

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 26 FEBRUARY 2024 at 7.00 pm

Present: Councillor G Driscoll (Chair)
Councillors M Ahmed, A Armstrong, H Asker, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, A Dean, B Donald, J Emanuel, J Evans, C Fiddy, M Foley, R Freeman, R Gooding, N Gregory, N Hargreaves, P Lees, M Lemon, S Luck, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler

Officers in attendance: P Holt (Chief Executive), J Etherington (Director of Finance, Revenues and Benefits), B Ferguson (Democratic Services Manager), N Katevu (Monitoring Officer and Head of Legal Services) and A Webb (Strategic Director of Finance, Commercialisation and Corporate Services)

C71 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loughlin, Loveday, Hayes, Bagnall and Martin.

Councillors Barker, Foley and Gooding declared a non-pecuniary interest in item 8 as members of Essex County Council.

C72 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 5 December 2023 and 17 January 2024 were approved as correct records.

C73 CHAIR'S ANNOUNCEMENTS

The Chair provided an update on his recent activity since the previous meeting, including attending a civic event in Rochford, the Carol Service at Little Hallingbury and the Birchanger Christmas Light-up.

C74 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader apologised for the recent disruption to waste service collections in the district and thanked those members who had assisted residents by passing on information to their communities. She said a Task and Finish Group had been established by the Scrutiny Committee which would thoroughly investigate the issue, as well as look at wider matters relating to operational resilience. She said the group would be cross party and chaired by Councillors Criscione and Donald, who would review the issue and report back to Scrutiny and Full Council

in due course. In response to a question, she said in-house staffing qualifications would be incorporated into the review.

C75 PROPOSED 2024/25 LICENCE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS

Councillor Armstrong, Chair of the Licensing and Environmental Health Committee, presented the report regarding licensing fees and charges for 2024/25. He said that at the Committee's meeting on 23 January 2024, Members resolved to refer the approval of the proposed fees to Full Council following the end of the consultation period and the production of the full report findings. The consultation had now been completed and he proposed approval of the recommendations set-out in the report.

This was seconded by Councillor Coote.

The proposal was approved unanimously.

RESOLVED to approve the 2024/25 fees proposed within Appendix A of the report.

C75 MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

No matters were received regarding joint arrangements or external organisations.

C76 PAY POLICY STATEMENT 2024/25

Councillor Hargreaves spoke to the report regarding Pay Policy. He said that there was a requirement under the Localism Act 2011 for councils to publish an annual Pay Policy Statement, which set out the pay and remuneration of its employees for the forthcoming year. The policy also included data on the gender pay gap. He proposed approval of the recommendations set out in the report.

The proposal was seconded by Councillor Fiddy.

In response to a question from Councillor Barker, Councillor Hargreaves confirmed that the data regarding the gender pay gap could exclude Refuse Collectors in future.

In response to a question from Councillor Sell regarding salary scales and hard to recruit to posts, Councillor Hargreaves said an arrangement was in place with the temporary market supplement where necessary.

RESOLVED to:

- I. Approve the Pay Policy Statement

- II. Give delegated authority to the Director – Business Performance and People to update the Pay Policy Statement and associated documents with:
 - a. Pay multiple and average salary figures as at 31 March 2024.
 - b. Revised salary information once the 2024/25 national pay award is agreed.
 - c. The new grading structure if the Chief Executive (Head of Paid Service) decides to amend the grading structure between the current grades 12 and 13.

C77

CORPORATE PLAN 2023-27

The Leader presented the Corporate Plan 2023-27, which set out the Council's key priorities. She said the Corporate Plan had been considered by Scrutiny at its previous meeting and Cabinet had accepted their suggestions. It was a live document, and further policies and action plans, such as the Climate Change Action Plan, would be incorporated as they were agreed. She said it was a succinct Plan and she was proud of a number of policies, such as the Rural Isolation policy. She proposed approval of the Corporate Plan.

The proposal was seconded by Councillor Alex Reeve.

Councillor Criscione said assurances were required that the Scrutiny Committee would have an opportunity to scrutinise the progress of the administration, by way of reviewing Key Performance Indicator targets, and that the Committee could 'deep-dive' into performance in order to hold the administration to account.

Councillor Sell said the document had been improved by the input of the Scrutiny Committee. He said the administration's priorities needed to be held to account and a "link" between aspiration and reality needed to be established.

