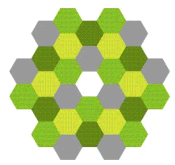
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

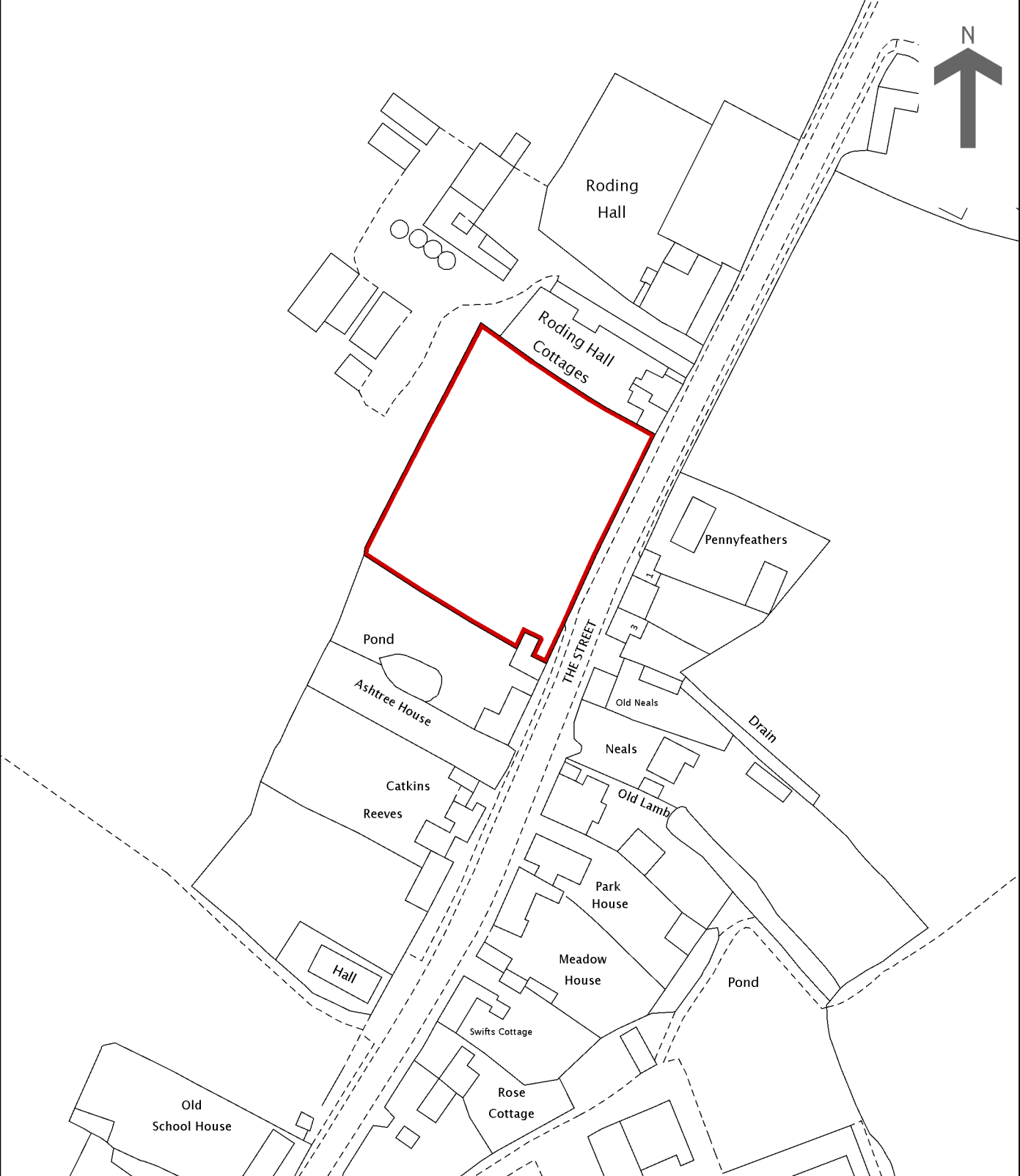
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 08 May 2018 shows the state of this title plan on 08 May 2018 at 10:03:08. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Peterborough Office .



