

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 30 SEPTEMBER 2010**

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

Officers in attendance:- J Mitchell (Chief Executive), T Cowper (Principal  
Accountant – Technical), R Harborough (Director of Development),  
S Joyce (Assistant Chief Executive - Finance), M Perry (Assistant  
Chief Executive - Legal), P Snow (Democratic and Electoral  
Services Manager), and A Webb (Director of Central Services)

C31

**MEMBERS' QUESTION AND ANSWER SESSION**

Councillor Morson asked the Chairman of the Community and Housing  
Committee to comment on what benefits the district had received from monies  
received from Stansted Airport Limited in 2004 for the provision of affordable  
housing under the terms of the Stansted Area Housing Partnership. He asked  
about the terms of the delegated authority authorising the Director of  
Development to dispose of the funds made available.

Councillor Chamberlain replied that benefits in the region of £2.2m had been  
acquired on behalf of the SAHP authorities. The pot of money would be allowed  
to grow over time and would be utilised to support affordable housing schemes.  
He mentioned schemes at Rochford Nurseries, in Great Dunmow and in Saffron  
Walden and would ask officers to report back to the Committee with further  
details in due course.

Councillor Sell asked the Leader to outline the programme of events for the civic  
pride initiative.

The Leader said that Mr Auty had devised a programme of activities and he  
would ask for this to be forwarded to Councillor Sell. He noted that two residents  
had recently been fined for dropping a cigarette and fish and chips in the street  
and he hoped this action would send a message that this behaviour would not be  
tolerated in Uttlesford.

Councillor Wattebot asked the Chairman of Development Control to comment  
about the importance of securing local involvement in the operation of the  
Thaxted village design statement. She explained that her question was  
motivated by concerns in Thaxted about the interpretation by planning officers of  
the use of colourwash within the conservation area.

In response, Councillor Cheetham said that appropriate procedures had to be followed and she invited the Director of Development to comment upon the principles involved.

Mr Harborough confirmed that the building in question was a grade II listed building and the nature of the change being made did require listed building consent.

Councillor Foley asked for a measure of common sense to be applied in this case. Councillor Cheetham confirmed that the application would be considered on its merits.

## C32 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors A Dean, C Dean, Godwin, Gower, Lemon, Loughlin, Smith and Yarwood.

*Councillor Eden declared a personal interest as Chairman of the Museum Management Working Group.*

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

## C33 **MINUTES**

The Minutes of the meeting held on 29 June 2010 were approved as a correct record and signed by the Chairman.

## C34 **BUSINESS ARISING**

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

Councillor Wilcock asked whether recruitment to the post of Energy Efficiency Officer had yet taken place and for an update on proposals for Uttlesford and Braintree to work together on refuse collection and whether this would involve relocation of the depot.

In response, Councillor Barker confirmed that the relevant post had now been filled. On the question of joint working with Braintree, relocation was a long way down the line. There were nevertheless two depots in Uttlesford, one of which was fit for purpose and one which was not. The sale of the former council offices in Great Dunmow had now been completed and the depot at the rear of the building would eventually relocate to another site. It was likely there would ultimately be one workshop site serving both districts, in the interests of sensible cross-boundary working, but no firm decisions had yet been taken.

Essex County Council had now decided on cost grounds not to proceed with a new civic amenity site in Great Dunmow. However, a proposal to develop a transfer waste station on the same site would proceed. Councillor Barker said

she was bitterly disappointed as a recycling site had been promised to the Council and the change of policy was a tragedy for the south of the district.

Councillor Wilcock asked for a letter to be sent to Essex County Council expressing the Council's concern that the recycling unit would no longer be proceeding.

Councillor Barker acknowledged that many people would be disappointed, including those living near the earmarked site who would find themselves living adjacent to a transfer station. She would personally send a letter expressing the Council's strong opposition to the decision not to proceed with the civic amenity site.

**(ii) Minute C21(ii) – Review and Appointment of Task Groups**

Councillor Wilcock asked the Leader about the outcome of his meeting with the Leader of Harlow District Council.

The Leader said there was not a great deal to report but the proposal for a revenues and benefits partnership was proceeding well and there was a clear commitment on the part of both authorities to see it through.

