

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 15 DECEMBER 2009**

Present:- Councillor A D Walters – Chairman  
Councillors E C Abrahams, K R Artus, S Barker, 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, M L Foley, E J Godwin, E W Hicks, S J Howell, J E Hudson, D M Jones, A J Ketteridge, R M Lemon, H J Mason, J E Menell, M Miller, D J Morson, D G Perry, H S Rolfe, J Salmon, S V Schneider, G Sell, R D Sherer, L A Wells, and P A Wilcock.

Also present for part of the meeting: D Murtagh (Chairman), D Barron and L Carr (members of the Independent Remuneration Panel).

Officers in attendance:- J Mitchell (Chief Executive), R Harborough (Director of Development), S Joyce (Chief Finance Officer), M Perry (Assistant Chief Executive), J Roos (Energy Efficiency Surveyor), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Central Services).

**Presentation of cheques by the Independent Provident Society**

Before the commencement of the meeting, the Chairman welcomed Michael Chapman, Ian Cooper and Colin Barlow of the IPS Trust, as established by the Private Finance Initiative partnership between the Council and Linteum Uttlesford Ltd. The partnership contracted Leisure Connection Ltd to operate the leisure centres in the district.

He invited Mr Chapman to present cheques to representatives of Shotokan Karate Club of the Mountfitchet Leisure Centre, Saffron Seals Swimming Club, the Gymnastics Club of Great Dunmow, the Saturday Multi Sports Club for children with disabilities at the Lord Butler Leisure Centre run by Gaynor Bradley, and to Paul Goddard of the leisure partnership which provided seated exercises to residents at sheltered accommodation, managed by Helen Harvey.

The money was intended to benefit organisations that encouraged people of all age groups, including those with special needs, to participate in exercise at leisure centres in the district.

C44

**REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Chairman welcomed David Murtagh, David Barron and Lucy Carr as members of the Independent Remuneration Panel and invited Mr Murtagh to present the Panel's report of their review of Members' allowances for 2010/11.

Mr Murtagh thanked the Council for being given the opportunity to address the meeting and said that the Panel's full report had been circulated to Members before the meeting. The Panel had approached this year's review in the context that it had been some time since the fundamentals of the allowances system had been examined and had accordingly decided to subject the scheme to detailed analysis.

The Panel had decided to do this in two ways. First, the review had analysed comparative data from other authorities of a similar nature to Uttlesford, and second, a detailed questionnaire had been sent to all councillors. This had prompted a good response from councillors and he expressed his gratitude for the co-operation given.

The analysis of external data had provided reassurance that the basic allowance at Uttlesford had not fallen behind those paid elsewhere. In fact, there was clear evidence that the Council's basic allowance was in the higher range of those in the comparator group.

However, the results of the questionnaire showed that the average time commitment of Members exceeded the 10 hours per week allowed by the current formula. The Panel therefore had to decide whether to adjust the formula to take account of the time commitment demonstrated by the survey. This would have a significant impact on the basic allowance in that each extra hour factored in would have the effect of raising the allowance by 10%.

He said that the Panel recognised that it could not operate in isolation from the difficult financial circumstances prevalent both nationally and in local government and that the Council might find it difficult to justify any significant increase in allowances to the public.

As an alternative way of raising the number of hours allowed for the performance of councillors' duties, the Panel had considered adjusting the percentage of public service discount applied to the formula used to calculate the basic allowance. However, they had concluded that the present level of 35% discount deducted from the allowance was about right and should be left unchanged.

Accordingly, for now, the Panel's recommendation was that the basic allowance should be increased by 1% in line with the April 2009 pay award to council staff.

The Panel had taken the opportunity to examine some of the special responsibility allowances (SRAs) payable under the present scheme and had recommended some adjustments. These were in respect of the payments made to the Chairman and Vice-Chairman of the Council, the chairmen of area forums, and to members of the Development Control Committee.

They had also looked at the position of group leaders and members of the Scrutiny Committee but had decided that there was insufficient evidence to recommend any adjustments at this stage.

Mr Murtagh reminded Members that the Panel was able to reconvene at any time to address specific issues. The overall effect of the recommendations, if agreed, was to reduce slightly the cost of the scheme in real terms. This had not been the Panel's intention but, given current financial pressures, he felt that this outcome might be acceptable to the Council.

In concluding his remarks, the Chairman of the Panel said that he wished to thank John Mitchell and especially Peter Snow and his colleagues for the first class support they had given to the Panel during the course of this review.

