

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 21 OCTOBER 2008**

Present:- Councillor R M Lemon – Chairman.  
Councillors K R Artus, S Barker, E L Bellingham-Smith,  
R H Chamberlain, R P Chambers, 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, J E Hudson,  
D M Jones, A J Ketteridge, J E Menell, M Miller, D J Morson,  
D G Perry, J A Redfern, 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, P A Wilcock, and A C Yarwood.

Officers in attendance:- J Mitchell (Chief Executive), D Bradley (Interim Head of Finance), D Burridge (Director of Operations), R Harborough (Acting Director of Development), R Millership (Head of Housing Services), M Perry (Assistant Chief Executive), P Snow (Committee and Electoral Services Manager), and A Webb (Interim Director of Central Services).

The Chairman welcomed Stephen Joyce who would be taking up his position as Chief Finance Officer in the near future.

The Chairman referred to the recent sudden death of David Demery, the Council's former architect, who had retired only last year. David had contributed his expertise to many projects throughout Uttlesford, including the Council Offices, Bridge End Gardens, the Heritage Quest Centre, and the Skateboard Park in Saffron Walden, widely acknowledged as one of the finest in the country. He was a generous and kind colleague who always had the interests of the Council and the community at heart. He had touched many lives and had been well respected, hugely liked, and would be sadly missed.

All those present then stood in silent tribute to the memory of David Demery.

**C37 PUBLIC SPEAKING**

A statement was made by Brian Ross as economics advisor to Stop Stansted Expansion. The statement in full is appended to these Minutes.

**C38 UNITED NATIONS DECLARATION OF HUMAN RIGHTS**

The Chairman invited the Reverend Michael Swindlehurst of the United Nations Association (UNA) and Francis Deutsch of Amnesty International to speak in commemoration of the 60<sup>th</sup> anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights.

Reverend Swindlehurst invited councillors to join in the celebrations and said that a potted version of the declaration had been given to all Members. The United Nations was effectively the government of the world, acting together for the benefit of humanity everywhere. The declaration had created a standard for

all governments and peoples. The UNA would continue to work for social and economic rights for all. The respect for human rights was an essential building block for the world. The UN had lit a beacon of hope in 1948 and he invited the Chairman to sign a copy of the declaration as a reaffirmation of the Council's commitment to the principles it enshrined.

A candle was lit to commemorate the original signing and the Chairman then read the wording of the declaration before adding his signature on the Council's behalf.

On behalf of Amnesty International, Francis Deutsch said that Uttlesford was fortunate in the general living conditions available to its residents but there was a real concern locally about the importance of human rights. The ceremony was not merely a symbolic gesture but of fundamental importance for the people of Uttlesford.

C39

### **PRESENTATION TO OLYMPIC COMPETITORS**

The Chairman welcomed as a special guest Chloe Rogers from Great Dunmow who had participated in the recent Beijing Olympic Games as a member of the Great Britain hockey team and he presented her with a certificate.

He spoke about other residents of the district who had competed either in the Olympic or Paralympic Games and was sorry that they had been unable to attend. They were:

Dan Bentley – won a Gold Medal at the Paralympic Games in the Boccia event (similar to bowls)

Glen Kirkham – competed as part of the men's hockey team in Beijing which finished in fifth position

Ben Maher – competed in the equestrian show jumping event, finishing seventh

Lisa Wooding – competed in the Great Britain women's hockey team which finished in sixth position

He extended his hearty congratulations to all of these competitors for their outstanding achievements.

C40

### **MEMBERS' QUESTION AND ANSWER SESSION**

Councillor A Dean asked why the Minute Book had not been circulated until immediately before this meeting and sought a clarification of the procedure. He believed the intention had been that the circulation of the Minutes would inform the question and answer session and that more notice was therefore needed.

The Committee and Electoral Services Manager responded that the timing of the production of the Minute Book had been affected by a combination of printing deadlines and the need to control postage costs, but that efforts would be made to supply this to Members at an earlier date in future.

He then drew attention to the lack of officer support for both of the LSP working groups for economic development and environment. This had made it difficult for the groups to operate effectively. Uttlesford Futures had a potentially key role to play in the LSP process but the lack of capacity had affected the groups' ability to deliver. He asked for a commitment to restore the appropriate level of resource to enable Uttlesford Futures to move forward.

Councillor Rolfe, speaking as Chairman of Uttlesford Futures, said that he had a great deal of sympathy with Councillor Dean's question. There was a lack of clarity as to whether the Futures group was an Uttlesford body or belonged to the LSP, and what the appropriate reporting mechanism should be. The vacant post was fully funded by the partnership and he was supportive of the intention to recruit a partnerships officer. In the meantime, a temporary secondment had been agreed from EERA.

Councillor Morson asked Councillor Barker about the process for determining the Council's preferred option for the LDF core strategy, as summarised in Minute E19 of the Environment Committee on 16 September. He questioned how the preferred option had been chosen before the technical studies had been carried out. Mr Harborough had acknowledged that the procedures were known before the selection of Option 4 but that selection had taken place in the absence of firm evidence. The consultation was then undertaken in undue haste over the Christmas period. The technical studies were still awaited.

