

EXTRAORDINARY COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on THURSDAY, 24 AUGUST 2023 at 7.00 pm

Present: Councillor G Driscoll (Chair)
Councillors A Armstrong, H Asker, G Bagnall, S Barker, N Church, J Davey, B Donald, J Evans, C Fiddy, M Foley (Vice-Chair), R Freeman, R Gooding, N Gregory, N Hargreaves, P Lees, M Lemon, S Luck, J Moran, E Oliver, A Reeve, B Regan and G Sell.

Officers in attendance: P Holt (Chief Executive), J Etherington (Director of Finance, Revenues and Benefits), B Ferguson (Democratic Services Manager), T Howes (Deputy Monitoring Officer) and A Webb (Strategic Director of Finance, Commercialisation and Corporate Services).

Public Speakers: J Sharp, D Buscombe and K Waters.

C35 MINUTE'S SILENCE

The Chair opened the meeting and said that he had sadly learnt of two former councillors who had recently passed away. Councillor Eric Hicks, who represented High Easter and Barnston and later Dunmow South and Barnston, from 2003 to 2019, and Councillor Emily Gower, who represented Dunmow South from 2004 to 2011. He offered his sincere condolences to their family and friends and asked Council to stand for a minute's silence as a mark of respect.

C36 PUBLIC SPEAKING

Public statements were given by Ms Sharp, Ms Buscombe and Ms Waters. A statement was read out on behalf of Mr Harrison. Summaries of their statements have been appended to these minutes.

Before moving onto formal business, the Chair said his charity fundraising efforts would begin on 4 September and invited all members to participate in his charity cycle ride.

C37 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillors Criscione, Haynes, Emanuel, Pavitt, Loveday, McBirnie, Martin, Neil Reeve, Dean, Silcock, Tayler, Sutton, Ahmed and Loughlin.

There were no declarations of interest.

C38 PLANNING AND ENVIRONMENTAL HEALTH ISSUE – ELECTRICITY SUB-

STATION, MORTIMER'S GATE, SAFFRON WALDEN

The Chair moved Item 4 forward in proceedings for the benefit of the public present at the meeting.

Councillor Freeman spoke to the report regarding Mortimer's Gate and said the electricity sub-station was situated in his Ward. He said the noise emanating from the sub-station had caused significant problems for many residents on the surrounding housing development, which had led to a complaint to the Ombudsman. The Ombudsman's report recommended that the Council find a lasting solution to the issue, although this was not a legal obligation but rather a moral one. He said that the developer had failed to engage with the Council in order to resolve the problem, and while the Council should not take responsibility, the damage to affected residents' quality of life could not be allowed to continue. He urged members to take the moral approach and support funding the works which would reduce the noise by 20db. He proposed the recommendation to Cabinet that the Council fund the remedial works up to a sum stipulated in confidential Appendix C and approve the additional expenditure.

Councillor Gregory seconded the proposal.

Members discussed the proposal to fund the remedial works. The following points were raised:

- The developer was a wealthy corporate body and should fund the remedial works.
- The issue before members was essentially a moral one; the Ombudsman's findings were not legally enforceable.
- It should not fall to the tax-payer to remedy this problem and concerns were raised that this could set a precedent. A request was made for a report outlining spend on this issue.
- The issue was between private home owners and the developer.
- The "Buyer Beware" attitude was not appropriate here as the planning conditions imposed on the developer had not been adequate. It would fall to the Council to be the "refuge" for those affected.
- The Council was looking at implementing measures to ensure this would not happen again. One proposal was to oblige developers to sign a "truth and honesty" statement during the application process.
- The developer had been approached many times in order to find a solution; they had refuted all responsibility in every instance and were unwilling to assist residents who lived on the development.
- This was a difficult decision with compelling arguments on both sides. This was reflected in the debate and public speaking statements at Scrutiny Committee on 22 August 2023, whereby a cross-party recommendation had been approved to fund the remedial works. Primarily, this was a moral argument as the Council was not legally responsible to fund the works.

Councillor Freeman was invited to speak before the Chair took the matter to a vote. He urged members to support the recommendation to fund the works without accepting liability.

RESOLVED: to recommend to Cabinet that the Council funds the remedial works up to a sum as stipulated in confidential Appendix C and approves the additional expenditure.

C39 LICENSING ACT 2003 - REVISED STATEMENT OF LICENSING POLICY

Councillor Armstrong, Chair of the Licensing and Environmental Health Committee, introduced the report regarding the Statement of Licensing Policy. He said the Policy had been circulated for consultation and no objections had been received, with the Policy being recommended for approval at the Licensing and Environmental Committee meeting on 10 August. He clarified that the governance process had been correct and the Statement of Licensing Policy was reserved to Full Council for formal approval. He proposed adoption of the new Statement of Licensing Policy to take effect from the 01 December 2022 to maintain continuity with the current policy.

