

COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 10 FEBRUARY 2004

Present:- Councillor M A Hibbs – Chairman
 Councillors E C Abrahams, K R Artus, H D Baker, C A Bayley, W F Bowker, C A Cant, R P Chambers, J F Cheetham, R 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, R M Lemon, J I Loughlin, A Marchant, J E Menell, D J Morson, J P Murphy, A R Row, S V Schneider, G Sell, E Tealby-Watson, A R Thawley, A M Wattebot and P A Wilcock.

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

C76 BRIAN HUGHES

The Chairman made a presentation to former Councillor Brian Hughes on the occasion of his 100th birthday.

C77 MEMBERS QUESTION AND ANSWER SESSION

Members recalled that the question and answer session had been introduced for a trial period covering three meetings of the Council.

Councillor Copping addressed a question to the Chairmen of Scrutiny Committees. He said that he had noted that over the past eight meetings the Scrutiny Committees had not invited any persons from outside of the Council to explain their work and asked whether the Chairmen regarded this as a failure. He also asked whether Scrutiny Committee 1 at its next meeting would investigate the recent problems with Uttlesford Primary Care Trust concerning the departure of its Chief Executive. Councillor Row, the Chairman of Scrutiny Committee 1 said that the Chairman of the PCT had been invited to meetings in November and January but neither he nor a colleague was able to attend. He had been invited to the meeting on 10 March and would report on the current situation. Councillor Flack, the Chairman of Scrutiny Committee 2, said that that Committee had not felt the need to invite external representatives to recent meetings but a full report had been made on internal audit which had raised a number of important points. Councillor Copping concluded that the loss of the Chief Executive could have implications for all the PCT's partners.

Councillor Cheetham asked if the Leader would ensure that all reports and minutes were circulated in good time for future meetings. The Leader said that he would be raising the matter with officers to see how the system could be improved.

Councillor Flack said that the post of Community Safety Officer had not been filled and said that some parishes had not yet adopted an emergency plan. She asked the Chairman of the Resources Committee if he could ensure that,

as an interim measure, a copy of an adopted emergency plan be circulated to those parishes to assist them. Councillor Gayler agreed to look into this matter.

Councillor Flack asked the Chairman of the Health and Housing Committee whether it was possible when Housing Act Sewage Treatment plants were replaced to look at providing the service only to Council tenants. Councillor Bayley, the Chairman of the Health and Housing Committee said that a full report on this issue would be submitted to the next meeting of the Committee.

Councillor Row asked the Chairman of the Community and Leisure Committee whether he considered that the removal of the £10,000 for Community Partnership Grants meant that the Council had reneged on its commitment to the voluntary sector. Councillor Morson, the Chairman of the Community and Leisure Committee, said that the Committee was asked to make a saving of £10,000 and options had been looked at. None of these were popular as the budget was already tight. The options were discussed with Members prior to the Community and Leisure Committee meetings and were discussed with partners. He said that the decision, whilst regrettable, was necessary and he hoped that it would not damage the relationship with the Council's partners.

Councillor Menell asked the Chairman of the Community and Leisure Committee whether he could confirm that the usage of the three leisure centres was in line with projections. Councillor Morson said that progress was in line with the targets and all three were performing extremely well. He said that performance levels were high and there would be exciting new measures introduced over the next few months.

C78

APOLOGIES

Apologies for absence were received Councillors P Boland, A J Ketteridge, V J T Lelliot, V Pedder, M J Savage and F E Silver.

C79

DECLARATIONS OF INTEREST

Councillors K R Artus, C A Bayley, W F Bowker, C A Cant, D Corke, A Dean, C M Dean, C D Down, S Flack, E J Godwin, R T Harris, B M Hughes, J I Loughlin, A Marchant, J E Menell, D J Morson, J P Murphy, A R Thawley and P A Wilcock declared interests as members of SSE and drew attention to the dispensation from the Standards Committee.