He said that the recent Fairfield presentation had referred to three schemes of which one was the Option 4 proposal leading to the development of 5,000 houses. In this case did Councillor Barker still contend there was no link between Option 4 and the eco-town proposal?

Councillor Barker said she had attended the Fairfield presentation and had found their transport assessments to be weak. It was nevertheless the case that instructions had been issued by DCLG to proceed with consultation. The technical studies had been known about for a long time. Further workshops would be arranged to give all Members a better understanding of the process. Liberal Democrat Members had long ago accepted the procedure by which a preferred option had to be identified. The reaction of local residents was not unexpected as no-one wanted houses to be located near to them.

In asking a question about Local Democracy Week, Councillor Wilcock said he was disappointed by the late notification to schools in Uttlesford and asked officers to work with Essex County Council to ensure greater participation in future events. In relation to small businesses, he asked Councillor Chambers to ensure that all invoices continued to be paid within the target of 30 days and to review the Council's procedures. He asked Councillor Barker about reports in the press that Uttlesford's parking department was to be merged with those from Braintree and Colchester.

In response to the first point made by Councillor Wilcock, the Chairman agreed it was a pity that more schools had not taken part but encouraged Members to make direct contact with schools in their wards on a regular basis, as he himself already did.

Councillor Chambers said that, as someone previously involved in a small local business, he realised the difficulties often caused by the late payment of invoices. The credit crunch meant that the situation was likely to get worse before it improved and he would try to ensure that the payment of invoices was speeded up where necessary.

In answer to the final point made, Councillor Barker said that the majority of Members were well aware of the proposal, agreed at the last Environment Committee meeting, to form a parking partnership. The Council had been without a parking manager for some time and the partnership would help to ensure ongoing savings in the parking service.

***Councillor Sell declared a personal interest in relation to day centres in view of his mother's involvement in Stansted day centre.*** He asked Councillor Schneider whether she felt that adequate support was presently being made available to the district's voluntary day centre management committees? He had first raised this matter at the Community Committee meeting because of the positive variance in the budget relating to the day centre service. The part time post of support officer had not been filled and the work was being carried out by the Tenant Participation Officer. He did not consider this to be satisfactory.

Councillor Schneider agreed that this was an important front-line service and said that she would send Councillor Sell a written response.

Councillor C Dean said that the recent Fairfield exhibition had portrayed Option 4 and the Eco-town proposal as part of the same development. She asked Councillor Barker to agree that either development would result in a town the size of Saffron Walden at Elsenham. It was illogical at the same time to promote one and oppose the other.

Councillor Barker said that the Council was in the process of evaluating the consultation and she had no idea what the eventual outcome would be. A Liberal Democrat leaflet had been circulated quoting Councillor Ketteridge as using the phrase 'eco-town' in conjunction with Option 4 but he had never done this. She re-iterated that she had known nothing of the eco-town proposal when considering what the preferred option should be.

Councillor Rolfe asked the Leader to say what steps the Council could take to mitigate problems associated with current national economic difficulties. The Leader referred to the available resource of various support agencies to provide needed assistance. The Council would arrange to gear up to provide whatever housing assistance it could once it became clear what the Government's intentions were in this respect.

Councillor Yarwood congratulated Roz Millership and Neil Weeding on the action taken to set up a housing team to provide help and advice to people who were at risk of losing their homes.

Councillor Bellingham-Smith sought clarification of the decision made following the appeal by Enodis in relation to the proposed development of land at Station Road, Felsted. Councillor Cheetham explained that the planning appeal had

been refused and Enodis had then appealed against that ruling to the High Court. That appeal had been dismissed and the Secretary of State's decision was ruled to have been unimpeachable.

#### C41 **APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Abrahams, Cant, Foley, Knight, Loughlin and Mason.

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

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

***Councillor C Dean declared a personal interest as the holder of a bus pass.***

***Councillor Cheetham declared her interest as a member of NWEPPHA and SSE.***

***Councillors A Dean, C Dean, Godwin, Hudson and Sadler declared their interest as members of SSE.***

#### C42 **MINUTES**

The Minutes of the meeting held on 22 July 2008, having been received, were approved as a correct record and signed by the Chairman.

#### C43 **BUSINESS ARISING**

##### **(i) Minute C21 – Members' Question and Answer Session**

Councillor Morson welcomed Councillor Barker's agreement about the uninspiring nature of the presentation by Fairfield. He asked how it would be possible for Members to be able to make up their minds when the time came to determine the core strategy when previous lessons had not been learnt?

In reply, Councillor Barker said there was no point in trying to second guess what would happen in the future. There were many excellent examples of new build schemes in various parts of the Eastern Region. Members would have to consider what was right for Uttlesford at the appropriate time.

