

**COUNCIL MEETING held at 8.00 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 18 JULY 2006**

Present:- Councillor A R Row – Chairman.
Councillors E C Abrahams, H D Baker, C A Bayley, P Boland,
C A Cant, R P Chambers, J F Cheetham, A Dean, C M Dean,
C D Down, S Flack, M L Foley, R F Freeman, M A Gayler,
E J Godwin, D W Gregory, R T Harris, E W Hicks, B M Hughes,
S C Jones, A J Ketteridge, T P Knight, R M Lemon, J I Loughlin,
A Marchant, J E Menell, M J Miller, D J Morson, V Pedder,
M J Savage, S V Schneider, F E Silver, A R Thawley,
A M Wattebot, P A Wilcock and A C Yarwood.

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

C25 WELCOME

The Chairman said that he was pleased that Councillor Bayley was able to attend the meeting and welcomed Councillor Yarwood following his recent election to the Council.

C26 MEMBERS' QUESTION AND ANSWER SESSION

Councillor Ketteridge asked, in view of the fact that the Council had recently signed the Nottingham Declaration and was committed to reducing its ecological footprint, whether the Council would endorse the Essex County Council Initiative to reduce carbon dioxide emissions and light pollution by changing its practice of keeping street lighting on all night long. He also asked whether the Chairman of the Environment Committee would encourage major employers in the District including Stansted Airport and the Council to consider their own green credentials and follow this lead. Councillor Thawley replied that this matter needed to be discussed by Members and would be included on the agenda for the next Environment Committee.

Councillor Flack said that she understood that it was the Council's intention to submit a bid to the Housing Corporation for an extra care scheme at Holloway Crescent. She said that the tenants had previously been told that no decision had been made and, as local Member, she had not been made aware of the proposed submission. She asked that if any other similar bids were to be made, it should be courtesy to advise the ward member at an early stage. The Executive Manager Housing Services said that any bid would be made by the relevant Housing Association and nothing had been decided formally at this stage. It was intended that a report would go to the September meeting of the Community Committee. Councillor Morson agreed that ward members should be kept informed and apologised for this omission.

Councillor Hicks said that he was a member of the Licensing Committee which had granted an application for a licence at Audley End House. He said that a condition had been imposed on the licence concerning the prevention of noise and English Heritage had disputed this condition and had asked

officers to amend it. However, officers did not agree to such an amendment and the matter had gone to appeal which had cost the Council approximately £15,000 in costs. He considered that the matter had gone to court because of officers' decision not to vary the condition and he felt that elected Members should have had an input into whether this should have been agreed. He also asked how the costs would be financed. The Executive Manager Corporate Governance said that the decision to impose the conditions had been made by Members based on the advice of officers. He said that he had been on leave when the appeal had been heard and was concerned at the costs awarded against the Council. He would be speaking to the solicitor who attended the hearing about the costs and an appeal may be lodged. He added that the condition about "clearly audible" was not an unusual or unreasonable condition and had been generally accepted by other applicants. Councillor Loughlin said that it had not been the Council's decision to go to court and it was the applicant's right to submit an appeal.

Councillor Schneider referred to the recent problems caused by water damage and said that this was the second incident in recent months. She asked whether the Council's recovery procedures were robust and asked that the Emergency Planning Officer should submit a report to Members to assure Councillors and the public about the prevention of similar problems and business continuity. She also asked for details about the costs incurred and whether the Council was insured. The Chief Executive said that the costs had not yet been fully assessed, but the Council was insured. He said that the recovery problems had been identified and acted upon and the Emergency Planning Officer was working on improving the Council's business continuity and he agreed that it would be useful for him to report on progress. He thanked those officers who had come in over the weekend and thanked the public for their tolerance and understanding throughout the period of disruption.

Councillor Cheetham asked for an assurance from the Leader that the Members' Room would be made more inviting and should not be used as a dumping ground and should include telephone directories including one for the Bishop's Stortford area. The Leader said that he had discussed the matter with the Chief Executive and it had been agreed that it would not be used for storage and would be made more comfortable and he would ensure that action was taken as quickly as possible.

C27 **APOLOGIES**

Apologies for absence were received from Councillors K R Artus, E Gower, M A Hibbs, V J T Lelliott, J P Murphy, G Sell and E Tealby-Watson.

C28 **DECLARATIONS OF INTEREST**

Councillor B M Hughes declared a personal prejudicial interest in the item relating to Thaxted Youth Club as her brother was involved with the club.

