

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 17 APRIL 2012 at 7.30pm

Present: Councillor D Jones – Chairman.
Councillors H Asker, G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, P Davies, A Dean, K Eden, I Evans, S Favell, J Freeman, E Godwin, E Hicks, S Howell, A Ketteridge, J Ketteridge, M Lemon, J Loughlin, K Mackman, D Morson, E Oliver, E Parr, D Perry, J Redfern, J Rich, H Rolfe, J Rose, D Sadler, J Salmon, L Smith, A Walters, L Wells and P Wilcock.

Officers in attendance: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive – Legal), P Snow (Democratic and Electoral Services Manager), and A Webb (Director of Corporate Services).

Also present: David Barron, David Murtagh and John Nowell of the Independent Remuneration Panel and Daniel Edwards, Paul Kingsley and Dr Peter Knight of the Local Government Boundary Commission for England.

C60 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Artus, Crome, Eastham, Foley, Knight, Menell and Ranger.

Councillors S Barker and Chambers declared their interest as Members of Essex County Council and Councillor Chambers as a member of Essex Fire Authority.

C61 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 23 February 2012 were received, approved and signed by the Chairman as a correct record.

C62 BUSINESS ARISING

(i) C44 – Public Speaking

The Chief Executive provided members with an update following the statement given by Mr G Smith of Great Dunmow about the operation of a care home near his home in Maple Way. He told the meeting that officers had initiated mediation between the neighbours and the occupants of the care home. As a result of this intervention, the more troublesome occupant had found alternative accommodation as the staff had been unable to provide the level of care needed.

The extent of car parking at the home had been monitored and had reduced considerably and no further complaints had been received. Further updates would be given as necessary.

REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR 2012/13

The Chairman reminded members that the Remuneration Panel's report had been deferred at the last meeting for consideration at this meeting. He invited David Barron as Chairman of the Panel to again present the Remuneration Panel's recommendations for changes to the members' allowances scheme in 2012/13.

Mr Barron said that he had very little to add to his comments at the previous meeting which had been covered fully in the minutes.

The Leader said that he had consulted with other group leaders and had concluded in respect of the allowance scheme that the status quo should apply. However, in respect of all other proposed changes and additions to the scheme, as listed in the table in the report, he proposed that these should be accepted. This was on the basis that the report was presented as an interim one and that a more detailed analysis would be carried out prior to the next review report being submitted.

Councillor Dean referred to paragraph 10 in the report relating to backdating of applications to join the pension scheme. He said that he would vote against the motion as he understood the Council was subject to possible legal action if the proposal was adopted.

Councillor Barker stressed that the recommendation applied only to elections to join the scheme in the future.

Councillor Redfern asked for clarification about whether the status quo position on allowances would continue until next year.

In response, the Leader confirmed that the allowances would remain unchanged until there was a new Remuneration Panel report to consider.

Councillor Loughlin asked for further information about the possibility of a legal challenge. The Assistant Chief Executive Legal confirmed that he was not aware of any legal proceedings.

Having been seconded and put to the vote, the motion was carried with one vote against.

RESOLVED that

1. the recommendations of the Independent Remuneration Panel relating to the basic and special responsibility allowances payable in 2012/13 be rejected, but that all other changes to the scheme, as set out in the table in the report, be adopted; and
2. the existing allowances scheme be applicable in respect of all allowances to be paid in 2012/13, or until such time as a further report was received for consideration.

The Chairman thanked David Barron and the remaining members of the Panel for their hard work and diligence in producing the report.

PRESENTATION FROM THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ON THE PROPOSED FURTHER ELECTORAL REVIEW OF UTTLESFORD DISTRICT

Danny Edwards of the Local Government Boundary Commission for England (LGBCE) gave a presentation on the coming electoral review of the Uttlesford District and invited members to pose any questions they may have at the end of his talk.

He said that the review was needed because Uttlesford met both of the intervention criteria for starting a review and that this would involve reviewing the pattern of wards throughout the district. The starting point for the review would be the determination of council size. The Council would be invited to make a detailed submission on their preferred council size for consideration and agreement by the Commission.

Members then asked a sequence of questions on the way that the review would be implemented and the implications for the Council and for local parishes. A summary of the answers given by Dr Knight and Danny Edwards is set out below:

