

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 21 APRIL 2009**

Present:- Councillor R M Lemon – Chairman.
Councillors S Anjum, K R Artus, S Barker, E L Bellingham-Smith,
C A Cant, 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, T P Knight, J I Loughlin, H J Mason,
J E Menell, M Miller, D J Morson, D G Perry, J A Redfern, H S
Rolfe, J Salmon, S V Schneider, G Sell, R D Sherer, 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), G Bradley (Community Partnerships Manager), R Harborough (Interim Director of Development), M Perry (Assistant Chief Executive), P Snow (Committee and Electoral Services Manager), and A Webb (Director of Central Services).

C88 PUBLIC SPEAKING

Adrian Thomas had requested to speak about the Linton Wind Farm project but was not present.

A statement was made by Simon Lee of Elsenham in relation to the proposal for an eco-town at North East Elsenham. His statement is summarised in the appendix to these Minutes.

**C89 REACCREDITATION OF NEWPORT AND STANSTED MOUNTFITCHET
PARISH COUNCILS**

The Chairman welcomed Councillor John Buchanan, Chairman of the Essex Association of Local Councils, to mark the presentation of certificates recognising the accreditation of Newport and Stansted Mountfitchet as Quality Parish Councils.

Councillor Buchanan said that it gave him great pleasure to attend this meeting. The status of Quality Council was introduced in 2003 to provide a genuine national standard to which town and parish councils could aspire. A total of 47 councils in Essex had achieved this status, including four in Uttlesford. He congratulated the two councils concerned and outlined the criteria used to achieve the quality standard.

He then welcomed Councillor Geoffrey Sell and Ruth Clifford from Stansted Mountfitchet, and Councillor Andrew Yarwood and Christine Griffin from Newport to receive the award on behalf of the two parish councils. Photographs were then taken to mark the occasion.

The Chairman thanked Councillor Buchanan for giving up his time to award the certificates.

C90

MEMBERS' QUESTION AND ANSWER SESSION

Councillor Wattebot asked the Chairman of the Environment Committee why councillors and officers had initiated discussions with Thaxted Parish Council about the disposal of Thaxted car park and public toilets when this matter had not been mentioned to ward members?

Councillor Barker said she was aware only that discussions had taken place.

Councillor Chambers said the discussions had taken place against the background of exploring further partnership arrangements. This was in accordance with Council policy. He had been approached by the Chairman of Thaxted Parish Council and had wished to establish whether there was any point in continuing discussions about a possible transfer of facilities.

He had been accompanied by the Director of Central Services. If he had offended ward members he would apologise. However, nothing had been decided and the Council would be asked to consider any proposals to transfer functions.

Councillor Wilcock asked the Chairman of the Environment Committee to provide an update on delays in the delivery of wheeled bins. He understood that the previous delay of 12 to 16 weeks was now in the order of four to five weeks.

Councillor Barker said she would find out the answer and write to Councillor Wilcock.

Councillor Wilcock asked the Chairman of Finance and Administration Committee to confirm whether, in view of difficulties in selling and renting out properties in the district, he would consider a review of the level of council tax levied on empty properties. He asked for a report on the matter to be presented to his Committee.

Councillor Chambers confirmed that he would consider any proposal that would help residents experiencing difficulties and agreed that Finance and Administration Committee would be the best place to discuss the implications of Councillor Wilcock's suggestion.

Councillor Sell asked the Leader for an assurance that local ward members would be notified of any discussions taking place with parish councils.

Councillor Ketteridge said that Councillor Chambers had already apologised to Thaxted ward members and he would attempt to ensure that ward members were always notified of any discussions. He reminded Members that the Corporate Plan supported the use of partnership arrangements where this was to the benefit of residents.

Councillor Wattebot sought clarification that the approach to Councillor Chambers had not come from Thaxted Parish Council. Councillor Chambers

confirmed that his discussions had been with the Chairman of the Parish Council.

C91 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Abrahams and Foley.

Councillor Ketteridge declared an interest as a member of SSE.

Councillor Barker declared her interest as a member of the County Council and a personal interest as her husband was employed at Carver Barracks.

