

**COUNCIL MEETING held at 7.30 pm at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 14 December 2010**

Present:- Councillor S V Schneider – Chairman
Councillors S Anjum, K R Artus, S Barker, E L Bellingham-Smith,
C A Cant, R H Chamberlain, R P Chambers, J F Cheetham, 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, D M Jones, A J Ketteridge, T P
Knight, R M Lemon, J I Loughlin, J E Menell, M Miller, D J Morson,
D G Perry, J A Redfern, H S Rolfe, J Salmon, G Sell, A D Walters,
A M Wattebot, L A Wells, P A Wilcock, and A C Yarwood

Officers in attendance:- J Mitchell (Chief Executive), G Bradley (Community
Partnerships Manager) R Harborough (Director of Public Services),
S Joyce (Assistant Chief Executive Finance), M Perry (Assistant
Chief Executive Legal), P Snow (Democratic and Electoral
Services Manager) and A Webb (Director of Corporate Services)

Presentation to John Bosworth MBE

Before the commencement of the meeting, the Chairman presented John
Bosworth MBE with his British Empire Silver Pin and Certificate. The Chairman
said that she wished to congratulate John on the receipt of this honour and that it
was justly deserved.

In response, Mr Bosworth thanked the Council for its generosity and reflected on
the work of many colleagues who had assisted with the Bridge End Garden
project, particularly Councillor David Morson. The Council had been generous
with its support and this presentation was a great honour.

Presentation by John Mitchell

The Leader had asked the Chief Executive to make a presentation to Members
based on the briefing recently given to staff. The briefing covered resilience, the
localism agenda following publication of the bill earlier this week, the present
position in Essex, and a summary of the grant settlement details as they affected
Uttlesford.

C44

MEMBERS' QUESTION AND ANSWER SESSION

Councillor C M Dean asked Councillor Barker to comment on the availability of
revised housing figures at the Environment Committee meeting in January. She
also asked why the scheduled meeting with parish councils had not taken place.
She understood the LDF Working Group would be examining the housing figures
in the light of the expected scrapping of the Regional Spatial Strategy targets.

Councillor Barker said she was not a member of the LDF Working Group and did
not know why the meeting with parishes had been cancelled. The Leader then
confirmed that the Working Group would be briefed on Thursday of this week
about the revised housing target figures. It was not yet clear whether a revised

figure would be agreed but, if so, that number would be reported to the Environment Committee.

The Chief Executive then confirmed that there had been a number of meetings with parish representatives in December and it was felt a further meeting at this stage was unnecessary.

Councillor Morson asked for a progress update on preparation for the Olympic Games in 2012 and on the Museum Heritage Quest Centre. He was concerned that the funding window might cease to exist and asked whether it might be possible to go back to the original location?

On the first point, Councillor Chamberlain confirmed that discussions with other agencies were taking place so that a meeting of the Olympic Working Group could be arranged. He had no further information to hand about the Heritage Centre project other than that the decision on the Sainsbury's application had now been made.

Councillor Morson then referred the question to Councillor Eden who responded that the HQC project had never depended on the land swap offer from Sainsbury's and there was no connection between the project proceeding and the outcome of the planning application. However, there would be a delay while Sainsbury's considered its position on whether to appeal.

Councillor Morson said that he did not accept that answer. He wished to know whether it was still possible to revert to the original site. Councillor Eden replied that options were being considered.

Councillor Wilcock referred to the presentation at the Finance and Administration Committee meeting earlier in the evening in reference to the £13.8m deficit in the pension fund. He asked that the slides be circulated to all Members and for a report to be submitted to the next meeting of the Committee. Councillor Chambers replied in the affirmative to both requests.

Councillor Sell asked Councillor Chamberlain to comment on the funding available through the Stansted Area Housing Partnership. Councillor Chamberlain said there were a number of issues to consider and he would ask for a report to be submitted to the next Community and Housing Committee meeting.

C45

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Abrahams, Asker, Clover, Gower, Sadler and Smith.

