

CABINET held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 1 JULY 2021 at 7.00 pm

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

Officers in attendance: D French (Chief Executive), B Ferguson (Democratic Services Manager), R Harborough (Director – Public Services), A Knight (Assistant Director – Resources) and A Webb (Director – Finance and Corporate Services)

Also present:
M Caton (Leader of the Liberal Democrat Group), C Criscione (Leader of the Conservative Group) and N Gregory (Chair of the Scrutiny Committee)

CAB14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Armstrong and Councillor Pavitt (Leader of the Uttlesford Independents Group).

CAB15 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 May 2021 were approved as a true and correct record.

CAB16 CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (STANDING ITEM)

The Leader moved to Item 5 on the agenda as Councillor Gregory, Chair of the Scrutiny Committee, was required at another meeting. He invited Councillor Gregory to provide a report on the activity of the Scrutiny Committee.

Councillor Gregory thanked Councillor Criscione and Jones for their work on the Planning Obligations report that would be considered by Cabinet later in the meeting.

Councillor Gregory said there had been two meetings of the Scrutiny Committee since the previous Cabinet meeting. Councillor Gregory highlighted the following in relation to Local Plan Scrutiny:

- The Committee were impressed with the progress of the Local Plan – management of the Plan was detailed, precise and clear at the “granular level”.

- It was anticipated that the call for sites would be published in the next few weeks. A delay had been caused by a mapping software error and consultants had been called in to carry out the work.
- One concern held by the Committee was in relation to the technical consultation with Town and Parish Councils, which would be published at Christmas. The Committee's preference was for "bite-sized" chunks of information to be released as and when it became available.
- In summary, he praised the management of the Local Plan process and said excellent progress had been made.

Councillor Gregory highlighted the following in relation to the ordinary Scrutiny Committee meeting:

- The Committee had been impressed by the Economic Development Recovery Plan and praised the work of the Economic Development Officer and her team, as well as Councillor Reeve as the Portfolio Holder. They had been particularly impressed by the inclusion of SMART targets.
- A Task and Finish Group had been established to look into the Stansted Airport Application process. Membership had been set and a workplan would be produced and presented to Committee in due course. A timeline for the application process would be available by the end of the month to inform that workplan.

CAB17 **SCRUTINY REVIEW OF PLANNING OBLIGATIONS**

Councillor Gregory left the meeting at 7.10pm.

Councillor Evans introduced the item relating to the Scrutiny Committee's review into Planning Obligations. He thanked Councillors Jones and Criscione for their work on the review. He said one area which would benefit from further investigation from the legal and planning departments was SUDs in the context of planning obligations. He commended the report.

Councillor Criscione said he felt that developers had been getting the upper hand in terms of their planning obligations and this needed to be addressed. He said the report recommended that local councils and communities were involved and informed of developer negotiations in respect of planning obligations, which complemented the Administration's position on development control. The review had carried out a survey with councillors and local councils and it was clear that people felt uninvolved and not suitably trained to add value to the process. Furthermore, there needed to be a transparent and easily accessible system to hold developers to account and to ensure planning obligations were being honoured by developers.

Members discussed the practicalities of implementing the report's recommendations and agreed that something needed to be done to hold developers to account in regard to planning obligations. There was general commendation for the report.

In response to a question, Councillor Evans said officers would produce a template for how the recommendations would be carried forward. He said an update on implementing the recommendations would be considered by both Scrutiny and Cabinet in September.

RESOLVED to approve the following recommendations of the Scrutiny Committee:

- a) The creation of an Uttlesford Developers Contribution Document
- b) A more formalised, procedural and earlier approach for Town and Parish Councils to input into Planning Obligations
- c) Clearer and consistent reporting of Planning Obligations as part of recommending major planning applications to Planning Committee
- d) Prioritise the population of the EXACOM database, to allow enhanced reporting and public self-service requests
- e) Reflect on cases and projects upon their completion to maintain and facilitate improvement in delivery

CAB18 QUESTIONS OR STATEMENTS FROM NON-EXECUTIVE MEMBERS OF THE COUNCIL (STANDING ITEM)

The Leader moved to Item 3 and said the agenda would now been taken in the order it had been published.

Councillor Caton said there was an opportunity to implement a more proactive economic development strategy in respect of the ongoing recovery strategy and the developing Local Plan. He said a strong local economy was necessary in order to reduce the number of commutes into and out of Uttlesford.

