

COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 17 APRIL 2007

Present:- Councillor A R Row – Chairman.
Councillors E C Abrahams, K R Artus, H D Baker, C A Cant, 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, M A Hibbs, E W Hicks, S C Jones, A J Ketteridge, V J T Lelliott, R M Lemon, A Marchant, J E Menell, D J Morson, M J Savage, G Sell, A R Thawley, P A Wilcock and A C Yarwood.

Officers in attendance: - A Bovaird, R Auty, D Burridge, M Brean, M Cox, J Mitchell, P O'Dell, M Perry and T Turner.

C95 STATEMENT BY MEMBER OF THE PUBLIC

Mr Williams, a resident of Gold Street, explained that the street was part of the Residents Parking Scheme and he was entitled to a parking permit for his property. He had recently bought the adjoining cottage and converted the two properties into one dwelling, but still had to pay council tax for each property. On that basis he had asked if he could have an additional parking permit for the other dwelling, but had been advised that this was likely to be refused as this was not his main residence. He had subsequently asked for an application form to formalise this request but this had been refused. He had since written to the Chief Executive on a number of occasions but this request had been ignored. He said that in terms of natural justice he was at least entitled to apply for a permit and he asked that he be sent the necessary form and that the Council consider his application favourably.

C96 MEMBERS QUESTION AND ANSWER SESSION

Councillor Flack asked for information on why the owners of the garages at Holloway Crescent had received a notice to quit and for the garages to be demolished on 24 April. She said the parish council had discussed the possible use of the site for affordable housing at a meeting on 2 March and at that time had been told that there would be full consultation. As far as she was aware there had been no consultation with the garage owners or tenants. She asked that the proposed demolition be stopped and a public meeting be held to explain the situation. Councillor Gayler replied that he was not aware of the circumstances of this case. Councillor Hibbs had expected to attend a further meeting with the parish council so was very surprised at this information. Officers were asked to investigate this matter.

Councillor Cheetham was concerned that the procurement agreement with Braintree District Council was leading to a delay in housing repairs. She cited cases in Takeley where contracts had not been let, some from the 2006/07 budget and said that urgent action was needed. Councillor Gayler asked officers to investigate and report back.

Councillor Hicks was concerned at the short time scale for parish councils to apply for the Community Projects Grant scheme. The forms had been received on 12 March to be returned on 26 April and this did not allow enough time find appropriate schemes and to organise matched funding. Councillor Morson, Chairman of the Community Committee, said that due to timescales within the grants framework it would be very difficult to send out the paperwork any earlier. These were annual grants, so the parishes should have known that they were available and had sufficient time to prepare.

Councillor Harris said that following the withdrawal of funding from the County Council; the Buffy Bus and Little Butterflies were under threat from closure. He asked for an assurance that the Council would look for ways to support these schemes. Councillor Morson replied that these had formed an important part of the Council's service and if he was re-elected, and was still Chairman of the Community Committee, he would ensure that an item was put on the agenda early in the new council year.

Councillor Menell asked for reassurance that the post of Community Safety Officer would be filled when the current post holder left the authority. The Chief Executive confirmed that the post would be re-examined as with all vacant posts, but there was no question that the work would continue.

Councillor Wilcock was pleased that the recycling programme was to include other materials but questioned the arrangements for informing the public. He was informed that the bin hangers were being prepared and would be rolled out on collection day as soon as possible.

The meeting discussed the rules for the Member question and answer session and were advised of the relevant procedural rule which stated that questions should be put to the Chairmen of Policy Committees. The Council might wish to extend this to the Leader and Deputy leader. Councillor Hibbs said that he had originally put forward the idea of this session to ensure that ordinary members had the opportunity to bring up items of concern in a forum where they would be minuted and followed up.

C97

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Boland, R P Chambers, E Gower, B M Hughes, T P Knight, M J Miller, J P Murphy, V Pedder, S V Schneider, F E Silver, E Tealby-Watson and A M Wattebot.

C98

MINUTES

The Minutes of the meeting held on 15 February 2007 were approved as a correct record and signed by the Chairman.

