

CABINET held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 22 DECEMBER 2022 at 3.00 pm

Present: Councillor P Lees (Chair)
Councillors A Armstrong, A Coote, J Evans, R Freeman,
N Hargreaves, L Pepper, N Reeve and M Sutton

Officers in attendance: P Holt (Chief Executive), D Hermitage (Director of Planning),
A Lindsell (Democratic Services Officer) and A Webb (Director -
Finance and Corporate Services)

Also present: Councillor M Caton (Liberal Democrat and Green Alliance Group
Leader), Councillor N Gregory (Chair of Scrutiny Committee)
and Councillor G Smith (Conservative Party Group Leader).

CAB63 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Pavitt.

Councillor Caton declared a non-pecuniary interest relating to agenda item 10 as a trustee of Support For Sight, who were in receipt of a grant from the Council.

Councillor Coote declared a pecuniary interest relating to agenda item 8 as his employer, Bell Day Nursery CIC, hires four of the leisure centre rooms all year round.

CAB64 MINUTES OF THE PREVIOUS MEETING

Councillor Caton said that there were issues within the minutes and that although the statements were minuted correctly they were controversial and that he would pursue them outside of the meeting.

The Chair asked if Members believed that the minutes were a true record.

The minutes of the meeting on 1 December 2022 were approved as a correct record.

CAB65 QUESTIONS OR STATEMENTS FROM NON-EXECUTIVE MEMBERS OF THE COUNCIL

There were no questions or statements from Non-Executive Members of the Council.

CAB66 MATTERS REFERRED TO THE EXECUTIVE BY THE SCRUTINY COMMITTEE

OR BY THE COUNCIL

Councillor Gregory provided a report on the recent meeting he had attended under the new arrangements of the Director of Planning, Interim Local Plans and New Communities Manager and Chair of the Local Plan Leadership Group, the summary note from which had just been circulated.

He said that he was grateful to the Interim Local Plans and New Communities Manager in particular for the level of detail provided, the attention taken to highlight areas of concern and that he had been reassured and deeply heartened by the meeting.

Councillor Caton thanked Gregory for including opposition leaders in his circulation of the summary note and reminded him that he had agreed to circulate it to the whole of the Local Plan Leadership Group.

Councillor Gregory apologised for forgetting and resolved to circulate the summary note as agreed.

Councillor Evans said that the Director of Planning had already prepared a draft report to go to the third tiers which would contain a lot of information of use to Parish Councils in understanding and explaining the S62a process. He asked Members to share the final report with their parishes.

CAB67 CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

There were no further reports from Overview and Scrutiny Committees.

CAB68 REPORT OF DELEGATED DECISIONS TAKEN BY CABINET MEMBERS AND EXECUTIVE COMMITTEES

Cabinet noted the following delegated decision taken by the Leader:

- Voluntary Support Grants Committee, 12 December 2022 – Allocation of grant funding.

CAB69 REPORT ON ASSETS OF COMMUNITY VALUE DETERMINED BY THE ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST COMMITTEE (STANDING ITEM)

There were no decisions to report.

CAB70 LEISURE PFI

Councillor Coote left the meeting.

Councillor Armstrong presented the PFI report and acknowledged the struggles faced by leisure centres with the cost of living crisis causing serious problems now and moving forward. He said that this was an opportunity to support the leisure centres and help maintain the provision of their services for residents, whilst also protecting the Council.

He recommended that Cabinet:

- Agreed the additional support at a maximum of £261,900 per annum (plus annual RPI indexation), commencing 1 October 2022, and therefore backdated.
- Noted the positions in respect of centre usage, charges and Government utility support.

Members commended the report.

The Leader moved to a vote. The proposal was approved unanimously.

RESOLVED to:

- I. Agree the additional support at a maximum of £261,900 per annum (plus annual RPI indexation), commencing 1 October 2022, and therefore backdated.
- II. Note the positions in respect of centre usage, charges and Government utility support

Councillor Coote rejoined the meeting.

CAB71 **CORPORATE PLAN DELIVERY PLAN 2022/23 PROGRESS UPDATE**

Councillor Reeve provided an update summarising progress made against the Corporate Plan Delivery Plan as at mid-December 2022.

The update recommended that progress against the Corporate Plan Delivery Plan objectives was noted.

He said that:

- The financial situation of the council was robust
- The update demonstrated a considerable number of impressive activities championing the district
- Within the Economic Recovery Plan focus had been given to the tourism and retail sector, with the introduction of the Discover Uttlesford brand and associated app and website, which was proving successful as numbers accessing it were well above other sites around the country. He noted that the average return visitor to the app spent six minutes on it, which indicated active use rather than casual browsing
- Solid progress was being made with the Local Plan.

