

**COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 10 APRIL 2018 at 7.30 pm**

Present: Councillor G Sell (Chairman)  
Councillors A Anjum, K Artus, H Asker, G Barker, S Barker, R Chambers, J Davey, P Davies, A Dean, P Fairhurst, M Felton, M Foley, R Freeman, A Gerard, T Goddard, N Hargreaves, S Harris, E Hicks, S Howell, D Jones, T Knight, P Lees, M Lemon, B Light, J Lodge, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe, H Ryles and L Wells

Officers in attendance: D French (Chief Executive), R Harborough (Director of Public Services), E Smith (Solicitor), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Finance and Corporate Services)

**C82 PUBLIC SPEAKING**

Joanna Murphy from Great Dunmow made a public statement about the problems caused by the occupation of land in the Council's ownership at Stortford Road by travellers. The land had been occupied on six different occasions and had caused considerable nuisance and inconvenience both to her and to neighbouring residents.

In spite of these problems, she said that Uttlesford had not taken a single step to prevent access to the land. As a consequence, residents felt let down by the Council. A clean up operation had however been undertaken by Great Dunmow Town Council. Ms Murphy asked the Council to prove it cared about the community by working with the local residents to resolve the problem.

Councillor S Barker said she was sorry that the Council had been so slow to react in spite of the many reports made by local residents. Temporary barriers had now been put in place and further action would be taken in conjunction with Essex County Council.

**C83 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Farthing, J Freeman, Gordon and LeCount.

**C84 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the meeting held on 22 February 2018 were received, approved and signed by the Chairman as a correct record, subject to the following:

Councillor Knight said that, while Minute 56 was accurate, it was not fully representative of the meeting. She asked whether members would agree to add a document to the Minutes amplifying the salient points reflecting on her career and integrity.

The Chairman agreed to Councillor Knight's request to provide a suitable document to be considered by members at the next meeting to supplement the agreed Minutes.

Although some members expressed concerns about this process the Chief Executive said it was a reasonable approach to take in the exceptional circumstances of this debate.

## **C85 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on his attendance at various civic events since the last meeting. These included the declaration service of the new High Sheriff of Essex, the Queen's awards for voluntary service given by the Lord Lieutenant, and a visit to the day centre at Thaxted for a Commonwealth themed lunch. The Police Commissioner had told him that 12 extra officers would be allocated to the Braintree and Uttlesford area of the 150 additional Police officers throughout Essex. The Commissioner was supportive of the role of PCSOs. The Chairman also highlighted a forthcoming event showcasing work at Saffron Walden Museum and the Castle supported by Heritage Lottery funding.

Councillor Chambers enthusiastically endorsed the Chairman's comments about the Museum and urged all members to visit to view the work being carried out.

## **C86 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN (UP TO 15 MINUTES)**

Councillor Foley asked the Leader about the present status of the Council's commitment to invest in the planned running track at Carver Barracks.

In response, the Leader said that he stood by the commitment to invest £500k in this project. However, there had been a change of department within the Ministry of Defence as a result of which challenges had arisen under the heads of terms.

Councillor Foley then asked whether this change affected the commitment to maintain the facility until 2030. The Leader said this was a different question but was related because of the long term nature of the investment. Further information about the future of the site was awaited from the Ministry of Defence.

Councillor Dean declared a personal interest in the application to expand passenger numbers at Stansted Airport as a member of Stop Stansted Expansion.

He then asked whether any progress had been made on equalities policy.

Councillor S Barker said she was awaiting the outcome of the internal audit and would report back to the Governance, Audit and Performance Committee, and to the Council, in due course.

**C87 GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE ANNUAL REPORT 2017/18**

Councillor Oliver said it was a pleasure to present the annual report of the Governance, Audit and Performance Committee. In doing so, he thanked Adrian Webb and his team for their excellent work resulting in the unqualified acceptance of the financial statements for 2016/17 and the publication of the draft accounts on 31 May 2017. In particular, he highlighted the role of Sheila Bronson, the Internal Audit Manager, whom he praised as an unsung hero for her work on audits and on implementing the General Data Protection Regulations.

Councillor Gerard asked for information on the Local Plan costs for the year 2015/16. Councillor Oliver said that he would ensure this information was passed on to Councillor Gerard.