C99

BUSINESS ARISING

(i) Minute C87 – Budget setting 2007/08

Councillor Ketteridge pointed out that at the last meeting he had said that the budget contained too many unsafe items and estimates. He had warned that the 2% Council Tax rise would make life difficult for the new council and this had proved to be the case.

C100

CHAIRMAN'S COMMUNICATIONS

The Chairman reported on two recent visits. He had attended the inauguration of the new Sheriff at Chelmsford Crown Court and had toured the House of Commons with Sir Alan Haselhurst MP. He had had a successful reception in March and had attended the Harlow District Council's 60th birthday celebrations. His last fundraising event was a charity Golf Day at Saffron Walden Golf Club on 10 May.

He informed members that this was his last full council meeting as he would not be standing for re-election. He said that it had been a huge honour to be elected as Chairman of the Council and thanked members for giving him this opportunity.

Councillor Ketteridge thanked Councillor Row for all his hard work and for the way in which he had chaired the meetings. All members wished him well for the future.

C85

LEADER'S COMMUNICATIONS

Councillor Gayler paid tribute to those members that would not be standing at the forthcoming local elections. He particularly thanked Councillor Row who had been a member for many years and had made a valuable contribution to the work of the Council. He also thanked Councillors Pedder, Tealby-Watson, Silver and Lelliott for all their hard work over the last few years.

He reported that he had received minutes of the Stansted Gateway Transport Board and had been concerned that no representatives from this district had been invited when the meeting would be discussing airport related issues.

RESOLVED that the Council write to Essex County Council and to the individual members of the Board expressing concern that this district had not been included in the membership and requesting that it be invited to future meetings.

The Leader then reported that the Council had been successful in a joint venture bid with Braintree and East Herts for a grant from Building Capacity East to research the needs of the migrant community. Uttlesford would be the lead authority.

C101

MATTERS REFERRED FROM COMMITTEES

(i) Museum Service: Heritage Quest Centre funding and Heritage Lottery Application

The Council considered a request for a capital contribution to support the application to the lottery for the Heritage Quest Centre project. This request for £150,000 funding had been considered at the Community Committee on 15 March and then at the Operations Committee on 22 March where the recommendation had been amended to a contribution of £100,000.

Councillor Ketteridge was disappointed that the current budget situation had meant that the Council could not meet the request for the full grant. The Leader replied that the Council had a number of competing schemes so it was necessary to prioritise and promote partnership in the community wherever possible. Councillor Flack questioned the business case and the revenue implications of the project, whilst other members thought that this was a well thought out project that should be supported.

RESOLVED that

- 1 officers prepare and submit a formal application to the Heritage Lottery Fund for the Heritage Quest Centre Project.
- 2 the Council approves capital funding totalling £100,000 for the project: £60,000 in 2007/08 and £40,000 in 2008/09.

C102

CONSTITUTION TASK GROUP

Councillor Morson introduced a report that set out the conclusions and recommendations of the Constitution Task Group following its consideration of the issues referred to it by the Council at its meeting of 15 February 2007.

The Task Group had considered the request for a housing board. It had felt that there should be increased opportunity for member oversight of the strategic issues affecting the development of the Council's housing stock and had recommended that a Housing Board be established as a Working Group. Its remit would be to develop the Council's Housing Strategy (including stock and asset development, homelessness, allocations policy), Liaise with the Tenants Forum and Co-ordinate local development framework with housing policy.

It had looked at arrangements for member workshops as the current evening workshops had not been well attended. It proposed an alternative of Member Briefing days to take place on three Saturdays a year, to cover a range of subjects to be agreed between the Strategic Management Board of the Council and Group Leaders.

The Constitution Task Group had also looked at ways of reducing the length of meetings. First, to continue the Lead Officers' report, this would update members in writing on the progress of previous items and issues. Items for information would be clustered at the end of the agenda, and would not normally be discussed. Members would be encouraged to notify declarations of interest in advance. Provisional timings for each agenda item would be agreed in advance. It also suggested a new Standing Order that would put in place a time limit on the length of meetings.

