

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 29 JUNE 2010**

Present:- Councillor S V Schneider – Chairman
Councillors E C Abrahams, 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, A Dean, C M Dean, C D Down, K L Eden, E J Godwin, E W Hicks, S J Howell, J E Hudson, D M Jones, A J Ketteridge, R M Lemon, J I Loughlin, J E Menell, M Miller, D J Morson, D G Perry, J A Redfern, J Salmon, G Sell, R D Sherer, A D Walters, A M Wattebot, L A Wells, P A Wilcock, and A C Yarwood

Also in attendance:- Mr S Brady (Independent Chairman of the Standards Committee)

Officers in attendance:- J Mitchell (Chief Executive), R Harborough (Director of Development), S Joyce (Chief Finance Officer), A Knight (Principal Accountant - Services), M Perry (Assistant Chief Executive), and P Snow (Democratic and Electoral Services Manager)

C18

ANNUAL REPORT FROM THE STANDARDS COMMITTEE

Mr Sean Brady presented the annual report of the Standards Committee, in his capacity as Independent Chairman of the Committee. He said that a great deal of training and information had been provided to councillors in the district at all levels and he hoped this would prove beneficial in helping to prevent breaches of the Code of Conduct from arising.

In referring to changes announced by the new Government, he said that the Chairman of Standards for England had pledged to continue until the standards regime was abolished. He had asked for views about how future arrangements could work but the Committee had decided to await definite information about the Government's intentions before responding.

Mr Brady advised that councillors should be cautious in using media such as blogs, facebook and tweets. Remarks made in the heat of the moment could be withdrawn but comments posted on the internet amounted to published information and this consideration applied also to private messages. He advised that electronic messaging should not be used to say anything that would not be appropriate at a public meeting.

In concluding his remarks, Mr Brady thanked Michael Perry and his colleagues for the able and expert support offered to the Committee during the past year.

There were no questions for Mr Brady.

C19 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Foley, Gower, Rolfe and Smith. Councillors Sherer and Yarwood were not present when the meeting started but would arrive at a later time.

Councillor Howell declared a personal interest in item 12 – Local Highways Panel – as he was employed by UBC Media Group Limited.

Councillors A Dean, C Dean, Godwin and Ketteridge declared a personal interest as members of Stop Stansted Expansion.

Councillor Cheetham declared a personal interest as a member of NWEPPHA.

Councillor Barker declared a personal interest as a member of Essex County Council.

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

C20 **MINUTES**

The Minutes of the meeting held on 18 May 2010 were approved as a correct record and signed by the Chairman.

C21 **BUSINESS ARISING**

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

Councillor C Dean asked whether the advert for the post of Energy Efficiency Officer had yet been placed? The Director of Development advised that, under the joint working protocol with Braintree District Council, discussions had taken place with Mark Wilson, Braintree's Climate Change Manager, and his head of service. Braintree had expressed interest in delivering the roles described in the job description for the proposed corporate strategy and programmes officer and a formal proposal was expected shortly.

If this proposal came to fruition, Mr Wilson would be able to pick up the workload without any significant delay so maintaining the important partnership working in this area. He would be able to report the Council's carbon emissions on a regular basis. Other aspects of the former energy efficiency officer's role, such as improvements in energy use, would be delivered by a surveyor in the housing management division.

Councillor Sell asked about the employment of an educational learning officer at Saffron Walden Museum. On behalf of the Museum Management Working Group, Councillor Eden said that it was intended to employ a part time officer in this role for a period of one year.

(ii) Minute C14 – Review and Appointment of Task Groups

Councillor Wilcock asked about the appointment of a task group to oversee proposed shared service arrangements. The Chief Executive replied that consultants were carrying out a feasibility study and a Member task group would be considered at the appropriate time.

The Leader confirmed that he would be meeting with the Leader of Harlow District Council on the following day.

(iii) Minute C16 – Appointment of Representatives on Outside Bodies

Councillor Hicks reported that the Alzheimers Society had reorganised locally and had no further need for a representative from this Council.

(iv) Minute C17 – Review of Community Forums

The Leader proposed the appointment of Councillor Perry in place of Councillor Sadler as Vice-Chairman of the North Area Forum and this was agreed.