The report was noted by members.

**C88 SCRUTINY COMMITTEE ANNUAL REPORT 2017/18**

Councillor Dean presented the annual report of the Scrutiny Committee.

The report included a summary of the review of the Council's scrutiny functions and practices undertaken by the Centre for Public Scrutiny. This had stated that the primary function of the Scrutiny Committee was to hold the Cabinet to account. It had concluded that this role had not been carried out as rigorously as it should have been. It was the role of the Committee to scrutinise the executive even if this sometimes resulted in stark newspaper headlines.

The report would be discussed more fully by the Cabinet in May.

Councillor Chambers agreed that Cabinet members should attend Scrutiny meetings more regularly and asked Councillor Dean to include that intention in his report.

In responding to these comments, Councillor Rolfe said the report was balanced although he acknowledged it was critical in parts. He would ensure that members of the Cabinet attended Scrutiny meetings whenever appropriate but did not think it necessary for all Cabinet members to attend all of the time.

The Council noted the annual Scrutiny report.

## **NOTICE OF MOTION RECEIVED FROM COUNCILLORS HOWELL AND LOUGHLIN - SKY LANTERNS AND HELIUM BALLOONS**

Councillor Howell proposed the following motion:

1. To support a ban on the release of sky lanterns and helium balloons.
2. To review the terms under which Council land and premises are let to the public with a view to prohibiting their release;
3. To write to Town and Parish Councils and event venues in Uttlesford highlighting the risks and urging them to introduce voluntary bans;
4. To write to Uttlesford's MP urging action at a national level.
5. To display publicity in Council premises raising awareness of the risks posed.
6. To treat reports of release of sky lanterns and helium balloons as potential littering offences.
7. Request the Licensing Committee give consideration to the inclusion of a condition of Entertainment Licenses to prevent balloon and sky lantern release.

He said that, while not the highest priority, he felt strongly that the release of sky lanterns and helium balloons was damaging to the environment and posed a risk to standing crops, thatched properties and to animals. As even bamboo lanterns took 30 years or more to degrade, they were a significant litter nuisance.

In a single weekend, within one mile of his house, Councillor Howell had picked up 17 balloons and they were a menace.

After reflection, he proposed deleting the word "helium" wherever it appeared.

Councillor Loughlin said that she fully supported the motion and would second it.

Other councillors spoke in the debate and made the following points:

- Councillor Chambers agreed with the objectives expressed and said that he would arrange for the Licensing and Environmental Health Committee to consider the terms of the motion.
- Councillor R Freeman asked to retain the word "helium" as all balloons must have helium to float. He supported the aims but said the Council would be open to ridicule if it sought to ban balloons.
- Councillor Lees supported the retention of helium in the motion. She congratulated Elsenham Parish Council for already acting to ban lanterns and balloons on parish owned land.
- Councillor Ranger agreed with Councillor Freeman's suggestion.
- Councillor Jones suggested the words "gas filled" instead of helium.
- Councillor Fairhurst opposed any ban unsupported by research.
- Councillor Hargreaves asked whether there was any knowledge of the number of professional balloon releases and said that a ban should extend to firework displays as these caused a littering nuisance. The selective banning of balloon releases would open the Council to ridicule.

- Councillor S Barker supported the inclusion of paragraph 7 for the Licensing Committee to consider. Tendring District Council had already acted in this respect.
- Councillor Knight said she supported the general aims but would have a problem with including the word “ban”.
- Councillor Asker said she would support restrictions on lanterns but would prefer to concentrate on littering problems in general.
- Councillor Goddard asked for the motion to be rewritten for consideration at a later date as he doubted a ban would be enforceable. Helium balloons were used for space exploration and could land in Uttlesford having been released elsewhere.

Councillor Howell summed up the debate. He was grateful for the interest generated by his motion. He emphasised that his intention in drafting the motion was to seek support for a ban on the release of lanterns and balloons, but not to impose a general ban as the Council had no powers of enforcement. However, it was possible to agree to prohibit their release from Council owned land. He proposed writing to seek the support of parish councils.

There were significant risks including to wildlife. He agreed with Councillor Asker it was part of a wider littering problem but did not propose to include the banning of fireworks in the motion.