She also agreed with Councillor A Dean about the inadequate nature of Fairfield's presentation on the state of local transport links. The presentation had suggested that 50% of employment opportunities would be provided locally even though this seemed unlikely to be the case.

##### **(ii) Minute C31 – Review of Political Balance**

Councillor Wilcock proposed an exchange between Councillors Gower and Smith to enable Councillor Gower to become a member of the Community Committee and Councillor Smith a member of the Environment Committee. This

did not require a review of political balance as both councillors were part of the same political group.

RESOLVED that Councillor Gower be appointed as a member of Community Committee and Councillor Smith be appointed a member of Environment Committee with immediate effect, as a direct exchange between the two Members.

**(iii) Minute C33 – Notice of Motion – Modification to the National Bus Pass Scheme**

Councillor C Dean said she was delighted that the hours of operation of the concessionary fares scheme had now been extended following negotiations between partners and providers. However, she had concerns about the process by which the decision had been made. She reminded Members that the original decision by the Environment Committee had been referred to Finance and Administration and that Committee had invited the Environment Committee to reconsider the matter in line with budget provision. The motion she had submitted to the last Council meeting could not be put to the vote because, if it was rejected, it would prevent the revised scheme being changed under the six month rule. The decision to change the scheme had then been made by officers and she was disturbed by the process.

Councillor Barker said it was unfortunate that the original paper had been outside the Environment Committee's jurisdiction and had been referred to Finance and Administration instead. Events eventually overtook the committee process at Uttlesford but the outcome had resulted in a projected saving of £6 million across Essex. This should result in a specific saving for Uttlesford and would continue to be monitored.

**C44 CHAIRMAN'S COMMUNICATIONS**

The Chairman reported that he had attended 31 functions since the last meeting. He gave notice to Members that he intended to host a Spring Ball at the end of April to raise funds for the St Claire Hospice.

**C45 LEADER'S COMMUNICATIONS**

The Leader referred to meetings with officers and the recent Member Workshop as part of the process of agreeing a new Corporate Plan. He thanked Adrian Webb and his team for their efforts in producing the annual accounts on time and Paul King of the Audit Commission for meeting the statutory deadline for finalising the accounts. He also thanked the Chief Executive for the way in which he had dealt with the banking crisis and for keeping staff up to date with developments.

A joint press statement had been issued by all of the political groups. He referred also to the visit by a rapid response team arranged by the Government. He would be writing to the Prime Minister and to the Government of Iceland seeking restoration of the Council's investment funds.

**FINANCIAL MARKETS AND INVESTMENT INCOME**

Members received a report from the Interim Director of Central Services regarding the uncertainty surrounding the Council's investment of £2.2m in Landsbanki Islands hf which had been put into receivership by the Icelandic Government. There was, as yet, no information as to whether, or when, the principal sum and any interest due would be repaid.

The Council was one of more than a hundred local authorities with investments in Icelandic banks. Guarantees had been given by the United Kingdom government that all retail deposits would be refunded with the first 20,000 euros in each case met by the Icelandic government. The Council's investment was classified as commercial for which no guarantees had been offered. Treasury officials from the UK government were in urgent discussions with the Icelandic government to try to resolve the position.

The report outlined in detail the Council's investment policy. This was conducted in accordance with the Treasury Management Strategy approved by Council on 19 February 2008. As part of the agreed strategy, all of the monies available for investment were combined for placing in the financial markets.

Since the officer team had changed in October last year, a policy had been followed of spreading the Council's investments more widely. There were now twelve external fixed term investments totalling £14.6m of which only the Landsbanki investment was outside the British Isles. In reaction to recent market movements, smaller deposits were now being made at less risk but with correspondingly more modest returns.

Four recommendations were included in the report dealing with the potential loss of an estimated £200,000 of investment interest in 2008/09 and a further £140,000 in 2009/10, as well as the implications for the Essex County Pension Fund. Members would continue to be kept advised of current progress in relation to the Landsbanki investment and a full report would be made to Finance and Administration Committee in November.

Mr Webb also reported on the visit on 17 October by a team of financial experts to guide and advise the Council. This had been more in the nature of a fact finding exercise and a report would be submitted to the LGA in due course. It was expected that an investigation would be carried out by the LGA and any developments would be reported to Members.

In the ensuing discussion, Members concentrated on the role played by the Council's financial treasury management advisors, Butlers, who were part of the ICAP group. Councillor Yarwood asked whether officers had evidence that the treasury advisors were fit for the job and that offshore investments were safe. He also said it would be helpful for officers to explain how financial decisions were made. He made the observation that the Council did not do risk assessments well and that insufficient time and effort was made to ensure that decisions were taken properly.

The Leader advised Members that he had received an e-mail confirming that a Parliamentary select committee would be examining local authority investments and treasury management policies.

Councillor Chambers said that all councils had room to improve their risk assessment policy. There had been a massive global banking problem in recent weeks and one result was that Uttlesford would be unlikely again to invest in overseas markets. His firm view was that all future investments should be in the UK even if that meant lower rates of return on the money invested.