Councillor J F Cheetham made the following declaration:

"I wish to declare a personal and prejudicial interest as a member of SSE but I hold a dispensation from the Standards Committee permitting me to speak and vote."

Councillor R P Chambers declared an interest as Chairman of the Essex Police Authority. Councillor Menell declared interest as a non-executive director of Uttlesford Primary Care Trust and a member of the Buffy Bus

Association and Hearing Help. Councillor Gregory declared an interest as a driver for Airport Carz. Councillor Tealby-Watson declared an interest as a trustee director of Homestart Uttlesford, Councillor Corke as a share holder in BAA and Councillor Cheetham as a member of the Regional Tourism Council.

C80

REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

Mr Martyn Fiddler, the Chairman of the Panel, attended the meeting and presented the Panel's report. He explained that the Panel had submitted its initial report to the Council meeting on 16 December 2003. All the recommendations had been approved but the Panel had been asked to consider the issue of Members' travelling rates and report back to the Council at this meeting. The Panel had also considered the following motion which had been approved by the Council on 16 December:

"That the maximum car mileage rate for Members is capped at 40p per mile and thereafter at a rate no greater than the Inland Revenue approved rate. Members would no longer be entitled to the restricted rate, but claims for travel by public transport (second class) would continue to be paid in full."

Mr Fiddler then put forward his recommendations on travelling rates and said that the Panel would continue to monitor the Inland Revenue AMR. With regard to the additional passenger allowance, Members would need to check with their insurers to ensure that this did not infringe the terms of their policies. In relation to subsistence payments he said that it was recommended that Councillors move to a system of reimbursement of actual expenses supported by appropriate receipts.

Councillor Flack thanked the Panel for taking on board the notice of motion and asked the Chairman of Resources to ensure that the other issues were considered by his committee. Councillor A Dean thanked the Panel for the work which had been carried out.

RESOLVED that

- 1 The following current Inland Revenue approved mileage rates (AMR) be payable to Members on Council business as from 1 February 2004:

	Rate per mile
Cars & Vans (applicable to all engine sizes)	40p (up to 10,000 miles p/a)
Each passenger making same business trip	5p
Motorcycles	24p
Pedal cycles	20p
- 2 The Panel to continue to monitor the Inland Revenue AMR.
- 3 Reasonable car parking charges supported by receipts to be reimbursed.

- 4 Reimbursement of public transport fares (second class) supported by appropriate receipts.
- 5 Reimbursement of reasonable actual expenditure supported by receipts covering breakfast, lunch, tea and evening meal where appropriate when on Council business as from 1 April 2004.
- 6 Payment of £21 for each complete 24 hours where an overnight stay is required to cover out of pocket expenses.
- 7 Where overnight accommodation is required, reimbursement of the actual costs of hotel accommodation and/or evening meals, subject to the amounts being reasonable and supported by receipts.

C81

AUDIT AND INSPECTION LETTER 2002/03

The Chairman welcomed to the meeting Mr S Cookson, the Relationship Manager and District Auditor.

Mr Cookson said that the joint Audit and Inspection Annual Letter for Members summarised the conclusions and significant issues arising from the 2002/03 audit and inspection programme and commented on other current issues.

He referred to the key messages contained in the letter and said that he had now issued a full unqualified opinion on the Council's accounts.

He said that the arrangements for monitoring the financial position of the Council were adequate but budgetary control arrangements at officer level needed to be re-established. Council Tax and non domestic arrears levels remained low despite a small increase in the amount of Council Tax arrears. The level of rent arrears remained low both in real terms and compared to other district councils.

In relation to financial control he said that he was satisfied that an adequate and effective internal audit service had been maintained by the Council during 2002/03. He added that many satisfactory procedures were in place to limit, prevent and detect fraud and corruption and ensure standards of financial conduct were sound.

Mr Cookson expressed appreciation of the assistance he had received from Members and Officers during the course of the audit work.