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



<b>Committee:</b>	Cabinet	<b>Date:</b>	24 May 2018
<b>Title:</b>	Right of Way in Little Chesterford		
<b>Portfolio Holder:</b>	Cllr Julie Redfern, Cabinet Member for Housing		
<b>Report Author:</b>	Roz Millership, Assistant Director – Housing <a href="mailto:rmillership@uttlesford.gov.uk">rmillership@uttlesford.gov.uk</a>	<b>Key decision:</b>	No

---

## Summary

1. The owners of the property at Millfields, Walden Road, Little Chesterford have obtained planning permission to build a new property in the rear garden. This new property will need to be accessed via the private access road that runs adjacent to the current property, and is owned by the Council.
2. The existing property currently has the benefit of a right of way over the access to serve a rear garage, and the owners are asking to extend that right of way to serve the new property.

## Recommendations

3. That the right of way over the road for the benefit of the new property is granted, subject to the payment of a premium, the requirement to contribute towards future maintenance and limitation to the new property.
4. That the Assistant Director – Housing has delegated authority to negotiate the appropriate consideration having taken advice from an independent valuer, and relevant legal terms and conditions.

## Financial Implications

5. Proceeds from granting the right of way will be ring-fenced to the HRA.

## Background Papers

6. 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.
  - a. Planning Application UTT/17/1363/FUL
  - b. Deed of Grant dated 7 April 1971
  - c. Email request from current owner
  - d. Land Registry title plan

## Impact

- 7.

Communication/Consultation	None – consultation has taken place with regards the planning application
----------------------------	---

Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	Disposal of housing land needs to meet the requirements of the General Disposal Consent
Sustainability	N/A
Ward-specific impacts	Little Chesterford
Workforce/Workplace	N/A

## Situation

8. The owners of Millfield, Walden Road, Little Chesterford have obtained planning permission to build a new two bedroom house on land that currently forms part of their garden, at the rear of their property. The proposed site layout plan is attached to this report.
9. The existing property of Millfield has the benefit of a right of way over an access road to the north of the property, for access to their garage. This right was granted only for the benefit of the land shown edged red on the title plan attached to this report.
10. The access road is owned by the Council as it provides a rear access road to the houses at 1-16 Little Walden Road.
11. The owner is requesting to have access over our road to serve the new dwelling.
12. It has been confirmed by Legal Services that the existing easement does not provide a right of way to the new dwelling, as the new dwelling is on land that was not included in the original grant, and is to be used as a separate property, despite the fact the existing garage is to be within the new development on the additional land.
13. It is normal in these circumstances for the beneficiary of the right of way to pay a capital sum, which reflects the loss of value to the property affected by the right of way, and the increased value of the property with the benefit of it. In this case, the right of way will facilitate the development of a residential property, and it is intended that the Council take the advice of their valuer, and negotiate an appropriate sum.
14. The right of way will also include a requirement to contribute towards future maintenance and limitation to this one additional dwelling only.

15. The grant of a right of way is technically a disposal of an asset and the decision needs to be made by Members.

**Risk Analysis**

16.

Risk	Likelihood	Impact	Mitigating actions
Increased use of the roadway causes damage and nuisance	1 - Access only for one additional house	2 - Costs of repair or neighbour / tenant complaints	Lump Sum consideration and requirement to contribute towards future maintenance and limitation to one additional dwelling

