

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN on 22 JULY 2003**

Present:- Councillor M A Hibbs – Chairman  
Councillors K R Artus, H D Baker, C A Bayley, P Boland,  
W F Bowker, R P Chambers, K J Clarke, D Corke, R J Copping,  
A Dean, C M Dean, C D Down, S Flack, M L Foley,  
R F Freeman, M A Gayler, E J Godwin, D W Gregory,  
R T Harris, E W Hicks, B M Hughes, S C Jones,  
A J Ketteridge, V J T Lelliott, R M Lemon, A Marchant,  
J E Menell, D J Morson, J P Murphy, V Ollier, A R Row,  
S V Schneider, A R Thawley, A M Wattebot, P A Wilcock.

Officers in attendance:- B D Perkins, J B Dickson, I Orton, M Perry and M  
T Purkiss

**C28 APOLOGIES**

Apologies for absence were received from Councillors E C Abrahams,  
C A Cant, J F Cheetham, J I Loughlin, M J Savage, G Sell, F E Silver and  
E Tealby-Watson.

**C29 DECLARATIONS OF INTEREST**

Councillors Copping, Gayler and Murphy declared interests as members of  
Great Dunmow Town Council and the Dunmow Town Strategy Group.  
Councillor Chambers declared an interest as a member of the Essex Police  
Authority. Councillor Hibbs declared an interest in relation to Item 10  
(Development Control and Licensing Committees) in view of his profession as  
an architect. Councillor Menell declared an interest as a member of the  
Uttlesford Primary Care Trust and Buffy Bus Association and Councillor Ollier  
declared an interest as a member of the Buffy Bus Association.

**C30 MINUTES**

The Minutes of the meeting held on 15 April, the Annual Council Meeting held  
on 20 May and the Extraordinary Council Meeting held on 12 June 2003 were  
received, confirmed and signed by the Chairman as correct records.

**C31 BUSINESS ARISING**

**(i) Minute C13 – Funding of Community Wardens**

In response to a question from Councillor Copping the Performance Manager  
reported on progress with Community Wardens and said that a meeting had  
been held with Essex Police concerning target arrangements.

**(ii) Minute C17 – Dunmow Office Letting**

In answer to a question from Councillor Mrs Flack it was confirmed that the Dunmow Offices had now been painted.

The Director of Resources reported that progress with the current prospective lessee was slower than expected. Whilst the offer had not been withdrawn the property was being marketed again. Councillor Gayler said that the Council could not afford to let the offices stand vacant for a protracted period. Councillor Copping added that if the current negotiation failed a full options report should be submitted to the next Resources Committee meeting and should include options for the Depot site. Councillor Gayler agreed and amended his motion to take these issues on board. In response to questions from Councillors Menell and Row he also confirmed that the options would include looking at facilities for charitable organisations in Great Dunmow and discussing with the PCT options for the provision of an improved clinic in the town.

RESOLVED that Officers continue the current negotiations to secure a lease agreement for the Dunmow Offices. Should the current negotiations fail Officers prepare a report for the next meeting of the Resources Committee to review the range of options available for the future of the Dunmow offices in conjunction with the option appraisal for the adjacent depot site, as set out in the Asset Management Plan.

**(iii) Minute C17 – Car Boot Sales**

Councillor Bayley reported that car boot sales would be reinstated on the Common Car Park in August. She said that many charitable organisations would be grateful for this facility and thanked Officers for their hard work.

**(iv) Minute C23 – Best Value Performance Plan 2003/04**

The Leader reported that the final Best Value Performance Plan had been completed and distributed. He said that in terms of presentation it was a credit to the Council and there were many areas of good performance particularly in the financial services area. He thanked the Performance Manager for the work which he had put in to completing this Plan.

Councillor Chambers said that he hoped that over the next four years things would progress and that the quality of life in Uttlesford would remain excellent.

**(v) Minute C24 – Quality of Life Vision**

Councillor C Dean said that youth issues were an important part of the Quality of Life Plan and asked whether there had been any progress with the young musician of the year event. Councillor Morson said that at the last meeting of the Community and Leisure Committee a deadline of 27 June had been set for receipt of an unconditional written guarantee of £3,000 external funding for the Young Musician of the Year Festival. He said that he had contacted Councillor Chambers but no written response had been received. Accordingly, the event had been cancelled and the £1,000 in the budget would be set aside for other youth projects.

Councillor Chambers said that due to unforeseen circumstances he was unable to get the confirmation in writing. He said that the Resources Committee had agreed to spend large sums on preparation for CPA and the appointment of an interim Strategic Director and felt that the relatively small sum of £3,000 could have been found from within the Council's resources.

