

COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 19 OCTOBER 2004

Present:- Councillor E J Godwin – Chairman.
Councillors K R Artus, H D Baker, C A Bayley, P Boland, C A Cant, R P Chambers, J F Cheetham, K J Clarke, A Dean, C M Dean, C D Down, S Flack, M L Foley, M A Gayler, D W Gregory, R T Harris, M A Hibbs, E W Hicks, B M Hughes, S C Jones, A J Ketteridge, V J T Lelliott, J I Loughlin, A Marchant, J E Menell, D J Morson, J P Murphy, V Pedder, M J Savage, S V Schneider, F E Silver, E Tealby-Watson, A R Thawley, A M Wattebot and P A Wilcock.

Officers in attendance:- A Bovaird, J Mitchell, P O'Dell, I Orton, M J Perry and M T Purkiss.

C35

MEMBERS' QUESTION AND ANSWER SESSION

Councillor Murphy said that during construction works, a fence had been erected in Woodlands Walk, Great Dunmow. Houses were now occupied on either side of the fence and he asked what action could be taken to remove the fence as it was no longer required. The Executive Manager – Development Services said that officers had been attempting to resolve the situation amicably, but this had not been successful. Enforcement action would be sought if necessary.

Councillor Murphy also asked the Chief Executive if he had had a hand in drafting the amended resolution on the Museum Resource Centre which had been considered at the last meeting of the Resources Committee. He also asked whether the Chief Executive had consulted the Museum Curator on this. The Chief Executive said that he had assisted and given advice in the preparation of the amendment and had not consulted the Curator as this was not relevant.

Councillor Cheetham said that some time ago the Conservative Group had put names forward to assist in the involvement with the Quality of Life Plan. However, no contact had been made and she asked what was currently happening with this. The Chief Executive said that the intention was that lead officers and Members would liaise and contact the Members whose names had been put forward. He apologised that no contact had been made, but added that the Plan was currently under review. Councillor Wilcock said that the draft Plan should be available in November and he would pursue these issues personally.

Councillor Chambers asked who had approved the revised layout to the Council Chamber and asked the Leader if changes were to be made that other Members should be advised. The Leader replied that officers were experimenting with the layout to try to achieve a layout which provided the best facilities for Members and he said that officers would be pleased to receive any other suggestions from Councillors.

Councillor Chambers also referred to the decision of the Resources Committee which would not allow the Community and Leisure Committee to investigate the viability of a Museum Resource Centre and did not provide a capital investment for this. The Leader said that the decision would enable all options to be looked at and he considered this to be the right way forward.

Councillor Flack referred to the recent successful licensing workshop and asked if handouts would be made available. She also asked Members to speak clearly as the acoustics in the Chamber were unsatisfactory. The Executive Manager – Corporate Governance confirmed that handouts would be made available and would be placed on the website.

Councillor Ketteridge expressed his concern that the Constitution Task Group were still looking at cabinet style structures. He also asked the Task Group to look at a return to committee Chairmen presenting their Minutes at Council meetings so that all members had an opportunity to raise issues. Councillor Wilcock, the Chairman of the Constitution Task Group, said that the Group had already ruled out a cabinet system, but was visiting a number of other authorities, including one with a cabinet system, to look at best practice. He added that the role of Council would be examined at the next meeting and the Task Group had already agreed that it was vital that all Members played a full and active part in the decision making process. Councillor Ketteridge also asked the Chief Executive for figures on staff turnover and an update on management costs. The Chief Executive said that work was currently being undertaken on these issues and details would be circulated to Members. Councillor Menell expressed her thanks for the notes of the Member/Officer workshop on 9 October 2004. She felt that the next workshop needed to be of shorter duration. She also asked that consideration be given to providing an induction loop at the Council Chamber in the Dunmow Offices.

Councillor Hicks said that earlier in the year, he had been asked to join a working group looking at the Dunmow Offices and whilst he had attended a meeting in March, he had heard nothing further and asked for details of the current position. Councillor Gayler confirmed that a meeting had been held on 18 May and consideration had been given to the consultant's findings. A further meeting would be held in the near future. The Chief Executive agreed to investigate why Councillor Hicks had not been informed of the later meeting.