1 = Little or no risk or impact

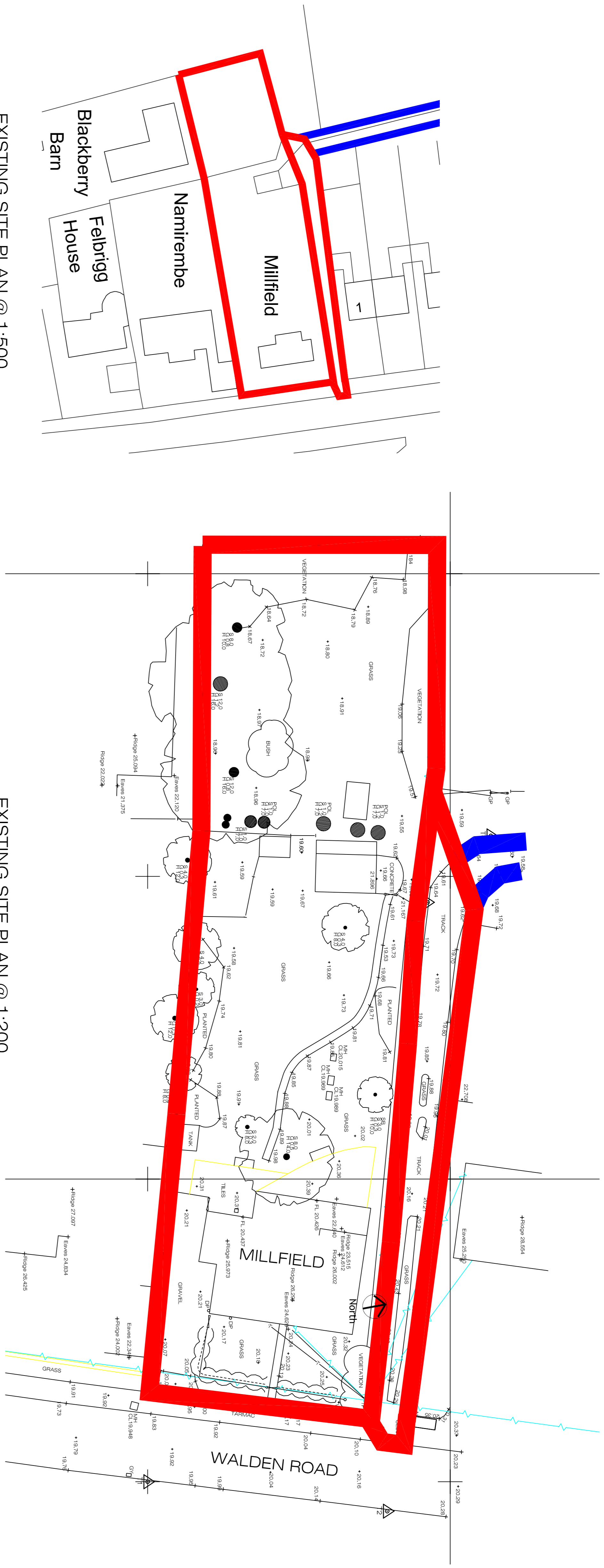
2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

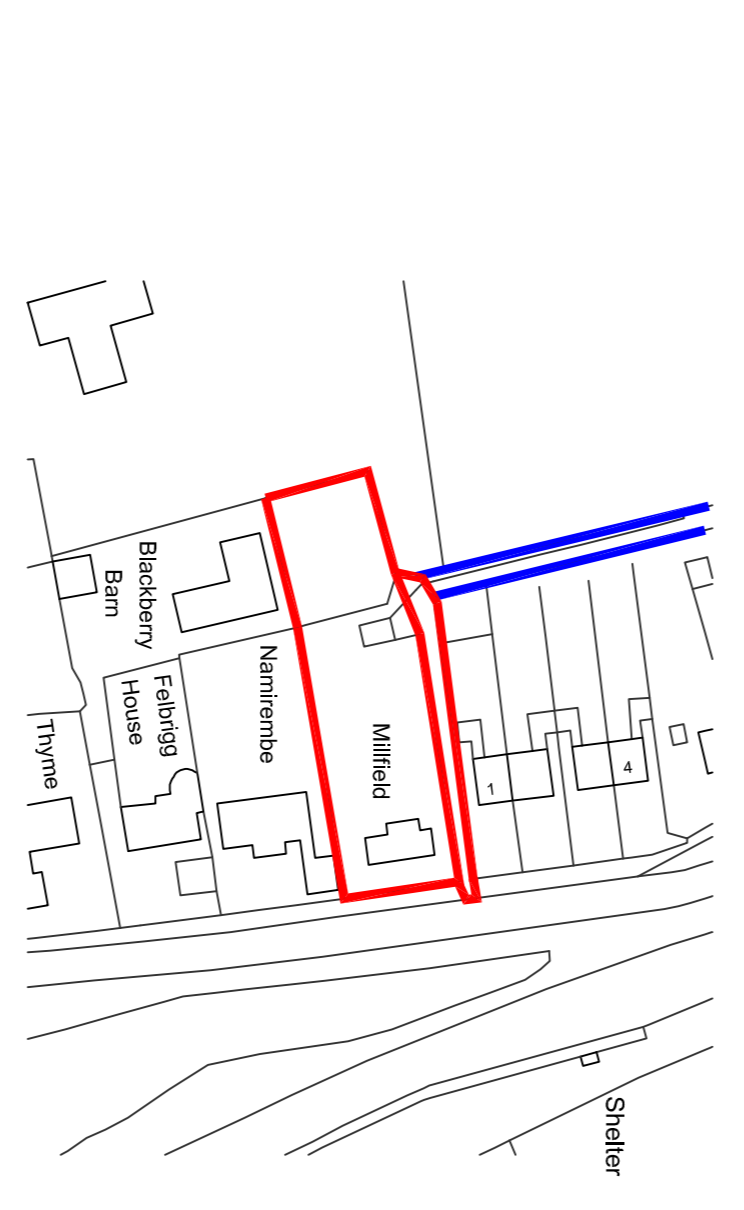
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