Councillor Alex Reeve commended the report and seconded the proposal.

Councillor Moran spoke in support of the new Statement of Licensing Policy and referred to his experiences as a Police Officer. Over the years he had seen how such Policy documents had developed and commended the new Policy as the best he had ever seen.

The Chair took the proposal to a vote; it was approved unanimously.

RESOLVED: The Council adopts the proposed new Statement of Licensing Policy to take effect from the 01 December 2022 to maintain continuity with the current policy.

C40 REQUEST FROM ASPIRE (CRP) LTD FOR ADDITIONAL FUNDING FOR FURTHER DEVELOPMENT AT CHESTERFORD RESEARCH PARK

Councillor Hargreaves presented the report regarding a request from Aspire (CRP) Ltd for additional loan funding. The purpose of the loan was to fund new development at Chesterford Research Park, namely the building of a new unit for letting (Building 800), and phase 1 of an on-site solar farm. The loan was forecast to provide a significant positive return to the Council over a number of years. Furthermore, should the Council decide not to proceed, there was a risk that the value of Aspire's existing stake in Chesterford Research Park would be adversely affected. For these reasons, it was recommended that the Council proceed with the loan as requested. He said the proposal had been recommended for approval by both the Investment Board and Cabinet. He formally proposed the recommendation set-out in the report.

Councillor Sell seconded the proposal.

Members discussed the report and were supportive of the development.

In response to a request from Councillor Barker, the Strategic Director of Commercialisation and Corporate Services said a site visit would be arranged for members.

The Chair took the proposal to a vote.

RESOLVED to:

- I. Approve a new loan facility of up to £21,060,000 be made available to Aspire (CRP) Ltd, to be drawn down in tranches over a period of up to 2 years;
- II. Note the implications of making the loan on the Council's access to Public Works Loan Board, as set out in paragraphs 50 to 57;
- III. Delegate authority to the Director of Finance, Revenues & Benefits (in consultation with the Portfolio Holder for Finance and the Economy and the Council's external treasury advisers) to agree the final terms of the loan facility, including the interest rate to be charged (such rate to be no less than 7.5%); and
- IV. Approve the financing of the new loan facility through additional external borrowing as set out in paragraphs 38 to 41 of the report.

The meeting was closed at 8.10pm.

Public Statements (all in relation to Item 4 - Planning and Environmental Health issue at Mortimer's Gate, Saffron Walden)

Jane Sharp

Ms Sharp said she was a resident on the Mortimer's Gate estate and was the ombudsman complainant referenced in the report. She provided an update on the debate earlier in the week at Scrutiny Committee and said the developer had been allowed to get away with a poor solution to a statutory noise nuisance due to mistakes made during the planning process. She said most of the homes around the sub-station were occupied by affordable housing tenants and the statutory noise nuisance could lead to significant health problems, and one such resident was already suffering from poor health. She said she recognised that this was a difficult decision to make when resources were scarce but local people were looking to the council for protection. She asked that improvements be made in the planning process to ensure that developers could not advantage of such situations again. She concluded that rejecting the ombudsman recommendation would undermine the right of redress open to residents and prolong the dispute. She thanked residents and campaigners for their support in this matter.

Debbie Buscombe

Ms Buscombe said she and her daughter suffered from tinnitus and the constant noise of the sub-station had meant she and her family could not enjoy her home without a constant 'hum', which was having a detrimental impact on their health and wellbeing. She said the developer had built the social housing section of the development around the sub-station, which, along with the limited availability and affordability of homes in the area, had led to a feeling of powerlessness and lack of control over tenants' living situations. This was exacerbated by the inferior fixtures and fittings placed in the social houses. She said she would move if given the choice but the issue had to be remedied to ensure future tenants did not have to suffer from the same problem.

Kate Waters

Ms Waters said she did not live by the sub-station but could hear the noise when taking her children to the nearby playground. She said it was an injustice for those families who had to suffer from the noise every second of the day, and she highlighted the situation for social tenants or renters who had no choice but to live on the estate due to high costs elsewhere. She said the noise would have a human cost and cited sleep problems and concentration issues for local children. She said she thought the Council should come to the aid of residents and ensure that developers were held to account in future. She urged members to support the proposal to resolve the noise nuisance.

Mr Harrison (read out by Democratic Services)

Mr Harrison wrote that he had put down a deposit on his home by Mortimer's Gate before the property was constructed and therefore was shown another

finished build, not in the vicinity of the sub-station, in order to secure his deposit. Following a move into the property, the noise from the sub-station became louder and the constant hum had stopped him from enjoying the garden, as well as preventing him from opening his windows during the summertime. He said he could not understand how the Council had permitted the building of homes so close to the sub-station, and he felt let down with the fact that the developer did not honour their agreement to ensure soundproofing.

As a part owner, he said it would be very difficult to sell and move on due to the sub-station and he was disappointed with all parties involved.