

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

Present:- Councillor A D Walters – Chairman (part of the meeting only).  
Councillors E C Abrahams, 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, C D Down, K L Eden, M Foley, E J Godwin, E Gower, E W Hicks, J E Hudson, D M Jones, A J Ketteridge, T P Knight, R M Lemon, J I Loughlin, J E Menell, D G Perry, J A Redfern, H S Rolfe, J Salmon, G Sell, R D Sherer, A M Wattebot, L A Wells, P A Wilcock, and A C Yarwood.

Also present: Mr S Brady (Chairman of the Standards Committee).

Officers in attendance:- J Mitchell (Chief Executive), 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).

**C17 ELECTION OF A CHAIRMAN FOR THE MEETING**

In the absence of both the Chairman Councillor Walters, at the Queen's Garden Party, and the Vice-Chairman Councillor Schneider, the Chief Executive called for nominations for a Member to chair the meeting. Councillor Ketteridge proposed the immediate past Chairman Councillor Lemon to undertake this role and this was seconded by Councillor Godwin.

There being no other nominations, Councillor Lemon took the chair. He thanked Members for the confidence they had shown in him and welcomed Sean Brady, independent Chairman of the Standards Committee, and Roseanne Sorelle as the Council's representative on the Inter Authority Waste Agreement. Councillor Yarwood agreed to act in the role of Vice-Chairman to assist Councillor Lemon conduct the meeting.

**C18 ANNUAL REPORT FROM THE STANDARDS COMMITTEE**

Sean Brady presented the annual report of the Standards Committee. He said that the regulatory duties of the Committee were at a minimum during the year so that only a single hearing had been necessary. It was his hope that no complaints would be reported in the future but this seemed an unlikely expectation. It appeared the case that most breaches of the Code of Conduct had arisen from a failure to understand the provisions of the Code rather than a desire to promote self-interest or personal gain.

Accordingly, the Committee wished to promote awareness of the Code so that both the protection of the public interest and integrity of councillors was maintained and enhanced. He said that the independent members of the

Committee were particularly aware of the pressures under which councillors operated, and the damage to personal reputations that might arise from an investigation and hearing.

The Standards Committee would continue to support training and were presently preparing a work schedule for this purpose. He thanked Michael Perry and other officers for their help and support.

Members noted the report and thanked Mr Brady for his presentation.

Councillor Wilcock asked whether the Chief Executive could confirm whether discussions had taken place between the Monitoring Officer and senior officials of the Standards Board about the conduct of the Standards Committee, and what was the purpose and nature of those discussions. The Assistant Chief Executive said that no such discussions had taken place.

C19

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

Councillor Knight spoke about the difficulties faced by small local businesses in rural localities faced with planning restrictions on the use of advertising signs. She said that the Council for Rural Essex was unhappy with the position and that planning officers and committee members should concentrate on more serious matters.

The Leader suggested that Councillor Knight should speak to the Chairman of the Development Control Committee about a way forward and Councillor Cheetham agreed that this would be helpful.

Councillor Menell asked whether any instructions had been received from the PCT on how to deal with a pandemic?

Councillor Chamberlain confirmed that there was no specific information yet available but he had received a note from the West Essex PCT about planned future measures. A number of anti-viral collection points would be set up in the district and a call centre at Epping would help to reduce the pressure on local GP surgeries. Support would also be available from local councils and the voluntary sector. This would help to promote advice on hygiene measures and would supplement NHS direct. Employers should have a staffing plan to deal with absenteeism.

Councillor Wilcock asked the Chairman of the Environment Committee when the Strategic Housing Market Assessment data would be released to the public? Councillor Barker replied that she had no idea of the timescale but would write to Councillor Wilcock with the relevant date.

He also queried the logic and desirability of continuing with option 4 in the light of the decision not to proceed with an Eco-town at Elsenham, especially in view of the doubts expressed about the deliverability of this project.

In reply, Councillor Barker said that she had received a helpful letter from Councillor C Dean. The Council would continue to consider the Elsenham site

alongside everything else. She displayed maps of Great Dunmow and Stansted showing possible areas for development to demonstrate the difficulties the Council faced. No possible option for development was not under scrutiny. Only when this difficult process was complete would the Council be able to reconsider its preferred option.