The Leader thanked Mr Cookson for his report and said that it was gratifying that no serious problems had been identified. In answer to a question from Councillor Flack the Director of Resources confirmed that a timetable was being developed to review the Council's policies and strategies. Councillor Chambers asked that the District Auditor keep a careful eye on the impact of the restructuring which was being proposed later in the agenda. The Chairman said that it was a good report and thanked the Director of Resources and his staff for all their hard work.

C82

MINUTES

The Minutes of the meeting held on 16 December 2003 and the extraordinary meeting held on 26 January 2004 were received, confirmed and signed by the Chairman as correct records subject to the substitution of the word “best” for the word “only” in the second paragraph of Minute C60(iii).

C83

BUSINESS ARISING

(i) Minute C53 - Report of the Independent Remuneration Panel on Members Allowances

Officers agreed to get back to Councillor Mrs Tealby-Watson concerning a question about the carers' allowance.

(ii) Minute C61 – Quality of Life Corporate Plan

Councillor Row asked the Leader how, in preparing the Quality of Life Corporate Plan, he had balanced the need to keep Council Tax down with his desire to push forward his “pet” projects. The Leader said that they were not his “pet” projects but had come from the community. The cinema, if progressed, would be open to people of all ages and the Council newspaper had included features of interest to the elderly.

(iii) Minute C56 – White Paper: Future Development of Air Transport and Stansted Airport

Councillor Flack asked whether there were any Members who had not been at the extraordinary meeting on 26 January 2004 who needed to make a declaration concerning SSE.

At this point Councillor Row made the following declaration:

“I wish to declare a personal and prejudicial interest as a member of SSE but I hold a dispensation from the Standards Committee permitting me to speak and vote.”

The Leader said that since the last meeting he had written to the Secretary of State expressing the Council's disappointment that he had not accepted the invitation to visit the area to see the adverse impact of a second runway at Stansted. A reply had been received from Mr McNaulty stating that the Secretary of State had been unable to attend but Mr McNaulty would be willing to meet with Councillors at a future date and this would be discussed further.

In response to a question from Councillor Gregory the Leader updated Members on the meeting with representatives of Essex and Hertfordshire County Councils and East Herts District Council.

C84

CHAIRMAN'S COMMUNICATIONS

The Chairman reported that following discussion with the Leader he had written to Essex County Council requesting clarification of the position on the salting of pavements during periods of inclement weather.

C85 LEADER'S COMMUNICATIONS

The Leader referred to the intervention of Lord Rooker in the work of the Regional Assembly concerning proposals for housing along the M11 corridor. He said that it was important that Members were kept advised of progress and said that a workshop would be held later in the year.

In relation to the Quality of Life Corporate Plan he said that Members of his group were being identified as champions to promote some of the actions contained in the plan. He hoped that the other groups would join in this work and asked that if they were interested they contact the Chief Executive.

The Chairman said that together with the Chief Executive he had met with the Chairman of the Primary Care Trust to discuss the current situation and understood that the vacancy for the Chief Executive's post would be advertised shortly.

The Leader said that he and Councillor Wilcock had attended three modules of the IDeA Leadership Academy. He recommended this initiative to other Members and said that it had been particularly helpful in showing how scrutiny could be made more worthwhile.

C86 MATTERS ARISING FROM COMMITTEES

Members considered Minute RE92 of the Extraordinary Meeting of the Resources Committee held on 3 February 2004 and

RESOLVED that the Prudential Code indicators as outlined in the report to that Committee be approved.

C87 UTTLESFORD DISTRICT COUNCIL REVENUE BUDGET 2004/05 – REVIEW OF THE BUDGET AND THE LEVEL OF RESERVES AND BALANCES

In accordance with Section 25 of the Local Government Act 2003 the Director of Resources reported on the robustness of the Council's estimates included within the budget and the adequacy of the reserves and balances.