The Leader thanked David Murtagh and the other members of the Panel for the work they had done in bringing forward their proposals. He had considered the

recommendations carefully and had concluded that it would be wrong for Members to accept a 1% increase in the basic allowance bearing in mind that the Council's staff might not receive any increase at all next year.

He accordingly proposed acceptance of the recommendations, subject to any increase in the basic allowance being tied to the local government pay award from 1 April 2010, instead of the 1% increase proposed. He further proposed that the SRA payment to Development Control members should revert to the present allowance if the trial of four weekly meetings was abandoned.

Councillor Wilcock asked that any increase taken next year be limited to no more than 1% and Councillor Ketteridge agreed to amend his proposal accordingly.

Councillor Sell welcomed the report and noted that a number of anomalies had been addressed. However, he felt that one remaining anomaly related to the position of the leader of the second largest party represented on the Council. He considered that the threshold paid to group leaders should be addressed as there was not presently sufficient recognition of the role of the leader of the largest opposition group.

Councillor Wilcock referred to the remarks about the local government pension scheme being available to councillors and said that this was not previously understood by most Members. Although information about the scheme had been circulated by Mr Snow he asked that the section of the councillors' handbook dealing with allowances should be updated to reflect access to the pension scheme.

The proposal was put to the vote and agreed with no dissension.

RESOLVED that the report of the Independent Remuneration Panel be accepted for the payment of all allowances in 2010/11, subject to there being no increase of 1% in the basic allowance based on the pay award to local government staff from 1 April 2009, and that:

1. the basic allowance be increased by a maximum of 1% in line with the pay award made to local government staff effective from 1 April 2010, and all other allowances, except where stated, be increased in proportion to that increase according to the formula included in the table below;
2. the formula used to calculate the basic allowance continue to be based on an assumption of ten hours per week and a public sector discount deducted at the rate of 35%;
3. the Special Responsibility Allowance (SRA) payable to the Chairman of the Council be increased from  $\frac{3}{4}$  to 80% of basic allowance;
4. the SRA payable to the Vice-Chairman of the Council be reduced from  $\frac{1}{2}$  to 40% of basic allowance;
5. the list of committee chairmen entitled to receive the SRA of  $\frac{3}{4}$  basic allowance be re-defined as 'Chairmen of policy committees, regulatory committees and overview and scrutiny committees';
6. the SRA payable to the chairmen of area forums be reduced from  $\frac{3}{4}$  to 40% of basic allowance in recognition of the reduced frequency of meetings and loss of decision making powers since the area panels were replaced by the forums in 2008;

7. no payment of SRA be made to the vice-chairmen of policy committees as there was insufficient evidence to support such payment;
8. the SRA payable to members of the Development Control Committee be reduced from 6½ to 5 days at the rate currently applicable; and
9. the following allowances be payable in 2010/11, subject to any increases necessitated by the local government pay award from 1 April 2010 (limited to 1%):

Type of allowance	Present rate
Basic allowance	£5,020 (notionally 65 days at £77.23 per day)
Chairman of the Council	£5,020 + £4,016 + civic expenses (Basic allowance + 80% basic allowance)
Vice Chairman of the Council	£5,020 + £2,008 (Basic allowance + 40% basic allowance)
Leader of the Council	£5,020 + £7,530 (Basic allowance + 1½ basic allowance)
Deputy Leader of the Council	£5,020 + £3,765 (Basic allowance + ¾ basic allowance)
Chairmen of policy committees/regulatory committees/scrutiny and overview committees	£5,020 + £3,765 (Basic allowance + ¾ basic allowance)
Chairmen of area forums	£5,020 + £2,008 (Basic allowance + 40% basic allowance)
Chairman of Standards Committee	£3,765 (¾ basic allowance)
Group Leaders	One basic allowance + either £1,055 p.a. or £114 x group membership as at 1 <sup>st</sup> April (subject to a minimum group size of 2) which ever is the greater.
Members of the Development Control Committee	£5,020 + £386 (Basic allowance + 5 days at £77.23 per day)
Carer's allowance	£10 per hour
Travel rates	Cars and vans – 40p (up to 10,000 miles p.a.) Each passenger making the same business trip – 5p Motorcycles – 24p Pedal cycles – 20p The applicable rates will be set at Inland Revenue approved rates (AMR) as from 1 February 2004
Independent and town and parish council representatives on the Standards Committee	£500 – benchmarked against the payment made to members of the Independent Remuneration Panel
Only one Special Responsibility Allowance is payable to a member at any one time (this is the higher of the two or more to which a member is entitled) but group leaders remain entitled to receive a maximum of one additional SRA	No change

**MEMBERS' QUESTION AND ANSWER SESSION**

Councillor Lemon said that his son-in-law was currently serving with the armed services in Helmand and he would be circulating a sponsorship form in aid of British Forces in Afghanistan.