Councillor A Dean questioned the role of Butlers following reports in the Daily Mail that the group did little more than pass on information to its clients and that ICAP had received commission from Icelandic banks. He thought that information had been available as long ago as March suggesting that these investments were risky. He proposed setting up a joint investigation by the Scrutiny and Performance Select Committees to establish that the treasury management advisors had been acting in the Council's best interests and there had been no wrong doing.

The Chief Executive said the Council's priority must be the short term work being carried out in conjunction with the LGA and the Government to retrieve the Council's investments. A national investigation would now be carried out by the select committee and now was not the time to duplicate this with an internal investigation.

In commenting on the role played by Butlers, the Interim Director of Central Services said that the LGA had called for an investigation. There were a lot of challenges around how the investment ratings had been arrived at and what the appropriate levels of risk should be. Internal policy had now changed so that investments were now spread more evenly. He shared Members' worries about stability in the banking system. To his knowledge, concerns had not been raised about problems associated with Icelandic banks until July.

The Leader then read out the text of a press statement issued jointly by all of the political groups. This set out the background to the visit being arranged by the LGA to assist the Council. It stated that the Council had no immediate financial concerns and had not sought assistance. The statement said that while support and assistance was welcomed there was concern that the Government had implied the Council was facing severe short term difficulties. This was not the case and there was no immediate risk to services.

Councillor A Dean agreed to withdraw his proposal but asked Members to agree to add an expression of support for the investigation proposed by the LGA to the recommendations in the report. He proposed this should be along the lines 'The Council gives support and urges action by the LGA and other affected authorities to investigate the role of Butlers and ICAP in view of the matters of concern raised in the national press'.

The Leader said he had no objection to this sentence being incorporated into the other matters being proposed. The motion, as now amended, was put to the vote and carried without dissent.



RESOLVED that:

1. officers be requested to provide updates on the progress made in trying to recover the principal and interest from the Landsbanki investment, via the Members' Bulletin and a formal report to Finance and Administration Committee in November;
2. officers prepare the 2008/09 revised budget on the assumption that an estimated £200,000 of investment interest would be lost in the current financial year;
3. the position be monitored in the period up to the Council Tax setting in February 2009, with a potential loss of an additional £140,000 income in 2009/10 to be absorbed;
4. potential problems for the Essex County Pension Fund be noted in the current financial market, as well as the impact on future budgets; and
5. support be given to the LGA's investigation into the role played by treasury management advisors as set out in the text to this Minute.

C47

### **STANSTED AIRPORT G1 APPEAL DECISION**

The Acting Director of Development presented a report setting out in detail the outcome of the appeal by BAA against the Council's refusal to allow development at Stansted without complying with two conditions attached to its 2003 planning permission. The appeal was allowed on 8 October and the Secretaries of State for Communities and Local Government and Transport had granted planning permission with conditions.

The permission granted had rolled forward many of the conditions from the 2003 permission but had added conditions relating to strategic road access, water quality, waste recycling, water and energy efficiency, and nature conservation. A tighter air noise contour cap had been imposed. In coming to their decision, the Secretaries of State had accepted all of the recommendations of the Planning Inspector, except one that there should be a new night noise condition based on the Environmental Statement. They had taken the view that there were already sufficient regulations at Heathrow, Stansted and Gatwick.

He went on to outline the key points in the Inspector's conclusions. In response to an application by BAA, the Secretary of State had made a partial award of costs against the Council and Hertfordshire County Council. This related to the costs of the preparation and giving of evidence to rebut reasons for refusal 2 (impact of noise on culture and leisure), 3 (quality of life) and 8 (climate change) over and above that necessary to address the cases of third parties. In addition the Council was ordered to pay jointly and severally the costs of preparing and giving evidence to rebut reason for refusal 6 (Little Hadham bypass contribution only).

Legal advice had been sought on the options available to the Council in responding to the decision. The Council had been allowed additional time to consider the impact of the decision on the statement of case relating to the G2 application.

Councillor Godwin expressed her disappointment with the decision but conceded that it was not unexpected. She was amazed that there had been so much

reliance on a White Paper which was both outdated and discredited. Members of the Development Control Committee had acted impartially and had imposed sound refusal reasons. She was disappointed that costs had been awarded as the Council had been acting in the interests of the people it was representing. In consequence, she asked for a response to the comments made by Mr Ross during the public session about the advisability of appealing the G1 decision.

Councillor Wilcock said he was equally disappointed on behalf of the people of Uttlesford, of whom 77% had expressed opposition to expansion proposals in the referendum. The message sent by the decision was to deter any council from taking a stand against a similar application. The Council should have been awarded its own costs for having to go through the appeal process to support the rights of the local community.

Councillor Cheetham concurred with these views. Councillors had been elected to look after the interests of their constituents. The award of costs would act as a deterrent to councils from risking a similar stance in the future. She and other Members sought clarification on the ability of the Council to lodge an appeal.