RESOLVED that Councillor Perry be appointed to this position.

C22

CHAIRMAN'S ANNOUNCEMENTS

The Chairman outlined a number of the events she had attended on the Council's behalf. She drew particular attention to members of the armed forces returning from duty in Afghanistan and said she had attended a beating of the retreat at Wimbish barracks. The commanding officer there had commented especially that he appreciated the support of the wider community in Uttlesford for the work of the armed services.

A particular highlight had been her attendance at the Royal Garden Party. The Chairman also drew attention to the tragic recent events in West Cumbria and said she had sent a letter of condolence to Copeland District Council to which an appreciative response had been received. She then invited Members and officers to advise her of any achievements or traumatic events in the district so that she could send a suitable letter of recognition.

The civic dinner would take place at Saffron Walden Golf Club on 29 March 2011 and there would be a quiz night in September.

C23

LEADER'S ANNOUNCEMENTS

The Leader congratulated John Bosworth on his recent award of the MBE in recognition of his work at Bridge End Gardens.

He would be attending the LGA Conference next week with Councillors Cheetham and Wilcock and looked forward to hearing more from the Secretary of State on various matters of policy affecting local government, including the abolition of the CPA regime.

The Leader referred to a recent meeting of the East of England LGA where there had been discussion about future arrangements following the disappearance of funding for EERA.

In concluding his remarks, he referred to a recent meeting of the Improvement Board where the Council's further progress had been recorded. There was uncertainty about the position of a number of members of the Board and he hoped this would soon be clarified.

C24

MATTERS ARISING FROM COMMITTEES

(i) Licensing Committee on 9 June 2010 – Minute LC6 – Licensing policy for sex establishments

Councillor Hicks proposed the adoption of a recommendation from the Licensing Committee to adopt legislation relating to the regulation of sex establishments. This would enable the Council to apply conditions to any licences that were considered.

Councillors Morson and C Dean referred to problems with sex establishments in the ward they both represented. Councillor Hicks was asked whether it would be advisable to set a limit to the number of such establishments that could operate within the district? Councillor Hicks replied that this had not been felt to be necessary as no applications had yet been made.

Councillor Wilcock asked about the application of fees. Councillor Hicks said that the fee had been set by the relevant officer under delegated powers and the Assistant Chief Executive then clarified that the fee was set at £3,000 for all applications.

RESOLVED that the Council adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 with effect from 15 August 2010.

(ii) Community and Housing Committee on 10 June 2010 and Finance and Administration Committee on 17 June – Housing Finance Reform

Councillor Chamberlain referred to the proposed system of housing finance reform as already discussed both by his Committee and by Finance and Administration. He said that the new system was better than the existing system of negative housing subsidy but it would still require the Council to carry a significant debt. Accordingly, he proposed that the Council should continue with its campaign for a self-financing system and should write to Sir Alan Haselhurst MP at the same time as responding to the Government's consultation.

Speaking as Chairman of the Finance and Administration Committee, Councillor Chambers said that he would favour a special meeting to give all Members an opportunity to discuss proposals for housing finance before any final commitment was made.

Councillor Morson said he had been encouraged by the level of consensus achieved at the Community and Housing meeting and referred to negative housing subsidy as a covert tax and as a great injustice to the tenants of Uttlesford. He agreed with Councillor Chamberlain that the proposed system of incurring historic debt would still be unjust.

RESOLVED that the recommended response to the Government's consultation on changing the housing finance system be approved and that a letter of representation be sent to Sir Alan Haselhurst MP at the same time.

(iii) Performance Select Committee on 22 June 2010 – Annual Statement of Accounts

In Councillor Rolfe's absence, the Leader presented the outcome of the pre-scrutiny by the Performance Select Committee of the Annual Statement of Accounts. The draft accounts would be audited during the summer and results reported to Members in September.

The items of note that the Committee wished to draw to the Council's attention were set out in detail in the report. The Leader particularly noted the level of variances in the General Fund budget amounting to £1.5 million. The level of under-spending achieved would considerably benefit the reserves.

