

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN on 11 DECEMBER 2001**

Present:- Councillor D W Gregory – Chairman  
Councillors Mrs C A Bayley, W F Bowker, Mrs C A Cant,  
Mrs M A Caton, R P Chambers, Mrs J F Cheetham,  
R A E Clifford, R J Copping, A Dean, R C Dean, Mrs C D Down,  
Mrs S Flack, M L Foley, M A Gayler, Mrs E J Godwin,  
R D Green, M A Hibbs, D M Jones, A J Ketteridge, P G F Lewis,  
Mrs C M Little, Mrs J I Loughlin, Mrs J E Menell, R A Merrion,  
D M Miller, D J Morson, R J O'Neill, A R Row,  
Mrs S V Schneider, G Sell, R C Smith, R W L Stone,  
A C Streeter, Mrs E Tealby-Watson, A R Thawley, R B Tyler and  
P A Wilcock.

Officers in attendance:- Mrs E C Forbes, J B Dickson, A Forrow,  
B D Perkins, M Perry and M T Purkiss.

**C10 HEAD OF LEGAL SERVICES**

The Chairman welcomed to the meeting Michael Perry, the new Head of Legal Services.

**C11 UTTLESFORD RED CROSS**

The Chairman welcomed to the meeting Fiona Pearson (Uttlesford Red Cross Centre Organiser), Brian Carter (Fundraising Officer for Flag Week) and Jane Holford (Secretary). He congratulated them on their excellent efforts in raising over £17,000 this year; the best of any Red Cross branch in Essex. A cup had already been awarded to them by the British Red Cross for their achievement of raising not only the highest amount in Essex, but also the highest amount raised per head of population.

The Chairman expressed the Council's thanks for their valuable work and advised Members that the Red Cross Flag Week would be from 5-11 May 2002.

**C12 ANNUAL AUDIT LETTER FOR 2001**

The Chairman welcomed to the meeting the District Auditor, Mr M West and Mr M Hodgson, the Audit Manager.

Mr West explained that the audit of the Council's accounts for the year 2000/01 was now complete and it was hoped to give an unqualified audit opinion by 31 December 2001. He said that compliance with the disclosure requirements of FRS15, the Financial Reporting Standard for tangible fixed assets, had now been achieved and the reference in the letter to the best value accounting code of practice would be updated. He expressed concern that two errors had been found in previous returns made to Customs and

Excise in respect of value added tax. These errors had been raised with officers and the claims had subsequently been amended. As a result, the authority had not incurred a material financial loss. He also referred to the delay in submitting two Housing Subsidy Returns to the Departments for Transport Local Government and the Regions. Whilst this had not, to date, led to any significant losses, the risk of future penalties could not be ignored. Accordingly, a key action point of the report was that the Council attempted to ensure that all grant claims and returns were prepared and returned to the relevant departments by the due dates.

His overall conclusion was that the Council had adequate arrangements in place to satisfy itself that its systems of internal financial control were both adequate and effective. The key message was to maintain the progress and momentum which had been achieved.

The performance management system had been further strengthened with clear links to the various service and corporate plans in operation within the authority.

He concluded that, in overall terms, the audit letter was a positive one and he expressed appreciation of the assistance he had received from Members and officers during the course of the audit work.

In answer to a question from Councillor A Dean concerning the PFI Leisure Scheme the District Auditor clarified that District Audit's role was to look at the Council's arrangements for ensuring that the scheme provided value for money. In answer to a question from Councillor Clifford, the Chief Executive confirmed that any criticisms contained within the audit letter would be followed up rigorously. Councillor Copping referred to the importance of financial control systems and expressed the hope that any reduction in internal audit resources in the current financial year would not have an adverse effect upon this.

The Chairman thanked Mr West and his team for their hard work and for the comprehensive report.

**C13 APOLOGIES**

Apologies for absence were received from Councillors E C Abrahams, Mrs D Cornell and Mrs C M Dean.

**C14 MINUTES**

The Minutes of the meeting held on 16 October 2001 were received, confirmed and signed by the Chairman as a correct record.