This page is intentionally left blank

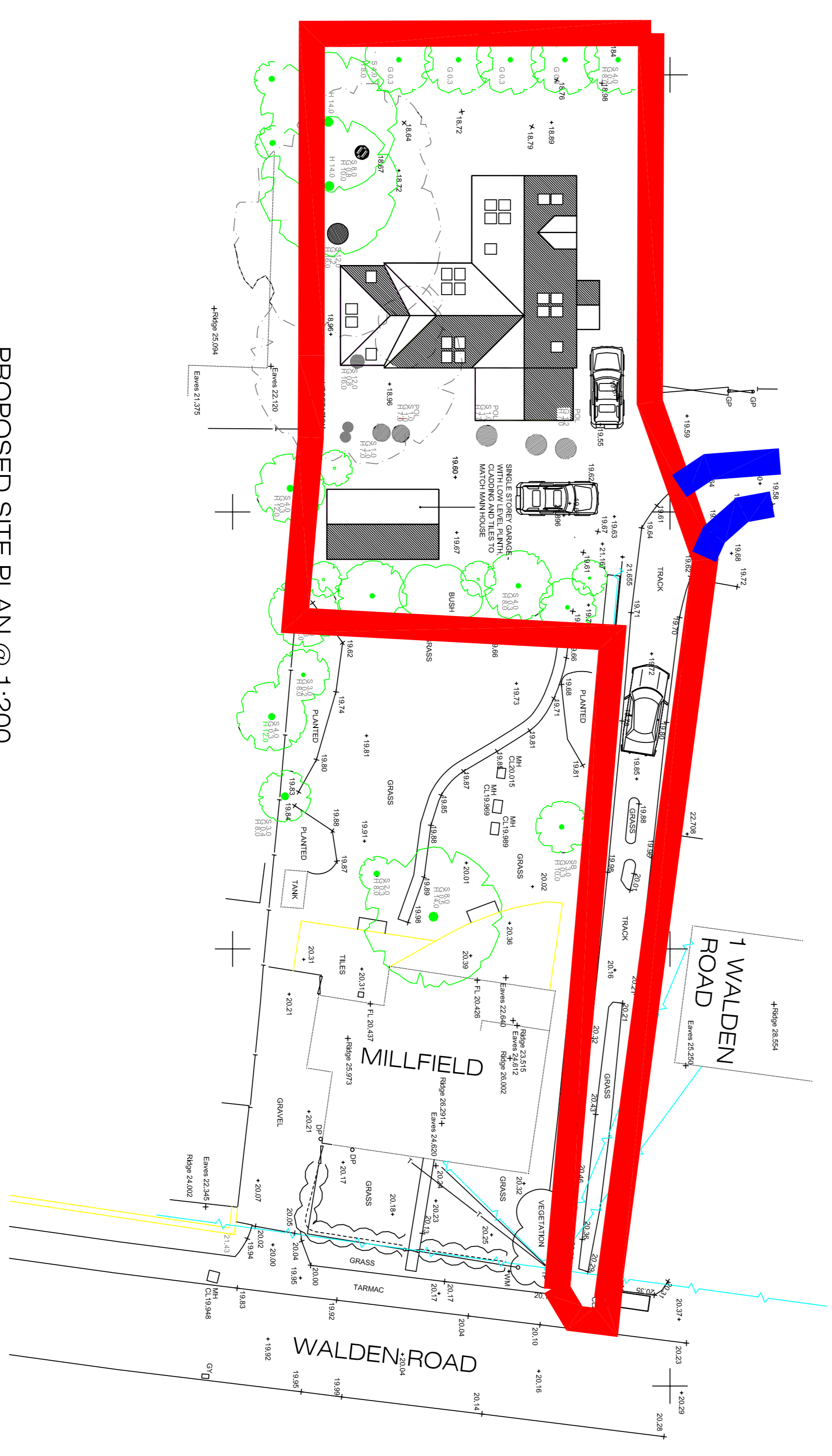
Note: Do not scale from this drawing.  
All levels, angles and dimensions to be checked on site prior to commencement of works.



