

CABINET held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 15 JULY 2019 at 7.00 pm

Present: Councillor J Lodge (Chair)
Councillors A Armstrong, H Asker, D Eke, P Fairhurst, B Light and L Pepper.

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

Also present: Councillors S Barker (Leader of the Conservative Group), M Foley (Representing the Liberal Democrat Group) and R Pavitt (Leader of Uttlesford Independents); Councillor N Gregory (Chair of the Scrutiny Committee).

Public Speaker: Mr Hockley.

CAB17 PUBLIC SPEAKING

The Chair welcomed Members and the public to the meeting. He invited Mr Hockley to make his statement.

Mr Hockley addressed Cabinet regarding an issue with the Waste Centre in Great Dunmow. A summary of his statement has been appended to these minutes.

The Chair said the problem was unacceptable and would be investigated. He said the Council would be in contact once the situation had been reviewed.

CAB18 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Hargreaves and Lees, Councillor Dean as Leader of the Liberal Democrat Group and Councillor Oliver as Chair of the Governance, Audit and Performance Committee.

Councillor Foley represented the Liberal Democrat Group in the absence of Councillor Dean.

The Chair declared non-pecuniary interests in relation to item 14 as he was a trustee of Saffron Hall and his wife worked for Uttlesford Volunteer Centre. Both organisations were beneficiaries of UDC's grant scheme.

CAB19 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a correct record.

CAB20 CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (STANDING ITEM)

Councillor Gregory said the Scrutiny Committee had established working groups to undertake reviews of the Council's planning obligations and the handling of major planning applications. He said that no substantive work would be undertaken whilst the Stansted Airport planning application remained outstanding. Furthermore, he had written to the Director – Public Services regarding a potential breach of the Constitution during the planning process.

CAB21 BUDGET OUTTURN - 2018/19

Councillor Fairhurst, Portfolio Holder for Investments, presented the report summarising the 2018/19 Outturn position. He highlighted the following:

- General Fund: The net operating expenditure for the 2018/19 final outturn was £2,874,000. The final outturn for the overall net budget position was £5,009,000, with a net underspend of £322,000 against the revised budget of £5,330,000.
- Housing Revenue Account (HRA): £55,000 net operating deficit, due to a reduction in rents income, an increase in service and facility charges and difficulty in recruiting staff for housing repairs. However, allowing for transfers in earmarked reserves left an overall in year surplus of £13,000.
- Capital Programme: £10,581,000 underspend, however after allowing for slippage requests of £11,034,000 there was a net actual overspend of £183,000.
- Slippage: Key items where slippage had occurred included the New Depot Site, Vehicle Replacement, Superfast Broadband and HRA developments.

Councillor Barker thanked officers for the outturn report. She asked two questions:

What is the income from Chesterford Research Park (CRP) to the District Council in the last two financial years and what is the projected income for the current financial year?

What was the balance of the Strategic Initiative Reserve as of 31 March 2019 and, in light of advice received following Full Council on 28 June, had the Administration frozen this reserve?

In response to questions from Councillor Barker, the Assistant Director – Resources said the net income generated by CRP in 2017/18 was £1.476 million and £1.914 million in 2018/19. The projected net income for 2019/20 was

£1.7million, and for 2020/21 this would increase to £2 million due to Building 60 going online. She said a breakdown of projected net income would be provided at a later date.

The Director – Finance and Corporate Services said the Strategic Initiative Reserve stood at £2.16 million on 31 March 2019, although £500,000 had been granted in the interim to the Carver Barracks running track project and therefore the reserve stood at £1.66 million. Following the decision of Full Council on 28 June to refer the Stansted Airport planning application back to the Planning Committee, he had advised the Administration in his capacity as Section 151 Officer not to commit any further funds from the reserve until the financial implications of the decision had been quantified.

The Chair said the advice of the Section 151 Officer had been noted by the Administration.

In response to a question from Councillor Light, the Assistant Director – Resources provided a breakdown of the council's income and expenditure streams. She said income was made up of government funding, new homes bonus, business rates retention, fees & charges, investment income and council tax. Expenditure related to direct service delivery, staffing costs, the capital programme, grants and the maintenance of property and the motor fleet. She said the majority of figures could be found in the Summary Analysis in appendix A but a breakdown of service income and expenditure could be provided in due course.

In response to a question from Councillor Foley, the Chair said the new Administration was comfortable with the Investment Strategy and, having taken a closer look at the figures since taking control of the Council, were encouraged by what they had seen.

Councillor Fairhurst said the real issue was the lack of governance arrangements and structure surrounding the council's investments. He said officers were working with the new Administration to establish an Investment protocol and an Investment Board. An update would be provided in due course.

RESOLVED to:

- a. Approve the 2018/19 outturn position as set out in this report
- b. Approve the reserve transfers and reserve balances set out in the report, in paragraph 17 and 18 for the General Fund and paragraph 22 for the Housing Revenue Account
- c. Approve the Capital Programme slippage requests as detailed in paragraph 24

Councillor Fairhurst presented the report summarising the background to the Local Council Tax Support (LCTS) Scheme, as well as proposals for 2020/21. He said the Council's LCTS scheme would continue to protect the vulnerable and elderly in the district, and added that the council had the lowest percentage contribution rate within Essex.

RESOLVED to approve the following draft proposals to inform the Local Council Tax Scheme consultation for 2020/21:

- I. The 2020/21 LCTS scheme is set on the same basis as the 2019/20 scheme and therefore the contribution rate is frozen for the fifth consecutive year.
- II. The Council continues to protect Vulnerable and Disabled Residents and Carer's on a low income.