Councillor Moran said the Council had a "split personality" and this was demonstrated by its pledge to reduce rural isolation whilst simultaneously making it more challenging for residents to get around by car. He cited the recent car park tariff rises and the anti-car messaging that had been signposted across the district and said that the car was vital in reducing isolation and gaining employment in such a rural area.

Councillor Fiddy said the environmental targets in the Plan were very commendable. Furthermore, she said the environmental and health benefits of not using a car were huge. She said the campaign to reduce car travel in the district was admirable.

In response to a question from Councillor Barker, Councillor Coote said the housing stock survey was in hand and he could assist with the individual case she mentioned.

In response to a question from Councillor Church, Councillor Evans said the response rate to the Regulation 18 consultation was good in comparison to other local authorities. He said this information would be included in his next report to Council.

Councillor Alex Reeve praised the Corporate Plan and said its priorities to make it the “best place to live, work and visit” were highly commendable.

The Leader summarised the debate and said she was content for a progress update to be considered by the Scrutiny Committee on a quarterly basis. She said the Plan was concise, balanced and target driven and urged members to support the proposal.

RESOLVED to approve the Corporate Plan.

C78 **MEDIUM TERM FINANCIAL STRATEGY 2024-2028 AND ANNUAL BUDGET 2024/25**

The Chair invited Councillor Hargreaves to present the Medium-Term Financial Strategy (MTFS) and 2024/25 Budget proposals; he said he would have 10 minutes to introduce the papers due to the Budget’s importance.

Councillor Hargreaves presented the papers regarding the MTFS and Budget proposals 2024/25, which detailed budget reports on the General Fund and council tax, Housing Revenue Account (HRA), and the capital programme. Furthermore, the papers included a section 25 report giving advice and assurance on the reserves position, including the minimum safe level of contingency funds that need to be held, and the robustness of any estimates used in the calculation of the proposed budgets. The report also provided a commentary on the assumptions in the MTFS, as well as annual updates regarding the Commercial Strategy, MTFS, Treasury Management Strategy and the Capital Strategy. The Council Tax Resolution would also need to be considered and approved by members. He said the Council was required to set a balanced budget and produce a five-year plan; he said this was difficult when Government would provide no future guarantees on funding and were not required to set a balanced Budget at national level. Overall, he said the Council was in a sound financial position compared to other local authorities but there was no room for complacency in such a challenging economic environment. He proposed the recommendations set out in the report.

The Leader seconded the proposals.

Councillor Dean said there should have been a stand-alone meeting to consider the Budget and the administration should show contrition due to the state of the Council’s finances.

Councillor Barker said the finances of central and local Government were not comparable and she was confused by Councillor Hargreaves comments. Rate evaluations had been changed in April 2023, not ten years previous and the total use of reserves was £1.9 million, not £1 million. Furthermore, she said the Council should have foreseen increasing interest rates which had led to high borrowing costs. She said the Budget did not do anything for the residents of Uttlesford and cited the rise in car park tariffs and council tax.

Councillor Silcock asked that the car park season ticket tariff increases be re-considered and potentially phased in; he said this would disproportionately affect those working in the district, particularly those on the minimum and living wage, and it was not their fault that the issue of car parks had not been reviewed for a number of years.

Councillor Ahmed requested that information on the website that related to the Cost-of-Living Crisis support fund be made available in different languages.

Councillor Luck asked how the Council would boost the capacity of the waste service.

Councillor Criscione said this was a challenging time to be working in Local Government but the administration's management of finances should be called into question, particularly in relation to the Council's accounts which had not been signed off by an auditor for a number of years, nor published on Company House. He also questioned why the car park tariff was raised higher than the consultant's recommendation.

Councillor Sell said the Council was at the mercy of short-term interest rates; the historic interest rates available in 2020-2021 should have been taken advantage of and the lack of foresight had cost the Council dear. He said there was a need to change the maximum amount of council tax chargeable due to Government's failure to fairly fund local councils.

Councillor Gooding said the Part 2 element of this meeting would impact on the Budget; he could not support the proposals.

Councillor Fiddy asked whether the Cost-of-Living Support Fund would roll-over to the next financial year; she said forecasts predicted this would be greatly needed by the most vulnerable in the community.