Councillor Godwin referred to the report from the Remuneration Panel drawing attention to the opportunity for Members to join the local government pension scheme but said that Members generally were not aware of the level of contributions or what benefits might accrue.

The Chief Executive said that this had come as a surprise to him also and that he would make arrangements for Members to be briefed about the pension scheme.

Councillor Wilcock drew attention to the powers available to local authorities to serve Empty Dwelling Management Orders to reclaim empty homes. He had experienced difficulties in relation to a property in his ward that had remained empty for a long period of time. He asked the Chairman of the Community and Housing Committee what action the Council intended to take in pursuance of these powers?

In response, Councillor Chamberlain said he appreciated the concerns associated with empty housing but thought the problem was not acute in Uttlesford compared with other districts. The Council had already secured the renovation of one property but the necessary grant support for this solution was expensive and would continue to be monitored carefully by his Committee.

Councillor Wilcock then asked the Leader about the recent publication of the new Comprehensive Area Assessments which had scored the Council at a rating of 2 for managing performance and for use of resources. This was classified as 'meets only minimum requirements – performs adequately' only and he was concerned that a number of problems had been highlighted including the processing of benefit claims and risk management.

The Leader said he was aware of the One Place website launched by the Audit Commission and had intended to comment about the results achieved as part of the Leader's announcements item. In his view the scoring of 2 for use of resources was a good achievement as it represented an upgrading from the score of 1 last year and put Uttlesford on a par with a number of neighbouring councils including North Hertfordshire and South Cambridgeshire. The Council had made great strides forward and should be proud of its achievements during the past year. This did not mean that the Council should be complacent but the CAA score was evidence of headway being made.

Councillor C Dean said that she had been disappointed to learn through the local press of the proposals for free parking during the pre-Christmas period. This had been an officer made decision and had not come before the Environment Committee. As a result, Stansted Parish Council had not been consulted on the proposal as owners of the Crafton Green car park.

Councillor Barker confirmed that the decision had been an operational one and it was unfortunate that Stansted Parish Council had not been consulted. She said that the position regarding Boxing Day was being investigated as the Saturday

following Christmas was not regarded as a Bank Holiday. Members would be told the outcome.

Councillor Sell asked for an assurance, on behalf of Stansted Parish Council as owners of the car park, that in future stakeholders would be kept informed of operational decisions of this nature?

Councillor Barker reiterated that it was unfortunate the Parish Council had not been informed and said that she would ask officers to ensure that such decisions were duly notified. The decision to offer free parking had followed an initiative from traders.

Councillor Morson expressed fresh concerns, shared on a cross-party basis, about the operation of negative housing subsidy and referred to the recent announcement by Housing Minister John Healey of a guideline rent increase for 2010/11 of 3.1%.

Councillor Chamberlain said that the proposed rent increase would be considered by the Community and Housing Committee in January, by which time he hoped that officer comments would be available. He would not pre-empt those comments but agreed with Councillor Morson about the appalling impact on this district of negative subsidy.

Councillor C Dean asked that the final Local Development Framework Core Strategy documents should be seen again by the Environment Committee before going out for the next stage of the consultation at the beginning of February.

Councillor Barker said that was not acceptable as it had been agreed that the consultation process and content would go back for reconsideration only if deemed necessary by the Working Group as that was what had been agreed by the Committee. The leaflet would be sent to every household in the district and would include a reply paid facility. The full consultation would be sent to all parish councils and would be available via the website. It was also intended to provide exhibition material for the libraries. The Working Group had been delegated the work of dealing with the consultation arrangements throughout and would continue in that role.

Councillor C Dean pointed out the Working Group was not a decision making body. She was referring not to the method of consultation but to the content. She had been told there was not enough time to consider the consultation in January as it would be underway by then but it had now been delayed until February.

Councillor Barker said that the Environment Committee had agreed the basic content of the consultation already. Everyone knew what the Council was consulting about so there was no need for further public debate.

C46

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

Apologies for absence were received from Councillors Bellingham-Smith, Gower, Loughlin, Redfern, Sadler, Smith, Wattebot and Yarwood.

*Councillors Eden, Ketteridge, Mason and Perry declared their personal interest as members of Saffron Walden Town Council.*

*Councillor Chamberlain declared a prejudicial interest in item 10 as he had relatives employed by the Council. He would leave the room prior to the discussion of that item.*

*Councillor Barker declared a personal interest as a member of the County Council and of the Essex Fire Authority.*

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

## C47 **MINUTES**

The Minutes of the meeting held on 20 October 2009 were received.