He said that better value for money had been achieved for the wheeled bin service as the cost per household had been reduced from £45.27 to £44.65 against a forecast cost of £70.70. This meant that three bins were collected from each household at a cost of less than £1 per week.

The Leader said that he was proud of the Council for this achievement and wished to congratulate the Chief Executive and all of the staff for their efforts.

Councillor Wilcock drew attention to the proposed letter to be sent to the Secretary of State about the disproportionate level of the audit and inspection fees. He thought that the Pension Fund deficit was likely to become a major problem. Although he was pleased with the net favourable balance, he felt that the outturn figure should be closer to the target budget.

Councillor Chambers said he agreed with the Leader that the outturn was the right result for the Council. It was sensible in his view to leave earmarked reserves in place to cope with any emergencies. The Council would be undergoing difficult times as would every other public sector body. His intention was to ensure that the Council did not overspend as it had in the 2003-07 period.

The Leader confirmed that a significant proportion of the £1.5 million was accounted for by the planning and delivery grant. This had not been included in the budget and was therefore regarded as a bonus. Sadly, £100 k had been included in this year's budget but the grants had since been discontinued. It was important at all times not to relax the Council's prudent budget stance as to do otherwise was the road to ruin.

Councillor Godwin supported the position we were in. It was prudent to keep money in the bank for contingencies and she felt those concerned deserved congratulations.

In responding to these remarks, Councillor Wilcock said he supported strong reserves and stability but maintained that the budget should not miss its target by £1.8 million.

Councillor Chambers offered his commitment that a similar level of variance would not happen in the ensuing year.

RESOLVED that:

1. the content of the report be noted; and
2. the 2009/10 Draft Statement of Accounts be approved for publication.

At this point the Chairman signed two copies of the draft Statement of Accounts.

C25

EXECUTIVE ARRANGEMENTS

The Leader moved the recommendation in the Minutes of the Constitution Working Group that an appropriate model of decision making be explored with a view to the matter being debated at the meeting on 30 September.

He said that he did not wish at this stage to discuss the merits or otherwise of adopting an executive system. The Working Group included proponents of both points of view. Visits had been made to both Braintree District and Chelmsford Borough councils and the opportunity had been taken to meet with portfolio holders and other members, including opposition representatives, to discuss the way in which their executive schemes operated. The recommendation did not amount to a commitment to proceed but rather a licence to explore further and he asked for Members' support.

In seconding the motion, Councillor Cheetham said she endorsed the Leader's comments and hoped it would be possible for the whole Council to be involved in the decision via the proposed workshops.

Councillor Morson said he was happy to go along with the proposal in the interests of democracy but made it clear that he did not support a move to an executive system. The visits to Braintree and Chelmsford had reinforced this view as opposition was much weaker under a cabinet system.

Uttlesford had the best of coalition politics under the existing committee system as every Member was enabled to take part in decision making. He thought that a cabinet system centralised power in too few hands. Although it was true that decisions were taken efficiently this led to an attitude of us and them and more checks and balances were needed.

It was said that portfolio holders were equivalent to committee chairmen but this was nonsense. Chairmen were there to facilitate discussion and to ensure an inclusive system for taking decisions. It was dangerous to suggest as some had that some councillors did not want to be involved in taking decisions. In conclusion, Councillor Morson said he was pleased to note that the Leader had

given a commitment that the final decision on whether to move to executive arrangements would be taken by a free vote.

Councillor Sell referred to the limited response to the consultation but said the majority nevertheless favoured the status quo. He was concerned about the loss of the role of the backbench member and of the opportunity to make views known. He thought that the area committees at Braintree were very different to those operating at Uttlesford as they had some teeth. He hoped that the area forums would take the opportunity to influence the debate. Finally, he noted that the decision made would bind the new Council in 2011.

The Chairman said she hoped that these concerns would be addressed at the planned workshops and the Leader agreed this was the intention. In response to further questions from Members, the Chief Executive agreed it was important to get dates for the workshops in the diary as quickly as possible.

Councillor Wilcock noted that only 22% of respondents to the consultation had favoured an executive system. He asked for the timetable to be revisited and hoped that full details would be available at the September meeting.