C15

**BUSINESS ARISING****(i) Minute C2 – Minutes**

In relation to the item regarding the call in procedure, Councillor Morson said that he understood that the spirit of the original agreement had been that significant problems would be referred to the Constitution Task Group and then on to Council. However, he expressed concern that this matter appeared to have been dealt with in contravention of that agreement. The Assistant Chief Executive explained that whilst this appeared to be the case there had been no formal agreement to that effect.

**(ii) Minute C3(i) – Minute Book**

In answer to a question from Councillor Mrs Flack, officers said that they were pursuing her suggestion regarding folders.

**(iii) Minute C3(ii) – Global Warming**

Councillor Gayler stated that the decision on this matter had been that “the Council would endeavour, wherever possible, to use suppliers with the greenest credentials”. He asked how this would be monitored. Councillor Mrs Cheetham stated that a memorandum had been sent to all Heads of Service asking them to encourage sustainable activity wherever possible and to undertake appropriate monitoring.

**(iv) Minute C3(iii) - Hatherley House**

In response to a question from Councillor Mrs Bayley, the Leader apologised for not contacting her earlier about the situation on Hatherley House. He said that negotiations were still ongoing and whilst there were some difficult issues it was hoped that the contract would be signed in the next two weeks. He stressed that the quality of service to residents was of paramount importance.

**(v) Minute C3(iv) – The Council’s New Constitution**

In answer to a question from Councillor Bowker it was confirmed that hard copies of agenda, minutes and reports could be provided to any Member on request.

In relation to the new constitution Councillor Hibbs said that in previous years Members had been given a greater opportunity to discuss issues raised in the annual audit letter. It was confirmed that the follow-up and monitoring of issues raised in the annual audit letter fell within the remit of the Overview and Scrutiny Committees.

**(vi) Minute C3(v) – Stansted Airport Referendum Group**

Councillor A Dean referred to the survey which had been undertaken by the Uttlesford Association of Local Councils and on which the Council had given advice and assistance. He considered that it was necessary to refute the disparaging comments which had been made by BAA concerning the validity

of the survey. The Leader agreed and said that BAA had overstepped the mark and he would write to them in the strongest terms.

**(vii) Minute C5 – Local Strategic Partnership**

Following a question from Councillor Mrs Flack, the Chief Executive said that she hoped to get the report of the recent Community Conference circulated to Members by Christmas. She said that negotiations with Essex County Council were continuing in relation to the public service agreement. Councillor Mrs Caton said that the conference had been well attended and had proved to be extremely successful. She asked Members to encourage others to complete the questionnaire in the consultation document.

In answer to a question from Councillor Copping, the Chief Executive confirmed that over 200 completed questionnaires had been returned so far. Councillor Sell agreed that there had been a lot of enthusiasm at the conference. He added that he had read a number of local government publications which contained a variety of adverts from other authorities for policy officers. He questioned whether Uttlesford would be able to deliver a satisfactory service in relation to best value and other corporate issues when the secondment of the Policy Officer came to an end. The Leader stated that the Council had to be a “lean machine” and if other authorities were as prudent as Uttlesford there would be no need to increase Council Tax by the percentages being quoted by the Government. He added that best value reviews were now Member led and he hoped that this would bring improvements.

Councillor Copping concluded that the Council needed to refrain from entering into aspirations which it could not afford.

**(viii) Minute C8(ii) – Uttlesford Police and Community Consultative Group**

Councillor Smith congratulated Councillor Mrs Caton on her appointment to this organisation. He explained his reasons for his resignation from the Consultative Group. He stated that the rural policing scheme had been in place for a number of years and despite repeated requests had not been reviewed. He also expressed his concern at the length and cost of a recent Police disciplinary case. Other Members shared these concerns and whilst not wishing to undermine the work of dedicated police officers, felt that these matters needed to be addressed at a senior level.

Some Members said that they had no confidence in the police authority and considered that the public were often reluctant to report crime when they knew that the detection rates were so low.

*Councillor Chambers declared an interest in this matter as he was the Vice-Chairman of the Essex Police Authority.*

He said that it was important that the police authority heard the views of elected Members. He explained that the police authority could not legally get involved in operational police matters. He referred to the Home Secretary's attempt to bring in a new police reform bill which would go some way to

addressing policing in rural areas. However, he felt that the public wanted more uniformed officers and he suggested that this could be better achieved by recruiting additional special constables. He added that the Police Authority were attempting to reduce bureaucracy and were transferring resources into front line policing. He suggested that the Chief Constable should be invited to meet with councillors to discuss their concerns.

