

COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 23 APRIL 2002

Present:- Councillor D W Gregory – Chairman.
Councillors E C Abrahams, W F Bowker, R P Chambers, Mrs J F Cheetham, R J Copping, Mrs D Cornell, A Dean, Mrs C M Dean, R C Dean, Mrs C D Down, Mrs S Flack, M A Gayler, 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, Mrs E Tealby-Watson, A R Thawley, R B Tyler and P A Wilcock.

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

C49 APOLOGIES

Apologies for absence were received from Councillors Mrs C A Bayley, Mrs C A Cant, Mrs M A Caton, R A E Clifford, M L Foley, Mrs E J Godwin, R D Green, G W Powers and A C Streeter.

C50 MINUTES

The Minutes of the meeting of the Council held on 12 February 2002 were received, confirmed and signed by the Chairman as a correct record subject to the addition of reference to the request by Councillor Jones that committee reports should contain the date when they are published.

The Minutes of the Special Meeting of the Council held on 27 February and of the Extraordinary Meeting of the Council held on 11 April 2002 were received, confirmed and signed by the Chairman as correct records, subject to the addition of Councillor Jones to the list of those attending the latter meeting.

C51 BUSINESS ARISING

(i) Minute C27(ii) - Uttlesford Police and Community Consultative Group

Councillor Smith said that he was saddened that the Chief Constable had chosen not to attend the meeting with Members of this Council.

(ii) Minute C28 – Chairman's Communications (Business Forums)

Councillor Sell asked whether the four Open Forums for local businesses had taken place. The Chairman said that the meetings had been held during March and that attendance had been interesting but not large.

(iii) Minute C29 (iii) – Office Accommodation

In response to a question from Councillor Copping, the Leader said that further consultation was being undertaken with staff concerning the proposed transfer of planning administration from Great Dunmow to Saffron Walden. It was intended that a further report would be submitted to Members in June or July.

(iv) Minute C37(i) – Notice of Motion (Policing)

In response to a question from Councillor Copping the Chief Executive said that some of the issues raised in the Notice of Motion had been addressed at the meeting with the Police Authority. Town and Parish Councils had been informed of the Council's Notice of Motion on Policing and comments had been invited from them. The Leader added that he was meeting Sir Alan Haselhurst MP and the Home Office Minister on 1 May 2002.

(v) Minute C36 – Road Safety

Councillor R C Dean considered that, if it was policy not to submit the Minutes of the Road Safety Advisory Committees to the Environment and Transport Committee, it was a retrograde step.

(vi) Minute C47 – Removals Centre

Councillor Copping thanked the appropriate Officers for the extremely good, efficient and thorough Minute on this matter. The Chief Executive said that a letter had been sent to the Home Office advising them of the Council's decision and attaching a set of the Minutes. A meeting had been arranged with representatives of the Home Office on 29 April but was subject to confirmation. She added that 120 letters had now been received from the public on this issue and she also understood that representatives from Great Dunmow were visiting the Home Office with a petition on 24 April.

Councillor A Dean expressed his concern at the failure of the Council to reach a more united decision. He felt that this had put the Council in a weak position and had antagonised its neighbours.

C52

CHAIRMAN'S COMMUNICATION

The Chairman reported that his fund raising activities were now coming to a close. The quiz evening at Great Dunmow had raised approximately £400 and he thanked Councillor Jones for acting as Quiz Master.

He reported on the four Open Forums which had been held for local businesses throughout the district. These had been fairly successful and the Group Leaders or their representatives had taken part. A meeting would be convened shortly to assess the effectiveness of the meetings and to progress any follow up action which was required. At the invitation of the Chairman, Councillor Ketteridge referred to the work of the Royal Society of St George and read out the objectives of that Society. Councillor Mrs Cheetham said that she would be walking the Playtex Moonwalk half marathon on 11 May.

She would be raising money for Breakthrough Breast Cancer and The Bristol Cancer Help Centre and invited Members to sponsor her for this event. Councillor Mrs Schneider said that she had completed an eight mile walk for charity and had raised over £200 which had been matched by her employer.

Councillor Gayler stated that he was standing down as Leader of the Liberal Democrat Group on the Council with immediate effect. The Group had now elected Councillor A Dean as its Leader.