The Group had looked at Members' concerns about the number of items that had to be considered by more than one committee. With a committee system there would always be some cross boundary issues but the system needed to be less confusing and issues should be considered within one cycle. A new timetable had been prepared to allow sufficient time between the various levels of meetings to ensure that items could be referred and proper recommendations made.

The group had looked at the ways to improve the ability of area panels to make decisions that affected the local area. It proposed that a general power be defined for the panels. The group also recommended the necessary changes to the scheme of delegation consequent upon the Council restructure.

Councillor Flack made a number of comments about the report and questioned why the Council's streamlined committee system was creating a new committee in terms of the Housing Board. She also questioned the terms of reference for the Scrutiny Committee to include NHS matters, which was not within the Council's remit and asked who was responsible for setting the programme of Internal Audit. She was also concerned about the proposal to have meeting in August during the school holidays when many people were likely to be away. Councillor Cheetham was unhappy with the proposal for Saturday workshops as for many people weekends were a family time. She also thought it was a backward step to be setting up another new committee in terms of the housing board.

Councillor Morson proposed the recommendation to the report which was duly seconded. He said that the proposal for the housing board would remove the number of items from the Community Committee. He thought it was worth seeing if having meetings in August was workable, as many members didn't go away during this period. Councillor Dean added that Performance Select was the committee that dealt with the Audit programme. He suggested amending the name of the committee to reflect this part of its remit.

The Chief Executive explained that in order to have the necessary intervals between the various committee meetings it was necessary to hold meetings in August. The impact of this would be monitored and the agendas for these meetings would be managed accordingly.

Councillor Sell said that he supported the proposal for a housing board as the Community Committee was taken up with run of the mill housing issues. He also supported the proposed change to the powers of the area panels.

Councillor Ketteridge said that he had a number of concerns with the recommendations in the report and that the matter should really be considered by the new council as it would be implementing the decisions. He proposed an amendment that was duly seconded that "recommendations 2-6 be deferred to the next meeting of the Council"

Councillor Gayler said that the recommendations would not take effect until they were agreed at the Annual Meeting; but they had to be passed at this meeting so that they could be tabled at the next. Other Members agreed that if the changes were not provisionally agreed now they could take many months to put in place and this included statutory matters. Also, the recommendations had been agreed by a cross party group of Members that had been working on this matter for some time.

The amendment was put the vote and was lost. It was therefore

RESOLVED that

- 1 the amendments to the scheme of delegation etc set out in part 2 of Appendix 1, and those in Appendices 1A and 1B be agreed
- 2 the amendments to the articles of the constitution set out in part 1 of Appendix 1 and in Appendix 2 be moved, such that they are available for determination at the Annual Council Meeting on May 22, 2007
- 3 the proposals for the creation of a Housing Board as set out in the report be recommended to the incoming council with a view to establishing such a board at the Annual Council Meeting on May 22, 2007
- 4 the proposals relating to Member briefing days be noted, and that it be agreed that those proposals be adopted on a trial basis with a view to such a briefing day taking place before the end of July 2007
- 5 the proposals relating to the management of the length of agendas and of meetings be agreed
- 6 the sequence of meetings necessary to minimise unnecessary repeated discussion of issues be noted, and that the provisional calendar of meetings for 2007-8 at Appendix 3 be noted.

C103

CODE OF CONDUCT

It was reported that on 22 January 2007, the Government published a consultation paper on a proposed revised Code of Conduct for members. The Standards Committee had met to consider its response to the consultation and what recommendations to make to Full Council regarding adoption of the Code. The Assistant Chief Executive said that most of the provisions of the Code were mandatory. However, there was some room for manoeuvre and the Standards Committee had suggested some amendments. It was recommended that Full Council adopt the revised Code of Conduct attached to the report.

The Assistant Chief Executive said that he would be running a number of workshops for District members and Town and Parish Councils to explain the provisions of the Code in detail.

RESOLVED that Members adopt the Code of Conduct annexed as Appendix I to the report as the Code of Conduct for Members of Uttlesford District Council with effect from 8 May 2007.