- No changes would be made to the external boundaries of parishes but parish wards may be introduced or may change as a direct result of the warding changes if a parish was divided by a district ward boundary.
- The decision on council size would be widely publicised so that parish councils would be aware of that information in making representations.
- If there was to be significant change in council size (regarded as a change of two or more) there would be separate consultation on council size.
- Unlike in Scotland and Wales, there was no specific ratio or formula applied to the question of council size, and the ratio of electors to councillors consequently varied greatly. In determining the correct size for Uttlesford, the Council must take into account such considerations as member workload, the scrutiny and regulatory functions, and the external and constituency representational roles of councillors.
- The general trend was towards smaller council size but there were some recent exceptions (such as at Slough)
- No allowance could be made for a smaller elector/member ratio in rural areas. The difficulty of representing a sparsely populated rural area was felt to be counterbalanced by the greater incidence of social and community problems in urban areas. In any case, the statutory criteria did not allow for a differential ratio to be applied. Generally speaking, the preference in rural wards was for single member representation and for multi-member representation in more urban wards.
- Full details of other reviews and the submissions made by other councils were available on the LGBCE's website. If the size of other nearby councils was used by Uttlesford for comparison purposes, a note of caution was sounded that the councils concerned may not have reviewed their council size in the recent past, and any changes in methods of governance and of operation might not have been taken into account. The submission from Gedling council was generally considered to have

been of good quality in terms of the arguments employed and they way they had addressed the issues. The LGBCE representatives suggested that the Council should review recent submissions to the Commission and evidence the key lines of enquiry.

- The largest recent change in council size was at Hambleton district where the LGBCE was consulting on a reduction in size from 44 to 28 members.
- There was no software available to carry out modelling of different electoral schemes by location of electorate.

In conclusion, the Chairman thanked the LGBCE representatives for their time in briefing councillors and allowed a pause while they left the meeting.

C65

FURTHER ELECTORAL REVIEW OF THE UTTLESFORD DISTRICT

The Chief Executive presented a preliminary report on the Further Electoral Review (FER) and said this was intended to generate discussion about what would be required. He suggested that activity should focus initially on discussion within the political groups and that consideration should proceed in a structured way by holding a member workshop and utilising the Electoral Working Group to facilitate discussion.

The Leader said that the Conservative group had not yet formed a view about council size. He had hoped that the matter could be decided at the Annual Meeting but this may not now be possible. There was now some urgency to this matter and he hoped that officers could attend group meetings and workshops to brief members on what was required. As part of this exercise, it was important to establish quickly how many members were needed to maintain the existing structure of cabinet and committees.

A number of members contributed to the debate. Councillor Dean said that he hoped the Electoral Working Group would lead the process and that all members could be involved in the review by attending workshops and other events. Councillor Rolfe said there were both philosophical and empirical questions to consider in determining how many councillors were required to do the job. This would be a serious piece of work and would need proper research before the Council would be able to reach a conclusion.

It was confirmed to Councillor Loughlin that ward councillors could begin discussions with parish councils about the review as this was now in the public domain.

Councillor S Barker said that a start should be made on dividing the district into proposed wards although it would be difficult to redistribute the population before the outcome of the LDF consultation was known. Councillor Cheetham suggested further research should be conducted into information available on various websites and that a workshop should be arranged as soon as possible.

The Chief Executive advised members that the electorate forecast figures could take account only of developments approved and in the pipeline. He hoped that members would be able to give a steer to officers on council size to enable the Electoral Working Group to begin its work.

In conclusion, it was generally agreed that a workshop should take place in the near future and that a meeting of the Electoral Working Group would be held once more detailed information was available.

C66

MEMBERS' QUESTIONS

In referring to the agreement to establish a revised Highways Panel, Councillor Lemon asked that early and favourable consideration be given to the provision of a bus shelter in Hatfield Heath. He asked a further question about whether water supply would be adequate to accommodate the provision of 3-4,000 new houses in the district as part of the process of adopting a new local plan.

The Leader said that members may not yet be aware that the terms of reference of the Highways Panel would be changing. The original intention was for the County Council to operate the revised panel but after representations had been made it had been agreed that Uttlesford would have ownership. The Panel would include four representatives of each council including the four county members. He felt it was right that the county members should have an input and it was now important to get to grips with the new panel. With this in mind he had decided to create a new post of portfolio holder for highways and community safety. The announcement of the appointment would be made at the Annual Meeting.

On the matter of water provision, the Leader said this was part of the LDF study and water companies would have a duty to supply water to houses within the district.

Councillor Dean asked the Leader to explain why the Cabinet had decided give away to Birchanger parish £350k of the money allocated for the benefit of residents at Foresthall Park, amounting to about one third of the total s106 funding. He said that the residents had spoken in responding to a recent survey by listing projects in Birchanger at the bottom of a list of ten possible uses of the money. The Council had therefore ignored the views of the Parish Council when residents had stated they looked to Stansted for their services.

The Leader said that the s106 agreement had been signed when most of the Foresthall Park development had been in Birchanger. The Council had been asked by Stansted Parish Council that money be put aside for projects at Crafton Green but that had now apparently been contradicted by the Chairman of the Parish Council.

Councillor Dean then asked the Leader to explain the position in writing. The views of residents at Foresthall Park had been swept aside as Birchanger Parish Council did not provide services for residents living in Stansted. He also said that it had been claimed at a meeting that the views of residents there were irrelevant.

The Leader said he would not respond in writing as the position was set out fully in the Cabinet minutes. He then asked Councillor Dean to explain who had stated that the residents' views were irrelevant.