**(vi) Minute C26 – Homeless Families**

Councillor Menell said that she was appalled at the number of families in bed and breakfast and hoped that this situation would be addressed urgently. She said that the Housing Strategy Working Party needed to encourage Parish Councils to identify more affordable homes in the villages. Councillor Bayley said that the provision of affordable homes was encouraged within the Quality of Life Plan and a Homelessness Plan was being developed to address the homeless situation.

**C32 CHAIRMAN'S COMMUNICATIONS**

The Chairman reported that on Saturday 2 August there would be a Councillor Action Day in Bridge End Gardens between 10.00 am and 5.00 pm with a photo call at 11.00 am. On Saturday 9 August between 11.00 am and 8.00 pm there would be a Youth Event on Saffron Walden Common. Coaches would also be bringing in young people from Dunmow, Stansted and Thaxted. The Chairman said that on 3 and 4 September the BBC would be completing the filming of the Secret Gardens series and Councillors were invited to be present. He reported that the Essex Environment Trust had awarded a Certificate of Merit for the high standard of workmanship in the restoration of the summer house at Bridge End Gardens. The Chairman concluded that during September a reception would be held for the soldiers from 33 Engineer Regiment who would be returning from service in Iraq.

**C33 LEADER'S COMMUNICATIONS**

The Leader reported that the selection of a new Chief Executive would take place on 15 and 16 September 2003. The Interim Strategic Director, John Rice, was already in post and he thanked Members and Officers for the speedy work in making this appointment. He welcomed Brian Perkins in his new role as Acting Chief Executive.

The Leader referred to reports that the Home Office were looking closely at the Thremhall Priory site for an asylum centre and emphasised that the Council's policy was for a site within the Airport. He said that whilst BAA were claiming not to have land for this centre, it was currently advertising four hectares of land for commercial purposes. He said that activity on CPA was increasing and the issue had been raised at the Local Government Association Conference and he had met with other authorities who had gone through the CPA process. He said that the first Uttlesford CPA newsletter would be circulated before the end of the month.

He referred to the Deputy Prime Minister's proposals for "sustainable communities" and SERAS and the implications for this District. He said that these issues would be raised through the East of England Regional Assembly. He had also attended a meeting of the Essex Economic Partnership where it was agreed Braintree, Epping Forest, Harlow and Uttlesford should form a partnership to stand up for this part of Essex.

The Leader said that in order to assist the development of the vision for Uttlesford a strategic planning day would be held on Saturday 20 September at Hinxton Hall commencing at 9.00 am and finishing at 5.00 pm. Also, four public meetings would be held in September to assist the State of the District debate.

He said that the campaign against further runways at Stansted Airport was continuing undiminished and he had heard informally that the Stansted campaign had been commended as being the most professional, coherent and loudest. The focus would now be on Westminster politicians and would include BAA's monopoly, something that was criticised by the Parliamentary Transport Committee. He added that there would be a Horse Shoe Sponsored Ramble on 28 September organised jointly by SSE and the Council from Duton Hill to Mole Hill Green.

C34

## **MATTERS ARISING FROM COMMITTEES**

### **(i) Resources Committee – 28 June 2003 – Minute RE8 Financial Policy Review 2004/05**

Members considered the recommendation of the Resources Committee which aimed to give direction to the service priority and budget making processes for 2004/05.

RESOLVED that

- 1 the previous Council's working target of a District Council requirement of £7,253,960 continue to be used for budget projection purposes, subject to review under the process outlined under 3) below.
- 2 Officers continue to investigate capital payment opportunities into the Pension Fund for a report to Resources Committee on 18 September 2003 and, in the meantime, to consult with employees (through the LJC) and other Councils within the County to identify ways forward in resolving Pension Fund shortfalls, and to lobby Government to revise the operation of Local Government pension schemes.
- 3 Meetings be held between the Director of Resources, the Chair of Resources and the Leader of the Council with each of the other main committee chairs and relevant heads of service to examine service budgets by:

- (a) reviewing the list of priorities included in the Quality of Life Plan
  - (b) Prioritising all services by the end of August in order to facilitate the planning and budget processes for consideration by committees during the September cycle of meetings.
  - (c) Examine the opportunities identified by officers for reducing budgets by increasing income or from efficiencies within their control.
- 4 Detailed budget proposals be presented to the September cycle of meetings on the basis of the process outlined in recommendations 1-3.
- 5 A case be prepared to submit to the Government Review of Local Government Funding.

C35

### **CAPITAL STRATEGY**

It was reported that the Council was required to submit a Capital Strategy and an Asset Management Plan to the Regional Government Office for assessment by no later than 31 July 2003.