He said that the main conclusion was that, in the light of the information provided during the budget process, it was his opinion that there was sufficient capacity in the proposed overall budget to cope with the financial risks the Council faced in 2004/05. The report also set out the Director of Resource's advice for managing the financial risks in the budget for 2004/05.

Councillor Copping thanked the Director of Resources for his report which was clear and concise and one of the best which he had read.

Councillor Sell asked what initiatives were open to Officers to come forward with ideas for budget savings. The Chief Executive said that he would be looking at a scheme which could reward Officers for such suggestions.

In response to a question from Councillor Flack the Director of Resources said that at the last meeting of the Resources Committee it had been clarified that the deficit on the pension fund was nearly £10m. At that meeting consideration had also been given to a report on increasing the number of lettings at Golds Nurseries but the budget had been prudent in estimating potential income from these. Councillor Cheetham asked that a further report on Golds Nurseries be submitted to the next meeting of the Environment and Transport Committee and Officers undertook to submit this.

C88

DISTRICT COUNCIL REQUIREMENT AND COUNCIL TAX 2004/05

Members considered a detailed report setting out the statutory information necessary to determine the District Council budget requirement and the 2004/05 Council Tax. It was noted that due to other precepting authorities decisions to consider their budget and precept after this meeting, it would not be possible for Members to approve the recommendations that aggregate the County Council, Essex Police Authority and Essex Fire Authorities Precepts and therefore confirm the overall Council Tax for collection purposes.

Councillor Gayler, the Chairman of the Resources Committee, then presented the budget. He said that it was a good value budget for residents of Uttlesford. It addressed the issues of the pension fund deficit and lower Government funding in net expenditure of over £0.5m. He said that it was important to maintain reserves and for that reason a budget of £50,000 had been kept for opposing further runways at Stansted Airport. He said that the increase of 7.5% equated to 16p per week on a Band D property and the County Council's increase would equate to £3.36. He said that projections showed lower increases in the budget over the next two years. He concluded that Uttlesford continued to be the lowest Council Tax in Essex and at the same time provided quality services which were customer focused, provided more support to local business and enabled recycling to expand and for the Council to provide more services for younger people.

Councillor Flack said that, if the increase in car park charges previously recommended had been agreed, the increase in Council Tax could have been reduced by 4%. Councillor Chambers said that the previous administration had projected a 7.5% increase for 2004/05. He noted that £300,000 had been put towards the deficit on the pensions fund and a further £300,000 towards a budget heading called District Character. He said that the Council must prevent any further runways at Stansted or urbanisation would ruin the character of this District. He said that the £300,000 was needed to fight proposals for more runways at Stansted. He said that the Government had provided a sum of £27,000 to help keep Council Tax increases to a minimum. However, this had been included within the budget for opposing runways at Stansted Airport.

He then moved an amendment that the proposed increase in Council Tax be reduced to 6.6%. Councillor Gayler said that if the £27,000 was deleted from the budget it would have to be met from reserves. The Leader added that the Government Grant did not provide enough even for the Council to keep up with inflation. Councillor Chambers agreed that the Government had not given sufficient to the Council but felt that the £27,000 should go back to Council Tax payers.

Councillor Copping said that he would abstain from voting. He said that Members should strive for lower increases in Council Tax, both at District and County level. Councillor Cant said that some councils had made attempts to reduce the Council Tax burden on those on fixed incomes but had been stopped by Government rules. She said that the Government should be urged to look at ways of assisting pensioners and others on fixed incomes. The amendment was then put to the vote and was lost with 10 votes for and 23 against.

Councillor Sell said that he supported the budget and said that it was important that the Council now had a vision to work towards in the Quality of Life Plan. The motion was then put to the vote and was carried with 23 votes for and 11 against.