Councillor Godwin said it was not the time to debate the principle tonight but hoped that, whatever was eventually decided, the Council's decision making processes would be speeded up.

Councillor Loughlin thought any suggestion that some Members were less committed than others was insulting and smelt of disenfranchisement.

The Chairman called the discussion to an end and brought the motion to a vote which was duly carried.

RESOLVED that the Council continue to explore an appropriate model of decision making through the Constitution Working Group and a series of workshops with a view to the matter being debated at the Council meeting on 30 September.

C26

ESSEX WASTE PARTNERSHIP'S FUTURE GOVERNANCE ARRANGEMENTS

Councillor Barker proposed adoption of the recommendation in the report for new waste partnership arrangements within Essex. The terms of reference of both the proposed new bodies were included with the agenda.

RESOLVED to agree that:

1. the West Area Waste Management Joint Committee be dissolved;
2. a Waste Member Partnership Board and IAA Member Working Group be created and that the Council be represented on both bodies by Councillor Barker with Councillor Cheetham acting as her deputy.

PETITION SCHEME

The Chief Executive presented a report setting out the requirement in the Local Democracy, Economic Development and Construction Act 2009 to establish and publish a petition scheme and tell local people what action would be taken to address their concerns. He explained that the Constitution already contained a petition scheme and any new scheme as required in the legislation would sit on top of the existing requirements. In adopting the new scheme, Members had to decide upon the threshold number of signatures to trigger a debate at Council.

The Leader referred to petitions that had been considered in the past under the existing arrangements and clarified that petitions concerning planning applications would continue to be considered by Development Control. He proposed adoption of a new scheme with a threshold of 5% of the population of the district needed to trigger a debate at Full Council. This would mean that the trigger point to require a senior officer to attend a meeting to give evidence would be half of that figure. The number of signatures required to trigger these events would be 3,600 and 1,800 respectively.

Councillor Barker confirmed that Essex County Council was presently considering this matter and said that 5% of the population of the County was in the region of 69,000. She asked whether adoption of this scheme would delay the decision making process or require a special Council meeting?

The Chief Executive confirmed this was unlikely as the subject of petitions would probably refer to matters not being considered by the Council. He said the Council was already responsive to public comment within the district and so such instances would be less likely to arise.

Councillor A Dean said he had spent some time trying to understand the report and wondered whether the proposed scheme would simply be bolted onto the existing petition scheme? He wondered whether the new system would lead to different methods for considering petitions considered to be either more or less important. He said that the issue raised should be the determining factor rather than the number of signatures.

He questioned aspects of the proposed scheme in conjunction with the existing scheme and said it would be preferable for the report to be re-drafted and for the whole matter to be reconsidered at the September meeting.

The Chief Executive responded that the proposed scheme envisaged that any review would be conducted by either the Scrutiny or the Standards Committee in the event that the petitioner was unhappy with the outcome. If the nature of the petition received was to challenge the whole basis of existing policy he considered the Council would be within its rights not to entertain it.

Councillor C Dean said the proposed limit of 15 minutes for debate on a petition was unreasonable and should be changed. The Chief Executive agreed and said the reference to a 15 minute limit would be removed from the scheme.

Councillor Wilcock commented that the report was unrealistic and the worst he had ever seen. The new coalition Government was saying that councils should

be able to operate without central controls but this proposal was saying the opposite. He proposed an amendment to refer the report back to either the Scrutiny Committee or to officers to produce a further report to bring before the September meeting.

Councillor Cheetham pointed out that the Council was required by statute to publish a petition scheme by June 2010. Councillor Barker said that the existing scheme worked well and this amounted to a very small addition to that scheme.

Before the amendment was put to the vote, the Leader said that he felt it was sensible to set a high threshold figure to avoid having to consider frivolous petitions. The Council's existing scheme meant that petitions with 50 signatures were considered anyway. He would take the opportunity to lobby ministers at the LGA conference next week to remove this legislation from the statute book.

The amendment was put to the vote and was declared lost by 18 votes to 10. The substantive motion was then carried by 19 votes with none against.