Councillor Foley declared a personal interest as a member of NWEHPA and the ward member for Thaxted in relation to the Thaxted Youth Club.

Councillor Chambers declared a personal interest as a member of Essex County Council and Chairman of the Essex Police Authority. Councillor Flack declared a personal interest as a member of Essex County Council. Councillor Cheetham declared a personal interest as a member of NWEHPA. Councillor Menell declared a personal interest as a non executive director of Uttlesford PCT. Councillor C Dean declared a personal interest as a member of National Trust and Councillor A Dean declared a personal interest as a member of SSE.

C29 **MINUTES**

The Minutes of the Annual Council meeting held on 16 May 2006 were approved as a correct record and signed by the Chairman.

C30 **BUSINESS ARISING**

(i) Minute C10 – Members’ Question and Answer Session (Scoping Opinion)

Councillor A Dean referred to the comments made by Councillor Lemon at the previous meeting concerning the scoping opinion. He said that at the Development Control meeting held earlier in the day a report had drawn a comparison between what the Council had asked for and what BAA had offered. He sought an assurance that officers would pursue all matters with BAA as required by Members. Councillor Cant said that the Committee had delegated to officers the ability to go back to BAA on any matters that arose from both past and present consultations.

(ii) Minute C10 – Members’ Question and Answer Session (IT facilities)

Councillor Cheetham referred to the IT problems mentioned at the last meeting. She thanked IT officers who had dealt promptly with the problems and the system was now working well. Councillor Wilcock agreed that officers had dealt very promptly with his IT problems. Councillor Freeman was pleased that the IT problems had been resolved and said that the system was now much more robust.

(iii) Minute C10 – Members’ Question and Answer Session (Stansted Community Trust)

Councillor Wilcock asked whether BAA had made its contribution to the Stansted Community Trust. Councillor Flack said that a sum of £24,865 had been received and she had also asked for money from the noise fund which had not been paid since 2003.

(iv) Minute C10 – Members’ Question and Answer Session (Blinds)

In answer to a question from Councillor Menell, the Chief Executive said that the blinds for the Council Chamber had been ordered and would be fitted in the near future.

(v) Minute C23 – Forward Work Programme

Councillor Flack said that she noted that the Council meeting to declare Council Tax was set for 15 February 2007. However, she understood that this would be ahead of the County Council meeting. Officers undertook to check whether this was the case.

C31

CHAIRMAN'S COMMUNICATIONS

The Chairman said that he was delighted to announce that Ashdon had been placed second in the prestigious Essex Village of the Year Award. He also reported that in the Calor Gas Best Kept Village, Great Dunmow had been placed as the winner in Class 1, Ashdon had won Class 3, Hempstead was runner up in Class 4 and Langley had won Class 5, Stebbing had also received a merit award. He said that it was particularly pleasing to note that of the fourteen awards in Essex six had gone to villages in Uttlesford. He asked the Chief Executive to write to all the parishes concerned congratulating them on their success.

As Councillor Chambers had been unable to attend the last meeting, the Chairman now presented him with a commemorative badge as a former Chairman of the Council.

The Chairman said that a small group had been formed to raise funds for his charity, the Alzheimer's Society, and the first event would be a fashion show on 19 October and he hoped that all Members would support his fund raising activities.

C32

LEADER'S COMMUNICATIONS

The Leader also expressed his pleasure at the success of Uttlesford villages in the RCCE competitions. He also paid tribute to those involved in the Saffron Screen Project which had won two awards at the East of England Market Town Awards on 7 July.

He said that, together with Councillor Thawley and the Chief Executive, he would be attending a meeting with Councillor Rodney Bass and Tony Ciaburro to discuss highway issues in the district. He also circulated to Members a copy of the Turning Point brochure which gave more information about his motion which was included later on the agenda. He then asked Councillor Morson to report back on his meeting concerning the Elsenham level crossing. Councillor Morson said that, along with Sir Alan Haselhurst MP and Councillor Ray Gooding, he had met with the rail operator and passenger representatives and four measures had been agreed with the parents of the two girls who had been tragically killed at this crossing. These measures were:

- A ticket machine to be placed on the Cambridge side of the platform.
- CCTV cameras to be made permanent
- Additional alarms when a train got nearer to the crossing

- A voice warning when a train was approaching

He said that other options concerning the possible locking of the gates and a bridge across the railway line were being given further consideration and a public meeting would be held in Elsenham to discuss all the issues in due course.