RESOLVED that a letter be written to the Police Authority, with a copy to the Home Secretary, expressing concern at the current state of rural policing and requesting that the Chief Constable or another senior officer meet with Members to discuss these issues as soon as possible.

**(ix) C8(i) Saffron Walden Homeless Action Steering Group (Winter Comfort)**

Councillor Hibbs said that he was concerned that Winter Comfort would no longer provide services in Uttlesford if the Council's current budget proposals were approved. Councillor Stone said that many of the problems facing Winter Comfort were due to the lack of private landlords willing to be involved in the scheme.

C16

**CHAIRMAN'S COMMUNICATIONS**

The Chairman reported that Superintendent Sheldrake would be leaving the Braintree Division to take up a post at Basildon. He said that he would be writing to Superintendent Sheldrake to congratulate him on his appointment and to thank him for his service to this area.

He congratulated Keith Loudon and Val Rogacs of Legal Services who had passed the Foundation Module of the Legal Assistants course run by the College of Law.

The Chairman also reported on the success of the "guess the weight of the Chairman" competition. The shoppers at Tesco, Great Dunmow had raised £457.60 which brought the total raised to over £950.

He thanked the Members and officers who had attended the Civic Carol Service which had raised an additional £294.51 towards the Chairman's Charities of Buffy Bus and Rescu. He said that further fund raising activities were in the pipeline.

He said that at the Community Conference, he had met with a representative of the Uttlesford Youth Forum and would be inviting the Forum to attend a future Council meeting.

At the Chairman's invitation, Councillor Morson announced that the Council's bid for money from the Heritage Lottery Fund had been assessed and a Stage 1 pass had been awarded. The grant included a contribution to development funding so that the Council could work up its proposals. If the bid was successful in Stage 2, up to £362,500 could be made available for the

restoration project. The Chairman congratulated those who had put the bid together.

The Chairman invited Members, officers and the public to join him for a drink at the conclusion of the Council meeting.

Councillor Mrs Menell thanked the Chairman for raising funds towards Buffy Bus and reported that the bus had been off the road following a recent accident. She hoped that it would be operational again in the following week and asked Members to advise Parish Councils in their area of the current position.

## C17 **LEADER'S COMMUNICATIONS**

The Leader reported that arrangements had been made for a member only meeting to discuss the new constitution on 4 March 2002.

He reported that Essex County Council were proposing to mark the retirement of the current Lord Lieutenant of Essex by commissioning a portrait. Each district had been asked to contribute up to £1,000 towards this. He suggested that the Council did not give a grant at this stage and other Members concurred with this view. The matter would be addressed in a report on the budget to the next meeting of the Resources Committee.

The Leader reminded Members that the IDeA had put forward a proposal of preparing job descriptions for Members. Prior to the meeting, he had circulated a suggested job profile in relation to the role of the Leader. It was considered that this matter should be discussed by the Constitution Task Group.

## C18 **MATTERS ARISING FROM COMMITTEES**

RESOLVED that the recommendations contained within Minute RE22 (Budget Strategy 2002/03) of the Resources Committee meeting held on 15 November 2001 and Minutes S1.16 and S2.12 (Best Value Service Reviews 2002/03) of the meetings of Scrutiny Committees 1 (Community and Housing) and 2 (Resources and Environment) held on 7 November and 21 November 2001 respectively be approved.

## C19 **MEMBERS' NON ATTENDANCE AT MEETINGS**

Members considered a request from Councillor Powers that his non attendance at meetings beyond the 6 month period allowed under the Local Government Act 1972 be extended.

Councillor Powers had not attended a meeting since 11 July 2001 for medical reasons and the six month period of non attendance allowed by the 1972 Act would expire on 10 January 2002.

RESOLVED that the period for non attendance at meetings for Councillor Powers be extended until 10 July 2002, should it be necessary.

Members also extended their good wishes to Councillor Powers for a speedy return to good health.