Councillor Chambers declared his interest as a member of the County Council and as Chairman of the Essex Police Authority.

C92 MINUTES

The Minutes of the meeting held on 24 February 2009, having been received, were approved as a correct record and signed by the Chairman, subject to the addition of Councillor Godwin's name in the list of apologies.

C93 BUSINESS ARISING

(i) Minute C82 – National Air Traffic Service

Councillor Cheetham asked when further consultation from NATS would be available? The Interim Director of Development replied that the most recent communication from NATS stated that there would be a new consultation exercise.

Councillor Wilcock about problems with the computer system. The Director of Central Services confirmed that the new code of connection was almost in place and the deadline for compliance had been extended until 31 May.

C94 CHAIRMAN'S COMMUNICATIONS

The Chairman congratulated Councillor Godwin on her recent parachute jump which had raised more than £1,000 for charity. The total weight loss of councillors was now 125lbs. Councillor Loughlin had lost 2½ stones and he had lost in excess of 1 stone. He would bring full figures to the meeting on 12 May.

C95 LEADER'S COMMUNICATIONS

The Leader said that he had written to the Secretary of State for Communities and Local Government about the G2 public inquiry as agreed at the last meeting. He had received a brief reply stating that the Council's comments had been

noted. He then referred to further correspondence involving the four partner authorities, the Secretary of State, and Stansted Airport's G2 Director.

A letter from the G2 Director had confirmed that more runway capacity was needed in the South-East and that the application for the 2nd runway would not be withdrawn. Hazel Blears had accepted in a letter that the recent delays had added to uncertainty and should be kept to a minimum. She hoped to be able to announce the G2 Inquiry programme at the end of May.

He also referred to a meeting, including twelve other authorities, with the Housing Minister Ian Wright about the impact of negative housing subsidy. The Government was currently considering options in relation to housing finance. The position seemed to be that councils in retention of their housing stock would be expected to pick up the historic debt of some £16 billion.

The Leader asked Members to let either him or Richard Auty know whether they had yet received their copy of Uttlesford Life. A leaflet had now been produced about helping people through recession and this would be distributed widely.

Finally, the Leader said that he had no further information about reports that councils would receive back a large proportion of their frozen investments in Icelandic banks.

C96

MATTERS ARISING FROM COMMITTEES

(i) Finance and Administration Committee on 26 March 2009 – Minute FA57 – Housing Rents

Members received the decision of the Finance and Administration Committee, acting under delegated authority for urgent matters within scope, to rescind the Council's decision on 19 February to increase housing rents by an average of 6.07% and to substitute an increase in line with the revised guideline rent increase, subject to there being no adverse financial effect on the Housing Revenue Account greater than £20,000. The Council was required to ratify this decision.

RESOLVED that the decision of the Finance and Administration Committee under Minute FA57, as set out in full in the report to this meeting, be duly ratified.

(ii) Environment Committee on 17 March 2009 – Minute E56 – Eco-towns Consultation

The Environment Committee had resolved to require a robust report rebutting the Elsenham eco-town proposal to be submitted to this meeting for endorsement. This was based on the view of that Committee that the promoter of the eco-town proposal at North East Elsenham had made claims for sustainability and deliverability that had not been submitted to rigorous scrutiny.

A detailed report had been prepared for this meeting by the Interim Director of Development drawing together concerns raised in response to the Government's

Eco-town proposals, and offering four alternative responses to the Eco-towns Planning Policy Statement for consideration. The closing date for comments to be made was 30 April.

The Chairman invited Councillor Barker to speak in response to the report. In doing so, she asked for a ruling on the position in relation to the motion proposed for discussion by Councillor C Dean and circulated to Members before the meeting.

The Assistant Chief Executive said that the options in the report were mutually exclusive and any subsequent motion could be put to the vote only if the original motion was defeated. He said it was for the Chairman to decide whose motion should be called for consideration first.

The Chairman ruled that Councillor C Dean should be called to speak first.