Councillor A Dean asked whether the statement in the fourth paragraph on page 238 to a reduction in the Council's carbon emissions of 8.6% in the current year was correct?

The Leader agreed that the level of reduction quoted was a cumulative figure and did not relate just to the current year.

Subject to that correction being noted, the Minutes were approved as a correct record and signed by the Chairman.

## C48 **BUSINESS ARISING**

### **(i) Minute C32 – Members' Question and Answer session**

Councillor C Dean said that the Council formerly contributed £1,000 towards the salary of a field officer employed by the Rural Community Council of Essex (RCCE) to support the production of town and parish plans. She suggested that the Council should contribute to the RCCE next year.

### **(ii) Minute C35(iii) – Business Arising – Essex Waste Inter Authority Agreement**

Councillor A Dean said he had established that no letter was sent to Essex County Council as agreed in the resolution to Minute C24(i) of the meeting on 21 July 2009. He asked the Chief Executive and Leader to give an assurance that resolutions of the Council were always followed through.

The Chief Executive said that resolutions were always carried through. In this case an email had been sent explaining the steps that had been taken. The Leader concurred and confirmed that an alternative method of conveying the message had been adopted.

### **(iii) Minute C39 – Motion on Climate Change Strategy**

Councillor C Dean referred to the motion on the 10:10 commitment debated at the last meeting. It had been clearly agreed that a report would be submitted to this meeting on progress made towards the targets identified in the Carbon Management Plan. The agenda contained a report on the use of consultancy to achieve the targets set but there was no report about signing up to the 10:10 campaign as promised and this was disappointing.

Councillor Barker said that the Leader had outlined the Council's commitment to achieve a reduction of 25% in carbon emissions from its 2006/7 baseline by 2011/12. She had asked officers to bring a report to the Environment Committee in March setting out the position the Council had reached.

Councillor A Dean said the agenda item did not deal with carbon emissions as a subject. The report dealt instead with the Council's property and did not present a picture of carbon reductions to follow through on the motion agreed. The Copenhagen conference was in progress and at least a hundred councils had signed up to the 10:10 campaign. We should not be the exception.

Councillor Barker said that the vehicle fleet used a lot of diesel but was not due to be renewed for two years. It would not be possible to cut diesel use without abandoning the three bin system that had worked so well. The Council had achieved the easiest reductions and the next 10% would be more difficult.

Councillor Rolfe wished to set the record straight as his name had been mentioned in connection with the amendment he had proposed at the last meeting. He had written to partner organisations about the 10:10 campaign as agreed at the Futures meeting held in September and his letter had included questions about Peak Oil. The Council must not compromise on its commitment to meet the targets already established and must have in place a plan to achieve that.

Councillor C Dean agreed the Council needed a strategy as the target would be missed by 10% on existing trends. Measures must be adopted to put us on track to meet the target and show the public there was serious intent.

The Chief Executive then reported on the Council's progress towards the target set out in the Carbon Management Programme in March 2008 to achieve a 25% reduction in emissions by 2011/12. Progress had been made on all fronts as highlighted in the comprehensive monthly update produced by Jake Roos. The Council had been praised by the Audit Commission for its work on ensuring energy efficiency in homes being extended. In the use of its own buildings, a reduction in carbon emission of 10% had been achieved.

Councillor C Dean had rightly said that the Council was expected to be short of its own target by 2011/12 and there would be no opportunity to get near the target figure without taking the decisions proposed in the report on carbon management. These measures were necessary to achieve the level of acceleration required in the Council's implementation of carbon management projects.

Councillor Artus said it was premature to sign up to a campaign without the strategy or the means to achieve



The Leader summed up the target already set as challenging and reiterated that the adoption of a further target was not necessary.

**(iv) Minute C42 – Museum Heritage Quest Centre**

Councillor Foley referred to a letter in the public domain about concerns connected to the routing of heavy lorries through Thaxted as a result of the planning application submitted by Sainsbury. He was pleased that Councillor Cheetham had stated that Development Control Committee members would not be fettered by any agreement regarding the Heritage Quest Centre but asked that the concerns of people in Thaxted should be taken into account.

Councillor Cheetham confirmed that the expected planning application had now been received and that letters of representation from residents of the district would be considered carefully in determining the application.

**C49 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed Members that he had arranged for his civic dinner to be held at Saffron Walden golf club on Thursday, 18 March 2010.