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

C46 **MINUTES**

The Minutes of the meeting held on 30 September 2010 and of the Extraordinary meeting held on 19 October 2010 were approved as a correct record and signed by the Chairman.

C47 **BUSINESS ARISING**

(i) Minute C34(i) – Members’ Question and Answer session

In response to a question from Councillor Wilcock, Councillor Barker confirmed that she had sent a letter to Essex County Council as agreed expressing the Council’s concern about the decision not to proceed with the provision of a recycling unit at Great Dunmow.

He also asked Councillor Barker to comment on progress towards joint working with Braintree District Council. In response, she commented that work was proceeding on joint working although Braintree was aligning itself more with Colchester in terms of service provision and now may not be the right time to explore the sharing of vehicles or depot locations. However, that did not stop looking at options to share services in the longer term.

(ii) Minute C34(iii) – Local Highways Panel

Councillor Sell requested information about the formation of a local highways panel in Uttlesford. Councillor Barker confirmed that the panel would begin work after the elections in May 2011.

(iii) Minute C43 – Revenues and Benefits Partnership

Councillor Wilcock asked about delays in setting up a joint partnerships committee and why a meeting planned to take place this week had now been cancelled? The Leader stated there was no lack of enthusiasm for the partnership working arrangements at either Harlow or Uttlesford. Various dates for a meeting in January were being explored.

C48 **CHAIRMAN’S ANNOUNCEMENTS**

The Chairman said that she was disappointed that the carol service had been cancelled. She hoped to be able to rearrange a civic service next year. She had attended a number of civic events and, on Thursday, would attend a function to present long service awards to a number of members of staff.

Councillor Chambers suggested that a collection should be taken to compensate for the cancellation of the carol service and the Chairman accepted this offer gratefully.

C49

LEADER'S ANNOUNCEMENTS

The Leader thanked the Chief Executive for his earlier presentation. He thought it would be helpful for Members to have an overview of current developments, as also recently made to members of staff.

He referred to the decision of the planning inspector to overturn the Council's refusal of permission for development on The Orchard site at Elsenham on the grounds that the Council had not been able to demonstrate a five year land supply. He had written to the Secretary of State asking him to intervene as his letter of May 2010 regarding the abandonment of centrally imposed housing targets did not appear to have been effective.

The Leader then referred to the budget position in Essex and to the statement by the Leader of Essex County Council that this was the most comprehensive budget setting in his experience as a councillor.

He had attended a briefing in November by the Housing Minister Grant Shapps at which new proposals were unveiled about the repayment of the historic debt borne by housing authorities. He had written to the Minister drawing attention to the increasing liability on those authorities retaining their housing stock as tenants in those areas where the stock had been sold had been absolved of their share of the debt.

The Leader said he was honoured to have been invited to 10 Downing Street as part of a delegation of council leaders and he had found this experience both interesting and enjoyable.

C50

MATTERS ARISING FROM COMMITTEES

(i) Community and Housing Committee on 11 November 2010 – Minute CH38 – Priors Green Community Centre

Councillor Cheetham proposed the adoption of a recommendation from the Community and Housing Committee to transfer the Priors Green Community Hall to Takeley Parish Council together with associated section 106 monies. She said that the new community facilities would be managed on behalf of all of the communities in Little Canfield and Takeley and the hall would provide a good focus point for the new development.

RESOLVED that the transfer of this facility be approved

C51

EXECUTIVE ARRANGEMENTS

The Leader proposed that the Council should move to executive arrangements with effect from 8 May 2010 in accordance with the decision of the Extraordinary Council meeting on 19 October. He said that this was the third occasion on which the Council had debated the merits of an executive system of governance in addition to which a number of workshops had been held.

The Leader said that he would keep his comments brief and to the point. He reiterated previous comments that the Council should move to a more modern form of governance and that the advantages of a leader and cabinet system would outweigh the disadvantages. It was not true to say that decisions would be taken behind closed doors as all cabinet meetings would be held in public. The great majority of councils already operated cabinet systems and he was not aware of any which were considering moving back to a committee system.

