

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 16 DECEMBER 2008**

Present:- Councillor R M Lemon – Chairman.  
Councillors E C Abrahams, S Anjum, S Barker, E L Bellingham-Smith, C A Cant, R H Chamberlain, J F Cheetham, R Clover, J E N Davey, A Dean, C M Dean, C D Down, K L Eden, E J Godwin, E Gower, E W Hicks, S J Howell, D M Jones, A J Ketteridge, J I Loughlin, H J Mason, J E Menell, M Miller, D J Morson, D G Perry, H S Rolfe, D J Sadler, J Salmon, S V Schneider, G Sell, C C Smith, A D Walters, A M Wattebot, L A Wells, and P A Wilcock.

Officers in attendance:- J Mitchell (Chief Executive), D Burridge (Director of Operations), R Harborough (Acting Director of Development), S Joyce (Chief Finance Officer), M Perry (Assistant Chief Executive), R Pridham (Head of Street Services), C Rockall (Interim Change Manager), P Snow (Committee and Electoral Services Manager), and A Webb (Director of Central Services).

The Chairman said that he had been requested to allow a public statement by Mrs Durkin on the National Air Traffic Service's (NATS) recent meeting with Essex County Council and the matters of concern raised at that meeting. He had ruled that Mrs Durkin, as well as another member of the public, should not be allowed to speak as they had not registered their interest by the published deadline.

He had spoken personally to Mrs Durkin, who understood the position, and suggested that she might wish to attend the North Area Forum meeting on Tuesday, 6 January to make a statement or ask a question.

C58

**MEMBERS' QUESTION AND ANSWER SESSION**

Councillor Sell asked the Leader to comment on why no wreath had been laid at Stansted on behalf of the Council for the first time in a number of years and asked for this decision to be reviewed.

The Leader said he was aware of correspondence on this matter but could not comment further until he taken the opportunity to review the current policy.

Councillor C Dean asked the Leader to comment on the acknowledgement message received by people e-mailing a Council address as this had attracted some adverse comment. She also asked him to say when the Chief Executive would be able to supply a list of staff, their functions, and contact details. She had requested such a list previously with no success.

The Leader responded that the e-mail acknowledgement had been set up in response to requests from Members and some members of the public who were unsure their requests had been received. The matter would be kept under review. He invited the Chief Executive to provide an answer about the provision

of a staff list and Mr Mitchell confirmed he would supply such a list to all Members in due course.

Councillor C Dean then asked Councillor Eden (in Councillor Chambers' absence) to comment on the reference to a Carbon Management Working Group in the Minutes of the Finance and Administration Committee. She asked when this group had been established, who its members were, and what were the terms of reference? Councillor Eden said he was unaware of the existence of such a group and would make enquiries.

Councillor Rolfe asked the Acting Director of Development for an update on the intention of the Inspector at the G2 inquiry to conduct concurrent sessions. Mr Harborough said he would be meeting the Planning Inspectorate's Director of Casework tomorrow and there was a planned programme meeting on 19 January to further develop the proposed arrangements.

Councillor A Dean asked the Chairman of the Environment Committee about the capital cost of introducing 25 litre kitchen waste caddies across the district if the proposed trial should prove successful which he thought would be in excess of £100,000.

Councillor Barker said she was aware of the cost of the replacement bins. There were a number of options that could be considered including changing the colour of existing bins, switching them to composting, or selling them to other councils. She had no idea whether the trial would be successful or not. A report would be submitted to her Committee assessing the results of the trial and suggesting possible outcomes.

He then asked about a number of letters that had allegedly not been answered, including one from the Essex Development and Regional Agency and another from the Federation of Small Businesses. In referring to the request from Mrs Durkin, mentioned earlier in the meeting, he said that Essex County Council had written inviting participation in a joint response about flight arrangements but that no response had been sent. He thought this demonstrated that the Council was not punching with all its weight.