The Acting Director of Development confirmed that these matters would be pursued by seeking appropriate advice and that discussions had already commenced with Hertfordshire County Council on the matter of the costs award for the Little Hadham bypass contribution.

The Chief Executive stressed that this was an item for information only at this stage. Officers would continue to explore all aspects of the decision before reaching a conclusion on the advisability of submitting an appeal and Members would be asked to endorse that view in due course. He asked Members to bear in mind that there would be considerable risk involved in any appeal process.

The Leader said there would be no reduction in the opposition to expansion at Stansted. He made reference to a leaflet distributed by the Liberal Democrats claiming that the Conservatives had abandoned any leading role in the campaign. He urged all Members to realise that Uttlesford could not fight the G2 proposals on its own and needed the support of our partner authorities to do that. It was not helpful to the Council's case to suggest otherwise and he asked the Liberal Democrat group not to persist with these suggestions.

The report was noted and any further developments would be reported to Members for decision when needed.

C48

## **STANSTED SECOND RUNWAY – OBJECTIONS TO THE FACILITATING TRANSPORT INFRASTRUCTURE AND COMPULSORY PURCHASE ORDERS**

This report sought the endorsement of Members to agree resolutions objecting to the transport infrastructure associated with the second runway proposal at Stansted. The objections supported the Council's long held view opposing further runway provision identified in the Government's 2003 Aviation White Paper. The report included a number of appendices consisting of letters to the

Secretary of State and the Highways Agency making clear the Council's intentions.

Councillor Godwin said that the proposals for transport infrastructure works filled everyone with dismay. It was an upside down approach to require decisions to be taken on these matters ahead of time. The proposed highway improvements endorsed her belief that M11 junction 8 was not working in at least two directions and this was demonstrated by long tailbacks during the daytime. The junction 8B proposal was a hideous intrusion in the wrong place. Junctions 8A and 8B were too close together and already caused much confusion. The draft CPO was premature. The rail improvements were needed but were part of an essential package that was not committed and this had to be opposed. She proposed approval of the resolutions.

Councillor Cheetham seconded Councillor Godwin's motion. She was totally opposed to the G2 application; the infrastructure proposals would not be needed other than to support this application. Majority opinion in Uttlesford was opposed to the second runway which would ruin a beautiful part of the Essex countryside. The Council must send a clear message that it would fight hard for the interests of the district in cooperation with its partner authorities.

It was noted that the resolution required a majority of the Council's Members to support it and Councillor Barker requested a recorded vote.

On the motion to approve the objections to the transport infrastructure and compulsory purchase order associated with the G2 application –

#### **For the motion**

Councillors Artus, Barker, Bellingham-Smith, Chamberlain, Chambers, Cheetham, Clover, Davey, A Dean, C Dean, Down, Eden, Godwin, Gower, Hicks, Howell, Hudson, Jones, Ketteridge, Lemon, Menell, Miller, Morson, Perry, Redfern, Rolfe, Sadler, Salmon, Schneider, Sell, Smith, Walters, Wattebot, Wells, Wilcock, and Yarwood.

#### **Against the motion**

None

#### **Abstained**

None

RESOLVED that:

1. the Council endorse the objections to the application for the proposed Stansted Rail Improvement Order under the Transport and Works Act 1992 facilitating on site rail infrastructure supporting the Stansted second runway proposal as set out in the letter and attachment in appendix A to the report;
2. the Council endorse the objection to the Stansted Generation 2 Airport Access from M11 and A120 scheme and the related draft orders as set out in the letter and attachment in appendix B;

3. the Council endorse the objections to the applications for the Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Second Runway) Compulsory Purchase Order 2008 and Stansted Airport Limited (Land at and in the Vicinity of Stansted Airport – Offsetting Measures in Connection with the Second Runway) Compulsory Purchase Order 2008 associated with its land holdings affected by the Stansted second runway proposals as set out in appendix C.

C49

## **MATTERS ARISING FROM COMMITTEES**

### **(i) Standards Committee on 21 October 2008 – Minute S15 – Protocol for the Member use of IT**

Councillor Eden presented the recommendation of the Standards Committee that the Council adopt the draft Protocol on the Member use of IT resources without alteration. This matter had been referred back to the Committee for reconsideration at the last meeting of the Council.

The difficulty regarding adoption of the Protocol had arisen in relation to paragraph 4(b). This restricted the improper use of Council resources for political (including party political) purposes. The paragraph defined use for political purposes but included a proviso placing no restriction on Member communications between Members or officers, or in responding to individual constituents.

Councillor Eden suggested that the matter could be addressed in a simple way by deciding what was suitable for inclusion on a sheet of headed paper and applying that principle to IT equipment. The Standards Committee had decided that the draft as submitted was clear in its intent and did not need clarification or amendment. He proposed adoption of the Protocol and this was duly seconded.