RESOLVED that

- 1 Final approval be given to the contributions to and use of earmarked reserves in 2003/04 and 2004/05 contained in Appendix 2 and the creation of two new reserves from the financial management reserve.
- 2 Final approval be given to the General Fund Revenue Revised Estimates 2003/04 and the General Fund Revenue Estimates 2004/05 as detailed in the revised Appendix 1.
- 3 Final approval be given to a Council Tax increase of 7.479% for 2004/05 based on a revised District Council requirement of £7,072,956.
- 4 Group Leaders or their nominees be authorised to confirm the overall Council Tax figures for collection purposes on 17 February 2004 following Essex County Council's decision making meeting on the same day.
- 5 It be noted under the provisions of Section 84 of the Local Government Act 2003 the Council at its meeting on 16 December 2003 resolved that the Council Tax Base should in future be formally adopted by the Chairman of the Resources Committee in conjunction with the Council's S151 Officer. Accordingly the Council has calculated the following amounts for the year 2004/05 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - (a) £30,414 being the amount calculated by the Council in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as its Council Tax base for the year.
 - (b) **Table 1** (Tax Base for each part of the Council's area) being the amounts calculated by the Council in accordance with regulation 6 of the Regulation, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.
- 6 The following amounts be now calculated by the Council for the year

2004/05 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-

- (a) £34,466.429 being the aggregate of the amount which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.
- (b) £26,113,532 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
- (c) £8,352,897 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its budget requirement for the year.
- (d) £3,497,928 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant
- (e) £22,065 being the aggregate of £22,065 which the Council estimates as Council Tax surplus will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Act 1988, and £nil being the sum which the Council estimates as Community Charge surplus will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charges) directions under Section 94(4) of the Local Government Act 1988 made on 15 February 2000.
- (f) £158.90 being the amount at 2(c) above, less the amount at 2(d) and 2(e) above, divided by 1(a) above, calculated by the Council in accordance with Section 33(1) of the Act as the basic amount of its Council Tax for the year.
- (g) £1,279,941 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (h) £116.82 being the amount at 2(f) above, less the result given by dividing the amount at 2(g) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act as the basic amount of its Council Tax for the year for which dwellings in those parts of its area to which no special item relates.
- (i) **Table 2** (Band D charge for Parish and District combined), being the amounts given by adding to the amount at 2(g) above, the amounts of the special item or items

relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in parts of its area to which one or more special items relate.

Tax Base for each part of the Council's area

Table 1

<u>Parish</u>	<u>Tax Base</u>	<u>Parish</u>	<u>Tax Base</u>
Arkesden	189.1	Leaden Roding	250.6
Ashdon	345.4	Lindsell	109.2
Aythorpe Roding	104.9	Littlebury	398.8
Barnston	379.6	Little Bardfield	125.3
Berden	211.2	Little Canfield	143.7
Birchanger	354.5	Little Chesterford	102.5
Broxted	231.1	Little Dunmow	467.3
Chickney	24.1	Little Easton	216.5
Chrishall	240.4	Little Hallingbury	700.7
Clavering	567.6	Manuden	295.0
Debden	370.3	Margaret Roding	78.2
Elmdon and Wenden Lofts	291.1	Newport	895.3
Elsenham	933.7	Quendon & Rickling	249.2
Farnham	190.6	Radwinter	246.9
Felsted	1215.4	Saffron Walden Town	5737.4
Great Canfield	191.1	The Sampfords	369.6
Great Chesterford	613.6	Sewards End	207.2
Great Dunmow Town	3083.5	Stansted	2333.0
Great Easton	385.6	Stebbing	628.9
Great Hallingbury	344.0	Strethall	15.0
Hadstock	154.7	Takeley	1016.1
Hatfield Broad Oak	559.0	Thaxted	1140.2
Hatfield Heath	820.3	Tilty	49.7
Hempstead	210.3	Ugley	197.8
Henham	549.3	Wendens Ambo	193.3
High Easter	326.3	White Roding	171.5
High Roding	196.9	Wicken Bonhunt	103.8
Langley	170.3	Widdington	243.4
		Wimbish	484.0
		Total	30,414.0

