

COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 18 OCTOBER 2005

Present:- Councillor P A Wilcock – Chairman
Councillors K R Artus, H D Baker, C A Bayley, W F Bowker, C A Cant, J F Cheetham, C M Dean, C D Down, S Flack, R F Freeman, M A Gayler, E J Godwin, E Gower, D W Gregory, R T Harris, M A Hibbs, E W Hicks, B M Hughes, A J Ketteridge, V J T Lelliott, R M Lemon, J I Loughlin, A Marchant, J E Menell, D J Morson, J P Murphy, V Pedder, A R Row, M J Savage, G Sell, F E Silver, A R Thawley and A M Wattebot.

Officers in attendance: - A Bovaird, M Brean, M Cox, P O'Dell, S McLagan, C Oliva, M J Perry, and M T Purkiss.

C44 STATEMENT BY MEMBER OF THE PUBLIC

Dr Chris Moon addressed the Council and reported that he had received a £60,000 grant from DEFRA to conduct a field study into the use of an indoor recycling container. The container had various compartments that would take different materials, including green waste. It would also accommodate smaller items like batteries and ink cartridges. Essex County Council and five districts had already agreed to support this project.

Councillor Cheetham said that the Council's Recycling Project Group would be discussing future recycling in the District, and this would be an appropriate place to discuss this project and take it forward.

C45 APOLOGIES

Apologies for absence were received from Councillors E C Abrahams, P Boland, R P Chambers, A Dean, M L Foley, S C Jones, M J Miller, S V Schneider and E Tealby-Watson.

C46 DECLARATIONS OF INTEREST

Councillor Menell declared an interest as a non-Executive Director of the Uttlesford Primary Care Trust, and as a member of Littlebury Parish Council. Councillor Murphy declared an interest as a representative on the Uttlesford Alcohol and Drugs Strategy Group. Councillors K R Artus, C A Bayley, C D Down, B M Hughes, E J Godwin, A R Thawley and P A Wilcock declared interests as members of CPRE. Councillors K R Artus, C A Bayley, E J Godwin, R F Freeman, M A Gayler, M A Hibbs, A J Ketteridge, R M Lemon and J P Murphy declared personal interests as members of parish councils that had made representation regarding the new constitution. Councillor Artus declared a personal interest as a member of UALC. Councillors K R Artus, C A Bayley, H D Baker, R F Freeman, E W Hicks, R M Lemon, J I Loughlin, V J T Lelliott, A Marchant, D J Morson, J P Murphy and A R Row declared personal interests in item 11, as members of the Licensing Committee.

MEMBERS' QUESTION AND ANSWER SESSION

Councillor Lemon asked the Leader to confirm the rumour that he would resign if the proposal for area panels were not approved this evening. That being the case, he suggested that it would be preferable to take a secret ballot on this issue. Councillor Gayler said he would oppose a secret ballot as he considered that the public had a right to know how members voted on this matter.

Councillor Cheetham asked why the Highways Local Service Agreement had not yet been signed as this was causing a delay in the implementation of local schemes. Councillor Sell replied that there were still some outstanding issues to be resolved before the agreement was signed and that the District Council was awaiting clarification from the County Council on the status of the agreement.

Councillor Cheetham then mentioned problems with the amplification system in the Council Chamber. She said it was not acceptable for members to share microphones or for the system to allow only one microphone to work at a time. The Chief Executive agreed to look into this.

Councillor Flack asked about the implication of the Clean Neighbourhoods Act, which would move the responsibility for stray dogs from the Police to the District Council. Councillor Hibbs confirmed that these powers would move to the District Council, but no additional funding had been provided. This Council did not have the facilities to deal with stray dogs, so there would be cost and resource implications.

Councillor Godwin asked about the notices that had recently been issued to terminate tenancies on garage space leased by the Council. Councillor Hibbs said the notices had only been issued to the 28 identified sites and the future of these was still under review.