Councillor Wilcock proposed as an amendment that the whole of paragraph 4 relating to 'Use for Private Purposes' be referred to group leaders for further discussion before being referred again to Full Council. The amendment was duly seconded.

During the ensuing debate, Councillor C Dean asked the Assistant Chief Executive to clarify whether a Member would be in breach of the protocol if writing to the press using supplied equipment and criticising Council policy.

Mr Perry said the view of the Committee was that the protocol was clear and understandable but that a Member should seek advice if in doubt about a particular matter. Not everything in the Code of Conduct could be covered but the Committee had felt strongly that guidance was needed on what the term 'improperly using' meant. Paragraph 4(b) was the result of that intention.

Councillor A Dean said that the Chairman of the Committee had said that the use of e-mail to write to a parish council criticising Council policy amounted to improper use and that Mr Perry had agreed with this view.

The Assistant Chief Executive said that he did not recall saying this. The wording of the protocol safeguarded communications with a parish council. What was prevented was the distribution of a Member's views by mail-shot to a general audience.

Councillor Hudson thought that the protocol would prevent discussion with a pressure group. Councillor Barker said that she used her supplied equipment to communicate with groups through her hotmail account and that was acceptable but any message such as 'vote for me' should be sent via a private internet account.

Councillor Cheetham said that the intention of the protocol was to stop Council equipment being used for electioneering purposes. She had never been prevented from doing her work as a councillor to communicate with parish councils or constituents.

In seeking to clarify the reason for his amendment, Councillor Wilcock said that he did not envisage that Council IT equipment would be used for electioneering but there was a small element of doubt about the meaning of the protocol and this should be clarified, and/or simplified.

Councillor Chambers asked that the amendment be put to the vote. The Leader said that he would not support the amendment. The matter was fairly simple. Communication between Members was acceptable. In communicating with an outside party, any message on behalf of a political party or for political purposes should not be sent using Council equipment.

Councillor C Dean said that everything done by an elected Member was political. The incident that had sparked off the drafting of the protocol had nothing to do with electioneering.

The Chairman then put the amendment to the vote and it was declared lost by 18 votes to 8.

Before the substantive motion was put to the vote Councillor A Dean asked to speak against the substantive motion. He said that he had written to a number of people on Option 4 urging them to attend a meeting and this action had been referred to the Standards Committee. If the Standards Committee was to divide along party lines it could not function properly.

The Assistant Chief Executive said that he could not properly comment on this matter as it had been discussed by the Standards Committee as a Part II item. In general terms the Code of Conduct allowed communication with individual constituents but not to an address book. He did not agree that the matter had been considered along party lines at the Standards Committee meeting and pointed out that the Committee's membership included representatives of town and parish councils as well as two independent persons.

At this stage, Councillor Wilcock proposed a further amendment to the motion. This stated 'The following words be substituted for the words in paragraph 4(b) of the draft protocol – The Council is prohibited from publishing any material of a party-political nature. If the councillor uses the PC for the preparation of any

material of such nature, he/she must ensure that such material does not suggest that it has been published by the Council. The Councillor must also ensure that no costs are incurred by the Council by its publication'. The amendment was duly seconded.

Councillor Jones said that he found the wording of the protocol confusing as he could use his Council funded broadband account to broadcast his views to the world but he would be prevented from doing the same with his Council provided PC. He would appreciate further guidance as to why paragraph 4(b) was written as it was.

The Assistant Chief Executive said he did not feel it was for him to comment further on the intention of the Standards Committee. Committee Members had decided there was no guidance on what was meant by the term 'improper use' and that guidance was needed. Paragraph 4(b) was the Committee's response to that need.

The further amendment was put to the vote and declared lost by 16 votes to 8. The substantive motion was then put to the vote and carried by 16 votes to 8.

RESOLVED that the Protocol on the Use of Council Supplied IT equipment by Members (as set out in full in the report to this meeting) be adopted as recommended by the Standards Committee.

**(ii) Community Committee on 21 October 2008, Minute C31 – Housing Policy Land Disposal**

Councillor Schneider proposed approval of a recommendation from the Community Committee for the disposal of three plots of land at Great Dunmow, Rickling, and Stansted to a registered social landlord (RSL) at nil value. This would demonstrate the Council's commitment to the provision of affordable homes and homeless accommodation.

A supplementary report had been tabled at the meeting setting out the valuations of each of the plots for social housing purposes. The disposal of land to RSLs at nil consideration was permitted under section 24 of the Local Government Act 1988.

Councillor Wilcock asked for clarification as to whether the valuations related to open market value or to social housing? The Head of Housing Services confirmed that the land had been earmarked for social housing since 2007 and the valuations related to this use. Councillor Wilcock asked for the market values to be reported to Members at some stage.

Councillor Chamberlain urged the Council to support the Committee's recommendation as it was part of the agreed regeneration programme for vacant sites.