There would be advantages to the Council in terms of partnership working and in representing the Council's policy to external bodies. In this connection he referred to a bulletin issued by EELGA about a proposed network of cabinet members responsible for economic development and confirmed that he would respond to a question from Councillor Dean on this subject.

In conclusion, the Leader urged Members to support his motion which was then duly seconded.

Councillor Morson said that Members would be well aware of his opposition to a change to a cabinet system but as a democrat he realised there was probably a majority to agree the motion. However, he was unclear about what the new system would look like and how it would operate. For example, the role of area forums and of the scrutiny function had not yet been defined.

In referring to the recent letter to the Leader from the Chairman of the Tenants Forum, Sam Sproul, Councillor Morson said that there was uncertainty about what role the forum would play in the future and how it would relate to the Council.

The Constitution Working Group had not met since July. A view must be taken about what was best for Uttlesford but, at present, there was no working model available, only a blueprint.

Other Members, including Councillors C M Dean, Sell and Foley, referred to a lack of detail in the proposals and to previous assurances that the new system would be neutral in cost terms. Councillor Yarwood asked about the absence of a risk register and how the Council would be administered between the election and the annual meeting. There was also a question about the intentions of the Independent Remuneration Panel in relation to the new system.

Councillor Wilcock referred to discussion at the meeting on 30 September and to comments made by Councillor Rolfe who had said that he sympathised with some of the concerns raised and that the devil would be in the detail. He said that no further detail had been gathered since that meeting and there were many anomalies in the proposed constitution. For example, it appeared that any reference to task and working groups had now been removed.

He then quoted from Article 15.2.1 of the proposed constitution that: 'Changes to the constitution may only be made after consideration of the proposal by the Constitution Working Group'. Councillor Wilcock asked for a ruling from the chair that the motion could be considered as no such consideration had taken place.

The Assistant Chief Executive then clarified the position in relation to the constitution. The proposed constitution had been circulated to the meeting on 19 October as a draft document. In deciding whether to propose adoption of a new constitution, the Council must abide by the wording in Article 17.1 of the existing constitution. This stated that the working group set up to monitor the constitution may recommend changes. As there was no pre-condition for the Constitution Working Group to consider changes before they were considered, there was no breach of the constitution and the proposed changes could be considered.

A meeting of the Constitution Working Group would be held before the Council meeting on 17 February 2011. In the meantime, Mr Perry said that he was willing to meet with any of the political groups to explain the provisions of the proposed new constitution.

Councillor Wilcock asked the Chairman to state whether she accepted Mr Perry's interpretation and she confirmed that this was the case.

Other concerns were then raised by Members. Councillor Wattebot asked about plans to set up a local highways panel. Councillor Lemon referred to concerns raised in the letter from Mr Sproul on behalf of the Tenants Forum and said that a quick and urgent answer was required.

The Leader said that after receiving the letter from Mr Sproul he had arranged to meet with him, together with the Tenant Participation Officer, to discuss the concerns raised. He had given Mr Sproul an assurance that the Council would continue its support for the Tenant Forum which was greatly valued. Future liaison would probably be through the relevant portfolio holder. In addition, tenant representatives would be able to attend cabinet meetings when housing matters were being discussed. Full access to housing and other officers would continue. The Leader had subsequently confirmed these assurances in a letter to Mr Sproul.

Councillor A Dean also referred to previous exchanges with Councillor Rolfe. He said that the system being operated was unimportant as long as it was both understood and trusted. One of the main concerns expressed throughout this debate had been regarding the role of non-portfolio holding Members under a cabinet system but this aspect had not been addressed. Other crucial matters had not been documented either. For these reasons he could not support the motion.

In responding to these remarks, Councillor Rolfe said it was a pity that the discussion had become political. This was not inevitable as very many councils already had Liberal Democrat cabinet administrations. In his view, there was a fair degree of clarity and transparency around the way forward. Discussion had taken place at the Futures Board about the terms of future community engagement and there was reassurance that matters were on track.