Councillor C Dean then spoke in support of her proposal to agree a type 3 response with additions highlighted in the wording already circulated. She said that the Council had resolved a year ago to totally oppose an eco-town at North East Elsenham and to campaign to have this proposal removed from the shortlist. She said that the extension to the consultation had given the Council the opportunity to carry through this intention.

She addressed, in turn, each of the alternative responses prepared by the Interim Director, as set out in section 2 relating to the Sustainability Appraisal and Habitats Regulation Assessment. The type 4 reply would give the green light to an eco-town at this location and should not be considered.

Type 1 said that the Government should not impose an eco-town on the district, as it was for this Council to decide through the LDF process where development should go. The report referred to the assurance given by the draft PPS that the local planning authority would decide through the LDF whether an eco-town would be the appropriate way to accommodate growth. The Council had already welcomed this assurance so to simply repeat that now as the only reason for opposing an eco-town at Elsenham would not be a robust response.

Type 2 said that 5,000 houses was too many, as it was 2,000 more than identified for Elsenham in the Council's preferred option. However, this number could grow with further housing allocations. The report also projected fewer houses in Elsenham under the eco-town scenario than with the preferred option. It stated that location could accommodate growth needs beyond 2024 so the numbers argument was not convincing.

She then said that the type 3 response picked up the concerns already expressed by the eco-towns panel on behalf of the Department for Communities and Local Government and should therefore be endorsed to enable the Council's response to retain credibility.

Councillor Dean then suggested some additions to that suggested response. To the section referring to the impact on Henham's historic core, she proposed adding a reference to the impact on the historic core of Elsenham and on neighbouring hamlets. The proposals put forward by Fairfield for road changes

suggested a link road between Hall Road and Henham Road. This would go through the oldest and most picturesque part of Elsenham close to historic houses.

The other proposal was to close the railway crossing to private vehicles. The effect would be to reroute cars through Ugley Green. Fairfield had assumed that most traffic would use Hall Road. She suggested that many vehicles would cut the corner to junction 8 by travelling through Tye Green and Burton End along narrow country lanes.

The report said that no conclusion had been drawn on whether 3,000 or 5,000 homes could be accommodated on the existing road network in the Elsenham location were appropriate mitigation measures to be introduced. The residents of Elsenham and Henham would answer 'no' to that question. She said that the sort of mitigation that would be necessary would completely urbanise the surrounding area.

She suggested adding a concern about the provision of bus services for an eco-town. A representative of Fairfield had said that bus services would build up to every ten minutes during busy periods once the community had reached full size. Councillor Dean said that residents would experience a long wait given that full size would not be reached until the 2020's. In addition, cycling and walking would not be attractive on busy roads.

In his report, Mr Harborough had drawn attention to the risk of prejudicing the preferred option of the Core Strategy, and that significant delay could occur. It was now 16 months since the Core Strategy consultation and matters were no further forward. Once the results of the various studies were known, she believed that Elsenham would be seen as not the right location for large scale development.

In conclusion, she asked members to support the following motion:

"The Council responds to the Government's eco-town consultation in the type 3 form set out in the report, also incorporating the following additional comments in response to the sustainability appraisal and the habitats regulation assessment: the proposed Hall Road-Henham Road link road would have an adverse impact on the historic part of Elsenham around Elsenham Cross; the pressure to upgrade and widen rural lanes resulting from increased traffic volumes would have an adverse impact on the attractive rural character of Ugley Green, Tye Green and Burton End; and the feasibility of establishing a frequent bus service (ten minute combined frequency) until the development neared completion is uncertain."

The motion was seconded by Councillor Wattebot.

Councillor Barker said she was in a strange position as she had assumed that she would be putting forward a proposal herself. She could not accept a type 3 response and would not support it. Work on the LDF was still not completed and must be allowed to continue.

Councillor A Dean urged Members to endorse the comments made by Sir Alan Haselhurst MP about problems the proposal would cause with the local traffic infrastructure and to emphasise that this site was the wrong place for an eco-town.