RESOLVED that the vacant plots at Manor Road, Stansted; Coney Acre, Rickling; and Waldgroves, Great Dunmow be transferred to a RSL at nil value for the development of homeless accommodation and affordable

housing, subject to planning consent and a successful Housing Corporation bid for funding.

**(iii) Constitution Working Group, Minute CTG96 – Committee Structure Relating to Housing Matters**

Councillor Rolfe reported on the outcome of the Constitution Working Group meeting he had chaired in the absence of Councillor Ketteridge. The meeting was held to consider the outcome of the review of the committee structure relating to housing matters carried out by the Housing Initiative Task Group in response to a request by the Working Group. The remit given to the Task Group was to consider how housing matters should be considered and to report back within six months.

The Task Group had recommended that a separate housing committee should be formed dealing with all housing related matters including strategy. The Working Group had taken the view that a wider ranging review of the committee structure should be undertaken rather than an ad hoc review just dealing with the housing service. However, there was justification for a change of name of the Community Committee to allow a higher profile for the housing element of the Committee's work.

During the discussion it had been suggested that the workload of committee vice-chairmen should be examined by the Independent Remuneration Panel with a view to deciding whether a payment could be justified. He proposed adoption of the recommendations.

RESOLVED that:

1. a proposal to change the Constitution to rename the Community Committee as 'Community and Housing Committee' be adjourned without discussion to the next meeting of the Council on 16 December 2008;
2. the Constitution Working Group be asked to undertake a review of the present committee and other Member representation arrangements, as part of the preparation of a new Corporate Plan, to integrate those arrangements better with officer responsibilities, and to report back to Full Council before May 2009; and
3. the Independent Remuneration Panel be asked to examine the case for making a payment to committee vice-chairmen as part of its next review of the remuneration scheme.

C50

**ANNUAL GOVERNANCE REPORT**

Members received the District Auditor's Annual Governance Report as already submitted to the Performance Select Committee. The Interim Director of Central Services advised Members that the revised Statement of Accounts would be placed in their pigeon holes next week. He referred Members to the three recommendations made by the District Auditor and listed in paragraph 5a of his report. He said that the finance team had learnt a great deal during the process of finalising the accounts and the matters raised had been taken on board.

He referred also to the two balances brought forward and not adjusted in the financial statements. The sum of £144k had been in the accounts since 2003 and officers needed time to identify what both of these balances related to. The adverse comment in paragraph 5b on Value for Money related to the year 2007/08 and had been expected.

Councillor Barker thanked the Audit Commission for finalising the accounts in time and emphasised that the adverse comments related to 2007/08. Many of the issues raised had now been addressed and the Council was moving forward.

Councillor Wilcock said it was unusual that the Council had not been given the opportunity to sign off the accounts and asked that the Constitution Working Group should review the process. His view was that the Council was the appropriate body to complete the accounts rather than the Performance Select Committee and the delegation scheme should be rewritten accordingly.

Councillor Chambers saw no problem with the Performance Select Committee being responsible for signing off the accounts as any Member could attend and ask questions.

Councillor A Dean pointed out that the financial procedure rules still referred to Finance and Administration being the responsible committee to approve the statement of accounts, although it appeared to be the intention of the Constitution that this was now a matter for Performance Select. He then referred to the Value for Money table on page 15 of the Audit report. The Council had still not put in place proper arrangements for managing performance against budgets. Reliable monitoring should now be put in place so that figures were not adrift at year end and to enable a reasoned response to be made.

The Assistant Chief Executive clarified that the delegation of the function of signing off the accounts to Performance Select took precedence over the reference to Finance and Administration in the financial regulations as that had been inserted in the most recent update of the Constitution.

Councillor Rolfe commented that the change brought about in the last twelve months had been substantive. Figures were now reviewed at various levels within the organisation feeding through into policy committees. It was appropriate and logical that the accounts should be reviewed by Performance Select to enable a proper interrogation of the auditors.

The Leader said it was anticipated that the use of resources report would not be favourable but the next direction of travel report would be of greater importance in defining where the Council was heading.

RESOLVED that:

1. the contents of the Annual Governance Report be noted;
2. officers report to the next Finance and Administration Committee with an update on progress in analysing the balances in the financial statements for 2007/08 identified by the Audit Commission; and



3. officers report to the next Performance Select Committee with an implementation plan and update on progress on improving the Council's Use of Resources score.

C51

## **COMMUNITIES IN CONTROL – IMPROVING LOCAL ACCOUNTABILITY CONSULTATION**

A report was submitted outlining the contents of the White Paper on Communities in Control issued as part of the Government's wider agenda to modernise the democratic system, strengthen participatory democracy and deliver genuine empowerment to local people and local communities. The consultation closed on 30 October and sought views on a range of policy initiatives set out in the report. These were intended to build on work still in progress from the 2006 White Paper, Strong and Prosperous Communities.