Councillor Loughlin understood that alternatives to the current Council logo were being looked at and asked if these could be put on an e-mail and sent to all Councillors. Councillor Menell added that the current logo was delightful and she could see no reason to change it. The Leader said that, at this stage, a number of ideas were being looked at but no decision would be made without consulting other Councillors. He said that it was not possible to convert the artwork to an e-mail, but if Members contacted James Sadler he could arrange for them to see some of the suggested designs provided.

Councillor Savage referred to a recent incident at Swards End, where land had been sold and divided into separate recreational plots for sale. He thanked the Development Control Committee and the Executive Managers for Development Services and Corporate Governance for taking prompt action and suggested that the lessons learnt from this exercise be shared with other

parish and town councils. Councillor Cant asked that a briefing note be prepared and circulated to town and parish councils.

C36 APOLOGIES

Apologies for absence were received from Councillors E C Abrahams, W F Bowker, D Corke, R F Freeman, R M Lemon, A R Row and G Sell.

C37 DECLARATIONS OF INTEREST

The following Councillors declared interest as members of SSE:

Councillors Artus, Bayley, Cant, Cheetham, A Dean, C Dean, Down, Flack, Foley, Godwin, Harris, Hughes, Ketteridge, Marchant, Menell, Morson, Murphy, Pedder, Savage, Thawley and Wilcock.

Councillor Chambers declared an interest as Chairman of the Essex Police Authority.

Councillor A Dean declared an interest as a member of the East of England Regional Assembly.

Councillor Menell declared an interest as a non-executive director of the Uttlesford Primary Care Trust.

C38 MINUTES

The Minutes of the meeting held on 20 July 2004 were approved as a correct record and signed by the Chairman.

C39 BUSINESS ARISING

(i) Minute C21 – Members Question and Answer Session

Councillor Hibbs referred to the value of the question and answer session and asked that Members should avoid lengthy speeches so that more Members had an opportunity to make use of this facility.

Councillor Ketteridge referred to the reference in this Minute to the Quality of Life Plan and asked for clarification of its status. Councillor Wilcock said that it was a live document until such time as the Council adopted the new Corporate Plan which he hoped would be in February 2005.

(ii) Minute C25 – Business Arising – U2004

Councillor Morson thanked Darren Connew and Councillors Gayler and Murphy for their work in organising the excellent U2004 event on 7 August 2004.

(iii) Minute C32 – Stansted Airport

In answer to a question from the Leader, the Executive Manager – Corporate Governance, confirmed that the hearing into the legal challenge to the Government White Paper on the Future of Aviation was due to start on 13 December 2004.

C40

CHAIRMAN'S COMMUNICATIONS

On behalf of all Members and officers the Chairman extended her very best wishes to Councillor Bowker, who was absent due to illness. She said that there was no intention to replace him as Vice-Chairman during this period and that would be a decision for Councillor Bowker to make in due course. However, from a civic point of view, the Council was vulnerable and she had asked a team of senior Councillors to cover for her Vice-Chairman when she was not available. She also thanked Councillor Bayley for providing information on Councillor Bowker's progress.

The Chairman said that a total of £4,826.46 had so far been raised towards her charity, Crossroads and she thanked everyone who had been involved. Further events were planned, including the Carol Service at Stansted Church on 15 December, a Christmas raffle, a Quiz night with a Mexican theme in January and a Jazz evening in March 2005. She said that the Council's former Chairman, Ron Dean, had supplied 50 copies of his new volume of poems and the money raised from the sale of these would go towards the charity.

The Chairman referred to the Council's involvement with the Z-Bikes scheme which provided mopeds on loan to 16 – 19 year olds to get to school, further education or college. She provided further details of the scheme and asked that Members promote the opportunity within their areas.

Councillor Ketteridge declared an interest in the above item insofar as it related to Uttlesford Crossroads.

C41

LEADER'S COMMUNICATIONS

The Leader said that following the Member/Officer Workshop on 9 October a Group had been set up to look at the outputs and prepare an action plan.