Single Capital Pot allocations which included the score assessments from the Capital Strategy and Asset Management Plan documents would be announced by the Regional Government Offices in December 2003. The production of both documents was a factor considered by external Audit in the CPA area for auditor judgement – “Financial Standing – Setting a Capital Programme”.

Councillor Copping emphasised the importance of risk management. Councillor A Dean said that Officers were setting up a new Risk Management Working Group and it had been agreed that two Members would join the Group.

RESOLVED that the Capital Strategy as submitted to the meeting be agreed.

C36

### **ASSET MANAGEMENT PLAN**

The Director of Resources referred to the Member Workshop which had been held on this issue, and the Capital Strategy, earlier in the month. He said that Asset Management Plans had to be submitted to the Regional Government Office by no later than 31 July 2003. Single Capital Pot allocations which included the score assessments from the Capital Strategy and Asset Management Plan documents would be announced by the Regional Government Offices in December 2003.

Members suggested a number of minor changes to the text and subject to these it was

RESOLVED that the Asset Management Plan as amended at the meeting be agreed.

**C37 APPOINTMENT OF REGISTRATION OFFICER / RETURNING OFFICER**

It was reported that Section 8 of the Representation of the Peoples Act 1983 required the Council to appoint one of its Officers to be Registration Officer for the Council. Also, Section 35 of the Act required the Council to appoint one of its Officers to be the Returning Officer for the purpose of local elections and parish elections within the District. The former Chief Executive was both Registration Officer and Returning Officer for the Council and it was considered appropriate for the Acting Chief Executive to act in these roles until such time as the new Chief Executive took up the appointment.

RESOLVED that the Acting Chief Executive be appointed as Registration Officer and Returning Officer for the Council pending the appointment of a new Chief Executive and the appointee taking up post.

**C38 DEVELOPMENT CONTROL AND LICENSING COMMITTEES – TERMS OF REFERENCE**

The Chairman declared a non-prejudicial interest in this matter and left the meeting for consideration of this item. The Vice-Chairman, Councillor Godwin, took the Chair.

It was reported that at the Annual Council Meeting on 20 May the Council had decided to form a separate Licensing Committee to deal with all licensing functions of the Council with effect from 10 September 2003, including, when the Licensing Bill becomes law, liquor and licensing.

In order to give effect to this decision it was necessary for there to be separate terms of reference for both the Development Control and Licensing Committees and to establish a delegation scheme for the Licensing Committee.

RESOLVED that

- 1 the Terms of Reference and delegation scheme for the Development Control Committee as set out in Appendix A to these Minutes be approved;
- 2 the Terms of Reference and delegation scheme for the Licensing Committee as set out at Appendix B to these Minutes be approved.

**C39 ESSEX PROCUREMENT AGENCY**

Councillor Ollier reported on the work of the Corporate Procurement Group. She said that in order to obtain the maximum benefits that flow from a

comprehensive procurement process the Essex Chief Executive's Group had supported a proposal to establish an Essex Procurement Agency. The agency offered a range of benefits and Councillor Ollier considered that the Council would make significant savings that would more than offset the cost of joining the Agency and would also become more efficient in such areas as waste minimisation.

The Agency would be based in Harlow and would be funded initially for three years. The cost of the Agency in year 1 would be £142,500, in year 2 £179,500 and in year 3 would be £201,500. These costs would be shared between 11 of the Essex District Authorities and other organisations. It was likely that, if the Authority joined the Agency the subscription costs would be £8,000 in year 1, £8,100 in year 2 and £8,200 in year 3. Councillor Schneider said that the Council's involvement with the Agency would be reviewed after the three years to ensure value for money was being obtained.

RESOLVED that

- 1 the Council becomes a member of the Essex Procurement Agency during the three years 2004/5 to 2006/7 inclusive.
- 2 the subscription fees for the three years membership be included in the budgets of the Authority for the relevant years.

C40

## **NOTICE OF MOTION**

Members considered the following Notice of Motion which had been proposed by Councillors A Dean and M A Gayler:

"Council considers that the Council Tax is an unfair and regressive tax that does not have regard to people's ability to pay. The continuing transfer of the tax burden from central taxation to local taxation is penalising the less well off and leading to resistance to the Council Tax system.

The Council supports the review of local taxation being carried out by the Office of the Deputy Prime Minister with the Local Government Association and calls for other systems such as local Income Tax to be considered as a fairer alternative to Council Tax.