Band D Charge for Parish and District combined

Table 2

<u>Parish</u>	<u>Band D Parish</u>	<u>Band D District</u>	<u>Band D Combined</u>	<u>Parish</u>	<u>Band D Parish</u>	<u>Band D District</u>	<u>Band D Combined</u>
	£	£	£		£	£	£
Arkesden	31.73	116.82	148.55	Leaden Roding	15.96	116.82	132.78
Ashdon	41.49	116.82	158.31	Lindsell	0.00	116.82	116.82
Aythorpe Roding	17.16	116.82	133.98	Littlebury	28.08	116.82	144.90
Barnston	36.88	116.82	153.70	Little Bardfield	19.95	116.82	136.77
Berden	28.41	116.82	145.23	Little Canfield	19.14	116.82	135.96
Birchanger	32.17	116.82	148.99	Little Chesterfield	18.05	116.82	134.87
Broxted	23.80	116.82	140.62	Little Dunmow	23.54	116.82	140
Chickney	0.00	116.82	116.82	Little Easton	32.33	116.82	149.15
Chrishall	49.92	116.82	166.74	Little Hallingbury	25.69	116.82	142.51
Clavering	12.33	116.82	129.15	Manuden	50.85	116.82	167.67
Debden	16.20	116.82	133.02	Margaret Roding	26.21	116.82	143.03
Elmdon & Wenden Lofts	20.61	116.82	137.43	Newport	48.74	116.82	165.56
Elsenham	24.10	116.82	140.92	Quendon & Rickling	24.08	116.82	140.90
Farnham	17.73	116.82	134.55	Radwinter	30.38	116.82	147.20
Felsted	28.80	116.82	145.62	Saffron Walden Town	67.52	116.82	184.34
Great Canfield	21.98	116.82	138.80	The Sampfords	24.35	116.82	141.17
Great Chesterford	44.00	116.82	160.82	Sewards End	53.47	116.82	170.29
Great Dunmow Town	65.90	116.82	182.72	Stansted	46.29	116.82	163.11
Great Easton	31.12	116.82	147.94	Stebbing	39.64	116.82	156.46
Great Hallingbury	25.45	116.82	142.27	Strethall	0.00	116.82	116.82
Hadstock	28.35	116.82	145.17	Takeley	39.37	116.82	156.19
Hatfield Broad Oak	27.73	116.82	144.55	Thaxted	46.48	116.82	163.30
Hatfield Heath	22.37	116.82	139.19	Tilty	0.00	116.82	116.82
Hempstead	32.45	116.82	149.27	Ugley	27.81	116.82	144.63
Henham	29.13	116.82	145.95	Wendens Ambo	38.80	116.82	155.62
High Easter	15.32	116.82	132.14	White Roding	11.66	116.82	128.48
High Roding	30.47	116.82	147.29	Wicken Bonhunt	0.00	116.82	116.82
Langley	23.49	116.82	140.31	Widdington	25.27	116.82	142.09
				Wimbish	22.73	116.82	139.55

C89 CAPITAL PROGRAMME 2004/05 – 2005/06

Members received the recommendations of the Extraordinary Meeting of the Resources Committee held on 3 February 2004 concerning the Revised Capital Programme for 2003/04 and the programme for 2004/05.

RESOLVED that

- 1 The Capital Programme as presented to the Extraordinary Meeting of the Resources Committee held on 3 February 2004 be approved,
- 2 The three projects, cycle track, linking green lanes and cinema provision at Council Offices be included on the basis that their progression is subject to a further report on feasibility to the May meeting of the Resources Committee, and
- 3 The Year End DSO Working Balance be transferred to the vehicle depreciation reserve.

C90 HOUSING REVENUE ACCOUNT ESTIMATES AND RENT SETTING 2004/05

Members considered the recommendations of the Extraordinary Meeting of the Health and Housing Committee held on 2 February 2004.

Councillor Cheetham asked for details of the number of garages with asbestos roofs and Officers agreed to provide this information to her after the meeting.