Councillor Morson said this was the Council's last opportunity to give a clear message on eco-towns. There was now a nine day period for a response to be made and he asked Members not to waste that opportunity. Residents expected the Council to honour the commitment already made to robustly oppose the eco-town development and only the type 3 response would properly meet that undertaking.

He understood what Councillor Barker had said about the LDF consultation but there were only a few days to act and if the Council failed it would not retain credibility. None of the other responses in the report were robust enough to get Elsenham off the list and there was not enough time to wait for further surveys.

Councillor Cheetham said she was concerned that option 3 could jeopardise the LDF consultation and she could not support it for that reason.

Councillor Godwin told Members that she had been talking to new residents about these matters. When the LDF consultation had started the Council did not have the benefit of talking to people in this position. There was a need for family accommodation to be provided and she welcomed the proposal.

The Chairman called for a vote to be taken. Councillor A Dean requested a recorded vote.

For the motion:

Councillors Cant, Clover, A Dean, C Dean, Godwin, Gower, Hudson, Loughlin, Morson, Sell, Wattebot, Wilcock and Yarwood.

Against the motion:

Councillors Anjum, Artus, Barker, Bellingham-Smith, Chamberlain, Chambers, Cheetham, Davey, Down, Eden, Hicks, Howell, Jones, Ketteridge, Knight, Mason, Menell, Miller, Redfern, Rolfe, Salmon, Schneider, Sherer, Smith, Walters and Wells.

Abstained:

Councillor Lemon.

The motion was declared lost by 26 votes to 13.

Councillor Barker then proposed a type 1 response subject to the addition of the words 'such as North East Elsenham or anywhere else' in the second line of paragraph 3/1 of the report after the words 'should not seek to identify potential locations'. She said that the proposal for Hanley Grange had not gone away and the site at Stebbing was still being considered. It was the Government's role to set development standards but not to decide where housing should be placed.

That was a local role. The Administration was very serious in its opposition to eco-towns.

The motion was seconded by Councillor Cheetham.

Councillor Morson said he understood the concerns about other sites but this debate was about North East Elsenham.

Councillor C Dean said that voting for option 3 would have been the strongest possible response to the consultation.

Councillor Rolfe said that if a Conservative Government was elected next year the problem would disappear. In the meantime, the only practical option was to support the motion as this offered hope to the residents of Elsenham and Henham. He praised Liberal Democrat colleagues on the Council for their efforts to oppose the eco-town proposal, especially the local ward members.

Councillor Cheetham said that the only practical response to the PPS was to support option 1. The Government must not impose locations and housing numbers as this was a local decision to be taken through the planning process.

Councillor A Dean said he looked forward to the day when a grown up debate could begin. Many residents aged 35 or more were being forced to live with their parents thus damaging the social system within communities. Grave issues were at stake and the position being adopted would bring the Council into disrepute.

Councillor Wilcock said that the evidence had not changed and more evidence was needed to remove Elsenham from the list.

Councillor Ketteridge advised Members that Uttlesford was not alone in the fight against eco-towns as the Council's position was supported by the Local Government Association. The whole local government movement was united in opposing the eco-town proposals as they represented a by-passing of local democracy. A specific reference to North East Elsenham had been inserted into the proposed response and he reiterated that the motion opposed the imposition of an eco-town on that site.

The motion was then put to the vote and was passed by 26 votes to 12.

RESOLVED that the type 1 response in the report to this meeting be agreed subject to the addition of the agreed words as follows:

'Reiteration of the Council's objections that national planning policy statements should not seek to identify potential locations such as North East Elsenham or anywhere else for eco-towns. The PPS should confine itself to providing support to high standards being set by local planning authorities in their local development frameworks for carbon emissions, climate change adaption, affordable homes, employment, accessibility and transport, local services, green space, habitat creation for biodiversity, water efficiency, flood risk management and waste, if the local authority identifies that an eco-town would be the most appropriate

of all the reasonable alternatives. It should support local planning authorities in rejecting planning applications for proposals that do not meet exemplar standards which are “challenging and stretching”.’