C104

GENERAL FUND BUDGET – PROJECTED OUTTURN

The Director of Resources presented a detailed report on the projection of the 2006/07 General Fund budget outturn and the implications for the 2007/08 budget. The Operations Committee on 22 March had been advised of the General Fund Budget position and in particular that the amount of grant received under the Local Authority Business Growth Incentive Scheme had been less than projected and had left a shortfall of £382,630 on the revised budget. The same projected sum of £600,000 had been assumed in the 2007/08 budget but was now being reduced to around £350,000, adding a pressure of £250,000 to the 2007/08 budget. The Committee had asked that a report be brought to this meeting containing an action plan to address the implications of the likely shortfall.

The Director of Resources explained that the overspend at year end would need to be charged to specific reserves and the Financial Management Reserve. Officers had looked in more detail at the earmarked reserves and concluded that some of these could be re-allocated to support the Financial Management Reserve. The proposed use of specific reserves would protect the integrity of the Council's General Fund Balance of £1.2m when the final accounts for 2006/07 were prepared. It was also necessary to replenish the Council's Financial Management Reserve to allow it to finance the commitments already agreed. This would require replacement of the £98,000 proposed to deal with the projected overspend on the 2006/07 budget.

The total savings requirement was now £348,000 which would ensure that the budget balanced and that the Financial Management Reserve was restored to its previous level. Of this sum, £13,000 could be achieved from the ending of the annual contribution to the District Plan Enquiry and Legal Fees Reserve, making the overall target for re-budgeting purposes £335,000

The report then set out the strategy put forward by the Strategic Management Board to address this shortfall

- The targeted savings on the management restructure would be re-examined to see whether more could be achieved.
- Joint working with other councils, involving the possibility of early financial savings (£35,000 as a realistic target).
- The remaining savings of £300,000 had been allocated between Heads of Division. These might involve reviewing fees and charges, greater efforts

at improved procurement and taking real action on partnership working, completed as quickly as possible.

- Heads of Division to take early action to save if opportunities present themselves and to provide the Strategic Management Board with options on how to save the sums involved. Feedback from Heads of Divisions was expected by the end of April.
- More details would be provided at the Council meeting in May when the Corporate Plan and Best Value Performance Plans were due to be considered. Members would be notified of any significant service implications before that formal updating.

Councillor Gayler said that this was a difficult situation but he was satisfied with the action that had been taken. He was confident that the Heads of Division would be able to meet the budget targets that had been set but the situation would be very closely monitored during the year.

A number of members questioned whether the Council was expecting a contribution from Essex County Council following the reduction in landfill taxes that had resulted from the increased recycling rates in Uttlesford. The Director of Resources said that this could potentially be significant, though the amount had yet to be confirmed.

Councillor Ketteridge said that significant savings had already been built into the budget and to find additional savings would be very challenging for officers. He thought that more proactive ways should be found to source the additional funds. He commented that the Council had overspent for the last two years but could not afford to do so again, as it would be starting the year in deficit.

Councillor Godwin said that the budget had been based on assumptions that were not robust. She was concerned that the Council was facing some significant expenditure this year. Councillor A Dean replied that all budgets were based on assumptions and the necessary measures had been put in place, but budget this year would require vigorous monitoring.

RESOLVED that the Council

- 1 Notes the projected General Fund budget outturn and agrees the proposed action to deal with the likely overspend on the revised 2006/07 budget.
- 2 Approves the use of reserves to deal with the projected 2006/07 overspend as detailed in paragraph 11
- 3 Agrees the action proposed to deal with the budget shortfall for 2007/08.

C105

FEES FOR PREMISES LICENCING UNDER THE GAMBLING ACT 2005

It was reported that under the Gambling Act 2005, local authorities would start to receive applications for conversions of existing premises licences with effect from 21 May 2007. Under the Act, fees were to be fixed by the local authorities on a cost recovery basis within limits set by the Secretary of State. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 were laid before Parliament on 21 February 2007 and would come into force on 21 May 2007.

The Regulations had been published setting out the maximum fees and it was likely that all premises within the district would qualify for the fast track application, a maximum fee of £300. There was no experience to gauge the amount of work, so it was suggested that to ensure that the Council did not suffer a loss, the fees for the first year should be set at the maximum with a review at the end of the first 12 months.