He now intended to put the motion using the original wording including the word “helium”.

Councillor Loughlin supported this intention.

The motion was put to the vote and carried with no one voting against.

RESOLVED to adopt in full the terms of the motion set out in this Minute in respect of sky lanterns and helium balloons and to carry out the actions indicated

C90

## **NOTICE OF MOTION RECEIVED FROM COUNCILLOR LIGHT - STANSTED AIRPORT PLANNING APPLICATION PROCESS**

Councillor Lees proposed the following motion:

*“This Council is committed to an objective, transparent and democratic process in planning. It must allow residents, councillors and all interested parties sufficient time and ample opportunities to be heard and to fully discuss and understand the implications of the current Stansted Airport planning application for extending its capacity.*

*Council notes the four week extension of the timetable for responses to the application and further notes the arrangements for public speaking on the application at afternoon and evening sessions prior to the date arranged for the Planning Committee.*

*The planning application is the responsibility of the Planning Committee and it is Council's expectation that before the Planning Committee considers the application, all stakeholders, residents and consultees have had a full opportunity to participate and all relevant information will have been received and fully assessed."*

She said that there was a feeling the application was being rushed. Local residents needed further reassurance that it was not being railroaded. The vast quantity of paperwork to go through necessitated taking more time to ensure full transparency and due diligence was applied.

Councillor Rolfe questioned the wording read out by Councillor Lees which included some wording from the original motion as well as some wording from the proposed amendment tabled at the meeting, together with some additional words. He agreed with the sentiments expressed in the motion but said there was already a clear process and full consultation in place. He proposed an amendment as follows:

*Retain the first paragraph.*

*Add the following words to the end of the second paragraph:*

*"... which are intended to facilitate further participation of interested parties, and reporting those speakers' statements to the Committee. Council instructs officers to continue to keep the Council and public updated on progress and the planning process.*

*Add the word "Determining" to the beginning of the third paragraph.*

*Delete the following words from the third paragraph:*

*"... all stakeholders, residents and consultees have had a full opportunity to participate and ..."*

Councillor Jones seconded the amendment.

Councillor Lees asked that the additional words she had suggested be retained as it would help the public to feel they had an investment in the process.

Councillor Rolfe said this point was already made in the first paragraph.

Councillor Artus indicated that he had intended to second the original motion on the basis of a lack of strategic joined up thinking. Members were concerned about the lack of a strategic vision in matching transport needs with the Local Plan.

Councillor Artus declared a personal interest as a member of Stansted Airport Advisory Committee and Chairman of Stansted Airport Special Interest Group.

He considered there was a general duty to consider all aspects of the application affecting sustainability to ensure a transparent process. By deleting paragraph 2

of the motion, the amendment was omitting any reference to key milestones and he would prefer this to be included.

Councillor Gerard asked about the procedure to be adopted by the Planning Committee in considering the application and whether there would be the opportunity for stakeholders, residents and consultees to participate.

In summing up the debate, Councillor Rolfe indicated that he was sympathetic to what had been said but great care should be taken in where Council participation finished and Planning Committee responsibility began. Any suggestion of prejudice or pre-determination should be avoided. The Local Plan briefing was not a public session but would be audio recorded. He intended to ensure that the consideration of housing provision along the A120 corridor came together with the Stansted Airport expansion proposals to allow an assessment of whether accessibility was sufficient. All of this had been picked up in the amendment and he would prefer to keep to this wording.

The Chairman put the amendment to the vote and this was carried unanimously.

The substantive motion was then carried unanimously.

RESOLVED to approve the following motion:

This Council is committed to an objective, transparent and democratic process in planning. It must allow residents, councillors and all interested parties sufficient time and ample opportunities to be heard and to fully discuss and understand the implications of the current Stansted Airport planning application for extending its capacity.

Council notes the four week extension of the timetable for responses to the application and further notes the arrangements for public speaking on the application at afternoon and evening sessions prior to the date arranged for the Planning Committee, which are intended to facilitate further participation of interested parties, and reporting those speakers' statements to the Committee. Council instructs officers to continue to keep the Council and public updated on progress and the planning process.

Determining the planning application is the responsibility of the Planning Committee and it is Council's expectation that before the Planning Committee considers the application, all relevant information will have been received and fully assessed.