**C20 THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

Members were requested to approve the amendment of the Officer Employment Procedure Rules in order to comply with the Local Authorities (Standing Orders) (England) Regulations 2001.

The Council's procedures already complied with most of the requirements of the Regulations. However, it was suggested that the following officer employment procedure rules be amended immediately to ensure full compliance:-

Rule 3 – appointment of Head of Paid Service – to ensure that the full Council gives *prior* approval of any offer of appointment or notice of dismissal.

Rule 6 – disciplinary action – to identify the source of the definitions of the designations used in this rule.

Minor amendments were also suggested to Rules 3 and 4 as shown in bold italics on the appendix attached to these Minutes.

RESOLVED that the Council's Officer Employment Procedure Rules be amended as indicated in the appendix attached to these Minutes.

**C21 COUNCIL TAX BASE CALCULATION 2002/03**

Members were advised of the calculation of the Council Tax Base 2002/03.

RESOLVED that

- 1 the report of the Director of Resources for the calculation of the Council's Tax base for the year 2002/03 be approved.
- 2 pursuant to the Director of Resources' report in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amounts calculated by the Uttlesford District Council as a Council Tax base for each part of its area for the year 2002/03 be as listed in Appendix 3 to these Minutes.

**C22 NOTICE OF MOTION**

Councillor Gayler moved the following Motion which was duly seconded;

“Council notes:

1. The current issues of world security and the presence of a major airport in the district.
2. The problems with flooding that have occurred over the last two years.
3. The decision of the Community and Leisure committee to reject changes in the staffing structure for Emergency Planning and Community Safety.
4. The decision of the Environment and Transport Committee to allocate £30,000 in its budget to grants for works to combat flooding.
5. The decision of the Resources Committee to grant early retirement to the current Emergency Planning and Community Safety Officer.

Council resolves:

1. That the pending vacancy in the post of Emergency Planning and Community Safety Officer be advertised immediately, so that an appointment can be made as soon as practically possible.
2. That officers produce an action plan to reduce the threat of future flooding problems according to the following terms of reference:
  - a) Identify all the areas in the district affected by flooding in the last two years, and the extent of damage caused.
  - b) Identify the reasons for the build up of water in each location where serious damage occurred.
  - c) Identify potential measures to reduce the threat of flooding in these locations, and identify the authority responsible for implementing such measures in each case.
  - d) Set targets for the implementation of such measures, and identify priorities for the allocation of funding by the District Council.
3. That the decision by Environment and Transport Committee to allocate £30,000 to grants for works to combat flooding be confirmed.”

Councillor Gayler explained the basis of his Motion and said the Council needed to be pro-active produce an action plan and put more pressure on other agencies involved.

Councillor O'Neill said that lessons had to be learnt from the recent flooding experiences and the Council should look at putting in place the most appropriate structure to deal with future problems. He considered that the allocation of £30,000 for works to combat flooding suggested in the Motion was unrealistic and the matter needed to be looked at in a more considered way. He therefore moved the following amendment to the Notice of Motion which was duly seconded.

“Uttlesford District Council resolves: In light of the problems with flooding which affected parts of the District in October 2001:

- 1 To request the Community and Leisure Committee to examine the Council's emergency response capability and, in taking decisions on the recommendations of the Community Safety Best Value Review, to take full account of the experience of the flooding in the District on 21 October 2001



- 2 That officers produce an early report on the threat from flooding in the District, covering the following points;
- (a) Identification of all those areas in the District affected by flooding in the last ten years, and the nature and extent of the damage caused.
  - (b) Identification of the reasons for the build-up of water in each location.
  - (c) Listing of the various authorities which have responsibility for dealing with floods and the emergency measures arising from flooding, and their respective roles.
  - (d) Listing of the measures required to reduce the threat from flooding in the future and to handle any further emergency.
  - (e) Identification of those measures which the District Council itself ought to undertake as well as Town and Parish Councils.
  - (f) Recommend priorities and targets for appropriate action by the District Council.
- 3 To request the Environment and Transport Committee to consider in its recommendations for the 2002/03 budget what provision should be made for dealing with the potential threat from flooding in the District”.

