

CABINET held at ZOOM - [HTTPS://ZOOM.US/](https://zoom.us/), on THURSDAY, 9 JULY 2020 at 7.00 pm

Present: Councillor J Lodge (Chair)
Councillors A Armstrong, C Day, D Eke, J Evans, R Freeman,
N Hargreaves, P Lees, L Pepper and N Reeve

Officers in attendance: D French (Chief Executive), L Browne (Monitoring Officer),
B Ferguson (Democratic Services Manager), G Glenday
(Assistant Director - Planning), R Harborough (Director - Public
Services) and A Knight (Assistant Director - Resources)

Also present: Councillors A Dean (Liberal Democrat Party Group Leader), N
Gregory (Chair of the Scrutiny Committee), R Pavitt (Uttlesford
Independent Party Group Leader) and A storah (previously
Cabinet Deputy for Planning).

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Criscione (Conservative Group Leader) and Light (Green Group Leader).

2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 27 May 2020 were approved as a true and correct record.

3 CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (STANDING ITEM)

Councillor Gregory, Chair of the Scrutiny Committee, said he had learnt very little at the call-in meeting held on 16 June. The meeting had been called to debate the referral of the Corporate Plan Delivery Plan (CPDP) back to Cabinet for amendment. He said the impact of Covid-19 had caused great economic uncertainty, which had led to ambiguity in terms of what could be realistically achieved in the foreseeable future, but he expected greater clarity from the Administration in September when the CPDP would be brought back to the Scrutiny Committee for further consideration.

4 REPORT OF DELEGATED DECISIONS TAKEN BY CABINET MEMBERS (STANDING ITEM)

The 'Investment Opportunities' decision published on 15 June 2020 was noted by Cabinet.

5 **REPORT ON ASSETS OF COMMUNITY VALUE DETERMINED BY THE ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST COMMITTEE (STANDING ITEM)**

Councillor Day, Chair of the Assets of Community Value and Local Heritage List Committee, informed members of the decision to list Andrewsfield Airfield as an asset of community value. He said the application was not straight forward, as the nominated area fell across two districts, as well as encapsulating agricultural land, and he had requested training for the Committee going forward.

The Leader raised The Gate public house, Saffron Walden, as an example of a complicated nomination. The Gate had previously been listed as an asset of community value, but following an objection from the owner, was no longer registered.

The decision to list Andresfield Airfield as an asset of community value was noted by Cabinet.

6 **THE NEW LOCAL PLAN GOVERNANCE ARRANGEMENTS**

Councillor Evans, the Portfolio Holder for Planning and the Local Plan, presented the report on the new local plan governance arrangements. He said the report had been produced in collaboration with Councillor Storah and two consultants from East of England Local Government Association (EELGA) who had proposed a bespoke governance structure for UDC in relation to the new Local Plan. He said a Local Plan Leadership Group (LPLG) would be put in place of the Planning Policy Working Group, and it would have up to twelve, cross party members with geographical representation from across the district. Councillor Storah would chair the LPLG. Meetings would be held in public, although there would be provision to hold private meetings in the event that sensitive information would be discussed. He said this went against the advice of the EELGA consultants who had recommended a small membership and for meetings to be held in private. He said the new group would be committed to public consultation and any materials used in evidence by the LPLG should be easily accessible to the public.

The second aspect of the new governance arrangements for the Local Plan related to the scrutiny function. Councillor Gregory said the Scrutiny Committee had discussed this at length during its previous meeting and had endorsed the following recommendations to Cabinet as published in the supplementary report:

- We would welcome an explanation from the EELGA consultants as to their reasoning in coming to their conclusions and how they were illuminated in their thinking by the lessons learnt from the past.
- We wish to see the maximum amount of transparency in the workings of all of the bodies in relation to the Local Plan process, but we appreciate that by whatever mechanism there must be some degree of confidentiality in certain fora.

- We would encourage the highest possible degree of consultation with residents by the Local Plan Leadership Group. However, it is a matter for that Group as to how they discharge that duty.
- The Committee would welcome a greater role for the Leader of the Council alongside the Chief Executive on the Corporate Overview Board.

He said there had been contention surrounding which body would be responsible for scrutinising the Local Plan process and no clear mandate could be put forward. He said the favoured option was for keeping the function within the current Scrutiny Committee's remit but operating with two sets of meetings; one for general scrutiny matters, the second solely relating to the Local Plan.

The Leader said he favoured the principle of pre-scrutiny and was content with keeping the Local Plan scrutiny function within the current committee's remit.

Councillor Evans said the new Local Plan governance arrangements would be kept under review with an assessment to take place in December 2020.

Councillor Lees supported the Scrutiny Committee's recommendations but asked that all costs relating to the new Local Plan to be recorded.

The Chief Executive said the issue of the scrutiny function was not for Cabinet to determine although they could welcome comments from the Committee.

In response to a question from Councillor Eke, Councillor Evans said the term "2nd tier officer" in relation to the Project Director's role did not detract from the seniority of the position.

Councillor Dean said the Local Plan was the greatest challenge that this Administration would face and he had written to Councillor Evans to offer the Liberal Democrats' constructive support. Matters such as affordability, high standards and a zero carbon ambition were of great importance and should be enshrined within the Plan. He said he had a number of concerns regarding the proposed governance arrangements; a large leadership group was likely to be hampered by "continual discussion and few conclusions", and the prospect of open meetings would reduce the capacity for members to "think" and "work out sound proposals". He also said the current Scrutiny Committee should not be overburdened with scrutinising the Local Plan and a distinct committee should be established to carry out that function.