Councillor Murphy reported a letter from Cannon Chris Bishop, Chairman of the Uttlesford Drug and Alcohol Strategy Group, which expressed concern that the Council's Community Development Officer, who supported this group, had moved to a new role and had not been replaced. Councillor Morson shared these concerns and hoped that this position would be filled as soon as possible. The Chief Executive replied that it was usual council practice to assess the need for a post when it became vacant.

Councillor Silver asked for feedback on the success of the recent diversity festival. Councillor Morson replied that between 2,500 and 3000 people had attended the event. 400 people had completed cards expressing satisfaction with the event and of these 54 had said they would be willing to have further communication with the Council. 16 of these had been from ethnic groups and 2 from the Disabled Access Forum. There was now a nucleus of people to move forward and develop further communication with hard to reach groups

Councillor Gregory asked the Leader of the Council whether he would be seeking the views of the candidates for the Conservative Party Leader, on the development of Stansted Airport. Councillor Gayler deferred to. Councillor

Ketteridge who replied that he had recently raised this matter with Julian Brazier MP who indicated his opposition to further runways at the airport. He would be asking for written confirmation of this.

C48 MINUTES

The Minutes of the meeting held on 19 July 2005 were approved as a correct record and signed by the Chairman.

C49 BUSINESS ARISING

(i) Minute C23 – New Security Arrangements

Councillor C A Bayley said that she was still experiencing problems with accessing the Council building using her swipe card. She was advised that she should return the card to the steward for reprogramming.

(ii) Minute C108 – Forward Plan 2005/06

Councillor Menell asked about progress on implementing a yellow school bus scheme for the district. Councillor Sell said he would raise the matter at his next meeting with County Officers. Councillor Flack said she would contact County Councillor Bass about progress on this issue and reply to Councillor Menell.

C50 CHAIRMAN'S COMMUNICATIONS

The Chairman congratulated the team that had been involved in organising the diversity festival. The recent charity dinner at Quendon Hall had raised £3,500 for the Chairman's charities. A quiz night had been arranged for 19 November and his events diary was now on the Council's web site. He was spending his year trying to promote youth issues in the District and to that end had attended Parish Council meetings and school assemblies.

C51 LEADER'S COMMUNICATIONS

Councillor Gayler said he had recently held meetings with staff. He was planning to organise meetings with smaller groups to encourage more frank discussion. He had attended a meeting of Essex Leaders and Chief Executives that had discussed changes to the PCT's. The meeting had been concerned that the reorganisation would lead to the loss of a local voice. He would also be attending a rally in London and speaking about night flights.

C52 MATTERS ARISING FROM COMMITTEES

(i) Community and Leisure Committee – 9 September 2005 - Minute CL63 – Forward Programme

The Community and Leisure Committee had recommended the appointment of a representative in the light of the need to consider the implications of the Children's Act

It was moved by Councillor Morson and seconded by Councillor Bayley that Councillor P A Wilcock be nominated as the Council's representative on the Children's and Young Peoples Strategic Partnership.

It was moved by Councillor Ketteridge and seconded by Councillor Godwin that Councillor J E Menell be nominated as the Council's representative on the Children's and Young Peoples Strategic Partnership.
On being put to the vote it was

RESOLVED that Councillor P A Wilcock be appointed as the Council's representative on the Children's and Young Peoples Strategic Partnership

(ii) Community and Leisure Committee – 9 September 2005 – Minute BEG107 - Proposed Conditions of Hire

The Community and Leisure Committee had agreed the recommendation of the Bridge End Gardens Task Group that a representative be appointed to the Friends of Bridge End Gardens.

RESOLVED that Councillor D J Morson be appointed as this Council's representative on the Friends of Bridge End Gardens.

C53 REVIEW OF THE CONSTITUTION

At the meeting on 19 July the Council had considered the report of the Constitution Task Group and had agreed a draft constitution. It had been resolved that the Chief Executive carry out a consultation process, and that members debate the proposals and any changes be discussed at a members seminar in late September. Members had now received a revised copy of the constitution, which had been amended to incorporate the changes that had been suggested.