The Chief Executive confirmed that he would be meeting with leaders and chief executives in mid-October after which a proposal would be brought before Council.

**(iii) Minute C28 – Local Highways Panel**

In response to a question from Councillor Barker, the Director of Development confirmed that a meeting to arrange the formation of a local highways panel in Uttlesford was now imminent.

**(iv) Minute C30 – Motion on Stansted Airport**

Councillor Cheetham asked for a progress report on the Council's request for a meeting with the Secretary of State for Transport Philip Hammond.

The Leader confirmed that he had written to the Secretary of State and read the reply he had received. The letter referred to the difficult balance to be achieved in deciding on future aviation policy. A task force had been established to address the issues concerned and detailed work was in progress. Correspondence had taken place between Sir Alan Haselhurst MP and Theresa Villiers, Minister of State for Transport and Sir Alan would follow this up in due course to try to secure a face to face meeting.

C35

**CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the recent death of David Collins, former member for Stort Valley and a past Chairman of the Council. Members and officers then stood in silent tribute to his memory.

She referred to the retirement that day of Diane Burrige as the Council's Director of Operations and wished her well.

Since the last meeting, the Chairman had attended a number of functions. She thanked all of those who had contributed to the success of those events and had donated to her chosen charity. She referred, in particular, to the community achievement awards and the home start scheme both of which showed volunteers within the community in a particularly strong light.

On a personal note, the Chairman had recently celebrated her ruby wedding anniversary and she showed the meeting a photograph taken on her wedding day.

C36

### **LEADER'S ANNOUNCEMENTS**

The Leader said that Uttlesford was in the forefront of the Coalition Government's drive to secure that all items of local authority expenditure over £500 were published. A number of civil servants had visited Uttlesford to see for themselves how this had been achieved and the members of staff concerned deserved congratulations.

He confirmed that the sale of the former council offices in Great Dunmow had been concluded earlier that day.

The Leader referred to a BBC survey on business resilience in which Uttlesford performed creditably on a number of different indicators.

In referring to local press coverage of a proposed waste partnership with Braintree, the Leader expressed his strong disappointment with the content of the articles concerned which he characterised as misinformed. There would be no cuts in the service and Braintree refuse vehicles would not be seen on the streets of Uttlesford.

The strategy on waste collection was totally transparent as included in the Corporate Plan and Medium Term Financial Strategy and would continue to be controlled locally. He was concerned that members of staff would read these articles and have unjustified concerns as a result.

In conclusion, the Leader referred to the retirement of Diane Burrige and to the new management structure that would begin to operate on the following day with two directors. Details of the new structure had now been circulated to all councillors and to staff.

C37

### **MATTERS ARISING FROM COMMITTEES**

- (i) **Performance Select Committee on 21 September 2010 – Minutes PS26 and PS28 – Annual Governance Report and 2009/10 Audited Statement of Accounts**

Councillor Rolfe presented three documents comprising the report of the Assistant Chief Executive – Finance, the Annual Governance Report, and the now amended Statement of Accounts 2009/10.

The Performance Select Committee had examined both the Accounts and the Governance Report in some detail and had, as a result, made a series of recommendations to this meeting as set out in full in the report. Councillor Rolfe described each of these to Members and proceeded to move that the recommendations be adopted.

RESOLVED that:

1. the financial matters raised in the Annual Governance Report be noted;
2. the adjustments to the financial statements set out in the Annual Governance Report be noted;
3. the financial statements may be published without amending for the items detailed in Appendix 3 of the Annual Governance Report for the reasons set out in the report to this meeting;
4. the qualified Value for Money conclusion in Appendix 1 of the Annual Governance Report be noted;
5. the Council's Letter of Representation in Appendix 4 of the Annual Governance Report, as amended by the comments in the report to this meeting, be approved;
6. the response to the proposed action plan in Appendix 6 of the Annual Governance Report be agreed; and
7. the audited 2009/10 Statement of Accounts be approved for publication

Following the passing of the above resolution, the Chairman signed the accounts and the Chairman of the Performance Select Committee and the Assistant Chief Executive – Finance signed the approved Letter of Representation to the Audit Commission.

**(ii) Licensing Committee on 8 September 2010 – Minute LC36 – Revision of the Licensing Act 2003 Policy**

Councillor Hicks moved the adoption of a revised licensing policy statement following a period of consultation. He noted that there had been little response to the consultation.