C53 **LEADER'S COMMUNICATIONS**

The Leader reported that the additional 1% which had been added to Employers' National Insurance Contributions in the budget would equate to a 2% rise in Council Tax next year.

C54 **REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES**

Members were reminded that the Independent Remuneration Panel had been recruited and selected by officers following local advertisement and interview. The Panel had been appointed to make recommendations to the Council on Members' Allowances for 2002/03.

Martyn Fiddler, the Chairman of the Panel, and Ruth Whitlam, a Panel member, attended the meeting and Martyn Fiddler explained the methodology and the background to the recommendations contained in the Panel's report. He thanked Members for completing the questionnaires and attending interviews which had been invaluable to the Panel's work. In particular, he referred to the proposed increase in the basic allowance from £2,500 to £4,166 per annum and he said that this recognised that the ordinary Council Member was a very valuable person. He said that the job descriptions proposed later in the meeting would help the Panel in its future work.

The Leader said that, during his years on the Council, one of the most difficult decisions to be made had always been recommending Members' Allowances. The Independent Panel had deliberated objectively, with the assistance of Local Government experts, and had proposed a scheme for the meeting tonight. The Panel had recommended, on the basis of workload and local earnings rates, a 66% increase in the basic allowance. He said that whilst this might seem a lot, when you started with a small sum of £2,500, this increase only brought the basic allowance up to £4,166. He said that he was proud to be associated with the 41 other Members who all served their community to the best of their ability and put in many hours every week to help residents.

The Special Responsibility Allowances had nearly all gone down slightly. He suggested that the carer's allowance should be introduced, as this would hopefully allow all age groups to become Councillors by giving them the ability to have a carer whether for children, elderly or disabled dependents. Because of the financial increase this year, he proposed that the extra money

should be met from reserves but in future years would have to be built into the budget.

He thanked the three independent Members of the Panel for their work over the past five months. He said that they had carried out their work in a courteous, patient and well structured way and he looked forward to working with them in the future.

He then moved that the Independent Remuneration Panel's recommendations on Members' Allowances as set out in the report be adopted and implemented on 1 May 2002.

In seconding this proposal, Councillor Tyler said that it was a matter of regret that there had been criticism of these proposals in some newspapers. He said that the proposed increase was well deserved.

Councillor Sell said that the average age of Councillors across the Country had now risen to 57. Councils needed to be more representative of their community and attract people who were in full time work. He particularly welcomed the proposals for a carer's allowance.

Councillor A Dean said that he had been surprised that the Chairman of the Council's Allowance had not been included in the review and urged that this should be addressed in the future. The Leader replied that since 1990 the role of the Chairman had been a civic one and it was therefore different from the other special responsibilities. However, the Panel would look at the Chairman's allowance in its next review.

Councillor Mrs Flack commented that all, rather than most, special responsibility allowances had been reduced. Councillor Gayler pointed out that the combined effect of the basic allowance and special responsibility allowance for the Leader and Leader of the Opposition Group was an increase.

Councillor Hibbs said that he was pleased to see the proposals for a carer's allowance. In relation to the basic allowance, he said that he had become a Councillor because he cared about the community and wanted to help. He said that the Council was struggling to find money for services and he considered that the additional money suggested for increasing Councillors' allowances could be spent in a better way.

Councillor R C Dean referred to the carer's allowance and the suggestion from the Panel that it was the Members' responsibility to ensure that a carer was "suitably qualified". He felt that this wording was not appropriate as many carers in nursing homes were experienced, but not always qualified. The Chairman of the Panel noted this comment.

Councillor O'Neill said that he was a veteran of independent panels. The setting up of this panel had not been the Council's idea, but a Government requirement. However, the report was thorough and clear and he urged Members to accept it in full. Councillor Mrs Cornell reminded Members that they were able to forego their allowance if they so wished. She said that not everyone was self employed or on a salary and this proposal would send a

message to those who were paid hourly that they could become Councillors. In response to a question from Councillor Copping, the Leader said that the proposed increases would equate to a 1.3% increase in Council Tax.