Cllrs Morson and Silver (the proposer and seconder of the motion) agreed that their motion be amended to accept the revised constitution, as the document to be discussed at this meeting

Councillor Morson paid tribute to officers for their work in preparing the constitution and in particular the Executive Manager Corporate Governance for the meticulous drafting and redrafting of the document. Through meetings and workshops, Members had had ample opportunity discuss the constitution and he hoped that the final document had achieved maximum consensus. There were 4 main changes proposed, changes to the role of full Council, and to the scrutiny function, a new committee structure and the introduction of area panels. The new committee structure, with the reduction in the number of policy committees would prevent overlap in decision making and would overall, reduce the number of meetings. The area panels would allow for better contact with local groups, encourage involvement with the public and

allow policy to be developed in accordance with local circumstances and need.

It was then moved by Councillor Morson and seconded by Councillor Gayler that the Constitution be approved and adopted including the following amendments tabled at the meeting.

Page C24 - Delete Article 7.2.9 and Page C60 delete section 8

Replace on page C16 in Article 3 with:

3.1.4 Petitions

- 3.4.1 A properly constituted public petition will be considered at the next available meeting of an appropriate council body.
- 3.4.2 In order to be properly constituted a petition must satisfy one or more of the following conditions:
 - (a) Be signed by no fewer than 50 individuals who are electors of the district of Uttlesford or
 - (b) Be signed by the Chairman of no fewer than 5 councils of parishes within the district of Uttlesford or
 - (c) Be signed by no fewer than half the electors of any single parish within the district of Uttlesford whether or not the parish has a parish council
- 3.4.3 On being satisfied that a public petition is properly constituted, the Chief Executive or other responsible officer shall ensure that it is placed on the agenda for the next available meeting of the committee or other body that he considers most appropriate.
- 3.4.4 If the subject matter of the petition does not fit clearly within the remit of any single committee or body or if the petition is seeking the review of a decision made by a committee or other body of the council, then the Chief Executive shall refer the petition to the next available meeting of the Review and Petitions Committee.
- 3.4.5 On considering a public petition, the relevant body will invite the a representative of the signatories to the petition to speak to the subject matter
- 3.4.6 The Council will not be obliged to consider any petition which is in the opinion of the Chairman of the Council vexatious or repetitious.

The rest of the article to be re-numbered.

Page C28 - Article 11.5 after "relevant groups" add in "including Town and Parish Councils, and on page C29 after representing add "Town and Parish Councils and"

Page C95 paragraph 19 add at the end of the paragraph "where such matters relate to areas covered by more than one Area Panel"

Page C102 Area Panels, after paragraph 5 insert "6 the making of traffic regulation orders and the exercise of such other relevant order making powers as the Essex County Council may delegate to the Council within the prescribed budget where such matters relate solely to the area covered by the Area Panel" renumber the rest of the terms of delegation."

Councillor Ketteridge said that the Constitution should not be adopted because there had not been adequate consultation with Parish Councils. The consultation letters had been addressed to the parish clerks and also had been sent in August when parish councils did not meet. The original consultation had not referred to area panels nor included their terms of reference. He then moved an amendment that was duly seconded that *The adoption of the Constitution be deferred due to a lack of meaningful consultation*

Councillor Gayler said that the fact that the letters were addressed to the parish clerk was not relevant: The parishes had been given the opportunity to attend meetings and had been aware of what was proposed.

Councillor Lemon stated that at one of the liaison meetings, one of the parish councillors had summed up that the consensus of the meeting was against area committees, and no one present had disagreed with this view. Councillor Cant disagreed and said that many positive comments had been made. Councillor Menell said that Wendens Ambo Parish Council felt that there had been insufficient consultation and adequate details of the cost of the new system had not been provided. It was concerned at the effect of the proposals on the workings of the Council.

It was then moved by the Chairman and duly seconded "*that the question be now put*" and this was carried.