Councillor Pepper thanked Officers for their hard work and support, acknowledged that Climate Change was at the heart of the Corporate Plan and said that she was, very grateful for the grants and government funding that were being used to improve air quality and reduce CO2 emissions in the district.

Councillor Coote congratulated Officers past and present in social housing who had worked tirelessly.

He said that:

- The Corporate Plan aimed to achieve as much as possible with the limited resources available
- The weather was currently not helping with the delivery of housing repairs
- Funding remained an issue, with government contributions remaining insufficient
- Private rent presented concerns as resources were lacking to achieve the aspirations set out in the Corporate Plan.

Councillor Smith said that the insufficient government funds was not a new situation and that the administration should have built in more resilience in the Council's finances and that balancing the budget with a significant proportion of the reserves was deeply troubling.

He asked Councillor Reeve or Councillor Hargreave to advise what progress had been made in identifying how the £1m budget reduction for the 2022/23 period could be achieved.

Councillor Hargreaves said that council housing was not funded by government, but from the housing rent, although the government should have got rid of the right to buy years ago as it was bureaucratic and resulted in the loss of the best council houses.

He said that the commercial investment programme was established to improve robustness, but had now been blocked by the government, who had provided no substitute finance options.

In response to a question from Councillor Hargreaves, Councillor Coote said that the Empty Homes Policy would consider all homes, not just council houses.

Councillor Pepper said that the Warm Homes Grant focused on private rental properties and that she welcomed any suggestions of new applications.

Councillor Caton said that:

- The Empty Homes Policy provided low interest loans to people entering empty properties to refurbish them. He said that the policy was ineffective as it took five years before funding was available through the scheme. He asked if the budget could be addressed to improve the provision
- Comments had been submitted in response to the Cambridge Connection Consultation regarding the inclusion of Addenbrookes in the scheme. He was concerned that no comments had been submitted regarding the congestion zone and enhanced bus services, which were key Local Plan issues and had a deadline for responses of 23 December 2022. The Director of Planning had advised that a response would be submitted after the Christmas break
- Additional consideration should be given to nurturing relationships with neighbouring authorities.

The Leader said that:

- The Council website provided information about the Empty Homes Policy that answered Councillor Caton's questions succinctly

- It would be helpful if Members promptly shared time sensitive information they had acquired, as it arose, to be inclusive and collaborative, rather than raising it in a public meeting. Any issues could then be addressed in a timely fashion
- She would like everyone to be more collegiate and friendly.

Councillor Caton confirmed that he had discussed the matter with the Chief Executive and Director of Planning.

The Director of Planning said that as an authority they had not received the consultation directly, but were now drafting a response and had requested a short extension for submission of the response.

Councillor Hargreaves said that the Chief Executive had written the Council's objection in response to the biomedical campus but that individuals also had the opportunity to submit their personal comments in response to the consultation by midnight on 23 December 2022.

Councillor Evans said that the Director of Planning was working on the duty to cooperate at county level and was already in cooperation with Cambridge and East Herts within the work undertaken on the Local Plan.

The report was noted.

CAB72 GRANTS POLICY

The Portfolio Holder for Communities, Health, Youth, Public Safety, Emergency Planning and liaison with the Police and Fire & Rescue Service presented the Grants Policy report.

She thanked the Officers for their hard work.

In response to a question from Councillor Reeve, the Chief Executive said that the current Grants Policy was for a year cycle, but that proposals would be coming forward for consideration, to move grants over £50,000 from a one year to a four year cycle, subject to a service level agreement.

Councillor Sutton proposed that the Grants Policy be agreed by Cabinet for formal adoption.

This was seconded by Councillor Armstrong.

RESOLVED: That Cabinet formally adopts the Grants Policy.

CAB73 HOUSING UPDATE

The Chief Executive presented the Housing Update which updated Councillors on a range of operational housing issues, and detailed what actions were being taken to rectify each problem identified.

He recommended that Cabinet:

- Note the contents of this report
- Approve the additional expenditure of up to £500,000 from the Housing Revenue Account

He apologised for the lateness of the report, which was genuinely unavoidable and related to issues of damp and mould and the related return required by the government and requested at the end of November 2022. The response was submitted by the Council on 19 December 2022, following which, the report was written.

