

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 15 MAY 2012 at 7.30pm

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

Officers in attendance: J Mitchell (Chief Executive), 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)

Also present: Sean Brady, Independent Chairman of the Standards Committee

C70 PUBLIC SPEAKING

Before the commencement of the meeting, Mrs Angela Foster of Tukes Way, Saffron Walden made a statement and asked three questions about disturbance to neighbours caused by the operation of the skatepark in Saffron Walden and about the possible future extension of the skatepark.

Councillor Rolfe made a detailed reply in response to Mrs Foster's questions. Both the original statement and questions posed by Mrs Foster and a summary of the reply given by Councillor Rolfe are attached as appendix A to these minutes.

C71 STANDARDS COMMITTEE ANNUAL REPORT 2011/12

Sean Brady was present to give the annual report of the Standards Committee, as its independent Chairman. He said that the report had been revised to take account of recent developments regarding the outcome of an appeal submitted by a councillor to the first tier local government standards tribunal, and to add some personal remarks. It was agreed that the revised report, attached to the minutes as appendix B, would be circulated to all members.

The Chairman thanked Mr Brady for his report and for the diligence and dedication displayed by all of the independent members of the Committee during its period of operation. Mr Brady then left the meeting.

C72 ELECTION OF CHAIRMAN OF THE COUNCIL

The nomination of Councillor Cant to serve as Chairman of the Council had been duly proposed and seconded at the previous meeting. As outgoing Chairman, Councillor Jones said that it had been an honour to represent Uttlesford during the past year. Both he and his wife Trish had very much enjoyed the experience

and he now wished Christina and John every success in their new role. He also wished Councillor Eric Hicks a successful year as the new Vice-Chairman.

In accepting the nomination, Councillor Cant said that she wished to add her thanks to Derek Jones for his hard work of the past year and hoped that he would have many happy memories of his time as Chairman. Her first pleasant duty was to present Councillor Jones with his portrait and past Chairman's badge.

C73 STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE

The Chairman signed the statutory Declaration of Acceptance of Office. She then took the chair for the remainder of the meeting.

C74 ELECTION OF VICE-CHAIRMAN OF THE COUNCIL

Having been nominated at the last meeting, Councillor Hicks came forward to serve in the capacity of Vice-Chairman for the ensuing year. Councillor Hicks said that it was a great honour for him to serve in this role and he hoped to be as good a Chairman in due course as Councillor Jones had proved to be and he was sure Councillor Cant would be also.

C75 STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE

The Vice-Chairman signed the statutory Declaration of Acceptance of Office.

C76 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors G Barker, Dean and Rose.

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

C77 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 17 April 2012 were received, approved and signed by the Chairman as a correct record, subject to the following clarification:

Part 1 of the resolution to Minute C63 to be amended to read:

1. the recommendations of the Independent Remuneration Panel relating to the basic and special responsibility allowances payable in 2012/13 be rejected, *including the proposal to restrict the payment of SRAs to any one member*, but that all other changes to the scheme, as set out in the table in the report, be adopted

LEADER'S ANNOUNCEMENTS

The Leader congratulated the Chairman on her election and also Councillors Watson and Davey on their election as mayor in Saffron Walden and Great Dunmow respectively.

He then invited Councillor Wilcock to speak. Councillor Wilcock said that, after five years as leader of the Liberal Democrat Group he would be handing over with immediate effect to Councillor Morson and that Councillor Parr would be the new deputy group leader. He said that he wished to pay tribute to the support and help he had received from the Chief Executive and from other officers and wished his successor and his deputy every success in their new roles.

In response, the Leader said that he appreciated Councillor Wilcock's comments.

He went on to talk about the first year of operation of the cabinet system within the Council. The Scrutiny Committee would soon be examining members' perception of how well the system was working by means of a questionnaire.

The past year had seen the Council consolidate its financial position so that council tax had again not been increased. In spite of this, services had been maintained and even enhanced and Uttlesford had the lowest council tax rates in Essex. A substantial part of the money invested in Icelandic banks had now been returned and there were hopes of receiving more.