Councillor Hicks agreed that there was enough detail on which to make a judgement as the decision being made was largely intended to establish the principle of whether to adopt a cabinet system. The detail would emerge later when all Members would be given the opportunity to comment.

In summarising the debate, the Leader said that many of the same questions had arisen as on other occasions. He well understood Members' anxieties as the change proposed amounted to a big change. Decisions made about the detailed working of the new system would not bind the council to be elected in May 2011.

The proposed constitution was in his view a good document. He disputed suggestions that that process had not been properly administered. Everything necessary had been done within the required time frame. Councillor Wilcock's attempt to find a procedural loophole had not succeeded and there would be a meeting of the Constitution Working Group before the February Council meeting. He confirmed that the local highways panel would start operating after the May elections. The Independent Remuneration Panel would also be meeting shortly. The proposed model would be cost effective and should be supported.

Councillor Yarwood again asked about what arrangements would be put in place during the transition period between the two systems.

The Chief Executive replied that, in conjunction with other officers, he would continue to administer the Council under delegated powers. If necessary, the leader of the majority political group on the new council would be asked to take decisions before the appointment of a leader.

The motion was then put to the vote and passed by 19 votes to 11.

Councillor Ketteridge then proposed and Councillor Chambers seconded a motion that Members resolve to revoke the existing constitution and adopt a new constitution in the form of the draft appended to the report submitted to the meeting held on 19 October. Having been proposed and seconded, the motion would stand adjourned until the meeting on 17 February 2011.

In response to a further question, the Leader confirmed that the decision made would bind the Council to the principle of operating a cabinet system.

The Assistant Chief Executive further clarified that the constitution had been circulated at the last meeting, for Members' information, but had not been formally tabled until this meeting.

RESOLVED that:

1. the Council move to an executive administration from 8 May 2011, and
2. the proposed constitution stand adjourned for discussion and adoption at the meeting on 17 February 2011

C52

WEST ESSEX DISTRICT COUNCILS GROUP – DRAFT MEMORANDUM OF UNDERSTANDING

The Leader proposed approval of a Memorandum of Understanding between the three district councils of Harlow, Epping Forest and Uttlesford, subject to some amended wording on page three of the report as stated in bold below:

'The Councils therefore undertake to:

- Always to consider a West Essex District Councils Group approach to the influencing, commissioning and delivery of services for the benefit of the communities they serve, **wherever it would facilitate best practice, best outcomes and best value.**

He said that the three councils had a number of shared interests as they formed a definable economic sub area along the M11 corridor and within the wider Local Enterprise Partnership area. It was likely that the relationship could be further developed in the future and this would always be done in the best interests of the residents of Uttlesford.

The motion was approved.

RESOLVED that the Memorandum of Understanding be adopted subject to the amendment indicated.

C53

LOCAL GOVERNMENT FINANCE SETTLEMENT 2011/12

Councillor Chambers read the following statement to the meeting:

‘Yesterday the Government announced the provisional local government finance settlement for 2011/12 and 2012/13.

It is provisional, there is a period of consultation which runs to 17 January, and it is expected that the settlement will be finalised in late January or early February.

Therefore what I am about to tell you could change.

Uttlesford’s formula grant in the current year is £4.1 million.

This is being reduced to reflect the fact that responsibility for free bus travel transfers to the County Council from next April. The figure after adjustment is just over £3.8 million, and that is the relevant start figure from which comparisons can be drawn.

For 2011/12, our formula grant is to be just under £3.2 million. This is a cut of almost 17%.

For 2012/13, our formula grant will reduce to just under £2.8 million, which is a further cut of 13% compared with the 2011/12 figure.

Taking the 2 years together, this represents a total cut of almost 28%.

There are no indications about the level of grant for 2013/14 onwards.

An initial assessment suggests that the Council’s Medium Term Financial Strategy, Strategic Solutions savings programme and Budget Equalization Reserve are resilient enough to cope with the level of cuts imposed. Indeed, the latest MTFS assumes a cut in grant of 28%, which is what we have received.