CAB23 TREASURY MANAGEMENT OUTTURN 2018/19

Councillor Fairhurst presented the report on the Council's Treasury Management Outturn for 2018/19. He summarised the Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks. He said total net borrowing as of 31 March 2019 was £102 million, which included loans relating to both the HRA and Aspire (CRP) Ltd.

In response to a question from Councillor Barker, the Assistant Director – Resources confirmed the minus two million figure in Table 3: Borrowing Position was a repayment of the HRA loan.

RESOLVED to to approve the 2018/19 Treasury Management Outturn (Appendix A) and associated prudential indicators (Appendix B).

CAB24 OFFICER WRITE OFFS - 2018/19

Councillor Fairhurst presented the report detailing officer decisions under delegated powers to authorise write offs in line with the Constitution and financial regulations. He said the total value of write offs for 2018/19 was £241,469. All of the monies written off had been through the council's recovery process and had proved to be unrecoverable or uneconomical to pursue.

The report was noted by Cabinet.

CAB25 APPROPRIATION OF LAND AT THAXTED ROAD SAFFRON WALDEN

The Chair presented the report on the appropriation of land at Thaxted Road for an affordable housing scheme.

RESOLVED to approve the appropriation of £1.02 million from UDC General Fund by the HRA for the development site in Thaxted Road Saffron Walden, subject to the granting of planning permission for an affordable housing scheme

CAB26 **STATEMENT OF COMMUNITY INVOLVEMENT**

The Chair presented the report on the Council's updated Statement of Community Involvement (SCI), a document explaining to the community how and when they could be involved in the planning policy process, and the steps that would be taken to encourage this involvement. The council's updated SCI had been sent out for consultation in early 2019 and considered by the Planning Policy Working Group (PPWG) on 19 March 2019. The group had recommended that Cabinet adopt the document subject to amendments outlined in the report.

Councillor Gregory raised the concerns of a resident who had accused the council of a 'lack of truthfulness' regarding the commissioning of AECOM to review the Sustainability Appraisal. He said there was a discrepancy between the appointment of AECOM to carry out the appraisal on 29 August and a payment to the company on 4 July. Furthermore, during the audio recording of the PPWG meeting on November 2018 it was stated that AECOM had begun work in June. This comment had not been corrected. He said a lack of transparency was at the heart of these concerns.

The Chair said there had been concerns at the Local Plan inspection in relation to the legality of the consultation, particularly with regards to the 'focused changes'. He said the issue of legal process would be left with the Inspector and the Administration would await the Inspector's feedback. In terms of the commissioning of the Sustainability Appraisal, he said AECOM had begun work in late June 2018, although Members were not made aware of this until October. He asked Cabinet whether this was an appropriate subject for Scrutiny to look at.

RESOLVED to:

- I. Adopt the amended Statement of Community Involvement appended to the report.
- II. To refer AECOM's commission to carry out the Sustainability Appraisal update to the Scrutiny Committee, in light of a comment received by a member of the public.

CAB27 **GRANT SCHEMES AND AWARDS 2018/19**

The Chair presented the report which set out the grant allocations for 2018/19. The total spend was £598,263 across various funding schemes.

Councillor Barker said it would be helpful if topic areas could be allocated to relevant portfolio holders for the purpose of clarity.

The report was noted.

CAB28 ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE & MITIGATION STRATEGY (RAMS)

The Director – Public Services summarised the report which said that Natural England had identified the need for a strategic approach to understand the likely increased recreational impacts on scientific assets in Essex coastal areas, and to identify effective avoidance and mitigation measures. Eleven Essex Local Planning Authorities that were wholly or partly within the impact zone had worked with Natural England in preparing the Essex RAMS Strategy which aimed to mitigate bird and habitat disturbance from recreational activities. The implementation costs would be recovered through the planning process by applying a mechanism to secure developer contributions to fund measures identified in the Strategy.

In response to a question from Councillor Barker, the Chair said the scheme would only be relevant to the south of the district, primarily Felsted.

In response to a question from Councillor Barker, the Director – Public Services said a similar scheme could only apply to those sites which had been granted European status. Hatfield Forest and the Flich Way had not be granted European status but Natural England were looking at the potential for a similar scheme to be applied to Hatfield Forest.

The Chair proposed to accept the recommendations.

A seconder was not found. The scheme was not adopted.

CAB29 APPOINTMENT TO MUSEUM MANAGEMENT WORKING GROUP

Cabinet considered Councillor Gregory's appointment to the MMWG.

RESOLVED to appoint Cllr Gregory as a substantive member of the Museum Management Working Group.

CAB30 APPOINTMENT TO THE ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST COMMITTEE

The Chair deferred the appointment of a substitute to the Assets of Community Value and Local Heritage List Committee.

RESOLVED to defer the appointment of a substitute to the Assets of Community Value and Local Heritage List Committee.

The meeting ended at 8.00pm.

CAB31 **PUBLIC STATEMENT**

Mr Hockley

Mr Hockley said he lived near Great Dunmow Waste Transfer Centre and had suffered issues with odour and littering since 2015. He said the problem now was dustcarts dumping leachate on the road and then spreading it across a vast area of 400 yards or more. He said this was Uttlesford's responsibility and they should schedule a regular clean following the dustcarts movements. Furthermore, the council's response to his complaints was unsatisfactory and did not resolve the problem. He said this was an illegal act and said an anti-social behaviour order should be issued to the Council. He asked Cabinet to review the situation and to let him know how they intended to resolve it.