C97

RECRUITMENT OF DIRECTOR OF DEVELOPMENT – NOMINATION OF APPOINTMENT COMMITTEE

The Chief Executive outlined the need to put in place a process to recruit a Director of Development. The post had remained vacant since July 2008 and had been filled on an interim basis by the Head of Planning and Housing Strategy. He suggested the formation of a new appointments committee and the report set out the various options for the size of the committee and for it to comply with the political balance rules. He also asked members to determine the membership and terms of reference of the committee and to appoint a chairman and vice-chairman.

He suggested that Members agree to appoint a committee with the same ratio of members appointed to the last appointments committee, that was three Conservatives, and one each from the Liberal Democrat and Independent groups.

Councillor Barker suggested that the committee be made permanent and the terms of reference allow for the appointment of any director required in the future.

Councillor A Dean asked for an assurance that the recruitment procedure would be open for anyone to apply for the post.

The Leader said that the precise method of recruitment and appointment would be for the committee to decide but assured Councillor Dean that whatever method chosen would be open and transparent.

Nominations were submitted by each of the political groups on the basis of a 3/1/1 balance.

Councillor Ketteridge was proposed and seconded as Chairman of the committee.

He then proposed Councillor Chambers as Vice-Chairman.

Councillor Yarwood then proposed Councillor Godwin as Vice-Chairman and both nominations were seconded.

Both nominations were put to the vote and Councillor Godwin was declared appointed.

RESOLVED that:

1. an Appointments Committee be established with immediate effect to deal with the appointment of a Director of Development;

2. the committee to consist of Councillors Chambers, Ketteridge and Redfern (Conservative), Councillor Cant (Liberal Democrat), and Councillor Godwin (Independent);
3. Councillor Ketteridge be elected as Chairman, and Councillor Godwin as Vice-Chairman;
4. the committee to continue beyond the immediate appointment to deal with any similar appointments required in future; and
5. the terms of reference to be to agree the job description and person specification; to ratify the advertisement and selection process; to shortlist and interview suitable candidates and agree an offer of appointment.

C98

FREEDOM OF ENTRY TO THE DISTRICT

The Chairman explained that the original suggestion to grant freedom of the district to 33 Engineer Regiment had come from the Chairman of Wimbish Parish Council, where the Regiment was stationed at Carver Barracks. Councillor Walters had taken over the arrangements for this matter which he said had taken a long time to organise.

Councillor Knight said she had received an apology from the Chairman of the Parish Council that she had not been consulted as the local ward member.

In proposing the recommendation in the report, Councillor Cheetham said that the Council must smarten up in keeping ward councillors informed of initiatives concerning their area. Councillor Smith then seconded the motion.

RESOLVED that the right of freedom to enter the district, march through the streets with due ceremony, bayonets fixed, colours flying and bands playing, be granted to 33 Engineer Regiment in appreciation of the services rendered to the country by its members in hazardous deployments throughout the world.

C99

MUSEUM HERITAGE QUEST CENTRE – DEPARTURE FROM CONTRACT STANDING ORDERS

Councillor Eden, as Chairman of the Museum Resource Centre Project Team, presented a report outlining a procedural decision needed to allow tenders to be invited for the Heritage Quest Centre to be constructed. It was necessary to depart from Contract Standing Orders in this case because the method of contract procurement by design and build using a shortlist compiled by the independent consultant, as agreed by the Project Team, did not comply with the tendering methods required by Contract Standing Orders. As a result, the report proposed departing from the provisions of Standing Orders to enable tenders to be invited.

Councillor Eden proposed, and Councillor Morson seconded, the recommendation in the report.

Members asked a number of questions about the nature of the proposed contract and tendering method. It was noted that the grant received from the Heritage Lottery Fund might be in jeopardy if any further significant delays were experienced before tenders were invited, or if the method chosen to invite tenders was altered.

Councillor Jones commented that he had no difficulties with design and build but some amendments to the specification might result.

RESOLVED that invitations to tender be made by design and build for the construction of the HQC, and that the relevant provisions of Appendix K of Financial Regulations be set aside for the purposes of this contract.