She gave a similar reply to Councillor Sell who referred to capability factors being part of the decision on Eco-towns.

Councillor Wilcock asked Councillor Jones whether the Stansted Airport Advisory Panel was prepared to consider recent flight changes over Hatfield Heath resulting in departures flying 250' lower than previously. Councillor Jones replied in the affirmative.

Councillor Cheetham thought that fuel cost was the principle reason for this change. Councillor Knight referred to similar problems in Debden and Wimbish. She said this was caused by aircraft putting their wheels up sooner than they should be doing. When this was pointed out to the operators concerned matters improved for a short while but they soon reverted to previous behaviour.

Councillor Wilcock said that airlines were largely operating under agreed guidelines and that the matter needed to be clarified. Councillor Godwin said that aircraft were flying lower over Birchanger than before and this was unacceptable.

C20

## **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors A Dean, C Dean, Howell, Mason, Miller, Morson, Schneider, Smith and Walters.

*Councillor Chamberlain declared a prejudicial interest in item 14 as he had relatives employed by the Council. He would leave the room prior to the discussion of that item.*

*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.*

*Councillor Clover declared his interest in item 13 as a member of Great Dunmow Town Council.*

C21

## **MINUTES**

The Minutes of the Annual Meeting held on 12 May 2009, having been received, were approved as a correct record and signed by the Chairman of the meeting.

C22

## **BUSINESS ARISING**

### **(i) Minute C8 – Members' Question and Answer session**

Councillor Wilcock again asked about disabled parking at the Council Offices. The Leader responded by stating that he believed most pressure at London Road was on general parking provision. He quoted from a report prepared by the Head of Customer Support Services. This stated that there were presently two marked bays for disabled parking plus an additional marked zone capable of accommodating up to three vehicles. The provision made was within Department of Transport guidelines. If the Access Group required additional parking, part of the car park could be cordoned off as for Development Control meetings. Changes had also been made to the turning circle. He was satisfied that existing provision was adequate.

Councillor Wilcock asked that consideration be given to placing the two marked bays at the front of the building so that all general parking could be grouped together.

The Leader said that if such a conversion was made this would lead to the loss of one general parking space.

### **(ii) Minute C14 – Review and Appointment of Task Group for 2009/10**

Members agreed to note an observation from Councillor Rolfe that the number of task and working groups should be reviewed carefully.

C23

## **LEADER'S COMMUNICATIONS**

The Leader said that Councillors A and C Dean and Walters were unable to attend this meeting as they were present at the Queen's Garden Party.

He referred to the statement by John Healey, Minister of State for Housing and planning about planning policy and the provision of eco-towns. Four pioneer locations had been announced at Whitehill-Bordon, St Austell, Rackheath, and North West Bicester. The new Planning Policy Statement had included provision for potential sites for eco-towns to be considered by local planning authorities through the local planning process and decided on their merits by those authorities.

The Minister had said that up to a further ten sites could be developed by 2020 in addition to the four announced. The Government had said that it would offer additional support to two authorities – Uttlesford and Doncaster – to enable them to take forward those locations through their local plans if that was their preferred option. Funds of £5m had been set aside to support further assessment and technical work in those and other locations.

The Leader assured Members that the Council would not seek to utilise this development funding to tie Uttlesford into Government plans.

He then referred to a further statement by the Minister of State on housing finance, with particular reference to negative subsidy. The statement by John Healey said that the Government intended to dismantle the HRA subsidy system enabling councils to retain their rent income without the need for redistribution. This would require an adjustment of debt levels for most authorities to deal with the huge sum of historic national housing debt. The Leader said that it was presently unclear whether this reform would operate to the advantage of Uttlesford and that any benefits may be five years away.

The CIC at Great Dunmow had now transferred to the new Library. The members of staff were still settling in and there had been teething problems, especially with the availability of broadband. The move had freed up the Dunmow offices and discussions would continue with Jobcentre Plus, the CAB and Sir Alan Haselhurst MP about the provision of an outreach service from other locations such as London Road and Thaxted.