The Leader said that when Brian Perkins had left he had stressed the importance of ensuring that the spatial strategy ruled out a second runway at Stansted. The Leader considered that the Council was now starting to see the rewards from the arguments it had been putting forward against a second runway, particularly, the economic and environmental arguments. He said that recent headlines in the Guardian had highlighted that the problems associated with airport growth were a national problem and not just a local issue. He referred to his work with the East of England Regional Assembly and the East of England Development Association and said that on 8 September the Executive Committee of EEDA had not accepted the arguments for a second runway and the Board was being asked to think

again. He said that on 15 October, the Planning Panel had agreed RSS14 which included 8,000 additional homes in Uttlesford. He said that over the coming months the Council would need to consider the impact of this. Councillor Cheetham said that she was pleased with progress which had been made so far and hoped that the Board would take notice at its meeting on 5 November. Councillor Foley added that a number of residents had suggested that there was an increase of asthma in Uttlesford and he asked the Council to bear this in mind when health issues were examined. Councillor Menell confirmed that the Primary Care Trust shared the concerns about this issue and a health impact study was being prepared.

C42

STRATEGIC DEVELOPMENT

The Chief Executive presented a report recommending the establishment of a Strategic Development Advisory Group which would embrace several cross cutting issues, would report directly to full Council and give strategic guidance to all committees.

He outlined the purpose of the Group and the suggested officer support and resources that would be required. He said that the Strategic agenda would continue to have an increasing influence on the future of development in the district and beyond. It was considered that greater emphasis needed to be placed on the Council's ability to react swiftly to the implications of strategic development in its wider sense and that the best vehicle for achieving this was through the establishment of the proposed advisory group, with high level and dedicated officer support. He said that the Group would meet in private, but be open to all Members of the Council and would report to full Council with Minutes being available to the public.

Councillor Gayler said that the proposals should ensure that the Council was able to tackle the strategic issues which needed to be confronted and the reporting process would ensure that it was open and accountable. In response to a question from Councillor Cheetham concerning matters of urgency, Councillor Gayler confirmed that if formal decisions were needed it would go direct to Committee or Council, whichever was the most appropriate and speedy. Councillor Clarke said that it was right and proper that issues should go through Committees and the Group should not be taken over by 'urgencies' and he stressed the need for accountability.

It was then

RESOLVED that

- 1 the Strategic Development Advisory Group be established as set out in 4 and 7 of the report, except that it be composed of 12 members, and that the Strategic Member Reference Group be discontinued.
- 2 Proposals made by the Advisory Group be reported to the relevant Committees during the cycle prior to reporting to Full Council. In cases of urgency proposals may be brought direct to Full Council.

- 3 Interim terms of reference for the SDAG as set out in para 6 of the report be agreed and be further considered by the Advisory Group with further recommendations to be brought back to the December meeting and that proposals in Appendix 2 be agreed and that expenditure from the District Character Reserve should be reported to Resources Committee.
- 4 SDAG also consider at the earliest opportunity the need for Forward Planning in land-use terms at local rather than strategic level and bring back recommendations to Environment and Resources committees as to how this should progress, including any staffing or resource implications.
- 5 New posts as identified in paragraph 10 of the report be agreed and that the Chief Executive bring a report back to Resources to fully resolve the officer structures.

It was noted that the Liberal Democrat Group had nominated Councillors A Dean, C Dean, Clarke, Harris, Hibbs, Hughes, Lelliott and Thawley to serve on this Group and the Conservative and Independent Groups would notify their nominations in due course.

C43

THE BENEFITS OF PERFORMANCE MEASURING

At the Council meeting on 20 July 2004 former Councillor Copping had asked for a report on the costs since May 2003 of performance management and its tangible benefits to Council Tax payers of Uttlesford.

The Performance Manager presented a detailed report on the benefits and costs of performance management. He said that it was estimated that the cost of performance management during the period May 2003 – September 2004 was £12,833. He said that the tangible benefits were more complicated and gave examples of how service delivery was being improved in some areas as a result of management action. He said that these actions would result in efficiency savings to the Council Tax payers of Uttlesford.