RESOLVED that

1 the Members' Allowances for 2002/03 be as follows

Basic Allowance per Member	£4,166pa
Special Responsibility Allowances (pa):-	
Leader of the Council	£6,249
Group Leader – Conservative	£1,500
Group Leader – Independent	£600
Group Leader – Labour	£200
Group Leader – Liberal Democrat	£1,800
Chairman (co-Chairmen 50/50) Leisure PFI Board	£1,563
Chairman of Resources Committee	£3,125
Chairman of Health and Housing Committee	£3,125
Chairman of Environment and Transport Committee	£3,125
Chairman of Community and Leisure Committee	£3,125
Chairman of Development Control and Licensing Committee	£3,125
Chairmen of Scrutiny Committee(s) (2)	£3,125

(NB. Only one SRA in any financial year payable to any one Member)

2 A carer's allowance be payable for child care purposes and/or to meet the costs of paid care for others ordinarily resident at a Members' home, at a maximum hourly rate of £10.

C55

MATTERS ARISING FROM COMMITTEES

(i) Standards Committee – 9 April 2002 – Minute S9(i) – Conduct of a Member

Members were informed of the advice received from Counsel in relation to the validity of Council decisions taken on 24 April and 8 May 2001 concerning the conduct of a Member. The Assistant Chief Executive stated that there were some doubts raised by elements of Counsel's opinion and the Head of Legal Services would be preparing a fresh set of instructions to Counsel to clear up any outstanding areas of doubt.

Councillor Jones said that it was not fair to rely on the passing of time for this matter to be resolved and he considered that the restriction should formally be lifted. Councillor A Dean accepted that the Standards Committee had made the recommendations in good faith, but he considered that the Councillor's freedom of expression had been restricted and the sanction of a one year ban was disproportionate. He also felt that the action should be withdrawn. However, Councillor Tyler said that the disgraceful behaviour of the Councillor had been quite properly rewarded.

Officers said that an extraordinary meeting of the Standards Committee would be convened to consider this matter further.

(ii) Standards Committee – 9 April 2002 – Minute S10 – Code of Conduct for Elected Members

Members considered the recommendations of the Standards Committee and noted that, following adoption of the new code of conduct, Members would have a period of two months in which to give a written undertaking that they would observe it, otherwise they would automatically cease to be Members of the Council. Councillor O'Neill pointed out that in the fourth line of paragraph 8(i) of the Code of Conduct, the word "that" should be amended to read "than".

The Standards Committee had asked the Council to consider whether it required a Member Workshop on the new ethical framework. There was general consensus that a workshop was not required and that if Members had any points of clarification they should contact officers on an individual basis.

RESOLVED that

- 1 the Council adopts the Model Code of Conduct for authorities not operating executive arrangements as set out in the second schedule to the Local Authorities (Model Code of Conduct) England Order 2001.
- 2 Members be advised to give a written undertaking by not later than 5pm on Friday 21 June 2002 that they will observe the code,
- 3 Members be advised to register their financial and other interests by 5.00pm on Thursday 21 May 2002.

(iii) Standards Committee – 9 April 2002 – Minute S11 – Composition and Terms of Reference of the Standards Committee

Members considered the recommendations of the Standards Committee concerning the composition and terms of reference of that committee to enable it to deal with parish and town council matters.

Councillor Smith said that the amount of private information which had to be made public by parish councillors was intrusive and could prevent many people from standing for office, particularly when they received no financial reward whatsoever. Councillor Mrs Cheetham said that there had already been one resignation from Takeley Parish Council and she could foresee problems when the new parish council was due for election in 2003. However, Councillor Hibbs felt that people in public office should be completely open to the electorate.

Councillor Chambers felt strongly that town and parish councillors should not have to be made subject to these stringent requirements which were not beneficial to the electorate or the democratic process in the country. He

asked, and the Council agreed, that a letter be sent to the Secretary of State in these terms.

Councillor Gayler moved, and it was seconded by Councillor Chambers, that the recommendations in the Minute be approved, subject to the Uttlesford Association of Local Councils nominating two representatives and two substitutes.