RESOLVED that:

1. the petitions scheme in the report be adopted for publication, subject to the reference to a 15 minute limit on debate being removed;
2. a threshold of 3,600 people (5% of the local population) be adopted for the consideration of petitions by the Council;
3. the terms of reference of the Standards Committee be amended to allow that committee to conduct a review in a case where the petition had already been sent to the Scrutiny Committee.

C28

LOCAL HIGHWAYS PANEL

The Chief Executive presented a report proposing that the Council join with the County Council to establish a local highways panel, with the details to be agreed by the Environment Committee.

Councillor Cheetham proposed adoption of the recommendation.

The Chief Executive clarified that the panel would not be able to determine traffic regulation matters but could make recommendations. The Leader confirmed that most Essex districts were already signed up for the new panel arrangements and these would be beneficial to the district.

RESOLVED that the Council joins with the County Council to set up a local highways panel and that the Environment Committee be asked to settle the detailed arrangements.

C29

STANSTED RUNWAYS STRAPLINE

The Chief Executive reported on a proposal to remove the strapline 'Uttlesford says no to more runways at Stansted Airport' included on all Council correspondence and other communications for a number of years. The

withdrawal of the planning application for a second runway, and the clear statement of Government intentions now meant that the strapline was considered beyond useful purpose.

Councillor Sherer asked whether the Council had paid a consultancy fee for producing the strapline? He also asked whether it would be worthwhile considering a new strapline message, perhaps on a more positive theme.

The Chief Executive confirmed that the artwork for the strapline had been produced internally.

Members generally agreed that it would be better to await a suitable opportunity before creating another strapline once a sufficiently powerful message was available. Councillor Artus asked about the existence of the strapline on the Council's vehicles and the Chief Executive confirmed that it might be possible to replace the Stansted message with one related to the civic pride campaign in due course.

RESOLVED that the Stansted runways strapline be removed from correspondence and other documents as soon as paper stocks were replaced.

C30

MOTION ON STANSTED AIRPORT

Councillor Ketteridge moved an amended motion tabled at the meeting submitted jointly with Councillors Wilcock and Godwin, in the following terms:

"It is proposed that a letter be sent from this council to the Prime Minister to thank him and the new coalition Government for honouring the pre-election commitment on airport expansion given to the residents of Uttlesford and surrounding area and for the early announcement that it will not allow a second runway at Stansted Airport leading to the withdrawal of the planning application for a second runway.

The 2002 Aviation white paper resulted in eight years of uncertainty for very many people with a number of local residents facing the realisation and trauma of losing their homes. BAA Stansted has now decimated many communities through compulsory purchases.

It is also proposed, that included in this correspondence, is a request for a meeting with Phillip Hammond MP, the new Secretary of State for Transport, to ensure that any new government policy on aviation or airports includes a binding commitment that residents of this area will not again have to experience the blight created by the Aviation white paper in 2002.

The meeting with the Secretary of State needs to include the impact of the airport on the local community and the environment, and to call on his support to force BAA to sell back all purchases for the second runway, and to help rebuild and compensate the communities affected.

It is respectfully suggested to the Secretary of State that a moratorium on a second runway at Stansted Airport be in place for a period of fifty years.”

Councillor Wilcock seconded the motion. He said that it was important to ensure that we carry on campaigning for no more runways at Stansted. The damage caused to our communities must be acknowledged, especially at Mole Hill Green where the community had been destroyed. It was incumbent upon BAA to help rebuild those communities.

Councillor Godwin said she was delighted to be in a position to have the motion at all, thanks to the Americans during the Second World War. She would like to see the motion go a little further by referring to ‘at least’ fifty years. It would be necessary to have a further look at the position in Mole Hill Green and BAA should provide aid to rebuild this and other affected communities.

Councillor Cheetham said that Mole Hill Green had been destroyed as a community in 1986 and that Takeley had suffered as well. She had spoken to many people in recent weeks, including those who had moved from the area, who had all expressed their delight at the outcome and their hopes that the precious community feeling felt in Takeley would remain.

RESOLVED that the amended motion as set out in this Minute be approved subject to the addition of the words ‘at least’ before the words fifty years in the final sentence; and that a letter be sent to the Prime Minister requesting a meeting with the Secretary of State for Transport.

The meeting ended at 9.25pm.