In response, Councillor Reeve said economic development in the District was crucial and, in the future, time would be spent on exploring the feasibility of new 'incubating' business sites, as well as opportunities at the Little Canfield in the short-term.

Councillor Criscione spoke in support of the appointment of Councillor Smith to the Energy and Climate Change Working Group. He said Councillor Smith would be a good addition to the working group.

CAB19 REPORT OF DELEGATED DECISIONS TAKEN BY CABINET MEMBERS

(STANDING ITEM)

The Leader noted that no executive decisions had been published since the previous meeting.

CAB20 REPORT ON ASSETS OF COMMUNITY VALUE DETERMINED BY THE ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST COMMITTEE (STANDING ITEM)

Councillor Day said the Asset of Community Value nomination relating to the Nomination of The Stag public house, Little Easton had been deferred.

CAB21 BUDGET 2020/21 - FINAL OUTTURN

Councillor Hargreaves presented the Budget 2020/21 Final Outturn report, which detailed financial performance relating to the General Fund, Housing Revenue Account and Capital Programme, based upon actual expenditure and income for the financial year 2020/21. He thanked the Finance team and the Assistant Director – Resources for their hard work. He highlighted the following areas of the report:

- The General Fund had an underspend of £161,000.
- There was a small deficit in the Housing Revenue Account of £26,000.
- The Capital Programme was reporting an overspend of £116,595,000, including slippages from the previous year. The overspend was due to the purchase of commercial investment properties.
- The General Fund underspend would be allocated to the Waste Reserves in order to be used to support the proposed national changes to waste collection.
- Central Government extended the business rates reliefs available and the Council was fully reimbursed for the cost of these.
- The total net income generated during the 2020/21 financial year for all the Council's commercial investments was £3,370,958.

In response to a question from Councillor Caton, the Assistant Director – Resources said costs in relation to the leaving the European Union were not rechargeable to Government.

The Chief Executive said the consequences of exiting the European Union were still ongoing and there was more work to be done.

RESOLVED to approve:

The General Fund, Housing Revenue Account and Capital Programme outturn positions including the updated use of reserves and requested slippage for the Capital Programme

The allocation of the underspend/deficit:

- i. General Fund underspend is allocated to the Waste Reserve
- ii. Housing Revenue deficit to the Potential Development Reserve

CAB22 TREASURY MANAGEMENT OUTTURN 2020/21

Councillor Hargreaves presented the Treasury Management Outturn report 2020/21. He said this was a technical document which demonstrated that the Local Authority's treasury risk management was conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code). He outlined the Council's borrowing and investments and said the Council was reviewing its borrowing strategy during the current year and investigating alternative options for long-term borrowing.

In response to a question from Councillor Evans regarding differing rates of interest, the Leader confirmed that this was reflective of the market.

RESOLVED to approve the 2020/21 Treasury Management Outturn

CAB23 GOVERNMENT CONSULTATION ON AVIATION TAX REFORM

Councillor Evans presented the report on the Government consultation on aviation tax reform. He said the report was seeking ratification of the Stansted Airport Advisory Panel's (STAAP) response to the Government consultation. He asked Cabinet to support the response.

RESOLVED to ratify the final response of the Stansted Airport Advisory Panel (STAAP) which met to consider the Aviation Tax Reform consultation on 19th May.

CAB24 LOCAL PLAN HOUSING NUMBERS

Councillor Evans presented the report relating to Local Plan Housing Numbers, which had also been considered by the Local Plan Leadership Group (LPLG). He said there was a need to consider the proposed housing numbers in order to inform the officer assessment of sites that would be necessary to understand the likely required number of homes the Council would be planning for. He said the figure of 706, as outlined in the report, had been reached by using the Government's formula, which was non-negotiable, although this figure could be subject to a buffer and therefore the figure of 706 was "not written in stone". He

said a number of observations had been made at the Community Stakeholder Forum which gave rise to questioning whether the Government's formula was reasonable and correct, and whether evidence should be considered for an alternative housing requirement. However, the Council was obliged to use the Government formula and would only be allowed to deviate if exceptional evidence was put forward. The LPLG would consider the matter again before the housing requirement was put forward to Cabinet at a later date. It would also need to be subject to a further buffer as explained in the report He asked Members to consider the housing requirement and note the report.