Council resolves to make its views known to Government, the LGA and the local MP, and calls for interim measures by Central Government to alleviate stresses on this Council's budget that cannot reasonably be met through the Council Tax without creating unfair burdens on many local residents.

The Council confirms its commitment to review its own priorities and the effective use of its resources to modify pressures on Council Tax."

Councillor Dean said that since preparing the Notice of Motion a letter had been received from the Minister for Local and Regional Government inviting

comments by 30 September on a review of the balance of Local Government funding between central and local taxation.

Councillor Flack referred to the use of the word “priorities” within the Notice of Motion and said that many people were confused as to what were the priorities of the Liberal Democrat Group. Councillor Ketteridge said that the Notice was flawed as the Council Tax did take account of people’s ability to pay by making reductions for those on benefits and for single households. He suggested that the reference to local income tax should be deleted. He said that the Liberal Democrat Group had alleged that the previous administration had overcharged Council Tax payers and he asked by how much the Liberal Democrat Group would be reducing Council Tax in the forthcoming year. He said that many of the problems concerning the shortfall in local taxation were caused by Central Government and this had been the case over a number of years.

Councillor Copping said that many people in Uttlesford had been sensible and had saved and were therefore being penalised by not receiving any Council Tax relief. He said that the County Council’s proportion of Council Tax was far more significant and needed to be kept in check. He suggested that it would be apathetic not to support the Notice of Motion.

Councillor Gayler added that the current administration’s priorities were clearly set out and would be addressed and costed in the budget.

Councillor Flack said that she would use her best endeavours to keep the County Council’s portion of Council Tax to a minimum. Councillor Godwin also expressed concern at the inclusion in the Motion of the reference to local income tax and asked that this be deleted. Councillor Chambers agreed and said that he would support the Motion if these words were deleted. Accordingly, he moved and it was seconded that the Notice of Motion be amended by the deletion of the words “such as local income tax” from paragraph 2.

In response to a question from Councillor Gregory the Director of Resources confirmed that local income tax could be collected through PAYE and distributed to local authorities. Councillor Artus said that the issues of fairness and the underfunding of local government should not be confused.

The amendment was then put to the vote and was carried with 18 votes for and 14 against. The substantive Motion was then approved.

C41

## **COUNCILLOR OLLIER**

The Chairman congratulated Councillor Ollier on her forthcoming marriage on 9 August 2003.

The meeting ended at 9.10 pm.



## **APPENDIX A**

### **DEVELOPMENT CONTROL COMMITTEE**

#### **A Terms of Reference**

- 1 The Council's regulatory functions under the Town and Country Planning Act 1990, the Highways Act 1980 and related legislation.

#### **B Terms of Delegation to Committee**

- 1 The determination of planning applications, enforcement matters and other relevant matters.
- 2 All matters relating to the diversion, extinguishment and creation of public rights of way under the Town and Country Planning Act 1990 and the Highways Act 1980.
- 3 The grant of deemed planning consent for District Council proposals under the provisions of the Town and Country Planning General Regulations 1992, subject to any proposal in respect of which the Committee is minded not to pass the necessary resolution to grant deemed consent being referred to the Environment and Transport Committee for consideration and determination.
- 4 To decide on all other issues concerned with regulating the development and use of land as part of the town and country planning system.
- 5 Determine the confirmation of Tree Preservation Orders the subject of formal objections.
- 6 To deal with consultations on traffic management and related matters and goods vehicle operators licences.

#### **C Delegation to Chief Officers**

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

- 1 Decide whether:-
  - (a) applications are "county matters"
  - (b) planning permission is required for development, including Section 64 applications
  - (c) environmental impact assessment is required
  - (d) Listed Building Consent is necessary
  - (e) express consent to display advertisements is required.

- 2 Make comments on:-
  - (a) minor proposals submitted by government departments, Essex County Council and statutory undertakers
  - (b) minor proposals submitted for consultation by an adjoining planning authority
  - (c) consultations from the Forestry Commission
  - (d) consultations from Diocese of Chelmsford on proposals under the Pastoral Measures Act 1983
  
- 3 Determine whether prior approval is required for agricultural or telecommunications development.
  
- 4 Direct that an outline planning application shall not be considered without the submission of further details, pursuant to Article 7(2) of the Town and Country Planning (General Development Procedure) Order 1995.
  