He also set out the implications of not introducing performance management as follows:-

- A lack of knowledge of the way the authority was managed
- The major data would have been the annual Best Value Performance Indicators which were annual and only told Members limited detail about the authority
- Performance data drives Service and Financial Planning
- The District Auditor would have reduced our CPA score
- Our CPA score was based on demonstrating improvement through the introduction of Performance Measuring. Without this process underpinning the Council we would have dropped at least 5 points, which would have placed the authority as Weak and on the ODPM at risk register. Our CPA Improvement Plan for example would require agreement from the ODPM at ministerial level.

The Leader thanked Mr Orton for his work with Uttlesford and said that this had helped to establish firm foundations. He wished him well in his position with Braintree District Council. Councillor Flack added her thanks. She said that in her position as Chairman of Scrutiny Committee 2 she felt that the statistics were not as good as first appeared. She said she would like real time statistics and not assumed trends which officers would like to achieve.

Councillor Savage said that it was clear that Scrutiny was not working well nationally and it needed to be embraced in the culture of the authority and must be properly resourced. Councillor Gayler also stressed the importance of performance management in aiding the budget setting process and said that it also needed to look at the quality of services provided and have the ability to direct resources to areas where it would bring much benefit.

Councillor Ketteridge said that he was aware that many of the costs associated with performance management had been forced upon the Council by the Government. He said that there were also costs associated with the audit of performance management and costs associated with the CPA process were also significant. He said that the last two meetings of the Scrutiny Committees had been poorly attended and he emphasised the need for Members to support these committees. He concluded that targets should not be changed, merely because they could not be met.

The Chairman, on behalf of all Members, thanked Mr Orton for all his hard work with the Council and wished him well for the future.

C44

APPOINTMENTS TO COMMITTEES

The Democratic Services Manager reported that, following the resignation of Councillor Copping, vacancies now existed on the following committees and organisations:

- Development Control Committee
- Scrutiny Committee 2 (Resources and Environment)
- Risk Management Steering Group
- Business Development Services (North-West Essex)
- National Housing and Town Planning Council (Eastern Region Council - Substitute)
- Old Manse Home Community Support Group

He reported that the Liberal Democrat Group had nominated Councillor Jones to serve on the Development Control Committee and the Risk Management Steering Group and Councillor Murphy to be the Council's representative on the Old Manse Home Community Support Group. They had also suggested that consideration of the remaining vacancies be deferred to the next Council meeting.

The Democratic Services Manager also advised Members that the Liberal Democrat Group had asked that Councillors Lelliott and Foley exchange committees between the Resources and the Community and Leisure Committee.

It was noted that there could be consequential amendments to their membership on scrutiny committees.

RESOLVED that the above appointments be agreed.

C45

REVISED COMMITTEE TIMETABLE FOR DEVELOPMENT CONTROL COMMITTEE MEETINGS

Members considered a report suggesting a revised timetable of meetings to allow the Development Control Committee to meet on Wednesdays from January 2005. That Committee had agreed that a Wednesday meeting date would be more convenient to the press and public as well as Members and officers and that it be implemented from January 2005. The suggested revised dates for 2005 would be 12 January, 2 and 23 February, 16 March, 6 and 27 April and 18 May.

Councillor Savage said that the Licensing Committee would need to consider its meeting arrangements, particularly with regard to the new Licensing Act. Councillor Silver also asked if it was possible for the Community and Leisure Committee to meet in January, April, July, September and November to avoid the current lengthy gap between meetings in May and September. The Chairman of the Constitution Task Group agreed to include this suggestion in the Task Group's work.

RESOLVED that the revised timetable of meetings be approved.

C46

NOTICES OF MOTION

(i) Councillor Flack moved the following Motion which was duly seconded:

"In view of the recent implementation of decriminalised parking enforcement in Uttlesford, and Stansted Airport's stated aim to tackle fly parking; this Council resolves to introduce time limited parking restrictions in Takeley and other residential areas affected by airport fly parking and further to use Section 106 money from Stansted Airport to fund a decriminalised parking officer to enforce such parking restrictions.