Councillor Dean said this matter had been raised at the November Environment Committee meeting but had not been Minuted. He asked for an assurance that something would be done to ensure prompt responses were sent to external organisations and that the NATS consultation would be taken seriously.

The Leader said that he was aware of some activity on the NATS consultation and he had instigated a meeting with Mrs Durkin, involving Councillor Walters and the Acting Director of Development as well. He was not aware of the letters to which Councillor Dean had referred but undertook to investigate the position.

Councillor Wilcock asked the Leader to comment on the promise to reinstate weekly refuse collections given by Eric Pickles MP, shadow Local Government Minister. He asked whether this was something the Council would consider doing now?

The Leader said he had not discussed this matter with Mr Pickles and it was very unlikely the Council would consider weekly collections in the near future.

## C59 **APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Artus, Chambers, Foley, Hudson, Knight, Redfern, Sherer and Yarwood.

*Councillor Barker declared her interest as a member of the County Council.*

## C60 **MINUTES**

The Minutes of the meeting held on 21 October 2008, and of the Extraordinary meeting held on 12 November 2008, having been received, were approved as a correct record and signed by the Chairman, with the following amendments:

The date for the Chairman's open house in Minute C54 should be 18 November and not December.

The reference in Minute C55 to declarations of personal interest by Councillors Artus, Bellingham-Smith, Cheetham, Davey, A Dean, C Dean, Hicks, Morson, and Redfern should be to the National Trust and not to SSE.

## C61 **BUSINESS ARISING**

### **(i) Minute C39 – Presentation to Olympic Competitors**

Councillor Barker advised Members that the County Council had announced its ambassadors for the 2012 Olympic Games and the list included Chloe Rogers who had been a guest at the last meeting. Both Chloe and Daniel Bentley had been awarded £6,500 for training purposes.

### **(ii) Minute C40 – Members' Question and Answer Session**

Councillor Wilcock asked for a progress statement on support from EERA for partnership working. He also asked the Leader to consider changing the target date for the payment of invoices from 30 to 20 days as this would assist local small businesses struggling in the difficult economic climate.

Councillor Rolfe confirmed that the full time post of partnerships officer was presently being advertised, and this would be funded by the LSP. In the interim, additional help was being funded by EERA for a one day a week post, and by GO-East for a separate part-time post.

Councillor Eden referred the second question to the Chief Finance Officer. He said that the present target of 30 days was not always met and he would explore what could be done to speed up payment periods.

**(iii) Minute C49(ii) – Housing Policy Land Disposal**

Councillor Wilcock said he had been told that the open market value of the three plots of housing land agreed for disposal at the last meeting was £650k. He asked what was being done to record the true value of the land in the Council's asset register? The Chief Finance Officer said that all asset values were pulled together as part of the year end processes.

C62

**CHAIRMAN'S COMMUNICATIONS**

The Chairman extended a warm welcome to Nicola Beech of Essex County Council. He asked Members to ensure that their pigeon holes were cleared. He referred to the civic carol service held last week. This had been attended by 166 people and had raised funds of £417-02 for St Claire Hospice.

Councillors Cheetham and Godwin were organising a sponsored slim starting on 5 January and all were welcome to participate. He thanked Councillor Cheetham for the mince pies she had provided for the workshop. He had not provided drinks for this meeting as he thought this would not be appropriate, and had decided instead to make a donation to St Claire Hospice.

Finally, he asked Members to abide by the rules of debate at all times and to ensure they had their nameplates in place at Council meetings.

C63

**LEADER'S COMMUNICATIONS**

The Leader reported on a meeting with the Local Government Minister, John Healey, regarding the Landsbanki investments. The meeting was facilitated by Sir Alan Haselhurst MP, and he had been accompanied by the Chief Executive. It had proved to be most productive as the Minister was well briefed and had adopted a positive attitude. Regulations had since been drafted helpful to Uttlesford and to other local authorities in a similar position. Mr Healey had now written with offers of help and the Council would be seeking to pursue these.