Broadly, it is still the case that the Council will have to reduce its running costs by about £2 million during the next 4 years.

The front loading of the cuts in formula grant mean that we will make greater use of the Budget Equalization Reserve in years 1 and 2, and lesser use of the Reserve in years 3 and 4.

I do not anticipate at this stage that the Council will need to resort to invoking contingency plans.

It is however essential that the Council continues to make good progress with implementing its savings programme.'

There was no discussion following the making of the above statement.

C54

EFFICIENCY CHALLENGE – IMPROVEMENT EAST

Councillor Chambers reported that he had met with representatives from Improvement East following an approach from that body for the Council to participate in its programme of 'Efficiency Challenge'. This was intended to provide support in the delivery of initiatives to accelerate the Council's existing plans or to stimulate activity to deliver additional savings and efficiencies. He was hopeful that this approach would result in further financial assistance.

Councillor A Dean asked what specifically it was hoped would be achieved by this initiative?

The Chief Executive responded that the approach had come from Improvement East as they had been impressed by the Council's Medium Term Financial Strategy. He anticipated that the initiative might help in areas of procurement strategy and of asset management as well as in the five workstreams previously identified to address the expected financial shortfall.

Councillor Chambers added that IE had been impressed with the progress the Council had made and that there would be no strings attached to any offer of help.

RESOLVED that the Council welcome the invitation to work with Improvement East on the Efficiency Challenge and that the Chief Executive, in consultation with the Leader, be authorised to agree the detailed programme of support.

C55

NEW HOMES BONUS

Councillor Barker declared her personal interest as a member of Essex County Council, although she emphasised she was speaking as a district councillor.

Councillor Barker presented a report outlining the Government's proposals for a New Homes Bonus Scheme (NHB), seeking to incentivise councils to deliver sustainable housing development by providing them with financial rewards. This

would replace the Housing and Planning Delivery Grant. The Council was invited to respond to the consultation on the proposed scheme by no later than 31 December.

She said the NHB scheme would be linked to the national average for the council tax band on each additional property and paid for the following six years on a rolling basis as an unringfenced grant. There would be an enhancement of £350 for affordable homes. She thought the result would be an incentive to build larger family homes following the recent abandonment of minimum density requirements.

Councillor Barker asked Members to consider whether the proposed starting point of 80% NHB allocation to the district council and 20% to the upper tier authority was a reasonable proposition? Would this mean that first tier authorities would be getting the benefit from new housing twice?

Councillor Cheetham wondered if a £350 supplement for affordable homes was a suitable amount. On the matter of the proposed 80/20 split, she posed the question of what would happen if parishes chose in future to bypass the normal planning process by invoking a referendum? In that case, what would happen to the money? She also thought that the 20% allocation to county councils meant that first tier authorities would be getting two bites of the cherry.

The Director of Public Services clarified that the responsibility would be placed on district councils as local planning authorities to liaise with town and parish councils to ensure adequate housing provision and that use of new homes bonus in communities accepting growth would form part of that engagement.

In answering a question from Councillor C Dean, Councillor Barker confirmed that the NHB funding would be applicable to all new build schemes and that it would be for the council to determine a suitable balance of housing based on what was needed for the area. She then confirmed, in answer to Councillor Godwin, that the £350 for affordable houses would be paid as an additional sum to the normal council tax band payment.

The Director of Public Services further confirmed that the NHB scheme was designed to bring empty properties back into use. Bonus payments would be based on the value of the property. He agreed that one of the issues to be examined would be to decide on a suitable mix of units to be brought forward.

Discussion then centred on the method of deciding on the Council's response to the consultation given the level of detail in the document and the limited time available. It was suggested that the LDF briefing later in the week could consider the consultation but the Leader said that would derail the work already planned.

It was agreed instead that comments from individual Members should be submitted to the Director of Public Services who would then co-ordinate a response on the Council's behalf.