Councillor Neil Reeve said the administration had managed the finances well and the Council was in good financial order compared to other local authorities. He apologised for the recent waste service disruption and said the fleet would be increased and maintained to a good standard.

Councillor Coote thanked Councillor Hargreaves for his commitment to social housing.

Councillor Moran said he could not support the Budget as there was no long-term planning involved; he said the waste service fleet should have been upgraded in the past and the administration had not listened to the concerns of staff.

The Leader said that Councillor Criscione had been correct that there had been one consultant's recommendation regarding the Car Park Tariff; the other recommendations had been proposed by officers to provide choice to members. In regards to the potential sale of commercial assets, she said this had been agreed back in February 2023 and the Part 2 business this evening would have

no impact on this year's Budget, as it would be incorporated in the next financial year.

In response to the debate, Councillor Hargreaves said:

- The procurement of three bin lorries had been brought forward to provide resilience in the fleet.
- Different options had been selected across the car park tariff tiers, primarily the mid-tier option, and whilst this would be looked at every two-years, he thought the prices would remain stable.
- The Cost-of-Living Support Fund would roll forward and its application criteria would be widened.
- The Council's accounts were on Company House but the accounts had not been signed off. This was mainly due to the lack of sufficient audit resource at a national level and a backlog that was affecting many local authorities.

For the purposes of the Council Tax Resolution, the Chair said a recorded vote would be taken in order to satisfy regulations and the Constitution:

COUNCILLOR	For/Against/Abstain
Cllr Ahmed	For
Cllr Armstrong	For
Cllr Asker	For
Cllr Bagnall	Absent
Cllr Barker	Against
Cllr Church	Against
Cllr Coletta	For
Cllr Coote	For
Cllr Criscione	Abstain
Cllr Davey	Against
Cllr Dean	Against
Cllr Donald	For
Cllr Emanuel	For

Cllr Evans	For
Cllr Fiddy	For
Cllr Foley	For
Cllr Freeman	For
Cllr Gooding	Against
Cllr Gregory	For
Cllr Hargreaves	For
Cllr Haynes	Absent
Cllr Lees	For
Cllr Lemon	Against
Cllr Loughlin	Absent
Cllr Loveday	Absent
Cllr Luck	For
Cllr Martin	Absent
Cllr McBirnie	For
Cllr Moran	Against
Cllr Oliver	Against
Cllr Pavitt	For
Cllr Alex Reeve	For
Cllr Neil Reeve	For
Cllr Regan	Against
Cllr Sell	Against
Cllr Silcock	Abstain
Cllr Sutton	For

Cllr Tayler	For
Chair (Cllr Driscoll)	Abstain

The proposals were approved 21 for, 10 against and 3 abstentions.

RESOLVED to:

- I. Note and have regard to the section 25 report when considering the budgets for 2024/25;
- II. Note the risk assessment relating to the robustness of estimates as set out at paragraph 9 of the section 25 report;
- III. Set the working balances for 2024/25 at £1.909 million for the General Fund and £654,000 for the Housing Revenue Account;
- IV. Approve the Commercial Strategy 2024-29;
- V. Note the key risks and assumptions set out at paragraph 30 of the Medium Term Financial Strategy 2024-2029;
- VI. Approve the Medium Term Financial Strategy 2024- 2029;
- VII. Approve an increase in the sector limit for other investments from £2million to £3million, as detailed at paragraph 50 of the Treasury Management Strategy 2024/25;
- VIII. Set the treasury management prudential indicators as set out at paragraphs 63-71 of the Treasury Management Strategy 2024/25;
- IX. Approve the Treasury Management Strategy 2024/25;
- X. Approve an increase in both the authorised limit and operational boundary for other long term liabilities from £5million to £10million, as set out in paragraphs 25-26 of the Capital Strategy 2024/25;
- XI. Approve the Minimum Revenue Provision Statement 2024/25 as set out at Annexe E1;
- XII. Set the capital prudential indicators as summarised at Annexe E2;
- XIII. Approve the Capital Strategy 2024/25;
- XIV. Approve the Capital Programme 2024/25 - 2028/29, including the planned application of capital financing set out at Annexe F4;
- XV. Approve the increases in HRA rents as follows:- - General needs, supported accommodation and temporary accommodation – a 7.7% increase in accordance with the cap set by government for social rents; - Garage rents – to be increased in line with September 2023 CPI (6.7%)
- XVI. Approve the changes in HRA support and service charges set out at paragraphs 21-27 of the Housing Revenue Account budget report;
- XVII. Approve the proposed HRA reserve movements for 2024/25 set out at paragraphs 47-50;
- XVIII. Approve the Housing Revenue Account Budget 2024/25;
- XIX. Approve the Council Tax Requirement for 2024/25 of £7,055,774, equivalent to £176.74 for a band D property, representing a £5.13 increase on the 2023/24 amount;