5 members then stood and requested a secret ballot. Councillor Gayler asked that a recorded vote be taken and in accordance with the Council's procedural rules, this was accepted

The amendment was put to the vote and was lost.
The voting was as follows

For the amendment: K R Artus, J F Cheetham, C D Down, S Flack,
E J Godwin, E W Hicks, A J Ketteridge, V J T Lelliott, R M Lemon, J E Menell,
J P Murphy, A R Row,

Against the amendment: H D Baker, C A Bayley, C A Cant, C M Dean,
R F Freeman, M A Gayler, E Gower, D W Gregory, R T Harris, M A Hibbs,
B M Hughes, J I Loughlin, A Marchant, D J Morson, V Pedder, M J Savage,
G Sell, F E Silver, A R Thawley, A M Wattebot, P A Wilcock

Abstention: W F Bowker

Councillor Godwin moved a further amendment that was duly seconded *that all references to Area Panels in the Constitution should be deleted* She considered the concept of area committees to be old fashioned and had been overtaken by new local initiatives such as parish plans. She asked that area panels be deleted from the Constitution and replaced with more frequent meetings of the policy committees. Other members agreed that the area panels were unnecessary and would not contribute anything to communication. As the parish council representatives would not be able to vote, there was a view that the panels were in danger of becoming just another talking shop.

Other members argued that area panels would give parish councils more say in the workings of the district council and would take policy away from local area decisions. Although Uttlesford was a small district, the 3 proposed panel areas had quite distinct identities.

On being put to the vote the amendment was lost.

Councillor Godwin moved a further motion
that the frequency of Policy and Scrutiny Committee meetings be increased to 10 per year

She argued that the current system of 5 cycles often led to a delay in taking decisions. Councillor Murphy added that more frequent meetings were likely to lead to shorter meetings.

On being put to the vote the amendment was lost.

Councillor Cheetham moved another amendment in relation to the name and composition of the overview and scrutiny committees

The Review and Petitions Committee to be renamed the Scrutiny Committee and the number of members be amended from 8 to 11

The number of members on the Performance Select Committee be amended from 11 to 8

On being put to the vote the amendment was lost.

Councillor Godwin then moved a further amendment in relation to the appointment of the Chairman to the area panels. She suggested an amendment to article 11.3.5 to read

“the appointment of a chairman and vice chairman at the first meeting of the Area Panel and such appointees to serve until after the next annual meeting”

She said that this would ensure that the process was transparent to parish councils and members of the public that were present at the meeting

On being put to the vote the amendment was lost.

Following a request for a recorded vote the votes were as follows

For the amendment: K R Artus, J F Cheetham, C D Down, S Flack, E J Godwin, E W Hicks, A J Ketteridge, V J T Lelliott, R M Lemon, J E Menell, J P Murphy, A R Row,

Against the amendment: H D Baker, C A Bayley, C A Cant, C M Dean, R F Freeman, M A Gayler, E Gower, D W Gregory, R T Harris, M A Hibbs, B M Hughes, J I Loughlin, A Marchant, D J Morson, V Pedder, M J Savage, G Sell, F E Silver, A R Thawley, A M Wattebot, P A Wilcock

Abstention: W F Bowker

It was then moved by Councillor Harris and duly seconded that *the motion be now put*, but this was rejected under the Chairman's discretion as he considered that there were still matters to be discussed.

Councillor Godwin referred to representations that had been received from Clavering Parish Council expressing concern that the Parish had been placed in the South West Area Panel. The Council felt that it had far more affinity with the parishes in the North Area, Panel. She moved an amendment which would give a more logical geographical division of the parishes and also comply with the 40% rule.

“Clavering ward be moved from the South West to the North Panel

Debden and Wimbish ward and the Sampfords ward be moved from the North to the East Area Panel”.

On being put to the vote the amendment was lost.

Councillor Ketteridge then moved the following amendments.

Chairs of scrutiny

“insert a new article 7.6

The Chairman of the Review and Petitions Committee shall not be a member of the same political group as either the Leader or Deputy Leader of the Council

Insert a new Article 8.6

The Chairman of the Performance Select Committee shall not be a member of the same political group as either the leader or the deputy leader of the Council.