He characterised the main strength of the cabinet system as having the flexibility to meet changing needs and priorities. During the coming year he hoped to concentrate on economic development, health and well being, community safety and highways. To help in these aims he had created a new cabinet post of community safety to incorporate the new highways panel, and had asked Councillor Walters to undertake this role. A deputy would be announced in due course.

Councillor Rolfe would drive forward economic development with the assistance of Simon Jackson who had commenced work as economic development officer. Councillor Rolfe would also be involved in examining how the changes to health legislation would affect the district.

Councillor Freeman had stepped down as deputy Finance portfolio holder and been replaced by Councillor Asker. He thanked Councillor Freeman and also Councillor Hicks who had chaired the Licensing Committee for the past five years prior to his appointment as Vice-Chairman.

The leader then invited Councillor Rolfe to update the meeting on Olympic related activities. Councillor Rolfe described the programmed events for Sparks Will Fly that would be taking place at the Museum on Saturday, 19 May. This event was part of the cultural programme that would culminate with the Olympic Torch Relay through the district on 7 July.

Events in connection with Sparks Will Fly would include a character named Marina Mightier being presented with a glass bead filled with images of treasured places in Uttlesford. Councillor Rolfe thanked Councillor Lemon for his chairmanship of the Olympic Working Group, and Gaynor Bradley for her tireless work in organising all of the Olympic based events.

The Torch Relay on 7 July would be visiting Stansted Mountfitchet at 11.54, Newport at 12.16 and Saffron Walden at 12.37. There would be a live transmission of Blue Peter from The Common in Saffron Walden and the Common car park would be closed as a result between 5 and 7 July.

In conclusion, Councillor Rolfe referred to the yellow and blue Jubilee Fund application forms that had been circulated at the meeting.

Resuming his comments, the Leader said that 2012 was shaping to be an exciting year. 33 Engineer Regiment based at Carver Barracks had exercised their right to march through the streets of Saffron Walden on 12 October on their return from Afghanistan.

The Leader also referred to the creation of a half a million pounds Jubilee Fund from New Homes Bonus to benefit local organisations and parish councils. Together with the community grants made available by the Council this would provide an unprecedented amount of money for local groups.

He then announced that glass and textiles could now be recycled in the green wheeled bins thus delivering on a pledge to provide a doorstep glass collection. In addition, the replacement of brown wheeled bins with caddies would be rolled out from 11 June although it would take a number of weeks to collect the old bins.

Garden waste was now being collected from approximately 2,600 bins and it was still possible for people to join the scheme.

The Leader said that the Local Development Framework was a major undertaking for the Council and must be completed in the next twelve months as stipulated in the new National Planning Policy. The Scrutiny Committee would next week subject the housing allocations consultation document to a full process of pre-scrutiny before the Cabinet meeting on 24 May. Full details of the consultation would be included in Uttlesford Life and a leaflet would be delivered to every household.

He referred to the Memorandum of Understanding with Harlow and Epping Forest district councils and said this would have to be revisited in the coming period.

Finally, the Leader thanked the management team and members of staff, as well as all councillors, for their help in creating a solid financial platform with which to meet all future challenges.

C79

POLITICAL BALANCE ON THE COUNCIL

The Democratic and Electoral Services Manager presented a report on the political composition and balance of the Council as required at the annual meeting by the Local Government and Housing Act 1989. He explained that the Licensing Committee could not be taken into account under the balance provisions as it had not been established under the 1972 Act but that the Committee would be allocated on the basis of proportionality unless any member voted against the proposal.

The revised Standards Committee should be appointed on the basis of proportionality but it was proposed, as already agreed by the Council, to offer two places to each political group. Again, this could be agreed provided there was no objection.

As previously the Conservative group had allocated one position on the Scrutiny Committee to the Independent Group.

Members were asked to agree that available seats on the committees indicated should be allocated on the basis of the figures presented.

RESOLVED that the political balance of the Council and the allocation of seats set out in the report be agreed.

C80

APPOINTMENT OF COMMITTEES, WORKING GROUPS AND AREA FORUMS 2012/13

The Leader proposed the appointment of committees and their chairmen and vice-chairmen where indicated, working groups, and the chairmen and vice-chairmen of the area forums as set out in the sheet circulated at the meeting.