RESOLVED that

- 1 the Council confirms that the Standards Committee should carry out the functions for conduct issues relating to town and parish councils and that the Uttlesford Association of Local Councils (UALC) be invited to nominate two town and parish representatives and two substitutes to the Standards Committee,
- 2 the terms of office of town and parish representatives be one year, this to be reviewed when the arrangements for the appointment of the independent Members of the Committee are considered,
- 3 the UALC be invited to determine the categorisation of 'large' and 'small' councils,
- 4 the revised terms of reference of the Standards Committee be approved as set out in Appendix B to the Minutes of the Standards Committee held on 9 April 2002, subject to the addition of paragraph 8, as follows:

'to grant dispensations to Members of the Council and of town and parish councils in accordance with the Relevant Authorities (Standards Committees) (Dispensations) Regulations and/or any other relevant legislation'.
- 5 a letter be sent to the Secretary of State expressing the Council's concern at the impact of the legislation on town and parish councils and that a draft of the letter be circulated to Members.

(iv) Community and Leisure Committee – 5 March 2002 – Minute CL28 – Uttlesford Community Safety Strategy 2002/05

Members noted that the Community and Leisure Committee had decided to advise the Council that whilst the Uttlesford Community Safety Strategy had laudable objectives, it could not support it in its present form. The Chief Executive reported that a revised strategy had been adopted by the Community Safety Action Team at a meeting held earlier in the day. However, there was general consensus amongst Members that they could not endorse the strategy without seeing the revisions in detail and Councillor Row, the Chairman of the Community and Leisure Committee, agreed to take the matter back to that committee for further consideration. Copies of the revised

strategy would be circulated to Members and all Members would be invited to attend the meeting for consideration of that item.

(v) Community and Leisure Committee – 5 March 2002 – Minute CL32 – Community Project Grant Schemes

RESOLVED that delegated authority be given to the Head of Community and Leisure Services, in consultation with the Chairman of the Committee, to extend, where merited, the deadlines for completing Community Project Grant Schemes to specified new dates.

(vi) Special Environment and Transport Committee – 10 April 2002 – Minute ET48 – Greater Cambridge Partnership

RESOLVED that Councillor Mrs J F Cheetham be appointed to represent the Council on the Greater Cambridge Partnership and that, if the constitution of the Partnership permitted it, Councillor Mrs E Tealby-Watson be appointed as substitute.

C56

CONSTITUTION

(i) Report of the Constitution Task Group

Councillor Mrs Flack, the Chairman of the Constitution Task Group expressed her thanks to the Chief Executive, the Assistant Chief Executive and the Committee and Communications Manager for the work which they had put into this project. The Task Group had met on eight occasions since November and had put forward a number of proposed changes in the Council Procedure Rules and the Delegation Scheme. Members considered the report of the Task Group.

The present constitution had been in place for less than eight months and was still evolving. Committees and individual Members and Officers were likely to continue to encounter new and other issues that needed revisiting. In the circumstances the Task Group considered that it would be wise for it to remain in being for at least the next Council year.

The Task Group had prepared job descriptions for Members which had been circulated previously. It was noted that the Chairman of the Independent Remuneration Panel on Members' Allowances had said that these would be useful in assisting in the work of the Panel in the future.

Councillor O'Neill proposed a number of amendments to the Task Group's proposals and explained the reasoning for them.

It was suggested that the scrutiny of the Leisure PFI Project should be the responsibility of Scrutiny Committee 1. Councillor Copping said that this was an enormous task and asked Councillor Morson, the Chairman of that Committee, whether he felt it was feasible for the work to be undertaken by that Committee. Councillor Morson accepted that it was an extremely onerous task but he would do his best to deal with the matter if he were re-elected as Chairman.

RESOLVED that

- 1 the recommendations in paragraphs 9 and 10 of the report by the Constitution Task Group be approved and incorporated into the Council's constitution, subject to the following changes:
 - (a) the deletion of point (g) in paragraph 10. Bridge End Gardens remains the responsibility of the Community and Leisure Committee.
 - (b) The amendment of point (j) in paragraph 10 to read: "The Leisure (PFI) Project should be scrutinised by Scrutiny Committee 1."
- 2 the consequential and other minor amendments to the Council's Procedure Rules and Delegation Scheme arising from this Resolution be made to the constitution
- 3 the draft Job Descriptions for Councillors, the Leader of the Council, Chairmen of Policy Committees and Chairmen of Scrutiny Committees attached to the Group's report be approved and the Constitution Task Group be invited to consider Job Descriptions for the role of the leaders of Political Groups and of spokesmen for Political Groups
- 4 the procedure proposed for District Open Meetings be approved
- 5 the recommendation for a new Council Procedure Rule 20 in paragraph 15 of the report be approved
- 6 the Constitution Task Group be invited to consider further the question of the rescinding of previous decisions, as recommended in paragraph 16 of the Group's report
- 7 the Constitution Task Group be invited to consider further the question of land and property transactions, as set out in paragraphs 17 and 18 of its report
- 8 the Constitution Task Group continue in being for the year 2002-2003
- 9 the Council should review again the operation of the constitution not later than January 2003, and as necessary thereafter.