RESOLVED that

- 1 for the first 12 months of operation of the Gambling Act 2005 the Council fixes the fees at the maximum level permitted by the statutory instrument
- 2 the power to fix licensing fees for subsequent years be delegated to the Licensing Committee
- 3 there be a review of the fee levels at the end of the first year of operation of the Act.

C106

APPOINTMENT OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Council noted that in December 2006 it had nominated the Constitution Task Group to recommend the appointment of Independent Persons to the Council's Standards Committee. An interview panel had been selected and interviewed potential candidates. The candidates had been of exceptional quality and the Panel had felt that it would be unfortunate not to have the benefit of the knowledge and experience of all three on the Standards Committee.

The Constitution of the Council provided that the Standards Committee should consist of 8 persons, 4 elected members, 2 independent persons and 2 persons representing Town or Parish Councils and it was recommended that the numbers of Independent Persons be increased to 3. The provisions of the Constitution would require the motion to stand adjourned without discussion to the next meeting of the Council which would be the annual meeting.

RECOMMENDED that

1. Article 10.2 of the Constitution be amended to provide for the Standards Committee to consist of 4 elected members, 3 independent members and 2 members from Town or Parish Councils.
2. Mr S Brady, Mr M Hall and Mrs R Whitlam be appointed as Independent Persons to the Standards Committee with effect from 22 May 2007 until the next ordinary election of the Council.

C107 **EQUALITIES AND INCLUSION POLICY**

Members were advised that following legislation and audit criteria for Local Authorities in 2006, the Council had committed to achieve the Equality Standard Level 2 by December 2008. Officers had been working with a consultant during 2006 and had produced a draft Equalities and Inclusion Policy for internal and external consultation. The documents would be continually under review. The Council was asked to approve the policy at this stage in order to speed up the Council's ability to achieve The Equality Standard Level 1 and progress towards Level 2.

The Chief Executive thanked the members of the Working Group for their hard work in producing the document. Members were generally happy with the contents of the document but asked that further editing take place to ensure consistency in the wording and an amendment be made to p.11 para 7.1 to read

"We do not discriminate on account of a persons sexual orientation. We will work hard to acknowledge diversity and promote tolerance of people's sexual orientation and reflect all forthcoming legislation and good practice on the subject of sexual orientation and discrimination in employment and service"

RESOLVED that Members adopt the Uttlesford District Council Equalities and Inclusion Policy as amended above, subject to further consultation

C108 **TO CONSIDER NOMINATIONS FOR CHAIRMAN AND VICE CHAIRMAN 2007/08**

The Chairman agreed to the consideration of this item on the grounds of urgency as the business needed to be transacted before the next meeting of the Council

The Chairman asked for nominations to the positions of vice Chairman and Chairman of the Council for 2007/08 which would be placed on the table at the Annual Council meeting on 22 May 2007

It was proposed by Councillor Gayler and seconded by Councillor Thawley that Councillor C M Dean be nominated as Chairman of the Council for 2007/08.

It was proposed by Councillor Godwin and seconded by Councillor Abrahams that Councillor R M Lemon be nominated as Vice-Chairman of the Council for 2007/08.

It was proposed by Councillor Wilcock and seconded by Councillor Jones that Councillor D J Morson be nominated as Vice-Chairman of the Council for 2007/08

C109 EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in part 7 of schedule 12A of the Act.

C110 AUDIT PARTNERSHIP

It was reported that the operation of the Audit partnership with Stevenage had been re-examined following recent changes in the management structure.

RESOLVED that before commencing the process of appointing a new internal Audit Partnerships Manager, officers should undertake a review of the working of the current Internal Audit Partnership with a view to improving the extent to which it provides independent, objective and resilient internal audit capability and value for money. Considerations should include, but not be restricted to, capacity and range of professional specialisms, management and financial arrangements, increasing the membership of the partnership and the options for developing an in-house solution. In the meantime – and as a precaution- formal notice should be given to Stevenage Borough Council of UDC's provisional intention to dissolve the partnership.

The meeting ended at 10.00pm