He drew Members' attention to an article in the Local Government Chronicle about the Chief Executive and highlighting, in a very fair way, the Council's position.

He also thanked the Enforcement Team for the new progress list now being circulated to Members.

Finally, the Leader advised Members that market testing of the Dunmow Offices was being conducted with a view to the eventual sale of the building once the contact centre had moved to the new site.

**MATTERS REFERRED FROM COMMITTEES****(i) Environment Committee on 18 November 2008, Minute E35 – Joint Parking Service**

Councillor Barker proposed approval of a recommendation from the Environment Committee for arrangements to establish a Joint Committee to administer the Joint Parking Partnership with Braintree District Council and Colchester Borough Council.

RESOLVED that:

- 1 the formation of a Joint Committee be approved, to oversee the provision of parking services under a partnership arrangement; and
- 2 Councillors Barker and Chamberlain be nominated to serve on the Joint Committee, with Councillor Smith as a substitute if required.

**(ii) Environment Committee on 18 November 2008, Minute E36 – Joint Municipal Waste Strategy**

Members received the recommendation of the Environment Committee to adopt the Joint Municipal Waste Strategy for Essex. Councillor Barker said that this Essex partnership had been in the making for twenty years and had now been agreed with several districts and boroughs. The only way to deal with refuse left after recycling was either to burn it, bury it, or treat it. The Council must maximise recycling and then find more efficient ways to treat any waste left over. She proposed signing up to the waste strategy so that matters could move forward. The motion was seconded by Councillor Ketteridge.

Councillor A Dean proposed the following amendment and this was seconded by Councillor Wattebot:

'Resolved that the Joint Municipal Waste Management Strategy for Essex to minimise waste sent to landfill be noted by Uttlesford District Council but only be considered for adoption when revised along the following lines:

- Maximised recycling across the county to emulate and better Uttlesford's current exemplary recycling performance;
- Maximised waste reduction;
- Minimised processing by Mechanical Biological Treatment plants, which will reduce the risk of any MBTs in Uttlesford district.'

Councillor Dean said that the principles of the strategy could be agreed but it was not yet robust enough to minimise the need for MBT plants. Such a plant was proposed in the Canfield area but the recycling possibilities were not far enough advanced to proceed.

Uttlesford was the best performing Council in Essex but other councils were way behind and more work was needed so that recycling could exceed 60%. There was currently a lack of ambition in this area.

Councillor Barker said she wanted other councils to do better but that recycling of more than 60% could be achieved only by recycling green waste. Every month the waste strategy was not agreed was vital as the delay would cost Essex taxpayers in the region of £1m. It was necessary to move forward quickly as large projects such as this took years to become established. Other districts were now taking measures that would close the gap. The Council must not delay as this would cause an unacceptable burden on taxpayers.

The Leader said he wished to speak against the amendment. The partnership with Essex was probably the most important we had. The financial benefits were essential to Uttlesford and it was vital to proceed at once. The education of the public to minimise waste would happen in time. The MBT site at Crumps Farm had no bearing on this agreement. He considered it was of such importance that a recorded vote should be taken and he requested that this be done.

Councillor Godwin said that she would not vote for the amendment. A more radical approach to waste management was needed. Uttlesford was almost the last Council in Essex to sign up to this strategy and it should now proceed.

Councillor Wattebot said that she would support the amendment. The Essex Strategy took insufficient account of developing technology and was too inflexible to be effective.

Councillor A Dean said that Colchester Borough Council had refused to sign the agreement and that Basildon had not yet done so. The way forward was a question of scale and balance. It was important not to rush into an agreement as this could be signed within the next year or so once conditions were right.

Councillor Smith asked for an assurance that there would be extra cost to taxpayers if the agreement was not signed now.

Councillor Barker explained that if the landfill allowance was exceeded punitive charges would be imposed. Uttlesford must play its part in reaching the targets set. She would love to see Uttlesford reach 65% recycling without collecting green waste but this was unlikely.