**C50 LEADER'S COMMUNICATIONS**

The Leader welcomed to the meeting Councillor Ray Manning as the Leader of South Cambridgeshire District Council.

He touched briefly on the Comprehensive Area Assessments mentioned earlier in the meeting. The Voluntary improvement Board had met on 9 November. As a result of progress now made, future meetings would be quarterly. Satvinder Rana from the Improvement and Development Agency (IDeA) had reported a very positive story in relation to Uttlesford's recovery and felt it was important to share this with others through a written case study and national network events. He had said that it would be of particular interest to the Minister as a demonstration of how a local authority could improve through self awareness and support from the local government sector.

He referred to a letter received from Barbara Follett, Parliamentary Under Secretary of State, about council tax increases next year. The letter stated that every authority would have received a formula grant increase on a like for like basis in every year of the three year settlement. It went on to say that total funding for local services would represent an increase of 4% on the 2009/10 settlement.

The Leader said that this statement was total spin as the increase in Uttlesford would be limited to 0.5% in each year of the settlement period including that for 2010/11. This rate of increase was a real terms cut that would not even cover the annual pay award.

He was delighted to report the recognition by the Carbon Trust for the work carried out by the Council to reduce its carbon footprint. The Council had been

awarded the prestigious Carbon Trust Standard following an assessment of the way that emissions were measured, whether emissions had decreased, and arrangements to ensure that emissions were driven down further. As a result, the Council had become one of only 171 organisations in the country to have become a Carbon Trust Standard Bearer.

The Parliamentary Select Committee for Communities and Local Government had recommended that the Government should adopt nationally the Council's pioneering planning initiative to ensure energy efficiency measures in homes undergoing extension. The Audit Commission had now endorsed this approach in a new report available on the Commission's website.

The Leader reported the confirmation of a Planning Delivery Grant of £429,000 and said this amount was second only to Colchester in Essex.

Finally, he referred to a recent press release about refuse and recycling collection arrangements over the Christmas holiday period.

C51

## **MATTERS ARISING FROM COMMITTEES**

### **(i) Licensing Committee on 11 November 2009 – Minute LC32 – Gambling Act Policy**

Councillor Hicks said there was a statutory obligation to review the Council's gambling policy every three years. He presented the recommendation of the Licensing Committee to revise the policy as set out in the accompanying report and proposed approval.

RESOLVED that the Council's revised Gambling Policy be approved and take effect from 31 January 2010.

### **(ii) Constitution Working Group on 23 November 2009 – Minute CWG3 – Change to the Council's Constitutional Arrangements**

The Leader moved a recommendation from the Constitution Working Group to explore the merits of changing the Council's constitutional arrangements to an executive format based on an executive leader and cabinet model; to consult with potentially affected parties in accordance with a timetable set out in the report; and to report back to Council in July 2010 with a view to introducing the new arrangements from May 2011.

He said it had been the intention of the Administration since 2007 to review the committee structure and now seemed the best time to move that intention forward by examining the merits of a cabinet system. The Council had opted for a streamlined committee system when the new changes brought about by the Local Government Act 2000 were introduced, but many councils had now changed to executive arrangements and the number of fourth option councils in shire districts had declined to only 32.

Consultations from government departments and other bodies such as the LGA were now routinely addressed to portfolio holders with the result that fourth option councils were forgotten. An executive system would have helped during

the financial crisis in 2007/08 because of the speeded up decision making capability. Such a system would be an advantage too in simplifying procedures in dealing with prospective partners.

Councillor Cheetham seconded the motion.

Councillor Morson said that he had not voted for the recommendation at the Working Group meeting as he felt that it would exclude Members from decision making. He urged the Council to review all available structures, including a revised committee system, as however inclusive a cabinet system was designed to be it would have the effect of removing Member responsibility.

Councillor Sell expressed reservations about the proposal. One of the reasons for the reduction in the number of fourth option councils was the move towards unitary local authorities. Few councils had chosen to move to different arrangements. The fourth option special interests group was established to look after the interests of smaller districts. Under the new localism agenda it was the case that people better identified with small districts which dealt with their concerns and gave a sense of place.

It was undoubtedly the case that decision making would be quicker under a cabinet system. However, the Uttlesford culture meant that it was possible for every Member with a good case to persuade Members of the merits of their argument. It was important not to make Members feel disenfranchised. The Council must think carefully before going down the executive route.

Councillor Godwin said that she had opposed an executive system when this was last considered and continued to be concerned about the exclusion of Members. It was important to consider matters as they stood now and what the effect of executive arrangements had been in places such as Northumberland where change had been implemented. She reluctantly agreed that there were advantages to a cabinet system especially the capacity to make decisions more quickly. It was necessary to explore the various options and a need to get the right system in place.