A further meeting of the Voluntary Improvement Board would be held this week. The chairmanship had now changed from the Audit Commission and the Chief Executive would chair alternate meetings. Progress continued to be made.

The LGA conference had discussed setting up a special interest group to support district councils. It was felt that this arrangement would give districts a greater voice in local government but the new group would give rise to an additional subscription cost.

Councillor Jones asked about the cost of fees payable to the LGA and suggested it might be helpful for the Council to review its further involvement in this body.

The Leader said he did not have the subscription figure to hand but would ensure that this was given to Members. He said that contributions had been reduced for smaller districts and that the benefits of membership were worthwhile. It gave the Council a voice in Government it might not otherwise have. The subscription to the proposed new body would be £900.

C24

## **MATTERS ARISING FROM COMMITTEES**

### **(i) Environment Committee on 16 June 2009 – Minute E5 – Essex Waste Inter-Authority Agreement**

Councillor Barker introduced the recommendation from her Committee and said that the position had now changed in that the proposed two processing plants had now been reduced to a single plant. A radical shift in ideas had apparently occurred between the date of the Environment Committee meeting and the County Council's revised decision on 24 June. She introduced Roseanne Sorelle from Sharp Pritchard to explain the background to these changes in more detail and to answer any questions raised by Members.

Ms Sorelle said that she had been procured by Essex County Council to act on behalf of the Essex districts. As such she was not privy to internal County Council discussions but she understood that ECC had now submitted an outline

business case. This made provision for a single main treatment site at Basildon rather than the two sites previously proposed.

This change of policy did not affect the Inter Authority Agreement (IAA) but altered the procurement arrangements to which Uttlesford would continue to have an input. The outline business case was available to view on the ECC's website.

Councillor Cant said that the policy change meant that a greater proportion of waste would go to landfill and the resultant figures would not meet the recycling aspirations for Essex. She asked why the County Council's original bid had been refused by DEFRA?

Roseanne Sorelle said that the evaluation criteria used by DEFRA meant that the County Council must have the waste treatment site secured so there was certainty in the bidding process. This was not the case with the previous proposal for two sites. The IAA did not affect this process and just set out the relationship between the ECC and the districts. The County Council must come back to the districts regarding the procurement case.

Councillor Cant thought the playing field had changed and she asked for a further report from officers, to an extraordinary meeting if necessary, before a decision was made.

In response, Councillor Barker said there had been two main changes. The Joint Municipal Waste Management Strategy had been signed and that was not affected by the IAA. DEFRA had moved the goalposts in that the County Council must have control over any sites proposed and that had consequently been incorporated into the outline business case.

She outlined recycling rates applicable in Essex generally and Uttlesford in particular and said that the long term target for recycling was 60%. The present amount of residual waste in Essex was 351,000 tonnes whereas the capacity at Basildon was 550,000 tonnes. The proposal was to process inert waste by means of MBT (Mechanical Biological Treatment) but this would not be manufactured into Solid Recovered Fuel (SRF) and would then go to landfill. The procured site would have had SRF capacity.

This was a major change from what Members had been told at the Environment Committee meeting. She nevertheless urged Members to agree to sign the IAA. There was a pressing need to find a market for SRF now and it was a matter of urgency to get on with that process.

Councillor Cheetham proposed the recommendation subject to the addition of a part 4 to write to Essex County Council raising concerns about the change, and asking for a meeting to be held soon to discuss how to promote the use of a further site for waste treatment.

Councillor Wilcock agreed with Councillor Cant that a special meeting should be held before agreement to sign was made so that any decision was made based on the full facts.

Councillor Ketteridge seconded the motion. He said it had been explained very clearly that the procurement process was not part of the IAA. There had been extensive negotiations about the effect of the agreement on Uttlesford and it was clear that the best deal had been gained. The County Council would be unable to make progress if we prevaricated now.