C100

REVIEW OF PERFORMANCE OF AREA PANELS

The Community Partnerships Manager presented a report setting out an assessment of the performance of the area forums since they were established as successors to the area panels in 2008. This was on a trial basis and the Council required a review to be carried out before any decision was taken to endorse the arrangement or otherwise.

Mrs Bradley said that area panels had first been established in 2006 and had proved an important step in encouraging greater public participation in Uttlesford meetings. However, many people had felt that the panels were too similar to normal committee meetings and provided insufficient opportunity for the public to influence decision making. As a consequence, the forums were intended to provide more of a multi-agency approach giving members of the public, as well as town and parish representatives, the opportunity to raise matters of concern and receive feedback.

The consultation she had undertaken had demonstrated broad support for the present structure to continue as it was seen to be generally beneficial to all of the agencies involved. A number of options could be explored to amend the format of meetings but the overall conclusion was that the forums should continue for a further period.

In recognising the importance of community engagement, Councillor Sell said that the distance between the Council and the public had become wider and this had contributed to growing disenchantment with the political process. He did not agree that the multi agency approach was a step forward as the forums had no decision making powers and this contrasted with the previous position. The number of consultees quoted in the report represented a very small sample of opinion and, in his opinion, this invalidated the result.

Although he acknowledged the attendance of police and highways was beneficial to residents, Councillor Sell proposed the restoration of decision making powers for the area forums.

Councillor Cheetham responded that she had received good reports of forum meetings and thought that parish councillors preferred the new system. The

format was not perfect and could be improved, especially by the substitution of more question and answer sessions for some formal presentations.

The Chief Executive advised Members that any decision to give the forums decision making powers would require a change in the Constitution and could not be decided at this meeting. The present structure of two forums could not be retained unless political balance was to be introduced.

Councillor A Dean asked that a review of the area forums terms of reference be carried out during the coming year.

Councillor Sell then withdrew his motion and Councillor Barker proposed that the matter be referred to the Constitution Working Group for consideration and report back. This was seconded by Councillor Morson. An assurance was given that ad hoc meetings of the forums could be called if there was any need.

Councillor Rolfe said he was keen to improve consultation arrangements and these meetings were part of a matrix of agencies working together. He thought that the introduction of a peoples' panel might prove helpful in moving the public closer to the LSP and the multi-agency approach.

Councillor Wattebot asked the Constitution Working Group to examine the size of the existing forums as part of its review.

Councillor Knight said that elected Members should take decisions and then the public should take a view on those decisions.

In conclusion, the Chairman thanked Mrs Bradley and her team for their hard work in organising the consultation arrangements.

RESOLVED that the existing area forums be continued as multi-agency meetings but that the Constitution Working Group be asked to review the terms of reference during the coming year and report back in due course.

C101 TIMETABLE OF MEETINGS 2009/10

The timetable of meetings for the following year was received for approval. It was noted that the date of the Council meeting on 23 February 2010 was intended as a reserve date in case the budget setting meeting on 18 February needed to be adjourned.

RESOLVED that the timetable of meetings be adopted.

C102 NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Walters was proposed as Chairman of the Council by Councillor Ketteridge and seconded by Councillor Smith.

Councillor Schneider was proposed as Vice-Chairman by Councillor Ketteridge and seconded by Councillor Chambers.

The above nominations would be tabled at the Annual Council meeting on 12 May 2009 and would then take effect.

The meeting ended at 9.30pm.

Statement by Simon Lee during the Public Session

Simon Lee spoke as a Henham Parish Councillor and local resident about the impact on his community of the eco-town proposal. He urged the Council to offer full support to the local community by opposing the proposed eco-town development at North east Elsenham in the strongest possible terms. In doing so, the Council should put party politics to one side in support of its own resolution of May last year to send a clear and decisive message to Government that the proposal was both unsustainable and inappropriate.

He felt that the report presented to this meeting was both confusing and indecisive. The type 3 response was the only appropriate response for the Council to send. This was now the Council's last opportunity to do the right thing. He asked the Council to send a clear and unanimous message to the Government in support of Sir Alan Haselhurst's strong representations. To do otherwise would represent a dereliction of the Council's duty to its residents.