C33

MATTERS ARISING FROM COMMITTEES

(i) Development Control Committee – 24 May 2006 – Minute DC12 (UTT/0717/06/FUL – Stansted Airport)

Councillor Cant reported that at this meeting of the Development Control Committee it had been recommended that the determination of the application should not be put to a referendum. She said that at that meeting the Executive Manager (Development Services) had said that the application could not be resolved by a referendum as there was no provision in law for determining applications by referendum, only in accordance with planning policy and material considerations. He had said that the planning application was no different to any other planning application and such a course of action would be an abdication of responsibility on the part of the Council. She said that she agreed with this view and added that the public involvement meetings of the committee had engaged the public in a far more meaningful way and their views had been listened to carefully, rather than relying on a yes/no referendum.

RESOLVED that for the reasons stated at the Development Control meeting, the determination of the application should not be put to a referendum.

(ii) Licensing Committee – 31 May 2006 – Minute LC7 (Regulation of sex establishments)

Councillor Loughlin explained to Members why a nil policy in the district was not legally possible and the committee would consider applications on their merits and could only refuse them on the grounds of appropriateness, but this would not apply as a policy.

RESOLVED that

- 1 The regulations which prescribe the standard conditions as submitted to the Licensing Committee be approved.
- 2 The Executive Manager (Corporate Governance) consult with town and parish councils for their views
- 3 Following consultation the Licensing Committee determines whether it wishes to consider a policy regarding the number of sex establishments it would consider appropriate within various parts of the district.

(iii) Environment Committee – 6 June 2006 - Minute E6 (Local Development Framework – Statement of Community Involvement)

Councillor Thawley said that the Statement of Community Involvement was one of the documents which had been prepared as part of the Local Development Framework and set out procedures as opposed to those documents which dealt with planning policy.

RESOLVED that the Statement of Community Involvement as amended by the Inspector be adopted.

(iv) Operations Committee – 29 June 2006 – Minute OP29 (Capital Funding for Thaxted Youth Club)

Councillor Hughes, having declared a personal prejudicial interest in this matter, left the meeting during the consideration of this item.

Councillor Jones referred to the consideration of this matter at the Operations Committee and asked Members to support the recommendation.

However, Councillor Flack said that there were many laudable projects elsewhere in the district and asked why the Thaxted Youth Club should be treated in this way. She said that there should be a policy and some rationale in the way that the Council made decisions on these matters. Councillor Cheetham agreed and asked where the money would come from.

Councillor Morson said that the youth club had demonstrated a history of achievement and commitment and had raised a substantial amount of funding. Councillor Gayler agreed with these comments and said that it would be funded as an additional item in the capital programme, but would not affect other projects.

Councillor Foley said that the application had been carefully scrutinised and the people of Thaxted had raised £134,000 towards the project. He added that the police recognised the importance of youth clubs and pointed out that Thaxted did not have a leisure centre and the youth club was used by young people from the surrounding villages.

Councillor Menell referred to her comments at the Community Committee where she suggested that, as there might be other similar requests coming to the council, a criteria should be devised by which all future applications could be judged. Councillor Morson said that a criteria would be put in place, but would not be conditional on this application. Councillor Menell also asked whether a full business plan had been produced and Councillor Jones said that he had not yet seen this, but no money would be paid by the Council unless a satisfactory business plan was submitted.

Councillor Knight pointed out that the Operations Committee had agreed that the Council's contribution would be up to £40,000 and not necessarily the full amount and that the youth club should be involved in continuous fund raising to help meet the shortfall. Councillor Schneider added that the County Council had a statutory duty to provide for youth, but there was no mention of them contributing towards this project. She asked whether they had been

approached for funding. Councillor Gayler said that the County Council's Community Fund was putting money into the project and he also said that all outstanding issues including a satisfactory business plan would be agreed prior to any money being paid by this Council.

Councillor A Dean said that, as Chairman of the Performance Select Committee, he had some concerns about the recommendation as it did not acknowledge that an amendment to the capital programme would be required. He asked for an assurance that the Council was following financial procedures in this matter in a rigorous way.

Councillor Lemon said that one of the reasons he had become a Councillor was to support youth in the district and he asked all Members to support this application. Councillor Silver said that the project was important to the community and he fully supported the application. Councillors Cheetham and Yarwood referred to the respective closures of Takeley and Newport youth clubs and Councillor Yarwood said that steps were being taken to try to open a new youth club in Newport.