Councillor C Dean said she had no problems with an executive system but did not agree that the Council should consult on the basis of having a preferred option as this was premature.

Councillor A Dean thought that the success of the council depended more on the culture than the structure in place and there was a need for trust and openness. He stressed the importance of pre-scrutiny and this could be done in an open way under either system. It was unusual for a proposal to be referred to Council directly from the Constitution Working Group without first having a discussion about the options. It was wrong to be consulting on a new structure at the same time as the LDF consultation.

Councillor Wilcock referred to the commitment in the Corporate Plan to review the committee structure. He supported a review to make the existing committee system more effective rather than consulting on a cabinet system which he said was premature.

Councillor Rolfe said that many good points had been made during the debate but there had also been a great deal of waffle spoken. The proposal was to

explore a particular executive model and everyone understood that, so there would be no disenfranchisement. The deadline of May 2011 was looming and the Council should get on with the consultation as quickly as possible.

Councillor Cheetham said she had noticed that fourth option councils suffered from a disadvantage in dealings with the Government. It was important to explore alternative methods of operation and at the same time ensure that councillors were not excluded. She felt the scrutiny function would work better under a cabinet system but stressed that she had not yet made up her mind.

Councillor A Dean proposed an amendment that 'the Council supports a continuation of the review of the present committee system and an investigation of an alternative executive system'.

In summing up the debate, the Leader said he would vote against the amendment. He had agreed with much of what Councillor Sell had said, but disagreed that there was not a trend of councils switching to a cabinet system. In Essex alone, Castle Point and Rochford had made this change recently. In addition, the concept of scrutiny had been designed for the executive system and had been extended to fourth option councils as an afterthought only. The timescale involved meant that the Council must now proceed quickly to consultation if it was not to miss the opportunity to introduce new arrangements in 2011.

The amendment was put to the vote and was lost by 20 votes to 9. The substantive motion was then agreed by 21 votes for with 11 voting against.

RESOLVED that:

1. the merits of changing the Council's constitutional arrangements be explored with a view to introducing an executive format based on an executive leader and cabinet model from May 2011;
2. appropriate consultation be carried out with potentially affected parties such as parish and town councils, LSP partners and community forums;
3. a timetable be agreed for introducing executive arrangements from May 2011, allowing for consultation from January to April 2010, consideration of the responses by the Constitution Working Group between April and June 2010, with a report submitted to Council for final determination of the functions and decision making structure being recommended in July 2010; and
4. appropriate benchmarking be carried out as part of the preparation for introducing new arrangements

**(iii) Development Control Committee on 25 November 2009 – Minute DC60 - Four Week Cycle for Committee meetings – Minute DC60**

Councillor Cheetham proposed adoption of a recommendation to change the cycle of meetings of the Development Control Committee from three to four weekly with effect from the beginning of 2010.

This was in recognition of a consistent trend of fewer applications coming before the Committee and shorter meetings.

RESOLVED that the cycle of meetings be changed with immediate effect and that the following dates of meetings be substituted for those in the schedule of meetings for 2009/10:

13 January, 10 February, 10 March, 7 April, and 5 May 2010

**(iv) Finance and Administration Committee on 26 November 2009 –  
Minute FA31 – Transfer of Amenities to Saffron Walden Town  
Council**

Councillor Chambers proposed adoption of a recommendation from the Finance and Administration Committee to transfer a number of amenities to Saffron Walden Town Council and for the corresponding disposal of those assets. The matter had also been considered and approved by the Environment Committee on 10 November.

RESOLVED to approve from 1 January 2010 the assignment of the lease and transfer of responsibility to Saffron Walden Town Council of Bridge End Garden and respective equipment, materials and assets, together with the transfer of the following amenities: Battle Ditches, Dorset House Garden, Jubilee Garden and Saffron Walden Cemetery, to be transferred on a package of tapering funding of up to five years.

C52

**OPTIONS FOR PROGRESSING CARBON REDUCTION FOR THE COUNCIL  
ESTATE**

At its meeting on 10 November 2009, the Environment Committee had considered a report on options to achieve the Council's corporate priority to reduce its carbon footprint by 25% over five years. It was clear that, although good progress had been made towards this target, the Council would fail to achieve a 25% reduction without taking further action to address the likely shortfall. The position would be further limited by the impending departure of the Energy Efficiency Officer and the lack of staff resource. The Committee had resolved that the Council should explore at this meeting the procurement of an outsourced carbon management service.