RESOLVED that:

1. recommendations 1 to 3 of the Environment Committee be adopted so that the IAA is signed as agreed in recommendation 3; and
2. a letter be sent to Essex County Council raising concerns about the change made to the procurement policy in the outline business case, urging that a meeting be held soon to discuss the change to a single waste site, and to agree to lobby for a two site model.

**(ii) Finance and Administration Committee on 25 June 2009 – Minute FA9 – Financial Regulations**

A recommendation was received from the Finance and Administration Committee to approve the revised Financial Regulations, subject to the amendment of paragraph 2.5 to include the words “Scrutiny of Annual Accounts”.

RESOLVED that the Financial Regulations be adopted as recommended.

**(iii) Performance Select Committee on 30 June 2009 – Minute PS18 – Statement of Accounts 2008/09**

Councillor Rolfe presented the decision of the Performance Select Committee to approve the draft Statement of Accounts subject to that approval being noted by the Council. He outlined a number of key matters arising from the accounts, including the positive cash flow position, the pension fund deficit, and the overspend of £229k that had occurred on the Housing Revenue Account. He also highlighted the items written off and said that details could be provided to Members on request.

He thanked the Chief Finance Officer and his team for the work they had undertaken in finalising the accounts. He then proposed adoption of the resolution and this was seconded.

**At this point the Chairman entered the meeting and he took over the chair from Councillor Lemon for the remainder of the proceedings.** The Chairman thanked Councillor Lemon for acting in this capacity during his absence.

Councillor Wattebot asked how the Council intended to address the pension fund deficit? Councillor Rolfe explained that the pension fund was run by the County Council and the Council had to bear an apportioned part of the total pot. He said the Medium Term Financial Strategy took account of the saving needed by 2011. The Chief Finance Officer then explained that the deficit would be paid off over a

total of 20 years as determined by an independent actuary and that the annual repayment amounted to £420k a year.

Councillor Wilcock asked about the actions being taken to recover the Landsbanki investment funds and said that the efforts of the LGA demonstrated value for money for the Council's membership. He noted a considerable difference between the figures reported to Finance and Administration and the final accounts and asked about the reliability of the figures.

Councillor Rolfe said the amount likely to be recovered had been adjusted from 95% to 83% and that suitable provision had been made in this year's accounts. The Chief Finance Officer added that the difference was not significant but that the Council should do better at forecasting. The revised budget procedures would resolve some of the deficiencies highlighted.

RESOLVED that the approval of the draft Statement of Accounts be noted.

## C25 **FREEDOM OF THE DISTRICT – 33 ENGINEER REGIMENT**

The Chairman reported on the success of the occasion of the granting of the freedom of the district on 14 June. A bronze statue had been presented by 33 Engineer Regiment and was displayed at the meeting together with a framed copy of the freedom.

*Councillor Barker declared a personal interest in this item as her husband was employed at the Barracks. She said that a member of 11 Regiment had been tragically killed while on active duty in Afghanistan. There was a close link between 11 and 33 Regiment and she asked that a letter of condolence be sent in response to this sad event.*

The Chairman endorsed this comment and expressed the hope that suitable letters would be sent all on relevant occasions.

Councillor Lemon said that he served on the original committee and the success of the occasion had more than justified the effort put in. It had been suggested that the Regiment should reciprocate and should formally visit Saffron Walden every two years. This seemed to him a good idea.

RESOLVED that officers find a suitable location for the framed freedom document and bronze statue and that a letter of condolence be sent as agreed.

## C26 **APPOINTMENT OF INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE**

*Councillor Lemon declared a personal interest in this item as the district councillor for Hatfield Heath.*



The Leader proposed acceptance of the recommendation in the report to appoint the nominee of the Uttlesford Association of Local Councils to fill the outstanding vacancy on the Standards Committee.

RESOLVED that Councillor Mel Sullivan of Hatfield Heath Parish Council be appointed to serve as a town and parish representative on the Standards Committee.

**C27 CHANGE OF COMMITTEE MEMBERSHIP – PERFORMANCE SELECT**

Councillor Wilcock proposed a change of membership on the Performance Select Committee so that Councillor Yarwood would replace Councillor Foley as a representative of the Liberal Democrat Group. There were no political balance implications associated with this change.