The Executive Manager (Finance and Asset Strategy) referred to the point made by Councillor A Dean and said that this was a valid point and suggested that the recommendation should be amended to read "that the Council agrees that a sum of £40,000 be added to the capital programme 2006/07 towards the building of a new Thaxted Youth Centre, subject to the receipt of a satisfactory business case and an updated funding report". Councillor A Dean moved and it was seconded that this amendment be made to the original motion and the mover and seconder of the original motion agreed to accept this amendment.

RESOLVED that the Council agrees that a sum of £40,000 be added to the capital programme 2006/07 towards the building of a new Thaxted Youth Centre, subject to the receipt of a satisfactory business case and an updated funding report.

**(v) Performance Select Committee – 14 June 2006 - Minute PS25
(Annual Report and Work Programme 2006/07)**

Members noted the revised annual report of the Performance Select Committee 2005/06 and the work programme for 2006/07.

C34

REPORT OF THE RETURNING OFFICER

Members noted that at the by-election in the Newport Ward on 8 June 2006 the number of votes was as follows:

Raymond John Gooding – Conservative – 489
Andrew Charles Yarwood – Liberal Democrat – 746

Andrew Charles Yarwood had been elected to represent the Newport ward. Councillor Gayler welcomed Councillor Yarwood and said he would be an excellent Councillor for the Newport ward.

C35 POLITICAL BALANCE AND APPOINTMENTS TO COMMITTEES

Members reviewed the political composition of the Council following the recent Newport by-election. It was noted that the political composition of the Council was now:

Group	Members	Percentage	Total Seats
Liberal Democrat	27	61.36%	54
Conservative	12	27.27%	24
Independent	5	11.36%	10

The Liberal Democrat Group had accordingly asked that Councillor Yarwood be appointed to serve on the Environment and Scrutiny Committees of the Council. Councillor Gayler also said that it had been decided that Councillor Morson would replace Councillor A Dean on the Strategic Partnership Reference Group.

RESOLVED that the above appointments be approved.

C36 FORWARD WORK PROGRAMME OF THE COUNCIL

The Chief Executive presented a detailed report setting out the key activities of the Council for the period from July 2006 – June 2007. Members welcomed the report and asked that a copy of it be placed on the Council's website.

C37 UTTLESFORD LOCAL DEVELOPMENT SCHEME – FIRST REVISION

The Local Development Scheme (LDS) had been brought into effect in April last year. Since then, there had been a number of events which impacted on the programme set out in the LDS and this first revision reflected these. The Environment Committee had approved the revised LDS for submission to the Secretary of State and it had been formally submitted on 9 June 2006. The Secretary of State had confirmed that she did not intend to intervene and the Council was now free to bring the revised scheme into effect.

It was noted that under the Town and Country (Local Development) (England) Regulations 2004 the Council had to make a resolution to bring any revisions to the LDS into effect.

Councillor Flack asked whether a workshop could be arranged on this matter and the Chief Executive replied that this had been held the previous day and he would arrange for copies of the slides to be sent to all Members.

Councillor A Dean said that the use of the web cam and the public involvement exercise undertaken by the Development Control Committee was an innovative form of consultation and he congratulated all involved.

RESOLVED that the Council approve the revised Local Development Scheme to come into effect from 19 July 2006.

C38

AREA BUDGETS

Members considered the report of the Chief Executive setting out an approach to establishing budgets to support area panels to work more effectively on behalf of their areas. He said that some Members had been clear that they wished to see the area panels being able to absorb the financial consequences of their decisions rather than being required to seek budgets from the Council's policy committees. Also, the Government had announced that it would publish a local government white paper in the autumn of 2006 which was likely to encourage Councils to further devolve service responsibility to neighbourhoods.

Councillor Ketteridge said that he felt that the area panels had not demonstrated that they were effective enough to take on these powers. However, Councillor Gayler said that devolving budgets would make them much more effective and would give them the support they needed. He emphasised that it was not new money, it was just changing the arrangements to enable local decisions to be made at a local level.

Councillor Cheetham asked for clarification of what budgets would be devolved and she added that she did not feel that area panels were working well. Councillor Freeman responded that things only worked well if people wanted them to work. He said that if the panels did not have authority they would not have a real purpose and would have only a limited function. Councillor Gayler concluded that the intention was not to approve the detail of the budgets at this time, only to approve the process for moving things forward. He said that details would be considered by the relevant committees.