Role of Chairman

Insert a new Article 5.3

While holding the post of Chairman of the Council, the Chairman shall not be the leader of any political group represented on the Council, nor the chair of any body appointed by the Council or its committees.

On being put to the vote the amendments were lost.

Members then concluded the debate by speaking to the original motion. Councillor Ketteridge said that he opposed the constitution because there had been insufficient consultation, the costs were unclear in a year where the Council would be required to make huge savings, and area panels were unwanted and unnecessary. He said that there was still much detail to sort out and January was a very tight timescale to implement the scheme. He suggested that it should be implemented from the Annual Council meeting in May.

Councillor Godwin was disappointed that the Council had not been able to make one common sense amendment. She was also concerned that the next 2 months were very busy and the resources were not available to implement this properly. The Chief Executive assured Members that officers were happy with the proposed timescales. Councillor Gayler concluded that he hoped the new constitution would lead to more efficient and effective running of the Council

RESOLVED that the revised Constitution, including the amendments tabled at the meeting by the Liberal Democrat group be approved and adopted.

Following a request for a recorded votes were as follows
For the motion: H D Baker, C A Bayley, C A Cant, C M Dean, R F Freeman, M A Gayler, D W Gregory, R T Harris, M A Hibbs, B M Hughes, J I Loughlin, A Marchant, D J Morson, V Pedder, M J Savage, G Sell, A R Thawley, A M Wattebot, P A Wilcock

Against the motion: K R Artus, J F Cheetham, C D Down, S Flack,
E J Godwin, E W Hicks, A J Ketteridge, V J T Lelliott, R M Lemon,
J E Menell, J P Murphy, A R Row,
Abstention: W F Bowker

It was further RESOLVED that

1. the Council noted the report from the consultation exercise and the amendments that had been suggested to the proposed constitution as a result
2. the revised constitution be implemented from 14 December 2005.
3. each committee meeting during the next cycle should receive a report from the lead officer on the implications of the new structure for the work of the outgoing committee and any task groups within its purview and agree any action they wish to recommend to the Council at its meeting on 13 December 2005.
4. the Chief Executive and Executive Manager (Corporate Governance) be given authority to finalise Part 1 (summary and explanation) of the new constitution in consultation with the Chairman of the Council and the leaders of the political groups represented on the Council to ensure that decisions taken at the meeting are properly reflected in the final document.

In relation to matters dealing with the chairman of the Council, members noted that some of the matters had already been dealt with in relation to the constitution and it was

RESOLVED that past chairmen of the Council be recognised as a source of assistance to the Chairman and Vice Chairman in carrying out their civic duties and be issued with a badge recognising their position on leaving office.

C54

LICENSING COMMITTEE

The Council was advised of a recommendation from the Remuneration Panel that in relation to the current unusual workload of the Licensing Committee, Members of that Committee should receive an allowance of £24 per meeting. This figure was based on one third of the daily rate used for calculating allowances. It was confirmed that this payment was for this year only and applied only to the Licensing hearings and not to the ordinary meetings of the Committee

NOTICES OF MOTION

(i) Microregeneration

The following Notice of Motion was proposed by Councillor Freeman and seconded by Councillor Thawley:

“That the Uttlesford District Council:

- 1 Recognises the increasing threat of climate change to the residents of Uttlesford, and to our society.

Recognises also the need for local leadership and example on this issue, as well as the need for action by central government.

Acknowledges the work and recommendations of the Energy Saving Trust, and its purpose of providing assistance and advice on reducing the causes of climate change through the use of sustainable energy sources.

For the above reasons, this Council resolves to sign the Nottingham Declaration on Climate Change, which will be a public pledge of our commitment to tackle the issue within our area.

We shall inform the other signatories of the Nottingham Declaration immediately of this Council’s decision. The actual signing of the Declaration will be carried out as soon as practicable, and not later than January 2006.