The Director of Development presented a report containing a number of recommendations for ways in which the Council could accelerate its carbon management programme. These included the following four options:

- option 1 – continue with current programme
- option 2 – accelerated programme, managed in-house
- option 3 – accelerated programme, partly outsourced
- option 4 – accelerated programme, fully outsourced

He referred Members to the table on page 9/2 making clear that the Council would achieve only a 15% rate of reduction by 2011/12 at current progress. In

making these estimates, energy cost increases of 10% had been assumed, but cost rises exceeding this figure were suggested as possible by independent advice. Reductions in energy costs would relieve pressure on revenue budgets and savings in the Housing Revenue Account would be passed on to residents. The main driver for these benefits was the reduction of carbon emissions.

There were a number of practical problems such as the need to replace much of the heating plant at its sheltered housing sites. Some of the boilers were more than 30 years old and operated inefficiently. Major investment was needed in these plants. At present, the Council used 50% interest free funding from Salix Finance for its energy efficiency projects. However, the use of this funding included a requirement that each project must have a simple payback of less than five years. The Council was in a position to make longer term investments than five years.

Mr Harborough examined the four options in turn and advised Members that the outcome of financial modelling indicated that the best savings could be achieved by the adoption of option 4 for an accelerated, outsourced programme. This was the preferred model and was supported by the Strategic Management Board. However, the accelerated programme could not meet the 10:10 objectives in 2010.

Councillor Barker said she had expected to be asked to present the report as that was the custom at Council meetings. She endorsed the officers' view that option 4 in the report would provide the best result for tenants. She referred to the earlier presentation of an IPS award for the provision of seated exercises at sheltered units and said there were very many elderly residents reliant on old heating systems that could not be controlled individually. She believed it was the best way forward to replace all of these units at the same time as this would deliver energy savings and, at the same time, benefit vulnerable residents. In conclusion, Councillor Barker urged the meeting to support option 4.

Councillor Jones expressed his concern about the environmental impact of the sale of Council property such as the former Council Offices in Great Dunmow. He thought that Members should be advised about the effect of such disposals.

Councillor C Dean asked Mr Harborough whether it was possible to achieve a 10% reduction in carbon emissions in 2010? He replied that a 10% reduction on 2009/10 could not be achieved in 2010/11.

Councillor C Dean said that she supported the recommendation. The job of the Energy Efficiency Officer had been much bigger than that of acting in the role of climate change guru. She asked for an assurance that the work he had been undertaking in bringing about carbon reductions and in promotional schemes would be carried forward by another officer.

The Director of Development confirmed that the Council would have to address the need to resource the roles referred to by Councillor C Dean.

Councillor A Dean asked whether there would be independent scrutiny of the work of carbon reduction? Councillor Barker replied that there was no need for scrutiny at this stage as a full and comprehensive report would be submitted to the Environment Committee meeting in March.

The motion was put to the vote and carried.

RESOLVED that the Council agree to accelerate the carbon management programme on the basis of full outsourcing (option 4 in the report) and that a procurement process be initiated to appoint a service provider.

C53

### **REPORT OF THE REVENUES AND BENEFITS PARTNERSHIP MEMBER TASK GROUP**

*Councillor Chamberlain left the meeting before the commencement of the discussion of this item in accordance with his earlier declaration of interest.*

The Chief Executive presented a report on progress made by the Task Group established at the previous meeting. That meeting had agreed to pursue a partnership with South Cambridgeshire District Council in respect of the revenues and benefits service and the other services specified.

The Task Group had met twice. South Cambridgeshire District Council had responded positively to the proposal and a final decision would be made at the end of January. The staff proposal reported at the last meeting was not going forward but some elements of the proposal might be retained. Interviews had taken place with all staff involved on a one to one basis.

Key dates in the consideration of the partnership arrangements were set out in the report. The Chief Executive said that a staff survey had indicated that 89% of staff felt they were fully informed.

Members noted the report.

*At the conclusion of this item, Councillor Chamberlain rejoined the meeting.*

C54

### **TOWARDS A NEW MANAGEMENT STRUCTURE**

The Chief Executive reminded Members that he had promised a report on the management structure of the Council as part of the discussion of 'strategic solutions' leading to the partnership proposals just discussed. The background to the report was the need put in place a management structure to address the four priorities in the Corporate Plan of finance, partnerships, people and the environment.

In the circumstances, he thought the Audit Commission's score of 2 for managing performance and the use of resources was a remarkable achievement given all the Council had been through. As had already been stated by the Leader, there would be a written case study made of Uttlesford's recovery and the eyes of the local government world would be looking at us.