He said that:

- Appendix A contained the Draft Rent Setting Review which had arrived in the building on 21 December 2022, had been published within hours of receipt and would be taken in part 2 due to the proprietary information it contained
- He had not wanted to wait for the new year to report on the matter when he had the information available to bring it to this Cabinet meeting, which would mean that the important work that was necessary could commence 28 days earlier
- The key decision should have been published and notice of it been given 28 days in advance of the meeting. This was not possible so they were seeking to use the Genuine Urgency Procedure, rule 16 of the Constitution. He asked Members to note this, and said that had they known about the need for this decision 28 days ago then it would have been duly published as was routinely required and routinely carried out
- He thanked the Democratic Services Officer and her colleagues for their input and efforts to restore the audio to the meeting recording
- The public gallery was open, that there was currently no legal requirement to provide a live broadcast of the meeting and that there was no question of the validity of the meeting

The Chief Executive said that four issues had been identified, and that the first one related to rent. He said that:

- It was known that the rent issue had been caused by innocent Officer error, how and where the error was made and it had been confirmed that it only affected the current and previous financial years so the scale of the error was relatively modest and involved mainly pennies per week per property
- Refunds would be calculated with interest to all tenants, whether they were in arrears or not, and efforts would be made to contact former tenants and the estates of former tenants. Processing the refunds would be complex and take time to ensure that attention is paid to accommodating tenants who were on Universal Credit or Housing Benefit during the period or part of it
- An individual letter to tenants explaining and apologising had been signed off and despatched today
- It had been necessary to self-refer to the Housing Regulator as a result of this issue, and a meeting with them had been scheduled for the third week of January 2023 to look at the Council's action plan. It was not

anticipated that the Council would be put in Special Measures as a result of this issue.

The Chief Executive said that the second issue identified related to damp and mould. He said that:

- It had previously been reported that there were systems within the repairs and maintenance provision to ensure that each report was visited within three working days. This has not been the case, and of the 800 reports, 98 remain to be visited or acted on. 88 of the reports were received in November or December 2022 and 10 predate November back to February 2022. They were now urgently looking into the 98 cases and any additional cases that arose
- One final opportunity has been given to the provider to get qualified people through the doors to undertake the work. If it was not resolved by early January 2023 the Council will employ their own people to undertake the work as it cannot wait, and would then seek to recover the costs from the contract with the provider
- Following discussions with the Regulator of Social Housing Case Officer it was decided that it was not currently necessary to write to self refer on this issue as it was not a breach
- Many other landlords had hundreds of cases of category one mould, there were currently no known cases in Uttlesford and by the end of March 2023 there should be evidence available to prove that there were no cases
- The stock conditioning survey did not just consider damp and mould but was the foundation on which capital programmes were built to develop efficiencies and reduce any contribution to the climate crisis
- An extremely reputable supplier had been located, was available to start work in January 2023 and was charging 75% of the usual cost

The Chief Executive said that the third issue identified related to Reynolds Court. He said that:

- Conversations were underway with the original builder who planned to correct the faults in January 2023
- In the meantime proportionate interventions had been put in place to ensure the safety of residents. A Fire Warden was now in place overnight until the issue was resolved, as approved by the Essex Fire and Rescue Services

The Chief Executive said that the fourth issue was the update on repairs and maintenance. He said that:

- The five year domestic electrical compliance had stood at 75%, but was now up to 86%

The Leader asked that Members first considered the noting of the report and then the approval of the proposed expenditure.

Councillor Freeman said that the issue at Reynolds Court should never have happened, and it concerned him why it wasn't identified by the building inspectors and what other issues could be out there.

The Leader said that there were no concerns over any other shelter schemes and that residents should not be alarmed and that the Chief Executive had originally planned to not bring the matter to Members until it was resolved to avoid any unnecessary alarm or distress to residents.

The Director of Planning said that:

- Building control inspectors would observe a sample of the flats in such a scheme and if regulations were met, they would take it in good faith that the remainder of the flats had been executed to the same standard
- Local authority building control tended to be more observant and considered than other authority building control
- It was not reasonable to assess everything in every building and faith should be placed with contractors

Councillor Caton said that:

- He was not criticising any officer past or present but he felt that the Council needed to be learning from this experience
- Cabinet made the decision to enter the partnership with NORSE and had gone from being owner operator to being the client of a contractor and had failed to manage the consequences of that decision
- The contract had not been well managed and Uttlesford residents would pay the price in the long term as the Council paid for the remedial actions from the housing revenue accounts
- Council and Cabinet have failed on this matter and it would have immense impact on tenants and their perception of the competency of the Council

The Leader said that one of the main objectives given to the Chief Executive when he took up post, was to resolve the Uttlesford NORSE partnership. He had raised the issues to Cabinet, it hadn't gone as well as would be hoped, but it was not because we were not trying to resolve the issues.

Councillor Hargreaves said that:

- The building of Reynolds Court and the Council rent setting were both unrelated to NORSE
- Reynolds Court was a one off unique design which means the same issue would not be present elsewhere
- Officers and the Chief Executive should be complimented for the rapid and effective action they took to achieve the waking watch to get the matter resolved
- The Chief Executive had been very good at keeping the Leader, Ward Members and the Portfolio Holder for Housing informed and updated
- The over-payment in rent of £160,000 over the 2 year period was related to £28.5m rental income for the period

In response to questions from Councillor Gregory, the Chief Executive said that the waking watch cost £1500 per week and it was anticipated would be required until the end of January 2023.