RESOLVED that the draft revised licensing policy be adopted, as set out in full in the report, for the three year period commencing on 1 February 2011.

C38

**EXECUTIVE ARRANGEMENTS - TOWARDS CABINET GOVERNMENT**

The Chief Executive presented his report summarising all of the actions taken in exploring an appropriate model of decision making before inviting this meeting to decide on the principle of whether to adopt alternative arrangements. The actions taken had included meetings of the Constitution Working Group, workshop presentations and a debate at the previous Council meeting.

He said that it would not be appropriate for him to take a view about the desirability or otherwise of moving to a leader and cabinet system, but the report set out in some detail the perceived advantages and disadvantages of both an executive and a committee system. It was for Members to take that view.

In effect, an executive body would replace the three policy committees and would consist of a leader with up to nine portfolio holders. A scrutiny committee would remain, probably with stronger scrutiny powers, and the two regulatory committees of development control and licensing would continue to function much as now. The Council would have to decide on the format and nature of the area forums assuming they were to remain.

The Council had a tradition of vigorous and disciplined debate and sought consensus wherever possible. There was no reason to suppose that this culture would stop. There were many variations of how an executive model might look and Members would have ample opportunity to address what were considered to be shortcomings in the cabinet system. He invited Members to consider all of these matters in coming to a conclusion.

The Leader then marshalled the arguments in favour of considering a new model of decision making. He had looked back at how cabinet structures had come into being. The previous Labour Government had passed the enabling legislation in 1998 and had originally intended that executive arrangements would apply to all councils. It eventually came about that a population limit of 85,000 was introduced below which councils had the option to retain what became known as a streamlined committee system, and these councils were referred to as fourth option councils.

In his career as an elected Member he had only known the committee system. It had become apparent to him during the Council's financial crisis in 2007 that an executive model would have been a great advantage at that time.

The Corporate Plan had an objective of modernising the Council's decision making processes. The original objective of establishing a more effective committee structure had become overtaken by events after the election of the administration in 2007. As a result, steps had been taken to explore other options and it had become immediately apparent that a number of other councils, including two in Essex, were looking to change.

All of this had led the Constitution Working Group to consider a report last November and the Council had resolved in December to explore the merits of changing the Council's arrangements, based on an executive leader and cabinet model, from May 2011.

There were now compelling reasons for change. Harlow District Council was in the process of changing and it was necessary in his judgement to be able to deal with potential and current partners on the same basis of decision making. This had been highlighted recently at an Essex leaders' meeting when portfolio holders had been asked to resolve a matter concerning a decriminalisation of parking review and this had placed Councillor Barker at a severe disadvantage in speaking for the Council.

This was not a political matter as parties of all colours were operating cabinet arrangements. A number of fourth option councils had chosen to change from a committee based system and others were considering doing so. The Government's localism agenda would allow councils to change back to a committee system if that was preferred but he was not aware of any who were considering that option.

In conclusion, the Leader proposed that the Council agree in principle to an executive form of government and that officers work up a model to put before a special meeting of the Council on 19 October 2010.

The motion was duly seconded.

Councillor Wilcock proposed an amendment that Members refer back to the Constitution Working Group to address the original resolution to explore appropriate model of decision making as well as the executive model together with a detailed review of costs and details of how this would work, taking into account the results of the public consultation. At present there is not enough detail for us to make an informed decision.

He said this matter was the most important decision for the Council to take as representatives of the community. The Constitution Working Group had been tasked with considering this matter but had not met for ten weeks. Consequently, there was a lack of detail to consider.

It was necessary to find a model that suited Uttlesford. He referred to the risk analysis in the report implying that the committee system was broken. However, at least committees involved all Members in decision making on behalf of the local community. Effectiveness of decisions was more important than the speed of those decisions. If speed was the only factor Elsenham new town would have been built by now. More detail was needed before proceeding further.

Councillor Sell seconded the amendment. He drew attention to the words of the Chief Executive in referring to mature and consensual decision making. He felt it was important to retain this culture and said there was not enough information on which to base a decision.