RESOLVED that

- 1 Each policy committee receives a report on the aspects of their respective budgets that should be delegated to area panels at their next meeting.
- 2 Consideration of a more deep rooted transfer of budgets to area panels be considered as part of the development of the Council's budget which would be agreed in February 2007 and that such deliberations be incorporated into the forthcoming medium term financial strategy
- 3 Further consideration to developing the role of area panels be pursued once the expected local government white paper is published in the Autumn.

C39

The Chief Executive said that a workshop on project management would be held on 9 October 2006. He added that a series of workshops would be arranged on the local development scheme and strategic vision and a workshop on the audit letter and process would also be arranged.

Following comments from Councillors Cheetham and Thawley it was agreed that a workshop on the Regional Spatial Strategy should be held in early September in advance of the meeting of the Environment Committee on 26 September.

Councillor Menell suggested that workshops should be held from 6.00 until 8.00 pm to enable Members to attend other commitments. Councillor Savage added that most parish councils met on Mondays and asked whether the days for workshops could be varied to avoid these. The Chief Executive confirmed that attempts had been made to look at dates which suited most Members, but there was no pattern which was agreeable to all but the opportunity to vary days would be looked at. Councillor Gayler said that he would discuss this matter further with group leaders and the Chief Executive.

C40

NOTICES OF MOTION

(i) Development Control

Members considered the following Notice of Motion proposed by Councillor A J Ketteridge and duly seconded:

“That the time limitation of 3 minutes imposed by the Development Control Committee on District Councillors who wish to address the Committee be removed.

Uttlesford District Council Members who are not Members of the Development Control Committee, but who wish to make representations to the Committee should be subject only to the normal rules of debate set out in the Council’s Constitution”.

Councillor Ketteridge added that he felt that the current time limit was undemocratic and prevented all Councillors from adequately representing their constituents. He also felt it would be useful if the Development Control Committee could clarify the procedure for ward members attending site visits and suggested that they should be able to speak on matters relating to clarification of information.

Councillor Cheetham said that she was also unhappy with this restriction and said that the public expected ward councillors to have more freedom to put across the views of their constituents.

Councillor Cant said that the committee had imposed the limit for reasons of equity and she moved that the matter be taken back to the Development Control Committee for further consideration. This was duly seconded, but following a vote was lost.

Councillor Gayler said that the Council's procedure rules restricted Member's speeches to five minutes and he supported the Motion. Councillor Godwin said that there was value in local members speaking on local issues.

Councillor Savage said that the restriction of 3 minutes constrained what Members were able to say. Councillor A Dean suggested that the Motion be amended by the addition of the words 'and the Development Control Committee be asked to review its procedures accordingly'. The mover and seconder of the Motion accepted this amendment.

Councillor Freeman said that he supported the Motion and said that Councillors needed to be able to represent the people who voted for them. He felt that there were already too many restrictions on Members of the Development Control Committee. He also suggested that it would be better if speakers raised a single question rather than multiple questions. However, Councillor Savage said that Members should not be tied down by any further rules.

Councillor Gregory also supported the Motion and said that it was frustrating for Members at site visits not being able to comment on the application and agreed that this should be looked at.

Councillor Loughlin asked that if the restriction on district councillors was to be lifted whether it should be extended to town and parish councillors as they were also elected representatives.

RESOLVED unanimously that the Motion, as amended, be approved.

(ii) Alcohol Misuse

Members considered the following Notion of Motion proposed by Councillor M A Gayler and duly seconded:

"This Council notes *Turning Point's* 'Bottling it up' campaign and that one in eleven children are estimated to be living with parents who misuse alcohol.

This Council believes that more should be done to help this vulnerable group and calls on the Government to launch a national inquiry to examine the impact of parental alcohol misuse, and develop new services for children and parents".

Councillor Loughlin suggested that the Motion should be amended by the addition of the words 'and/or drug abuse' and the mover and seconder of the Motion accepted this addition. Councillor Cheetham said that the letter would need to be worded appropriately to address the Turning Point campaign.

RESOLVED that the Notion of Motion, as amended, be approved.

C41

WEB-CAM

The Chairman referred to the recent use of the web-cam at meetings of the Development Control Committee and said that he had asked the Chief

Executive to prepare a report which would seek Members' views on whether they wanted to use the web-cam at future meetings.

The Meeting ended at 10.15 pm.