That the Uttlesford District Council also:

- 2 Recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issues of climate change and reducing carbon dioxide emissions.
- 3 Therefore, welcomes the introduction of the Climate Change and Sustainable Energy Bill and the Management of Energy in Buildings Bill into Parliament by a cross party group of MPs on 22 June, noting that together these Bills will:
 - a) Require the Prime Minister to report annually to Parliament on the level of greenhouse gas emissions
 - b) Require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency
 - c) Require the government to set national targets for microgeneration and enable local authorities to set such targets if these local authorities deem it appropriate
 - d) Extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects

- e) Require utility companies to purchase at a reasonable rate any surplus energy generated by households via microgeneration
- f) Require future revisions of Building Regulations to take into account the desirability or promoting microgeneration and of introducing an energy generating rating system in new buildings
- g) Enable householders who generate electricity by microgeneration to have access to 'renewables obligation certificates';

And

- h) Establish a 'renewable heat obligation' requiring utility companies to support certain amount of heat from renewable sources

And therefore

- 1 Supports the Bills and resolves to inform the Government of the Council's view

And

- 2 Urges the government to support the Bills

And

- 3 Urges our local MP to be present in Parliament to back these Bills when they are debated in the House of Commons on 11 November

And

- 4 Resolves to inform the local media and the Micropower Council of this resolution

And

- 5 Resolves also to support the Sustainable Energy Partnership's submission to the government consultation on the draft microgeneration strategy (held under Section 82 of the Energy Act 2004) which proposes that policies (b) – (g) above should be included in the final strategy."

Councillor Cheetham said that the local MP, as Deputy Speaker, was not permitted to vote in the Commons, and this should be reflected in the wording of the motion. It was suggested that the motion be amended to "request the MP to use his influence to" Councillor Flack considered that some performance targets should be included and suggested the following wording

"The Council should set specific targets with appropriate timescales." The mover and seconder of the motion accepted these amendments. It was then

RESOLVED that the Motion, as amended, be approved.

(ii) Sustainable Communities Bill

The following Notice of Motion was proposed by Councillor Gayler and seconded by Councillor Hibbs.

"That Uttlesford District Council

- (i) expresses its concern at
 - the decline of local services and facilities which affects local communities and in particular the elderly and people on the lowest incomes;
 - the resulting decline of local jobs and local economies and the resulting extra traffic and pollution caused by the need to travel further
- (ii) and notes that this combination of factors increases people's feelings of exclusion and lack of involvement; and so
- (iii) supports measures to reverse this process and
- (iv) supports the concept of local sustainability as envisaged in the Sustainable Communities Bill, namely;
 - the promotion of local economies
 - the promotion of local services and facilities
 - the protection of the environment
 - the reduction of social exclusion and
 - measures to increase involvement in the democratic process
- (v) and accordingly resolves to support the Sustainable Communities Bill which
 - requires the government to assist councils and communities in promoting local sustainability in ways decided by them; and
 - sets up a participative process whereby councils and communities can drive the way in which government uses its power and influence to assist with the promotion of local sustainability; and
 - notes that this Bill is therefore fully in accord with current thinking in local government in that it impacts on central authorities and does not impose any new duties on councils but instead enables them to influence how government uses its resources and influence to help councils and communities; and
 - specifically provides that where councils themselves decide to take action to promote local sustainability that they should be given the resources to do so; and so
- (vi) and further resolves
 - to inform the local media of this decision;
 - To write to local MPs, asking them to support the Bill; and sign EDM (Early Day Motion) No. 641; and

- To write to Local Works, the Campaign behind the Bill, (at 94 White Lion Street, London, N1 9PF) expressing its support
- To write to Parish Councils to seek their support for this motion”.

RESOLVED that the motion be approved

C43

CHAIRMAN’S INVITATION

The Chairman invited all members of the North Area Panel to join him for a drink at 6.45pm, prior to the next meeting of the Council.

The meeting ended at 10.45 pm