RESOLVED that the recommendations contained in Minute HH53 of the Extraordinary Meeting of the Health and Housing Committee held on 2 February 2004 be approved.

C91 APPOINTMENT OF PARISH COUNCILLORS AT SEWARDS END

Members considered a detailed report setting out the arrangements that were required to appoint parish councillors to take office when the new parish council at Swards End came into operation on 1 April 2004. Members also considered the recommendations of the Resources Committee as contained in Minute RE79.

It was noted that although the Uttlesford (Parishes) Order 2003 directed the Council to establish a parish council from 1 April 2004, there was presently no lawful provision to hold an election as the Electoral Commission was unable to make the necessary order implementing an electoral scheme in the parish. The only available solution was for the Council to use its powers under the

Representation of the People Act 1983 to appoint parish councillors until such time as an election could take place.

RESOLVED that

- 1 Delegated authority be granted to the Resources Committee to appoint parish councillors:-
 - (a) pursuant to S.39(4) Representation of the People Act 1983 in the event that a parish council is unable to operate because an election of parish councillors is not held or is defective for any other reason; or
 - (b) pursuant to S91 Local Government Act 1972 where there are so many vacancies in the office of parish councillor that the parish council is unable to act;

- 2 In view of the timescale involved in this case, authority be given to the Chief Executive to appoint five parish councillors to serve on Swards End Parish Council effective from 1 April 2004 until 31 March 2005, or until such time as an election of parish councillors can be held, whichever is the earlier.

C92

ORGANISATIONAL RESTRUCTURE

Following the decision in principle of Council on 16 December 2003 to restructure the Senior Management Structure, the Chief Executive presented a report outlining a proposed new structure and the necessary key steps towards implementation by 1 June 2004.

The Chief Executive emphasised that this was an initial structure that would evolve over time as the Council became more customer focused and worked in a more dynamic and creative way. He said that the staff were up for the challenge. He drew attention to the change of title and emphasis from the Business Development Manager to the Strategy and Performance Manager. He said that the proposed management structure would allow the Council to increase its capacity to create a more focused organisation and enable managers to concentrate on corporate challenges.

The Leader proposed that the new management structure be approved and said that it would help the Council deliver what it needed to do and he was confident that the authority would move forward. Councillor Wilcock added that he was pleased with the emphasis on customer focus and the empowerment of staff.

In response to a question from Councillor Flack the Chief Executive said that the day to day management of the Council Offices would be the responsibility of stewarding and the repair and maintenance would come under housing.

Councillor Chambers said that he was concerned at the level of consultation with staff and urged the Chief Executive to discuss the proposals with staff at all levels. He also expressed concern at the deletion of the post of Director of

Resources and said that there needed to be overall control of finances. The Leader said that whilst it had been decided in December to remove the director level from the structure the responsibilities would be carried out elsewhere.

Councillor Godwin said that she was pleased that the new Chief Executive had taken ownership of the document. However, she felt that it was necessary to appoint an officer to deputise when the Chief Executive was absent. The Chief Executive said that this had not been specified in the document but he would address this matter once he had fully assessed the strengths of senior managers. Councillor Cheetham agreed that there needed to be a named acting deputy. She also referred to tourism being transferred to economic development and asked for clarification of the timetable for this. The Chief Executive said that this would be addressed between now and the June implementation date. Councillor Cheetham also said that she hoped that the revised statement of the Council's budget would be easier to follow.

Councillor Sell referred to the staff development programme and suggested that the Council could link up with a university to help develop a management programme. The Chief Executive said that he would look at this suggestion.

RESOLVED that

- 1 The proposed new management structure be agreed.
- 2 The Chief Executive be authorised to take all necessary steps to implement the structure as agreed subject to :
 - progress reports to Council and/or Resources Committee
 - consultation as appropriate with Group Leaders
 - any significant variation from the outline to be agreed by Council in advance of implementation.
- 3 It be noted that whilst the restructuring of services within the Council would require a consequential rearrangement of budget, the overall resources requirement and the purposes for which resources had been agreed would not change.
- 4 Subject to the above the Chief Executive and the Section 151 Officer be jointly authorised to prepare a revised statement of the Council budget.