Councillor A Dean suggested that the amendments be further amended by the addition of the following words to item 2 (f).

“and proposals which might be put to the other relevant authorities and agencies”. The mover and seconder of the amendment accepted this further amendment.

Councillor Green said that there was a large amount of debris along the banks of the Slade and he asked that, as a short term measure, this be removed. The Chairman said that he would ask Officers to examine how best this could be dealt with.

Councillor Hibbs said that he was unhappy with the amendment which involved referring decisions back to Committees. He said that, if approved, the amendment would not serve the community well and the Council must move the residents’ case forward. Councillor Smith stated that the Best Value Review of community safety was nearing completion and it was important that the matter was dealt with in a considered way so that the Council made the right decision. Councillor Mrs Cheetham added that it would be premature to confirm the figure of £30,000 without an appropriate report being considered by the Environment and Transport Committee. Councillor Mrs Menell said that she was confident that the recommendations from the Best Value Review, which was continuing; would produce tangible outcomes.

Councillor Mrs Tealby-Watson said that there were practical concerns of hitting another emergency problem without an Emergency Planning Officer in post. Parish Councils referred to the Emergency Planning Officer in times of emergency. Councillor O’Neill said that it was important to recognise the difference between emergency planning and the response to and handling of emergencies.

On being put to the vote the amended Notice of Motion, as further amended at the meeting, was approved with 21 votes for and 14 against.

C23

**SEASON'S GREETINGS**

The Chairman extended his best wishes to Members and Officers for a Happy Christmas and New Year.

The meeting ended at 9.45 pm.

### 3. **Appointment or Dismissal of Head of Paid Service**

This process ***complies with*** mandatory standing orders regulations.

The full Council will approve the appointment ***or, as the case may be, dismissal*** of the Head of Paid Service following the recommendation of such an appointment ***or dismissal*** by a committee or sub-committee of the Council ***before an offer of appointment is made or notice of dismissal given***.

### 4. **Appointment of chief officers and deputy chief officers**

This process ***complies with*** mandatory standing orders regulations.

A committee or sub-committee of the Council will appoint chief officers and deputy chief officers.

### 5. **Other appointments**

Appointment of officers below deputy chief officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors.

### 6. **Disciplinary action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer (***as defined in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001***) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person, ***as defined in Regulation 7 of the above Regulations***.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## Appendix 3

**Tax Base for 2002/03**

<b>Parish</b>	<b>Tax Base</b>	<b>Parish</b>	<b>Tax Base</b>
Arkesden	181.7	Leaden Roding	238.7
Ashdon	337.2	Lindsell	104.3
Aythorpe Roding	102.8	Littlebury	381.0
Barnston	373.8	Little Bardfield	119.1
Berden	207.8	Little Canfield	141.6
Birchanger	398.8	Little Chesterford	101.1
Broxted	229.2	Little Dunmow	226.4
Chickney	24.2	Little Easton	211.5
Chrishall	240.8	Little Hallingbury	704.0
Clavering	564.4	Manuden	281.5
Debden	367.4	Margaret Roding	79.0
Elmdon & Wendon Lofts	281.6	Newport	886.4
Elsenham	934.0	Quendon & Rickling	251.1
Farnham	183.7	Radwinter	248.6
Felsted	1198.5	Saffron Walden	5848.4
Great Canfield	185.4	Sampfords, The	354.5
Great Chesterford	601.8	Stansted	2248.4
Great Dunmow	2959.2	Stebbing	610.7
Great Easton	383.5	Strethall	14.7
Great Hallingbury	315.3	Takeley	972.6
Hadstock	154.3	Thaxted	1112.7
Hatfield Broad Oak	548.0	Tilty	50.6
Hatfield Heath	819.7	Ugley	194.6
Hempstead	206.6	Wendens Ambo	190.6
Henham	542.6	White Roding	167.2
High Easter	305.8	Wicken Bonhunt	103.8
High Roding	195.0	Widdington	239.7
Langley	167.6	Wimbish*	514.5
Sub Total	13010.7	Sub Total	16597.3
		<b><u>Total</u></b>	<b>29608.0</b>

\*Wimbish includes 217.2 M.O.D. Band 'D' equivalent properties