- XX. Resolve that a council tax premium of 100% shall be charged to properties which have been empty and furnished for one year or more, with effect from 1 April 2025;
- XXI. Approve the rollover of any unspent amounts remaining from the 2023/24 cost of living support fund as at 31 March 2024, in order for the Council to operate a similar scheme in 2024/25, and delegate authority to the Strategic Director of Finance, Commercialisation and Corporate Services (Section 151 Officer), in consultation with the Cabinet, to make such amendments to the scheme as may be deemed necessary in order to ensure its impact can be maximised.
- XXII. Approve the proposed General Fund reserve movements for 2024/25 as set out at paragraphs 63-66 of the General Fund budget report, including the use of £1.141 million from the Medium Term Financial Strategy reserve to balance the General Fund budget;
- XXIII. Approve the schedule of fees and charges for 2024/25 as set out at Annexe H5;
- XXIV. Delegate authority to the Strategic Director of Finance, Commercialisation and Corporate Services (Section 151 Officer) to set and/or amend fees and charges in relation to services which are operating in competition with commercial providers, for example trade waste;
- XXV. Approve the General Fund budget for 2024/25;
- XXVI. Note the contents of the Budget Consultation Report 2024/25;
- XXVII. Approve the Council Tax Resolution 2024/25 report; and
- XXVIII. Adopt the formal council tax resolution as set out at Annexe J1

C79

MEMBER MOTION: WRITTEN QUESTIONS TO THE EXECUTIVE AND COMMITTEE CHAIRS PROTOCOL

Councillor Barker proposed her motion regarding the Questions to the Executive protocol. She said there had been too much waffle in previous answers and members should expect straight forward answers in response to straight forward questions.

Councillor Gregory seconded the proposal.

Councillor Evans said he would be happy to provide statistics in relation to housing number allocations and the Local Plan when that data was available. He said this could be done by way of appending the information to the minutes.

Councillor Criscione said Cabinet members were paid an additional allowance as part of their role; they were remunerated to answer such questions and should be held accountable.

Councillor Freeman said members were essentially citizens of the district and not salaried employees.

Councillor Criscione raised a personal explanation and said cabinet members received a “special responsibility allowance” for their role and therefore were accountable for their “special responsibilities”.

Councillor Coote said it was a Portfolio Holder’s duty to be transparent and provide suitable answers to questions asked by the opposition.

Councillor Gregory said a robust opposition was required for good governance and led to better outcomes, and it was the Opposition Leader’s duty to ask difficult and challenging questions of the administration in order to hold them to account. Councillor Coote was a good example of how to respond to formal questions as he always gave straight answers to straight questions. Political opposition was a fundamental tenant of democratic governance and he asked for this role to be respected.

The Chair took the motion to a vote. It was passed unanimously.

RESOLVED: This Council believes in openness and accountability and therefore agrees that for written questions asked at Council, submitted within the required timelines, and requiring a numerical, statistical or other data driven response, best endeavours must be made to provide a full, comprehensive and factual answer by the time of the relevant meeting of Council – and if not possible within that timescale, as soon as practicable thereafter.

C80

MEMBER MOTION: WASTE SERVICE DISRUPTION

Councillor Moran presented his motion relating to the recent Waste Service Disruption. He said he had concerns regarding the service and the motion had been brought to Council for transparency reasons. He asked how much the disruption would cost the Council.

The motion was seconded by Councillor Church.

Councillor Sell said he supported the motion; communication from leading members of the administration on the disruption had not been good enough.

Councillor Luck said a Scrutiny Committee Task and Finish Group had already been set-up to look at the matter and report back its findings. He said the issue must be looked at and worked through in a proper manner.