EXISTING SITE PLAN @ 1:500



EXISTING SITE PLAN @ 1:1250



PROPOSED SITE PLAN @ 1:200

NOTE: ALL KERB LEVELS ARE CHANNEL LEVELS

FINISH TYPES	GR	CONCRETE PAVING	PO	TARMAC
T1	1525.000	2525.000	20.0000	
T2	1527.431	2544.800	20.3385	
T4	1471.648	2553.361	19.6350	
T5	1462.179	2537.286	18.9334	

Co-Ordinates

REVISIONS:	DATE	BY
A. EXTRA SITE PLANS	11.05.17	
B. PLANNING AMENDS	24.05.17	
C. PLANNING AMENDS	25.05.17	

PLANNING SUBMISSION

Impact Design + Build Ltd  
Starsted House  
Shire Hill Industrial Estate  
Saffron Walden  
Essex  
CB11 3AQ

Tel - 017799 588835  
Mob - 077712 803 485

Email: mark@christian-reeve.co.uk  
www.impactdesignbuild.co.uk

Client:  
ANDREW AND JULIE BOULBY

Project:  
MILLFIELD  
LITTLE CHESTERFORD  
ESSEX  
CB10 1UD

Title:  
EXIST + PROP SITE PLANS  
PROPOSED NEW DWELLING

DATE	DRAWN BY	CHECKED BY
23.05.17	MR	
Scale @ A1:	Drawing no:	Revision:
AS SHOWN	IDB.15.01	C

This page is intentionally left blank



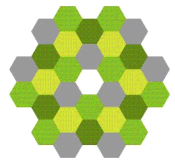
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

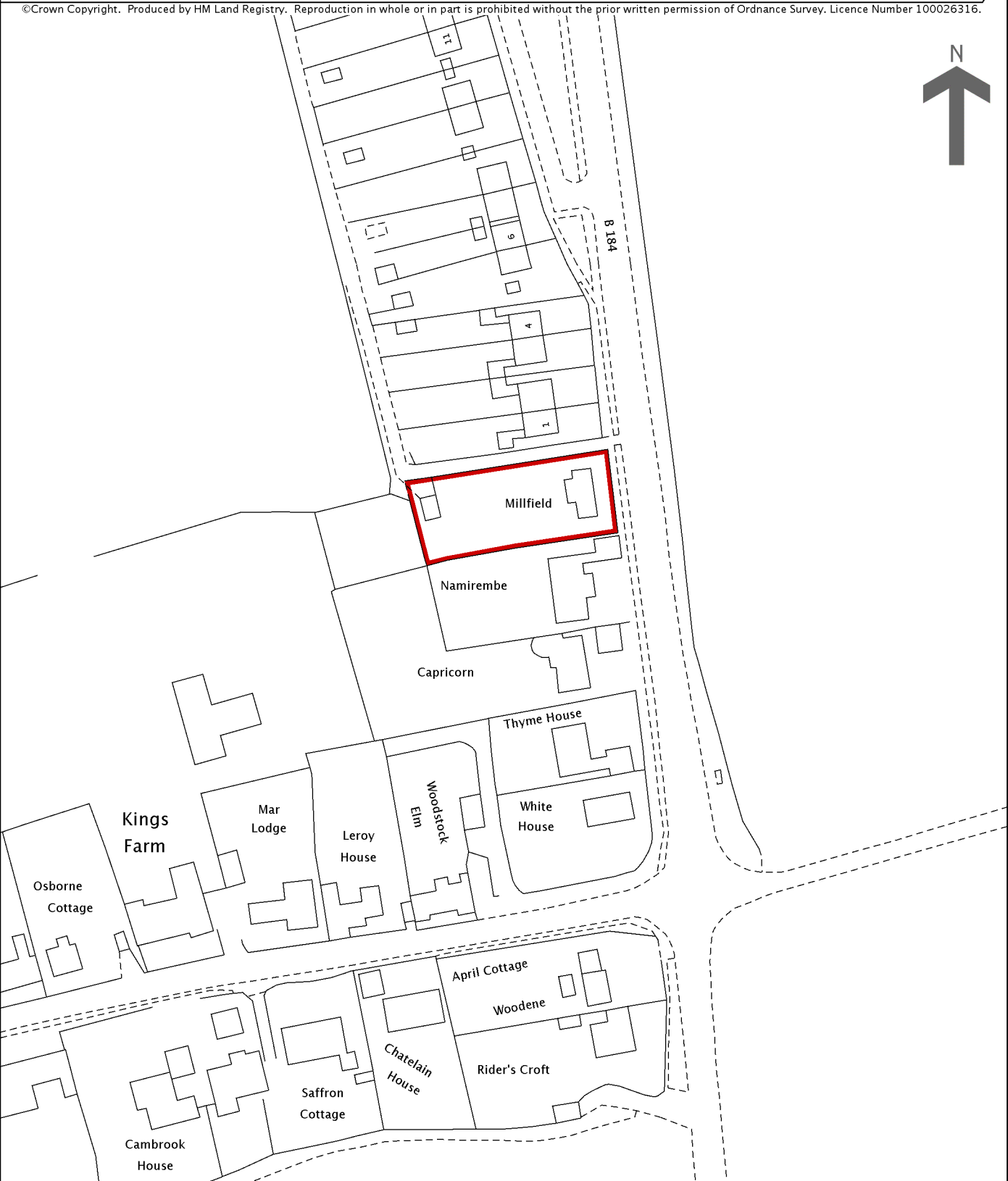
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 11 April 2018 shows the state of this title plan on 11 April 2018 at 12:41:43. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Peterborough Office .