Councillor Reeve said he supported the position outlined in the report as the algorithm was directed by Government and it would be foolhardy to do anything else at this time.

Councillor Hargreaves said he did not understand why the Government continued to use the 2014 household growth figures rather than the updated 2018 figures, which suggested a reduction in household growth. He said if outdated figures were used in any other are of planning work, they would be thrown out by the Inspector.

Councillor Evans said the 2014 - 2018 figures had not been used in the calculation but this would be looked at. He said that external dialogue had been ongoing with the Minister regarding which set of figures would be applied in the Government's formula but the final word was that the 2014 figures would be used.

The Leader thanked Councillor Evans and said Cabinet had considered the housing requirement although this would come back for further discussion in due course.

CAB25 LOCAL COUNCIL TAX SUPPORT SCHEME PROPOSALS 2022/23

Councillor Hargreaves presented the report regarding the Local Council Tax Support Scheme (LCTS) for 2022-23. He said for the seventh year running the Council was proposing to retain the 12.5% contribution rate, the lowest percentage contribution of any Local Authority in Essex, and to continue to protect vulnerable and disabled residents and carer's on a low income. If the proposal was approved, the consultation would be carried out in July and August. He said there were planned improvements to the consultation this year.

RESOLVED that:

- I. the Local Council Tax Support Scheme proposals for consultation for 2022/23 are set on the same basis as 2021/22:
- II. the contribution rate is frozen for the seventh consecutive year at 12.5%.
- III. the Council continues to protect Vulnerable and Disabled Residents and Carer's on a low income.

CAB26 OFFICER DELEGATED DECISIONS - WRITE OFFS

Councillor Hargreaves presented the report relating to Officer Write Offs. The report detailed Officers decisions under delegated powers to authorise write offs less than £10,000 in line with the constitution and the Financial Regulations.

The report was noted.

CAB27 APPOINTMENT TO THE ENERGY AND CLIMATE CHANGE WORKING GROUP

Councillor Pepper said she had discussed the appointment of Councillor Smith to the Energy and Climate Change with Councillor Criscione, who was supportive of the change. She said her door was always open to any member who wished to discuss the issue of climate change and ways in which it could be tackled.

RESOLVED to appoint Councillor Smith to the Energy and Climate Change Working Group in place of Councillor Criscione.

CAB28 ASSETS OF COMMUNITY VALUE REVIEW

Councillor Day presented the report regarding the Assets of Community Value review. He said a review into the process of determining Assets of Community Value (AoCV) had begun following legal action taken against the Council by the owners of a listed asset, and legal officers had advised that a more robust process should be put in place, with the majority of nominations being delegated to officers. This had the support of the Assets of Community Value and Local Heritage List Committee. He said councillors would have the right to call-in any nominations that they felt should be determined by elected members during a four-week 'call-in' window. This change in process would be communicated with councillors and local councils in the District. He thanked the Planning Policy Officer and the Council's Solicitor for their tremendous work during the review.

RESOLVED to:

- I. adopt the recommendations of the Assets of Community Value and Community Right to Bid Review, including the move to delegated decision making, allowing a 4-week window to enable councillors to call-in nominations to be decided by committee.
- II. endorse the use of the updated nomination form and guidance.

CAB29 ECONOMIC DEVELOPMENT RECOVERY PLAN

Councillor Reeve presented the report on the Economic Development Recovery Plan. He thanked the Economic Development team who had been doing a huge amount of work supporting businesses in the District during the pandemic. He said the key to their success was an increase in staff resources to three and a half full-time equivalent posts. He highlighted the five priorities of the Plan:

- Business engagement and support
- Information, Advice and Guidance
- Skills and Training
- Creating Jobs / Inward Investment
- Creating a “greener” local economy

He said businesses needed help and this was demonstrated by the exceptional number of calls the Economic Development team were receiving during the pandemic (up to 130 calls per week, up from 1 call a week prior to Covid-19). He added that these were extremely challenging times for the residents of Uttlesford, demonstrated by the rise in the number of people claiming Universal Credit in the District.

Members thanked Councillor Reeve and the Economic Development team for their work.

RESOLVED to approve the Economic Recovery Plan Delivery Plan

The meeting was closed at 8.40pm.