The amendment was then put to the vote:

#### **For the amendment**

Councillors Cant, A Dean, C Dean, Loughlin, Morson, Sell, Wattebot and Wilcock.

#### **Against the amendment**

Councillors Abrahams, Anjum, Barker, Bellingham-Smith, Chamberlain, Cheetham, Davey, Down, Eden, Godwin, Hicks, Howell, Jones, Ketteridge, Mason, Menell, Miller, Perry, Rolfe, Sadler, Salmon, Schneider, Walters and Wells.

## **Abstained**

Councillors Clover, Gower, Lemon and Smith.

The amendment was declared lost by 24 to 8 votes with four abstentions.

The substantive motion was then put to the vote and declared carried by 24-7.

RESOLVED that the Joint Municipal Waste Strategy for Essex be adopted.

### **(iii) Finance and Administration Committee on 27 November 2008, Minute FA27 – Treasury Management Update**

Councillor Eden proposed adoption of a series of recommendations relating to the Prudential Indicator and the Treasury Management Strategy.

RESOLVED that the recommendations of the Finance and Administration Committee to increase the Prudential Indicator upper limit for fixed interest rate exposure (recommendation 1); and the proposed changes to the Treasury Management Strategy (recommendation 2 i and ii) be approved.

C65

### **AMENDMENTS TO THE CONSTITUTION – CHANGE OF NAME OF COMMUNITY COMMITTEE**

Councillor Schneider requested Members to agree to adopt changes to the Constitution, laid on the table at the last meeting, enabling a change of name of the Community Committee to that of Community and Housing Committee.

RESOLVED that the Constitution be amended accordingly.

C66

### **FINANCIAL OUTLOOK**

Councillor Eden proposed adoption of the report by the Chief Finance Officer recommending approval of the 2008/09 General Fund Revised Budget, subject to variations, and the 2009/10 Budget Strategy. He said that the report was first class, reflected the Council's difficult financial position, and contained a number of sensible proposals for a longer term strategy to address the many significant challenges ahead. The proposal was seconded by Councillor Ketteridge.

Councillor Wilcock echoed Councillor Eden's comments and said that he wished to propose an amendment. He said the budget had been well managed although there were a number of above and below line factors to consider, including some high risk items amounting to nearly £0.5m. The Council was in a challenging environment and needed to save money. This had been spelt out both in the report and in the preceding workshop.

The report had said that a council tax increase of 5% was required given the level of the local government settlement for next year. He proposed that the increase should be limited to 2.5% and the use of reserves reduced from £402k to £300k, and that the difference be funded by identifying further savings of £211k during the next cycle of meetings. The amendment was duly seconded.

In commenting on the debate, the Chief Finance Officer said that, in preparing the budget forecast, officers had examined every line of the budget and had concluded that it was both prudent and realistic. If this level of spending was maintained there would be no significant effect on the quality of services.

There had already been a £600k reduction in costs and officers did not feel able to go any further down this route without direction from Members. Any reduction in the planned use of reserves would have to be paid for by additional savings, and this would result in some services being stopped.

Councillor Sell asked about the timescale for the use of the PFI reserve from earmarked funds. He also questioned for how much longer the final pension scheme would be sustainable.

The Chief Finance Officer said that he hoped an answer on the use of the PFI reserve would be forthcoming in the New Year.

Councillor Godwin commented that the previous decision to restrict the increase in council tax had contributed to the financial mess in the first place. The hard work and job losses incurred last year should not be forgotten. It would be irresponsible to reduce the level of council tax as Councillor Wilcock was proposing. What would he suggest to find the necessary level of savings?

Councillor Rolfe agreed with much of what Councillor Godwin had said. The balance between lower council tax and the maintenance of services was a difficult one. This was not a political point and could be agreed by all Members. The Council's future financial strategy was now more complicated than last year as the salami slicing of services was no longer an option. He suggested taking the report as a statement of the present position at this meeting and starting the process of exploring more substantive change over the next three years.