C93

COMMITTEE TIMETABLE 2004/05

Members received a draft timetable of meetings for 2004/05. Details of meetings of the Stansted Airport Advisory Panel and Member workshops would be included once these had been arranged.

RESOLVED that the Committee timetable 2004/05, as amended at the meeting, be approved. Page 15

C94 EXCLUSION OF THE PUBLIC

Councillor Row thanked the press and public for attending the meeting and hoped to see them again at future meetings.

Councillor Copping said that he was uncomfortable at going into Part II for the next item of business. He said that he understood that there could well be legitimate reasons for going into Part II but the Council had previously agreed to keep the public informed. He said that Members were acting on behalf of the public and the public would want to know what were the chances of success of a legal challenge and the costs involved in any legal challenge to a further runway at Stansted. Councillor Cheetham said that whilst she had sympathy with what Councillor Copping had said it was preferable to discuss the legal opinion in Part II. However, she suggested that a press release be issued giving as full a statement as possible. Councillor Clarke said that he agreed with the views of Councillor Copping.

The Head of Legal Services explained that it was Officers' advice to consider the strengths and weaknesses of Counsel's opinion in Part II as it would not be prudent to reveal any weaknesses to the opposition. It was then

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it included the likely disclosure of Exempt Information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

C95 WHITE PAPER: FUTURE DEVELOPMENT OF AIR TRANSPORT AND STANSTED AIRPORT – LEGAL ACTION

The Director of Community Services presented a report providing Members with an update on developments since the Extraordinary Meeting of the Council on 26 January 2004. The report was intended to help inform a decision as to whether or not the Government's White Paper should be challenged in the High Court by seeking a judicial review. He said that there was no new information on potential costs.

It was then moved by Councillor Cheetham and seconded by Councillor Godwin that :

- 1 The Council continue to pursue an application for judicial review of the Government White Paper: The Future of Air Transport jointly with Essex County Council, Hertfordshire County Council and East Herts District Council.
- 2 Should the Government fail to respond to the letter prior to action within the time specified for a reply or if the Government does respond and there is no significant change in the legal advice received or other circumstances the decision to proceed with an application for judicial review be delegated to the Chief Executive in consultation with Group Leaders subject to paragraph 3 below.

- 3 Should there be any significant change in the legal advice received or other circumstances any decision to proceed with the action shall be reserved to Full Council and if need be a special meeting be called by the Chief Executive to enable the Council to take such decision.
- 4 A press release be issued explaining the Council's decision.

Councillor Murphy then moved the following amendment which was seconded by Councillor Loughlin:

- 1 The Council continue to pursue an application for judicial review of the Government White Paper: The Future of Air Transport jointly with Essex County Council, Hertfordshire County Council and East Herts District Council.
- 2 Any decision to proceed with the action shall be reserved to Full Council and if need be a special meeting be called by the Chief Executive to enable the Council to take such decision.

Following discussion the amendment was lost and it was

RESOLVED that

- 1 The Council continue to pursue an application for judicial review of the Government White Paper: The Future of Air Transport jointly with Essex County Council, Hertfordshire County Council and East Herts District Council.
- 2 Should the Government fail to respond to the letter prior to action within the time specified for a reply or if the Government does respond and there is no significant change in the legal advice received or other circumstances the decision to proceed with an application for judicial review be delegated to the Chief Executive in consultation with Group Leaders subject to paragraph 3 below.
- 3 Should there be any significant change in the legal advice received or other circumstances any decision to proceed with the action shall be reserved to Full Council and if need be a special meeting be called by the Chief Executive to enable the Council to take such decision.
- 4 A press release be issued explaining the Council's decision.

The meeting ended at 10.40 pm.