In response to questions from Councillor Gregory, the Director of Planning said that there were options for prosecution under the Buildings Act.

The Chief Executive said that his order of priority was:

- To ensure safety for residents
- Protect the Council's interests
- Protect the wider interest of other owners who may have had buildings built with similar issues

He said that the builders who had built the building had very quickly agreed to a site meeting and were hoping to get the issue resolved in January 2023. He did not want to slow the process by taking legal action at this point.

Councillor Gregory thanked the Chief Executive and acknowledged the significant pushback that he had received relating to housing. He said that:

- The Chief Executive had been appointed to uncover every stone, and in doing so was identifying historical issues
- The issues being identified were not the Chief Executive's fault, but were a result of failure of supervision over several years
- The issue identified at Reynolds Court was shameful and a result of the previous administration's culture of complacency, an absence of supervision and wall to wall operational failure to do a basic job that put vulnerable residents lives at risk. The culture of undocumented meetings with Stansted Airport, the absence of gas and electricity safety checks, the three failed Local Plans all came about as a result of a failure of individuals to do their basic jobs over many, many years, whilst prioritising photo opportunities for the local newspapers over competence and basic safeguarding of our residents. These failures were appalling and the highlighting of them was personal not political, and should be investigated
- He would be writing to the Chief Executive asking for Officers to produce draft terms of reference for a Task and Finish Group to investigate the sequential failures in one of our most basic services over many years
- The 2000 Local Government Act removed the power of surcharge. He said that he would like to surcharge the previous Cabinet of this Council for the costs of the waking watch as they had failed to conduct the most basic of jobs

Councillor Smith said that Members could not be expected to conduct building safety checks.

In response to questions from Councillor Smith, the Chief Executive said:

- If any 1 of the 98 mould checks identified a category one case, that there was expert treatment available that included stripping out, ripping out, preventing recurrence and where immediate rectification wasn't possible, included rehousing residents. He said that it was high risk, but with low probability
- The asbestos checks had been started again from the beginning to provide confidence in the data. A number of further visits were scheduled before the end of the year

Councillor Smith said:

- That it was reassuring that NORSE had been proactive in executing the asbestos checks

- NORSE had also been very thorough and quick to react to the report of cooking smells travelling between flats at Reynolds Court, and it was this good practise that had uncovered the issues highlighted
- That there were corporate challenges to overcome within the partnership, and that the fact that the rolling stock checks had not restarted after Covid was a grave concern

Councillor Coote said that:

- He noted Councillor Smith`s response to the Chair of Scrutiny regarding reflection on previous administrations, and he felt that his response to Councillor Caton`s comments was almost hostile regarding the challenge of Cabinet. He said that following that theme, then surely the previous administration should also be challenged
- He had initially been opposed to the NORSE partnership, but had listened carefully and had been persuaded, along with his colleagues. He felt that he had been lied to when he had asked questions. He had argued with the Chief Executive that they didn`t need a check because he was being told that everything was okay
- He had asked awkward questions, as did the Leader in her previous role, but the answers were untrue. He said that he wouldn`t call anybody a liar, and suggested maybe they had believed that the answers they gave were true
- Looking to the future he did not believe that the Council couldn`t work with NORSE, not least due to the lack of alternatives. He said that individuals from NORSE respond quickly to achieve results
- He would always ask awkward questions when necessary and enjoyed being questioned to ensure he was doing his job properly

Councillor Gregory extended his thanks to the Interim Director of Housing who was changing the culture and attitude and had implemented significant change in a short period.

Councillor Pepper said that:

- The reputation of NORSE and the Reynolds Court builders mattered
- Once evidence was available it should be possible to get compensation for the issues that have arisen
- The Chief Executive had identified a number of issues. His leadership ensured that the detail was covered and was open and transparent and was dealt with quickly and efficiently

Councillor Evans said that:

- It was the function of the legal department to verify that at the end of the project contract period, that matters had been complied with contractually
- If this had not happened historically he asked the Chief Executive to verify whether there might be methods of tackling the risk management at sign off

The Chief Executive said that:

- A new property management structure had recently been posted to ensure greater consistency

- There was a need to increase contract management capacity and there were two new staff starting in new roles in January 2023 in performance and contract management as well as a new role that has been brought in on an interim basis to act as the Council's voice and landlord sitting in the Newport depot actively managing that interface on a day by day basis

Councillor Freeman said project and construction management was essential and that inspections needed to be properly conducted by Officers.

The Leader thanked the Chief Executive for the comprehensive report.

The report was noted.

Councillor Coote proposed approval of the recommendations.

This was seconded by Councillor Freeman.

RESOLVED:

- To note the contents of this report
- To approve the additional expenditure of up to £500,000 from the Housing Revenue Account.

The meeting ended at 5:27pm.