He was encouraged by the outcome of the staff survey but there remained a need to put in place a structure fit to deal with the new partnership and shared working arrangements. The Chancellor's pre-budget statement had made

mention of the need to eliminate duplication in two tier areas. In this context it was important to retain Uttlesford's independence.

The Council was likely to become more of a facilitator than a direct service provider in a number of areas. The report addressed the need to embrace a new structure best placed to respond quickly to the rapidly changing environment facing local government. This required a smaller, more streamlined management team.

The proposal was for a Chief Executive with two directors, one focusing on the delivery of services, and the other on the Council's continued improvement, but neither exclusively so. There would be two Assistant Chief Executives, reflecting the two statutory roles of Monitoring Officer and Section 151 Officer, both reporting directly to the Chief Executive. One director post would become redundant.

The remainder of the management structure was not subject to Member approval but had been brought to this meeting as it was important that there was full knowledge of the structure proposed. Each director would be supported by two heads of division. The main service focus would be on democracy and staff, performance and customers, planning and housing, and on environmental health. Four existing heads of division in the operational and regulatory areas would retain their position as service managers but would shed their roles in the management structure. It might be necessary to make an external appointment to one of the new heads of division posts.

The streamlining of the management team would produce a saving estimated in the MTFs at some £90,000 and there would be no additional costs involved in the proposal. The Chief Executive commended the recommendations to the meeting, as set out in more detail in appendix 2 to his report.

Councillor Chambers proposed adoption of the recommendations in the report and said that savings would accrue within the next two years. Councillor Hicks seconded the motion.

Councillor A Dean said that the proposals had come out of the blue with no consultation having taken place with the political groups. He asked about the inclusion within the dotted box in appendix 2 of services subject to partnership arrangements, and why parking was included within a different box?

The Chief Executive responded that some of the services listed were intended to be transferred to partnerships and would then migrate out of the box. There was a remaining client side to parking and that would remain with the post indicated.

There was further discussion about the use of the term 'facilitator' and the role of the proposed corporate and service directors was further clarified. Councillor A Dean then asked whether any thought had been given to the skills required and sought an assurance that there would be a process of open recruitment to the new posts?

The Chief Executive said that the skills required in these roles already existed within the Council but there was a need to review the job descriptions and development needs.



Councillor Sell said he was not clear of the rationale for the two assistant chief executive posts and asked what response there had been from those affected by the changes to the heads of division posts?

The Chief Executive replied that the two assistant posts reflected the two statutory posts of monitoring officer and s151 officer and the two existing post-holders would retain those positions. In the case of the s151 officer, this would better reflect his role within the management team. As for the heads of division, there had naturally been some disappointment but the overall reaction was positive.

Councillor Wilcock referred to the appointment six weeks ago of the Director of Development as a third director, only for one of those posts to vanish under these proposals. He asked for more detail to be produced about the costs of the restructuring.

The Chief Executive said that the timing of the appointments and any redundancies needed was not stated in the report. He was clear for the reasons explained that there would be no need for as many directors. Full cost details would be made available to the Finance and Administration Committee, to which he was proposing delegation of those arrangements, under Part 2 terms.

The Leader confirmed his support for the recommendations. The Chief Executive had given much thought to the structure needed and had concluded that two directors was the correct number required. He did not agree with the earlier comment that the proposals had come 'out of the blue' as the savings were included in the MTFS.

The motion was put to the vote and carried by 24 votes to 2 against.

RESOLVED that:

1. the proposed adoption of a new management structure be noted;
2. the reduction in the number of directors to two be approved; and
3. full powers be delegated to the Finance and Administration Committee to agree the timing of departure and detailed severance terms in respect of the deleted director's post.

C55

### **URGENT ITEMS – CHANGE OF DATE OF COMMUNITY AND HOUSING COMMITTEE**

The Chairman said that he had agreed to the consideration of this item on the grounds that it could not wait for the next meeting of the Council. It had become necessary to change the date of the scheduled Community and Housing Committee meeting on 18 March 2010 as that now co-incided with the Chairman's civic dinner.

RESOLVED that the date of the Community and Housing Committee meeting on 18 March 2010 be changed to 17 March.

**SEASONAL GREETINGS**

The Chairman thanked Members and officers for their support during the year and wished everyone a happy Christmas and a prosperous New Year.

He referred to the impending departure of Jake Roos to New Zealand and wished him well for the future.

The Chairman also congratulated Councillor Heather Mason on her marriage to Martin Asker due on 23 December.

The meeting ended at 10.00pm.