The Leader supported the recommendations in the report. It would be foolish to put at risk the decisions already made to take £1m out of expenditure levels to place the Council on a more stable footing. This meeting was not concerned with budget setting and there was no need to take the decision included in the amendment. The report was an honest assessment of the financial position and had set out in plain language what was needed over a three year period. This had not been done before and it was important not to put that position at risk. The report should be accepted as it stood.

Councillor Hicks said the previous Liberal Democrat leader had accepted the decision to reduce the council tax increase in 2007 had been a mistake. The Council now had a new professional standard and should not repeat past mistakes.



Councillor A Dean thought there was no immediate need to go to the barricades. He recognised there was continuing uncertainty. A clearer picture was likely to emerge in time and other options could be examined then. He asked to what extent the Council was being subsidised by external agencies?

The Chief Finance Officer confirmed that work was continuing and a report on the robustness of the estimates and reserves would be brought before Members. This would include advice on the minimum safe level of reserves. Funding of £140k had been provided by Improvement East. There was no risk to the Council in this as all of the staff concerned were contracted and not permanent.

Councillor Cant asked about the overpayment of VAT and the difference between the two figures of £130k and £144k?

The Chief Finance Officer replied that a mistake had been made in 2002/03 when a sum of £65k had been paid to HMC when this sum had been owed to the Council. An application had been made for a refund and this would be pursued, if necessary to the highest level. A report would be brought to Members in January.

In making a final comment before his amendment was put to the vote, Councillor Wilcock said that some services were underspent and it would be possible to find savings without cutting or slicing services. His proposal was to share any gains between the Council and the taxpayers. He accepted that ex-councillor Gayler had apologised and acknowledged that a mistake had been made. However, the Council must consider the position of pensioners existing on a fixed income and look to make further savings.

The amendment was put to the vote and declared lost by 23 votes to 6. The substantive motion was then agreed by 23 votes with none against.

RESOLVED that:

- 1 the 2008/09 General Fund Revised Budget be approved, as shown in Appendix A to the report;
- 2 variability likely to affect the 2008/09 General Fund outturn be noted as described in the report;
- 3 the 2009/10 General Fund Budget Strategy be approved;
- 4 officers be authorised to develop proposals to address longer term financial challenges; and
- 5 the Housing Revenue Account Revised Budget be approved, as set out in Appendix D to the report.

C67

## **FREEDOM OF INFORMATION ACT MODEL PUBLICATION SCHEME**

The Assistant Chief Executive reported on the need to adopt and maintain a new publication scheme approved by the Information Commissioner, under the terms of the Freedom of Information Act 2000. The publication scheme set out the information which was available from the Council as a matter of course. The Information Commissioner's Office had approved a new model publications scheme, and the Council was invited to adopt this with effect from 1 January 2009.

Members raised a question regarding the availability and use of information on the register of electors. The Assistant Chief Executive explained that the supply and use of the register was regulated by the Representation of the People Regulations.

RESOLVED that the Freedom of Information Act Model Publications Scheme 2009, as set out in full in Annex 1 to the report, be adopted without modification with effect from 1 January 2009.

C68

**ANY OTHER URGENT ITEMS – APPOINTMENT OF TOWN AND PARISH REPRESENTATIVE OF THE STANDARDS COMMITTEE**

The Chairman agreed to the consideration of this item on the grounds of urgency as it was necessary to appoint a town and parish council representative to fill a vacancy on the Standards Committee before that Committee next met.

RESOLVED that Mr Colin Edward Clarke of Elsenham Parish Council be appointed with immediate effect to serve on the Standards Committee as a town and parish council representative.

C69

**CHRISTMAS GREETINGS**

The Chairman wished all Members and officers a happy Christmas and New Year.

The meeting ended at 9.05pm.