RESOLVED that

- 1 the allocation of places on committees and working groups be as indicated below;
- 2 the chairmen and vice-chairmen of the committees be agreed as also set out below; and
- 3 the chairmen and vice-chairmen of the area forums be as indicated below:

PLANNING

Chairman: J Cheetham
Vice-Chairman: K Eden

C Cant	K Mackman
J Davey	J Menell
B Eastham	D Perry
E Godwin	V Ranger
E Hicks	J Salmon
J Loughlin	L Wells

LICENSING AND ENVIRONMENTAL HEALTH

Chairman: D Perry
Vice-Chairman: J Salmon

H Asker	M Lemon
J Davey	D Morson
J Freeman	V Ranger
E Hicks	A Walters
J Loughlin	

PERFORMANCE AND AUDIT

Chairman: S Howell
Vice-Chairman: E Oliver

K Artus D Jones
D Crome A Ketteridge
A Dean E Parr
K Eden D Sadler

SCRUTINY

Chairman: E Godwin

Vice-Chairman: D Morson

G Barker S Howell
P Davies E Oliver
I Evans J Rich
S Favell D Watson

STANDARDS COMMITTEE
(until 1 July 2012)

Chairman: S Brady (Independent Person)

C Cant
K Eden
R Lemon
J Menell
R Whitlam, M Hall
(Independent)
E Clarke, R Sullivan
(Town/Parish Council)

STANDARDS COMMITTEE
(from 1 July 2012)

C Cant
K Eden
E Godwin
M Lemon
J Loughlin
J Menell

STAFF APPEALS

K Artus
G Barker
C Cant
K Eden
E Hicks
D Jones
L Wells
P Wilcock

WORKING GROUPS

CONSTITUTION WORKING GROUP

J Davey
I Evans
A Ketteridge
D Morson

J Menell
J Rich
D Watson
L Wells

LOCAL JOINT COMMITTEE

R Chambers
J Ketteridge
J Loughlin

ELECTORAL WORKING GROUP

R Chambers
J Davey
A Dean
J Freeman

E Hicks
J Ketteridge
R Lemon
J Rose

AREA FORUM

NORTH FORUM

Chairman: J Menell
Vice Chairman: D Perry

SOUTH FORUM

Chairman : J Salmon
Vice Chairman: J Davey

C81 **AMENDMENTS TO THE CONSTITUTION**

Councillor Morson proposed the approval of amendments to the Constitution as laid before the Council meeting on 17 April 2012. The Assistant Chief Executive Legal explained that the second set of amendments was necessary to give effect to the provisions of the Localism Act 2011.

RESOLVED to

- 1 approve an amendment to Procedure Rule 1.1.10 to add words as stated in the report
- 2 approve amendments to the Constitution in respect of the appointment and operation of a Standards Committee, to reflect provisions in sections 26-34 of the Localism Act from 1 July 2012, or such other date as the Secretary of State may appoint for the provisions to come into effect

C82 **SCHEME OF DELEGATION**

The Leader proposed adoption of the scheme of delegation as set out in full in the report. Although no changes were proposed, this was required under Procedure Rule 1.1.10, although the Rule had now been amended to save this being done in the future, except at the first annual meeting following an ordinary election.

RESOLVED that the scheme of delegation as set out in full in the report be approved

C83 **CODE OF CONDUCT**

The Assistant Chief Executive Legal said that the adoption of a Code of Conduct had been deferred at the last meeting as the Local Government Association and the Government had just published different versions of a suggested new Code. The Standards Committee had now given this matter further consideration and had concluded that the Code of Conduct originally recommended for approval at that meeting should now be adopted as it was clearer in intention.

The date of adoption of the revised Code would be either 1 July or such other date appointed by the Secretary of State for the provisions of Section 27 of the Localism Act to come into force.

He explained that the definition of disclosable pecuniary interests had not yet been published and would have to be inserted into the new Code at paragraph 4.2.1. He asked the meeting to agree to grant him delegated authority to insert the provisions of the relevant statutory instrument once it had been published. He also said that the wording in paragraph 4 should be amended to correct the numbering to read 'and in the case of paragraphs 4.1.1 – 4.1.4 you are aware that that other person has the interest'.