Councillor Lees said the proposal for a large leadership group had been driven by R4U's commitment to inclusivity and members' enthusiasm to be involved in the process. She added that Councillor Storah, who would chair the LPLG, would not sit on the Scrutiny Committee when it was scrutinising Local Plan matters.

Councillor Evans proposed to approve the recommendations as set out in the report, with the observations and recommendations of the Scrutiny Committee to be noted.

RESOLVED to:

- a) approve the proposed Local Plan governance arrangements , as set out by the EELGA Peer Review Team (Appendix A), with the exception of its recommended numerical composition of the Local Plan Leadership Group (LPLG), the suggestion that the LPLG should meet in private and to not endorse EELGA's recommendation to Full Council to establish a distinct Local Plan Scrutiny Committee. Cabinet is resolved to agree that LPLG is instead made up of a greater number of members than proposed to allow not only for proportionate political but also geographical representation across the district and also held by way of a public meeting, although at liberty to hold meetings in private as necessary when discussing confidential information (as outlined in paragraph 13 of the report) and,
- b) use the organogram highlighted in Appendix B to illustrate the governance arrangements instead of the one included in the peer review team's report and,
- c) review the Local Plan governance arrangements in December 2020 to ensure that the new structure is providing the foundations for the timely delivery of the Local Plan and,
- d) to note the comments following 6th July Scrutiny Committee's consideration of the governance arrangements as outlined in the supplementary report.

7 **BUDGET FORECAST OUTTURN - 2019/20 QUARTER 4**

Councillor Hargreaves, the Portfolio Holder for Finance, summarised the report on the Budget Outturn for 2019-2020. The report outlined financial performance relating to the General Fund, Housing Revenue Account, Capital Programme, based upon actual expenditure and income for the financial year 2019/20.

In response to a question from Councillor Reeve, the Assistant Director Resources said the financial impact of Covid-19 was immaterial to the outturn for Quarter 4 of the previous financial year.

RESOLVED to approve:

- a) The General Fund, Housing Revenue Account and Capital Programme outturn positions including the updated use of reserves and requested slippage for the Capital Programme
- b) The allocation of the underspend/surplus:
 - i. General Fund underspend to the Medium Term Financial Strategy Reserve
 - ii. Housing Revenue surplus to the Development Reserve

8 **TREASURY MANAGEMENT OUTTURN 2019/20**

Councillor Hargreaves summarised the report outlining the Treasury Management Outturn position for 2019-2020. The report detailed the management of the local authority's investments and cash flows, its transactions and the effective control of the risks associated with those activities.

In response to a question from Councillor Evans, Councillor Hargreaves said it depended on the time of year in regard to whether the Council was a net borrower or lender.

The Assistant Director – Resources agreed and said there were peaks and troughs in terms of borrowing and lending throughout the year. She said this would be represented graphically in future reports, as well as a comparison with similar authorities.

RESOLVED to approve the 2019/20 Treasury Management Outturn attached as Appendix A

9 **OUTSIDE BODIES' APPOINTMENT**

The Leader said Councillor Lavelle was to be appointed as the UDC representative on the Dunmow Day Centre Management Committee. He added that Councillor Sutton had stepped down as a Cabinet Deputy and welcomed Councillor Reeve as a new member of Cabinet.

RESOLVED to appoint Councillor Lavelle as the UDC representative to the Dunmow Day Centre Management Committee.

10 **APPLICATIONS TO HOMES ENGLAND**

Councillor Lees introduced the report relating to applications to Homes England concerning the waiver of conditions imposed on housing associations in regard to their shared ownership leases. She said a mechanism which aimed to minimise the loss of affordable homes in certain Designated Protected Areas (DPA), by preventing shared ownership properties being owned outright, had led to shared owners missing out on advantageous mortgage rates. The recommendation of the report was to authorise officers to apply for waivers to these conditions that prevented 100% ownership.

Councillor Dean said he was concerned that there would be a net loss of affordable homes in the district if this proposal was approved.

Councillor Lees said that this was about providing assistance to the majority of shared owners to ensure they received a fairer deal.

In response to a question from Councillor Evans, Councillor Lees said each waiver would only apply to a specific DPA, not to the whole of Uttlesford.

RESOLVED to:

- a. To authorise officers to apply to Homes England for waivers of the requirement to impose conditions limiting the acquisition of a 100% share or providing for repurchase of the shared ownership properties identified in this report.
- b. To delegate authority to the Director of Public Services to apply for waivers when requested by registered housing providers, subject to him being satisfied that the conditions for granting a waiver are met and subject to consultation with the Portfolio Holder for Housing and Health

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APPLICATION FOR THE DESIGNATION OF LITTLE EASTON NEIGHBOURHOOD DEVELOPMENT PLAN AREA

Councillor Evans summarised the report detailing the application for the designation of Little Easton neighbourhood development plan area. He said £2,500 would be made available to makers of the Little Easton Neighbourhood Plan and that the proposed neighbourhood development plan area was entirely appropriate as it conformed to the parish boundary.

Councillor Hargreaves welcomed the designation of Little Easton neighbourhood development plan area and expressed his support for neighbourhood plans generally. He said the making of plans was an invaluable experience for parishes as it instilled a greater knowledge of the planning system.

Councillor Storah said that caution should be exercised in terms of spending heavily on neighbourhood plans, particularly as work had now begun on a new emerging Local Plan for the district.

RESOLVED to:

- i. Designate the Parish of Little Easton as a Neighbourhood Development Plan Area.
- ii. The Plan Area as submitted by Little Easton Parish Council should be supported and adopted as the Little Easton Neighbourhood Development Plan Area.

The meeting ended at 8.55pm.