- 5 Determine applications for:-
  - (a) minor developments (eg householder, changes of use,)
  - (b) conversion of an existing dwelling into 2 units
  - (c) minor alterations to previously approved plans and conditions
  - (d) vehicular and pedestrian access
  - (e) changes of use from A1 (shop) to A2 (financial and professional services) and of floors above shops in town centres from residential or vacant to A2 or B1 (offices)
  - (f) agricultural developments not involving the accommodation of livestock operations under intensive conditions
  - (g) removal of agricultural occupancy conditions where supported by ADAS and previously advertised for 6 months
  - (h) temporary caravan or mobile home for agricultural occupation
  - (i) overhead power lines
  - (j) advertisements
  - (k) renewal of permissions where the circumstances are the same, or very similar, to those pertaining at the previous grant of permission.
  - (l) Replacement dwellings within DLs
  - (m) Change of use within DLs
  - (n) Up to 2 dwellings within DLs in Parish Council areas and up to 5 dwellings within DLs for Town Council areas
  - (o) Refusal of dwellings outside DLs
  - (p) Refusals of residential barn conversions
  - (q) Appropriate commercial (usually within class B1) barn conversions
  - (r) Certificates of Lawful Use and Development
  - (s) Refusals for telecommunications developments
  - (t) Minor tourist related developments
  
- 6 Approve matters reserved by conditions, e.g. materials, landscaping schemes, etc (excepting details of new dwellings or other major buildings).
  
- 7 Make orders for the diversion, extinguishment and creation of public rights of way where there are no unresolved objections.
  
- 8 Issue revised decision notices for applications previously determined.

- 9 Determine:-
- (a) confirmation of Tree Preservation Orders where formal objections have been received
  - (b) application and notification to carry out works to trees subject to a Tree Preservation Order within a conservation area, other than those determined by Committee.
  - (c) Hedgerow Removal Notices.
- 10 Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
- 11
- (a) Determine applications and issue notices under the Building Act 1984, the Building Regulations as amended, and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.
  - (b) Deal with the operation of the Building (Local Authority Charges) Regulations 1998 and any amendments thereto, along with the Council's scheme for the recovery of charges for Building Regulations purposes.
- 12 Deal with the operation of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations.
- 13
- (a) Issue:-
    - (i) Requisitions for Information
    - (ii) Planning Contravention Notices
    - (iii) Notices of Entry, and
    - (iv) Building Preservation Notices
    - (v) Breach of Condition Notices

and take any necessary action arising therefrom
  - (b) Take enforcement action to secure compliance with conditions of all permissions approved by the Development Control Committee
  - (c) Specify time limits for compliance with an Enforcement Notice.
- 14 Institute legal proceedings for:-
- (a) failure to comply with any of the statutory notices covered in 13 above
  - (b) unauthorised display of advertisements
  - (c) breaches of the Building Act and Regulations
- 15 The issue and service of Article 4 Directions in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee
- 16 The issue and service of enforcement notices in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee

- 17 The necessary procedure for the service of injunctions in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee
- 18 The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences in conjunction with the Head of Legal Services and, if available, the Chairman or Vice Chairman of the Development Control Committee

- Notes:
- 1 The Head of Planning and Building Surveying may at his discretion refer applications to the Development Control Committee.
  - 2 The Weekly List will indicate which applications are to be decided by the Committee.
  - 3 Any Member may request that an application delegated to the Head of Planning and Building Surveying be considered by the Development Control Committee.

## **APPENDIX B**

### **LICENSING COMMITTEE**

#### **A Terms of Reference**

The functions of the Council in the control of services, persons, vehicles and premises requiring to be licensed or registered.

#### **B Terms of Delegation to Committee**

To be responsible for and exercise powers in respect of the licensing and registration of the following matters:-

- 1 Acupuncture, tattooing, ear-piercing and electrolysis.
- 2 Animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos.
- 3 Caravan sites.
- 4 Entertainment, including cinemas, private places of entertainment, public entertainments, indoor sporting events, and plays.
- 5 Food hawkers, street traders and late night refreshment houses.
- 6 Game and game dealers.
- 7 Houses in multiple occupation.
- 8 Dairies.
- 9 Sex establishments.
- 10 The Licensing Act 1964 and any amendments thereto or replacement thereof.
- 11 Hackney carriage and private hire drivers, vehicles and operators and all ancillary matters.
- 12 To have Liaison Meetings with the Uttlesford Taxi Drivers' Association and other appropriate associations and act thereon.

#### **C Delegation to Chief Officers**

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

- 1 Determination of applications for licences and for registration of premises, persons and vehicles; and the amendment or transfer of such licences.

- 2 Refusal, revocation or suspension of licences and registrations.
- 3 Issue of statutory notices and certificates.
- 4 Institution of legal proceedings for breaches of licences or statutory provisions.
- 5 Observations on applications made under the Licensing Act 1964.
- 6 The issue of statutory notices, registrations and certificates in respect of charitable collections and gaming.