(ii) NHS Scrutiny

Members considered a report on the issue of how this Council should undertake scrutiny of NHS matters. It was noted that a letter had been sent to the Department of Health expressing the views made by the Health and Housing Committee at its meeting on 7 March 2002.

The issue had also been discussed at joint meetings between the County Council and the District Councils in the County. At these meetings there had

been general endorsement for a broad partnership approach. Several District Councils had acknowledged that the statutory responsibility for NHS scrutiny rested with the Social Services Authority but considered that District Councils should receive a certain amount of delegation to facilitate their integration into the process. The Department of Health had also clarified that the draft guidance included provision that NHS Scrutiny should not be undertaken through a decision making committee.

Councillor Morson referred to the demise of Community Health Councils and stated that, whilst the Council could not replace them entirely, it should establish a partnership with the Primary Care Trust to help improve services. In its scrutiny role the Council needed to represent people in the community and ensure that they were able to put forward their concerns through the committees' meetings.

Councillor Mrs Flack clarified that the Scrutiny Panel of the County Council would be made up of 15 Members, eight of whom would be County Councillors and seven appointed from District Councils.

The Chief Executive said that a paper had been prepared following joint meetings between the County and District Councils and it was agreed that this would be included on the Agenda for the next meeting of Scrutiny Committee 1.

RESOLVED that the responsibility for the scrutiny of NHS matters be delegated to Scrutiny Committee 1 (Community and Housing).

C57

STATE OF THE DISTRICT DEBATE

It was noted that the Constitution approved by the Council on 28 August 2001 provided for there to be a State of the Area Debate. Details of the proposed approach were set out in a report to Members and were also contained within the Access to Information Procedure Rules – Section 5.

The debate would be an annual process starting in June and would be initiated by an extended press briefing to which all Members would be invited. The briefing would set out key objectives and achievements in the previous year and priorities/actions for the coming Council year.

The format of the debate would be to invite comment and debate in the press and comments to the Council from Members and local people; a small number of specific consultation questions would be identified. The briefing statement might also inform discussion at the Annual Area Meetings, although it would not be presented specifically to those meetings. Discussion on budget implications and priorities would be encouraged as part of the debate.

The Briefing Statement and the subsequent reports to the Council would take account of the emerging Community Strategy and the outcomes would need to inform the Strategy as well as other plans and strategies and budget planning. Response and comments would be collated and presented by the Leader to the Council at the July or October meeting.

RESOLVED that the proposed arrangements for the State of the District Debate be endorsed with the priorities and actions for the coming year being those agreed by the Council and not just proposals by the Administration.

C58 NOTICE OF MOTION – EASTERN SECTOR

Members considered the following Notice of Motion proposed by Councillor Gayler and seconded by Councillor Copping:

“(1) Council’s agreement in principle to the sale of land at White Street Car Park, Great Dunmow, to enable development of the ‘Eastern Sector’ be rescinded.

(2) Negotiations be commenced with Essex County Council for the transfer of land at White Street Car Park to the County Council as a site for the building of a new library for Dunmow, in exchange for land at Haslers Lane which should then be earmarked for the provision of affordable rented housing.

(3) Provision be made in the Capital Programme for the reprovision of car parking spaces should any be lost as a consequence of (2) above.”

RESOLVED that the Notice of Motion be referred to the Environment and Transport Committee and, if necessary, the Resources Committee.

C59 MISCELLANEOUS

Councillor Smith said that he had found it difficult to hear some of the debate during the evening due to noise from a meeting in the Committee Room. He suggested that the Committee Room should not be booked out when Council meetings were being held.

The meeting ended at 9.50 pm.