Councillor Flack said that she had put forward the Motion to get Members to think about the issue and take action. She referred to recent glossy documents from BAA and said that there were only 17 words in these referring to the issue of fly parking. Councillor Cheetham urged members of the public to call the BAA helpline when issues arose and said that passengers must be encouraged to use the car parks or public transport.

The Executive Manager Development Services said that a study was currently taking place and would include consultation with local communities. He said that the Section 106 Agreement had provided a sum of £50,000 to implement any remedial works. However, any contributions towards carrying out such works would go to the County Council as the highway authority.

The Chairman said that any study should look at the public order consequences and social effects of fly parking and the Executive Manager Development Services confirmed that this would be included in the study.

At this stage Councillor Murphy moved the following amendment, which was duly seconded:

“The Council congratulates its officers on the smooth implementation of DPE. In view of this and Stansted Airport’s stated aim to tackle fly parking, this Council resolves to work with Essex County Council to introduce parking restrictions in Takeley and other residential areas affected by airport fly parking”.

Councillor Cheetham asked the mover of the amendment if he would agree to the inclusion of the words ‘parish and town councils’ after the words ‘Essex County Council’ and he and the seconder agreed to this further amendment.

Councillor Flack said that all parishes should be invited to a workshop on fly parking and the Executive Manager Development Services said that he would raise the issue at his quarterly meetings with parish councils. Councillor Wilcock said that the airport prided itself on providing low cost flights and he said that it should look at providing low cost parking to help with this problem.

Councillor Hibbs expressed concern that despite the new DPE arrangements, the making of traffic orders would still be a long and complicated process and he emphasised the need to be able to respond quickly and flexibly when problems arose.

In response to a question from Councillor C Dean, officers confirmed that the study covered an area within a five mile radius of the airport and if parts of East Herts were shown to be affected, the Section 106 monies could be made available to deal with issues in that area.

Councillor Gregory confirmed that from his knowledge as a taxi driver, many people were parking as far away as Dunmow as the airport could now be reached within 10 – 15 minutes from such locations.

Councillor Flack then withdrew her original motion in favour of the amendment with the consent of the seconder. It was then unanimously

RESOLVED that the Council congratulates its officers on the smooth implementation of DPE. In view of this and Stansted Airport’s stated aim to tackle fly parking, this Council resolves to work with Essex County Council and town and parish councils to introduce parking restrictions in Takeley and other residential areas affected by airport fly parking.

(ii) Councillor Ketteridge submitted the following Motion:

“That this Council rejects and removes objective PL.3 of the Quality of Life Plan which states “by April 2005 – reduce the number of items collected to four and charge £20 per collection. By March 2006 to increase the charge to

£25 per collection”. The objective does nothing to improve the ‘Quality of Life’ but will merely encourage fly-tippings”.

Councillor Thawley said that it would be prudent to consider this issue along with all other relevant factors which would be included in a comprehensive report on waste management and moved that the Motion be referred to the Environment Committee. This was duly seconded.

However, Councillors Cheetham and Ketteridge asked that the Motion be considered at this meeting. Following a request for a recorded vote the votes were as follows:

For the Motion	Against the Motion
H D Baker	R P Chambers
C A Bayley	J F Cheetham
C A Cant	C D Down
K J Clarke	S Flack
A Dean	E J Godwin
C M Dean	E W Hicks
M L Foley	A J Ketteridge
M A Gayler	J E Menell
D W Gregory	S V Schneider
R T Harris	
M A Hibbs	
B M Hughes	
S C Jones	
V J T Lelliott	
J I Loughlin	
A Marchant	
D J Morson	
V Pedder	
M J Savage	
F E Silver	
A R Thawley	
A M Wattebot	
P A Wilock	

The amendment was carried with 23 votes for and 9 against.

RESOLVED that the Motion be referred to the Environment Committee.

C47

EXCLUSION OF THE PUBLIC

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 involved the likely disclosure of Exempt Information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

C48

JOINT REPORT OF THE SECTION 151 OFFICER AND MONITORING OFFICER

Further to Minute C33, Members considered a detailed report on this matter.

RESOLVED that Members note the report and resolve to take no further action.

The meeting ended at 10.10 pm.