Councillor Foley said he had been asked by residents whether the cost would be passed onto the taxpayer by way of a council tax rise; he thought this was unlikely.

Councillor Coote said the Leader had been working hard during the disruption to keep residents informed; he disagreed that sufficient leadership had not been displayed during the disruption.

The Leader said it had been agreed with the Chief Executive that he would send out communications on the matter, as he was the direct line manager of those working “on the ground” dealing with the disruption. She said she was in constant contact with the Chief Executive and it would have been a vanity project to commandeer such messages. She thanked the Chief Executive and all officers who had worked hard to resume normal service.

Councillor Neil Reeve apologised for the disruption and said he took responsibility as the relevant Portfolio Holder. He said it had been extremely challenging for relevant staff and one of his key responsibilities had been ensuring a duty of care for those involved. He was confident that there would be no increase in council tax and he thanked Braintree District Council for their help in addressing the issue.

Councillor Church said openness and transparency was essential for good governance and residents were extremely concerned by the disruption. The issue could not be repeated.

Councillor Moran urged members to concentrate on the motion at hand.

The Chair took the motion to a vote. It was carried 21 for, 2 against and 11 abstentions.

RESOLVED: Following the revocation of the Council’s operator’s licence and the major disruption to both residential and commercial refuse collections, the Council resolves to call on the Council Leader to provide a written statement to the next full meeting of Council and be prepared to answers questions with the following information to the council members and the public: The full costs to the council of these events; to include the costs of applying for a replacement operator’s licence, the monies paid to outside organisations to assist with the collection and disposal of refuse, all overtime incurred by the Council paid to our staff, all legal and advisory costs incurred.

In response to the Chief Executive’s comments regarding the meeting at which the report would be considered, Councillor Barker said she was content for the report to be considered at the Annual meeting in May to allow sufficient time to review the issue.

C81 EXCLUSION OF PUBLIC AND PRESS

The Chair said the meeting would now be considering business that had been deemed commercially confidential. He formally proposed exclusion of the public and press.

This was seconded by Councillor Armstrong.

RESOLVED to exclude the public and press due to consideration of reports containing exempt information within the meaning of section 100I

and paragraph 3 (information relating to the financial or business affairs of any person, including the authority holding that information) part 1 Schedule 12A Local Government Act 1972.

C82 **SALE OF COMMERCIAL PORTFOLIO ASSET(S)**

Councillor Coletta left the meeting at 9.15pm.

Councillor Hargreaves presented the report regarding the potential sale of commercial asset(s), which had been previously considered by the Investment Board and Cabinet. He outlined the required criteria for selling an asset based on the CIPFA Prudential Code and said only those assets that gave a positive outcome for all five criteria had been considered. He proposed approval of the recommendations set-out in the report.

Councillor Reeve seconded the proposal.

Councillor Lemon left the meeting at 9.45pm.

Members debated the commercially sensitive report. Concerns were raised in regards to commercially confidential information being leaked into the public domain, which would have an extremely detrimental impact on the Council and its finances. Furthermore, concerns were raised regarding the Council's high level of borrowing and that the discussion at the Investment Board had not been conclusive in determining a consensus and other options had been raised during a robust debate. In contrast, points were made in support of the proposal, with particular importance placed on making an unemotive decision based on expert advice and the direction given in the CIPFA Prudential Code that had informed the recommendation.

Following a point of order, the Chief Executive advised Council to only consider the advice of experts contracted by the Council as per the papers before them, and to disregard information provided by unknown third parties. He was satisfied that no confidential rules had been broken.

The Chair advised that a roll-call vote would be taken; in response to a question, he confirmed that a recorded vote would not appear in the minutes, only the numbers for and against.

The proposal was carried 19 for, 6 against and 7 abstentions.

RESOLVED:

- I. Instructs the Directors of Aspire (CRP) Limited to commence marketing and complete the sale of the 50% share of Chesterford Research Park; and
- II. Delegates to the Director of Finance, Revenues and Benefits in consultation with the Portfolio Holder for Finance and Economy and the Chair of the Investment Board the

formal process of terminating the loans to Aspire (CRP) Limited; and

- III. Instructs Officers to use the entirety of the financial receipt to offset borrowing requirements.

The Chief Executive advised members on the importance of not revealing confidential information.

The Chair closed the meeting at 10.30pm.