In terms of the costs of a new system he asked how special responsibility allowances paid to portfolio holders would compare with those paid now? It was clear that a portfolio holder would have more responsibility and the associated costs should be spelt out more clearly. He also wanted to know what a cabinet system would mean for the ordinary councillor in terms of accountability to the electors they represented. This would be affected as well by the sharing of responsibilities with other councils.

Referring the matter back would not necessarily mean ruling out the adoption of a new model but there was not enough information on which to base a decision.

Councillor Rolfe said he had some sympathy with the views expressed by Councillors Wilcock and Sell as the devil was likely to be in the detail. However, this was not a valid reason not to support the motion in principle and he hoped that any detailed model brought forward would reflect the Council's mode of

consensual working. Enough work had been done to justify proceeding and he would oppose the amendment.

In responding to the points made during the debate, the Leader said that the reference to Elsenham was a red herring as major policy decisions would be taken by the Council. The Local Development Framework group would still exist. The cabinet would have to operate within the agreed budget and policy.

A strong voice was needed for Uttlesford to be on equal terms with other districts. He was concerned that time would run out if agreement could not be reached and the Council would not be able to embrace constitutional change until 2015. He would oppose the amendment.

Councillors Artus, Walters and Cheetham all supported this view.

Councillor Foley said he was not against a cabinet in principle but nevertheless had some concerns. The matter should not be determined on purely political lines although he conceded it may well end up that way. He asked for an assurance that this was the last opportunity for the Council to decide whether to proceed in principle. He also asked for assurances about cost.

The Chairman invited the Assistant Chief Executive – Legal to respond to the question about timing. Mr Perry confirmed that the move to executive arrangements was a three stage process. After the principle was decided, detailed proposals would be drawn up for consideration at a special meeting in October. These would be published and consulted upon. The Council must then decide finally before 31 December this year whether to proceed. After that date the opportunity to introduce an executive system would be lost until 2014.

Councillor Chambers stressed that the vote would be on the principle only. The Council had once been one of the worst three performing councils in the country. Everyone concerned had worked hard to get Uttlesford back on a firm financial footing and we were now in the top six. He would not allow a cabinet system to cost a lot more money.

Councillor Wilcock asked for clarity and asked how it would be possible to produce a detailed scheme for discussion in the short time available between now and the distribution of papers for the meeting on 19 October?

The Assistant Chief Executive – Legal said that he understood Members' concern but much of what would be discussed on 19 October had been prepared already.

A vote was then taken on the amendment and this was lost by 9 votes to 20.

The Leader then read the terms of the motion so that everyone would be clear about the nature of the vote.

Councillor Morson said that he had attended both workshops and had visited Braintree and Chelmsford. He had heard all of the arguments made and had much sympathy with the views expressed in favour of a cabinet. The Council must decide what sort of a council it wished to be but, in voting, Members must



understand that a vote for the motion would result in a two tier membership. Portfolio holders would have status and power and this would not be shared by the ordinary member. He had not heard the term backbencher used at Uttlesford before and the adoption of an executive system would centralise power in the Leader's hands.

He had seen the method of working at Braintree and Chelmsford and undoubtedly those involved in cabinet government thought it a good system. He wanted to maintain the ethos of Uttlesford as a community by retaining an inclusive model for making decisions. There was much difference between a portfolio holder and a committee chairman and there would be a loss of democracy under cabinet government.

Councillor Wattebot agreed with these points and quoted in evidence the decision of the Environment Committee on the retention of the BMX track in Saffron Walden against original advice. She thought the ability to take a more imaginative decision of that nature would be lost if a change was made.

The Chairman called for a vote on the substantive motion and this was carried by 21 votes to 10.

RESOLVED that the Council agree in principle to an executive form of government and that officers work up a model to put before a special meeting of the Council on 19 October.

C39

### **MEMBERSHIP OF THE MUSEUM MANAGEMENT WORKING GROUP**

The Leader said that ambiguity had arisen about the Council's membership of this body. He proposed that Councillors Chamberlain, Eden, Morson and Schneider be appointed with immediate effect to serve until the annual meeting of the Council next May.

RESOLVED that Councillors Chamberlain, Eden, Morson and Schneider be appointed to serve as the Council's representatives on the Museum Management Working Group.

The meeting ended at 8.55pm.