Councillor Morson asked that a letter be sent to the Government stating that the time allowed for comments to be submitted was inadequate and this was agreed.

RESOLVED that authority be given to the Director of Public Services, in consultation with the Chairman of the Environment Committee, to co-ordinate and send a suitable response to the New Homes Bonus consultation by 31 December, following the receipt of Members' comments.

C56

HONORARY ALDERMEN

Councillor Walters moved a motion that Members consider whether to introduce the concept of honouring former members of the Council by offering them the position of Honorary Alderman, and to consider how such a scheme would work in practice. He said that the proposal was neither political nor would cost money and would be a way of honouring former members who had rendered eminent services to the Council.

All Members who spoke agreed with the principle of honouring past members in this way but could not find agreement about the length of service to qualify for the position of Honorary Alderman.

The Leader stressed that the receipt of the honour was special and the length of service agreed, as well as the level of the contribution made by the person concerned, should reflect the special nature of the award.

After further discussion, he pointed out that the recommendation in the report said that 'candidates for the honour should *normally* have served at least 20 years' and this would not preclude those candidates who had made a special contribution to the work of the Council without necessarily having served for a specified period.

In the light of this clarification, Members were content with the suggested scheme as set out in detail in the recommendation and in paragraph 10 of the report. The motion was accepted on this basis.

RESOLVED that the position of Honorary Alderman be agreed as set out in the report, and that any future nominations be considered after the Annual Council meeting in May 2011.

C57

MOTION ON GREEN ENERGY

The following motion was proposed by Councillor C Dean and seconded by Councillor Wilcock:

- Uttlesford District Council notes that the Secretary of State for Energy and Climate Change has announced new rules allowing Councils to sell green energy.
- Uttlesford District Council supports the principle of generating renewable energy to enable the Council to reduce its carbon footprint and to raise revenue.
- The Council agrees to examine the buildings and land in its ownership to decide the feasibility of generating renewable energy.

Councillor C Dean said that Government rules had changed allowing councils to sell green energy. The Council would be able to examine property and land to see if there was any potential for the generation of renewable energy and this might provide some direct financial benefit. She had spoken to the officer responsible for energy conservation about this possibility and understood that Braintree District Council was examining this option.

Councillor Wilcock said there were financial and environmental benefits to be gained from adopting this policy.

Councillor Barker moved an amendment to the motion to retain the first paragraph, to delete the second and third paragraphs and substitute the following wording:

'Uttlesford District Council believes that its resources are best spent in promoting energy conservation in the 31000 individual homes in the District through grant mechanisms and planning policies and in ensuring that new build properties meet the highest environmental and energy standards, which might include the generation of renewable energy.'

She said that the Council already had a good track record. The greenest way of proceeding was to build on this record by continuing to concentrate on replacing inefficient plant rooms and on energy conservation measures within individual properties. The new housing scheme on a rural exception site at Wimbish was a prime example of this policy in operation.

Councillor C Dean responded that the Council was doing what the amendment was suggesting anyway and she could not agree to throw away the substance of the original motion without first looking to see what could be achieved.

During the short debate that followed, Members took opposing views about whether the original motion should be supported.

The amendment was then put to the vote and approved by 18 votes to eight. The substantive motion was then approved by 19 votes to five.

RESOLVED to note the motion as now agreed.

C58 **EXCLUSION OF THE PUBLIC**

RESOLVED that the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information within the meaning of s100I (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972

C59 **DISPOSAL OF LAND FOR HOUSING**

Members received a recommendation from the Finance and Administration Committee meeting on 25 November 2010 for the disposal of land at Pinkneys,

Chrishall for the provision of affordable housing, as the valuation exceeded the limit at which assets could be agreed for sale by that Committee.

RESOLVED that the freehold interest of land at Pinkneys, Chrishall be transferred to Flagship Housing at the agreed valuation.

C60

SEASONAL GREETINGS

The Chairman thanked everyone for their attendance and wished both Members and officers a wonderful Christmas and a happy New Year.

The meeting ended at 10.05pm.