Councillor Barker asked that the reference to 'the principals contained in s.28 (1) Localism Act 2011' in the appendix should be corrected to read 'principles'.

Councillor Rich asked a further question about the definition of disclosable pecuniary interests and whether members would be given a further opportunity to discuss the content of that part of the Code. The Assistant Chief Executive Legal replied that the definition would be defined by legislation and therefore mandatory.

RESOLVED that

1. the revised Code of Conduct, as recommended by the Standards Committee be adopted from 1 July, or on such other date as determined by the Secretary of State, subject to the amendments mentioned in the text to this Minute; and
2. the Assistant Chief Executive Legal be granted delegated authority to make such amendments as were necessary to give effect to the statutory definition of disclosable pecuniary interest in paragraph 4.2.1 of the Code

C84 NEW HOMES BONUS

Councillor Chambers gave a progress update to members on the allocation of New Homes Bonus funding. He said that the proposed allocation to Flitch Green Parish Council had not yet taken place but a bid for part of the money had now been made and further bids were expected. A bid for the remaining £15k from Great Dunmow Town Council had now been received.

Members received and noted the report.

C85 FURTHER ELECTORAL REVIEW OF UTTLESFORD DISTRICT

The Chief Executive reported orally on recent developments regarding the Further Electoral Review (FER). As Members were already aware, the Council was required to make a determination of preferred council size together with a supporting case by no later than 15 June.

A workshop had taken place on the previous evening and a number of members had contributed to debate about the four key lines of enquiry submitted by the Local Government Boundary Commission for England (LGBCE). This would help to formulate the Council's response to be agreed at the Extraordinary Council meeting on 11 June.

Officers had advised that the optimum council size based purely on considerations of conducting council business and undertaking overview and scrutiny functions was in the region of 34 to 36. This took no account of representational needs in the district and members would have to form a judgement balancing these factors.

LGBCE representatives would be meeting with group leaders on 24 May to understand their proposals for council size and the submission of the Council's case would follow once it had been agreed. In view of the delay in reaching a

view about council size it had been agreed to cancel the meeting of the Electoral Working Group scheduled for the following evening.

The Leader explained that the leaders of the other two political groups had arrived at an agreed position on council size but that the administration group had not yet done so. He hoped that an agreed position could be made before the proposed LGBCE meeting on 24 May. For these reasons, he felt it was impracticable for the Electoral Working Group to meet but that it would be possible to come to a conclusion quickly as soon as each political group had decided its position.

Councillor Morson said that he had offered to meet with the Leader and with Councillor Lemon to discuss a model of working ideas to put forward as agreed by the Liberal Democrat group, even though there was not full agreement within his group for the scheme.

After congratulating the new Chairman on her appointment, Councillor Lemon said that he was happy to talk to both of the other group leaders to try to find a way forward. The view of his group was that a council size somewhere between 36 and 38 would be appropriate but further time would be needed to set out the arguments needed to support whatever case was agreed.

The Chief Executive said that he would arrange for a cancellation notice to be sent the next day relating to the proposed Electoral Working Group meeting.

C86

OTHER URGENT ITEMS – APPOINTMENT TO ESSEX POLICE AND CRIME PANEL

This item was accepted as urgent by the Chairman as a request had been received from Essex County Council for a representative to be appointed to this body at the annual meeting after publication of the agenda.

A report had been tabled following a request from Essex County Council for the Council to appoint a representative to serve on the new Essex Police and Crime Panel. The Panel would fulfil the role of scrutinising the Police and Crime Commissioner who would, in turn, be responsible for holding the Chief Constable to account. It would replace the Essex Police Authority and be operated by the County Council with Home Office funding.

The Leader said that the guidelines issued by the County Council indicated that the relevant portfolio holder (in this case Councillor Walters) should not be appointed to serve on the Panel as it would be engaged in scrutinising the work of executive members. Instead, he proposed that Councillor Chambers be appointed to this role. The proposal was duly seconded by Councillor Walters.

RESOLVED that Councillor Chambers be appointed to serve as the Council's representative on the Essex Police and Crime Panel.

The meeting ended at 8.40pm.