Councillor Dean replied that this had been stated at a meeting in December where it had been said that residents had no locus in the matter.

The Leader then said that Councillor Dean persisted in quoting words in the press and elsewhere that no-one had used.

Councillor Godwin said she wished to put the record straight in that facilities in Birchanger were being used by residents of the new development and that Stansted was not short of money.

Councillor Rich then asked the Leader if he was aware that a questionnaire had gone out in Stansted in the name of the Parish Council's Chairman. This document was deeply unsatisfactory as it had drawn incorrect inferences and had been misleading. At no stage had Councillor Barker stated that residents views were irrelevant.

The Leader confirmed that he was so aware.

C66

CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he had now circulated details of his recent activities to all members. He referred to the Sparks will Fly event in Saffron Walden on 19 May in connection with the Olympic Games for which a leaflet was now available. He also referred to the Olympic torch relay events in the district. More stewarding help was needed with both of these events and he urged members to become involved. There was also to be a district photo competition.

Plans were proceeding for the civic dinner at the Foakes Hall on Thursday week for which some 80 guests were so far expected, including Lord Petre as well as the incoming High Sheriff.

C67

LEADER'S ANNOUNCEMENTS

The Leader said that he was anxious to add to the ability of members to question members of the executive. He accordingly proposed, with effect from the meeting after the Annual Meeting, to create an agenda slot for Cabinet members to report upon matters they considered important within their portfolio areas.

It was now nearly a year since the adoption of the Cabinet system and he understood that the Scrutiny Committee intended to review the way that it had worked over that time.

One of the attributes of the cabinet system was its flexibility. In the coming year he intended to place greater emphasis on economic development. This had already commenced by recruiting an economic development officer who would take up his position in early May. The Council would embrace the health and well being boards being established as part of the Local Strategic Partnerships agenda. Both of these matters would be driven forward by Councillor Rolfe.

He intended that the Council should play a greater role in community safety. A budget had been created to help recruit and train special constables. The

Council planned to host the refreshed local highways panel proposed by Essex County Council. Resulting from these developments he proposed at the Annual Meeting to create an additional cabinet post to take on board community safety and highways matters. The additional allowance would be met from within existing budget.

Planning policy officers were engaged in recording and summarising the LDF consultation returns and the LDF Working Group would be bringing forward proposals for consideration by the Scrutiny Committee and Cabinet prior to the next consultation stage in June. The Leader said that he wished to emphasise the importance of meeting timescales for completion of this exercise.

In summary, the Leader said that he was looking forward to the challenges of the year ahead including the Jubilee celebrations and the Olympics, as well as the changes imposed by legislation such as the localising Council Tax proposals.

C68

MATTERS REFERRED FROM COMMITTEES AND WORKING GROUPS

(i) Constitution Working Group – proposed amendments to the Constitution

Councillor Morson proposed and Councillor Cheetham seconded adopting changes to the Constitution, as set out on the agenda and in the report, to accommodate the appointment and operation of a Standards Committee from 1 July 2012, and to remove words in Procedure Rule 1.1.10. The motion would now stand adjourned to the Annual meeting of the Council on 15 May.

In response to a question, the Assistant Chief Executive Legal provided an explanation of the requirement under the Localism Act to appoint at least one non-voting independent person in an advisory capacity. It was the view of both the Standards Committee and the Constitution Working Group that three independent persons should be appointed and that a Standards Committee should be retained to deal with complaints. The Act required a Code to be adopted and that the views of an independent person had to be sought as part of the process of investigating a complaint.

(ii) Constitution Working Group – adoption of procedure to deal with complaints of breaches of the Code of Conduct

Councillor Morson proposed and Councillor Cheetham seconded adoption of the proposed procedure to deal with complaints of breaches of the Code of Conduct by individual members of the Council.

RESOLVED that the recommendation of the Constitution Working Group be approved as follows:

1. the role of the officer investigating complaints against members of the Council should include giving an opinion to the Standards Committee, or any relevant sub-committee of it, as to whether a breach of the Code of Conduct had taken place;
2. the complaints procedure set out at Appendix B of the report to this meeting be adopted

(iii) Standards Committee – adoption of a revised Code of Conduct

The Assistant Chief Executive Legal reported that the Local Government Association and the Government had now published different versions of a Code of Conduct. In the circumstances he suggested that the adoption of a new Code, as proposed by the Standards Committee, should be deferred to allow for further consideration. The Council agreed that the matter would be deferred.

C69

NOMINATIONS FOR THE POSTS OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Wilcock proposed and Councillor J Ketteridge seconded that Councillor Cant be nominated for elected as Chairman of the Council for the ensuing year.

Councillor J Ketteridge proposed and Councillor Chambers seconded that Councillor Hicks be nominated for election as Vice-Chairman of the Council for the ensuing year.

The nominations would now stand adjourned for adoption at the Annual Meeting of the Council.

The meeting ended at 9.10pm.