RESOLVED that Councillor Yarwood replace Councillor Foley as a member of the Performance Select Committee with immediate effect.

**C28 EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100(I) of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involved the likely disclosure of Exempt Information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.

**C29 SALE OF 46 HIGH STREET GREAT DUNMOW**

*Councillor Davey declared a personal interest in this item as a Great Dunmow Town Councillor.*

The Chief Executive set out the context for the proposed sale of 46 High Street, Great Dunmow following the relocation of the Community Information Centre to the new Library building. The building was surplus to requirements. Careful consideration would need to be given to the needs of the voluntary services presently located within the building under leasehold arrangements. It appeared likely that the sale agreement would include provision to phase the vacation of the property to enable relocation of the voluntary sector to take place.

The Leader endorsed these comments and proposed acceptance of the recommendation.

*At this point, Councillor Redfern declared a personal interest as her company had undertaken work for the company mentioned in the report.*

Members asked a number of questions about the proposed sale and suggested ways in which the interests of the voluntary services could be protected. Councillor Artus suggested a course of action to ensure adequate standards and this was agreed.

Councillor Clover proposed an amendment to put aside sufficient costs and resources to support the smooth transition of the voluntary services and that a proportion of the sale proceeds be allocated for the benefit of the community in Dunmow.

The Leader said he was concerned about the amendment and would not be able to support it. He understood the spirit behind the amendment but felt it would create an unwelcome precedent to allocate money in this way as other communities would be unable to benefit similarly. A commitment had already been given to the voluntary sector to protect their interests and he gave an undertaking to do everything possible to identify suitable alternative accommodation.

Councillor Wilcock supported the amendment but other Members felt it would be premature to allocate money in advance of the sale taking place. Councillor Hicks confirmed, on behalf of the Council for Voluntary Service, that the voluntary sector would be well provided for in the future.

The amendment was put to the vote and defeated. The substantive motion was then carried.

RESOLVED that the offer outlined in the report be accepted, subject to conditions, and that the Chief Executive be authorised to negotiate conditions of sale in consultation with the Leader and Chairman of the Finance and Administration Committee.

C30

## **STRATEGIC SOLUTIONS**

*Having declared a prejudicial interest earlier in the meeting, Councillor Chamberlain left the meeting at this point.*

The Chief Executive outlined and explained proposals around partnership working, developed by officers to meet the financial challenges ahead, and included as a series of options in the report. He set this out in the context of a gloomy assessment of national economic conditions and the dire outlook for local government. He said that the provision of shared services was the only viable option for the Council as there was insufficient scope for internal savings.

He had briefed the political groups and consulted Unison. The response from Unison had been circulated to Members. The Strategic Management Board had considered carefully all of the options in the report and had formed a clear view that option B had the greatest merit. He suggested that this option should be pursued in line with the Corporate Plan and to meet principles set out in the Medium Term Financial Strategy.

The Leader proposed adoption of option B in the report and this was seconded by Councillor Chambers.

Councillor Wilcock supported the report but asked for further detail and suggested the report should be discussed by the Finance and Administration Committee.

Other Members raised matters concerned with the Council's staff and the consultation with Unison, and addressing the projected budget shortfall. The Chief Executive responded accordingly.

Councillor Chambers said that the Council had made progress but there was a long way to go. The timescale for deciding the way forward did not permit a discussion at the Finance and Administration meeting on 24 September. As soon as further detail was available about the matters raised it would be reported to Members.

The Chief Executive agreed with a suggestion that one or more workshops could be arranged to discuss progress made before the next Council meeting in October when a detailed set of proposals would be available for decision.

The Leader expressed disappointment with the reaction from Unison. In his many years involvement with the Council there had never been as much information given to staff. It was his intention to get on with making arrangements that would provide the best deal for both the public and the Council's staff.

After further debate, the meeting voted on the motion and it was passed by 30 votes with none voting against.

RESOLVED that option B in the report be approved and that a further report be made to Council on 20 October 2009.

The meeting ended at 9.30pm.