A series of 'Communities in Control' consultation papers were planned in the coming months. Views were now being sought on the following main questions:

- Developing and strengthening overview and scrutiny through a range of actions.
- How best to take forward the commitments and proposals in the White Paper to raise the visibility of, and to strengthen, the scrutiny function.
- Increasing the visibility and accountability of local public officers to public scrutiny and questioning from local communities.
- Facilitating the work of councillors by modernising the way they do business to enable them to participate in meetings and vote remotely.

There were a series of detailed questions in the document and the report contained suggested responses. The Chief Executive suggested that Members might be agreeable to delegate him to send a suitable response, in consultation with group leaders, and after taking into account any other comments received from individual Members. It was agreed accordingly.

RESOLVED that the Chief Executive respond to the White Paper 'Communities in Control', after consultation with group leaders, and taking account of any other views received.

C52

## **EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100I 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 paragraph 1 of Part 1 of Schedule 12A of that Act.

At this point the Interim Director of Central Services and the Interim Head of Finance left the meeting.

C53

## **APPOINTMENT OF DIRECTOR OF CENTRAL SERVICES AND SECTION 151 OFFICER**

Members received the recommendation of the Appointments Committee that Adrian Webb be appointed Director of Central Services. It was also recommended that the function of Section 151 officer should fall within the role of the Chief Finance Officer as soon as the current appointee took up his post. The recommendations were proposed and seconded and agreed without dissent.

RESOLVED that:

1. Adrian Webb be appointed Director of Central Services; and
2. that the Chief Finance Officer Mr Stephen Joyce be designated as Section 151 officer as soon as he takes up his position with the Council on 30 October 2008.

The Chairman invited Mr Webb to return to the meeting and congratulated him upon his appointment. He thanked the officers for their considerable efforts in recent months.

The meeting ended at 10.20pm.

## **PUBLIC STATEMENTS**

### **Statement by Brian Ross, Economics Advisor to Stop Stansted Expansion, on behalf of SSE**

It's always a pleasure to address UDC - especially when there is no need to be critical or to harangue. On the issue of a second runway (G2) at Stansted, we are all singing from the same hymn-sheet.

However, before speaking about G2, I want to say a few words about the G1 decision announced two weeks ago, approving an extra 10mppa. The Government's decision flies in the face of the evidence presented to the Public Inquiry.

We are currently taking legal advice on the G1 decision because we believe it is flawed. The Government simply dismissed the evidence which it found inconvenient.

If our legal advice is that we should challenge then we shall do so. Our accountants will have palpitations but this decision is too important to be made by accountants because it may have implications for the G2 battle. No accountant has ever won a Victoria Cross.

We have always assured the community that we will fight BAA every step of the way and we owe it to the community to honour that pledge. However, we would not waste our hard-earned funds on a frivolous challenge.

Uttlesford also has to decide whether to challenge the G1 decision and, of course, also the costs award. However I don't think you need be unduly concerned about the latter.

The costs award is limited to six issues and BAA is entitled only to costs incurred "*over and above that which was necessary to address the cases of third parties*" Page 18

With the exception of the Little Hadham by-pass issue, I cannot think of any additional costs incurred by BAA solely to deal with UDC's points because SSE comprehensively challenged BAA on the other five points and in some instances so did other third parties.

The key phrase is "*over and above*" the costs that BAA had to incur to address the cases of third parties. The only issue is therefore the contribution which HCC sought from BAA for the Little Hadham by-pass. SSE did not get involved in that argument.

However, far more important is whether to appeal the G1 decision itself and that must depend on your legal advice.

There's a lot at stake. Not just an extra 10mppa but the risk that if left unchallenged the G1 decision could undermine our case – and your case – against a second runway. G1 has been a long battle and I know it's not this Council's style to throw in the towel.

When the legal advice is available it will not be black and white. Legal advice never is. There will be a judgement to make. All I ask is that it should be a judgement for elected members and not for accountants.

Briefly on G2 – I don't need to preach to the converted but there's just one point I want to make. So much has changed since BAA submitted its planning application for a second runway in March that it would now be premature – and probably a waste of everyone's time and money to proceed with the Public Inquiry next Spring.

Economic: The dramatic changes that have taken place in world financial markets in the time since the G2 application was submitted make it wholly unrealistic to believe that the growth in air travel will continue henceforth on a 'business as usual' basis. Stansted is already 25,000 passengers a week down on last year. This seems likely to get much worse long before it starts getting better.

Regulatory: The future ownership of Stansted is uncertain following the publication of the Competition Commission's 'Provisional Findings' report in August on its Market Inquiry into BAA airports, concluding that two of BAA's three London airports should be sold. The Commission will publish its final report in February. If it maintains its current view, we believe it likely that G2 will be aborted.

Political: If the Inquiry were to proceed as currently planned, the political context at the end could be radically different from the current policy context. The current Government supports a second Stansted runway but the Conservatives have now joined the Libdems in openly opposing a second runway. Moreover, the Inquiry process cannot run its full course this side of a General Election.

However, G2 is tomorrow's battle. Today's battle is still G1. We have until 20 November to decide whether to appeal.

**ENDS**