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



<b>Committee:</b>	Cabinet	<b>Date:</b>	24 May 2018
<b>Title:</b>	S106 funding for Easy Access Path, Aubrey Buxton Nature Reserve, Stansted Mountfitchet		
<b>Portfolio Holder(s):</b>	Cllr Susan Barker, Cabinet Member for Environmental Services; Cllr Vic Ranger, Cabinet Member for Communities and Partnerships		
<b>Report Author:</b>	Jeremy Pine, Planning Policy / Development Management Liaison Officer – <a href="mailto:jpine@uttlesford.gov.uk">jpine@uttlesford.gov.uk</a>	<b>Key decision:</b>	No

---

## Summary

1. Essex Wildlife Trust wishes to provide an all year round accessible lakeside path at this Reserve, which is located north of Stansted Mountfitchet.
2. The Trust advises that increases in visitor numbers have worn the existing pathways, making them inaccessible at times and having a detrimental effect on neighbouring pond habitats. The Trust puts part of the increase in patronage down to local housing growth.
3. The Trust needs to secure £16,500 to undertake this work, which it would like to have completed by February of next year. The Trust is requesting a release of S106 funds from the remaining community facilities pot associated with Foresthall Park, which currently stands at about £41,000.

## Recommendations

4. Cabinet is recommended to approve the release of £16,500 from S106 funds to secure the provision of this lakeside path.

## Financial Implications

5. The funding requested will be drawn from ring fenced funds available for this purpose. There are no other financial implications arising from this report. In FY 11/12, Cabinet approved the release of £35,000 from the same community facilities pot for footpath refurbishment in Birchanger Wood.

## Background Papers

6. 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.

Letter from the Essex Wildlife Trust to UDC Planning dated 22/03/18.

## Impact

7.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	The S106 agreement sets out the Council's obligations
Sustainability	An all year round accessible path would improve the Reserve's habitat, particularly for pushchair and wheelchair users
Ward-specific impacts	Improved nature reserve facilities in Stansted Mountfitchet
Workforce/Workplace	N/A

## Situation

8. The Aubrey Buxton Nature Reserve was originally the pleasure park to Norman House, and is 24 acres in extent. It has 6 ponds in total, woodland and wildflower meadows. The Reserve was donated to the Essex Wildlife Trust in 1976.
9. A recent increase in visitor numbers is putting strain on the existing pathways, which are becoming extremely worn, muddy and sometimes inaccessible. In winter, visitors try to walk around the muddy areas and the increasingly exposed tree roots, exacerbating the problem.
10. This project would provide a much needed hardened surface with boardwalk in places to avoid further tree root damage. The path would be 363m in length, with sections being re-routed to take visitors and dogs away from areas at most risk from disturbance.
11. The Trust has advised officers that it would try to fund a project such as this from landfill community tax funding, but as there are no landfill sites in the vicinity there is no eligibility in this instance. The Trust has also approached four private grant-making Trusts whose charitable objectives are most relevant

to this project, but has not received positive replies.

12. The Trust's request is for the release of £16,500 of S106 funds from the remaining community facilities pot at Foresthall Park. A cost breakdown has been provided, which provides for project consultancy work, excavation and spoil levelling works and the laying of all-weather surfaces.

13. Officers consider that this is a worthy project, and it is recommended that Cabinet approves the release of £16,500 from the community facilities pot at Foresthall Park to fund the works.

### Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
That funding for the all year round accessible path is not secured, and the existing facilities continue to deteriorate.	2 - No other funding sources have been able to be secured by the Trust.	2 - Reduced accessibility at the Reserve.	Approve the release of the required S106 funding.

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.

This page is intentionally left blank