Public statements and questions

I would like to ask Mr Rolfe 3 questions related to the Skatepark, at the annual meeting on 15th May 2012.

The questions are as follows:

1) I am speaking as a representative of many people who live near to the Skatepark. In the summer months and warmer dry evenings we are constantly subjected to after hours disturbances which are a noise nuisance. These have been reported. The original plans for the Skatepark had fencing on it but this was deemed unnecessary. Can this now be implemented?

2) We are greatly concerned that the Skatepark committee are already fundraising for a new Hub and Skatepark extension. Does this mean that it is a 'foregone conclusion' that the extension and Hub is going to go ahead with no consideration given to those who live nearby?

3) The Skatepark, by the Committees own admission, is already the largest, if not one of the largest, in Britain. Surely such a large extension and Hub would be best suited to a larger town or city rather than a small market town like Saffron Walden?

I don't think it is unreasonable that people should be able to sit in their gardens, or have windows open, without being subjected to the appalling swearing and screaming etc. that we have had to endure that often carries on until the early hours, and beyond if they decide to sleep there overnight!

Mrs. Angela Foster

Replies given by Councillor Rolfe at the meeting

Question 1: Councillor Rolfe said that he would not dodge the questions from Mrs Foster as he appreciated that there had been some noise disturbance to neighbours arising from the presence of the skatepark nearby. Local residents were entitled to reasonable protection of their amenities and any statutory public nuisance was unacceptable.

He had taken advice about the practical value of a fence and he did not consider that it would be an effective measure. The provision of a fence at the site would not curb the level of noise emanating from this activity.

The skatepark was a great facility but it was important to find a balance between allowing the activities to continue and the interests of local residents. He hoped to find a solution to the complaint submitted by Mrs Foster by other means. There would be careful liaison with the Police to ensure that the use of the skatepark ceased when the lights went off in the evening.

He was also aware that a homeless person was living at the back of the site and this would need to be monitored carefully as well.

Question 2: There was presently no planning application for an extension to the skatepark. However, there was potential for development in the future which could provide such an extension and, if it was so proposed, the protection of local residents must be addressed.

Question 3: The existing skatepark was a large facility and any future use of the site must be appropriate to the surrounding area. In addressing this matter, it would be necessary to look at mitigating factors.

Annual Report to the Council

Uttlesford District Council's Standards Committee 2011/12

Background

This is likely to be the last report to the Council of the Standards Committee in its present format. The Localism Act is expected to come into full force on 1 July 2012 and will abolish the current standards framework replacing it with a requirement to adopt a code of conduct which is largely left to the discretion of councils; sweeping changes to the law on registration and declarations of interest and the revocation of the power to impose sanctions. Although there will be an advisory role for independent participation in considering breaches of the Code of Conduct sadly the Act disqualifies your existing independent members from fulfilling that function.

Composition

The Standards Committee comprises 10 members, 4 elected members of the council, 3 independent persons and 3 representatives of town and parish councils. The committee is chaired by myself, one of the independent persons. The Committee is supported by the Assistant Chief Executive – Legal and Monitoring Officer, Mr Michael Perry. One of the town and parish seats on the Committee became vacant at the May 2011 elections and has remained vacant since.

Meetings during the year

There were 3 scheduled meetings of the Standards Committee during the council year and in addition there was an extra-ordinary meeting to deal with the Code of Conduct after the Localism Bill received Royal Assent. In the light of the Localism Bill the Committees work during the year was concentrated on prospective changes to the standards framework much of which needed to be revisited after the Bill became an Act. This has resulted in the recommendation of constitutional changes to reflect the provisions of the Localism Act and it is understood that these will be proposed by the Constitution Working Group. It has also resulted in a revised Code of Conduct, which the Standards Committee recommends for adoption, and new procedures for vetting complaints. In addition to this work programme the Committee continued to receive regular updates on decisions on of the First Tier Tribunal - Local Government Standards in England.

Sub-committees met on a number of occasions to consider allegations of breaches of the Code of Conduct. One such allegation related to a parish councillor, the other two related to district councillors. The allegation against the parish councillor resulted in no action being taken. One complaint against a district councillor resulted in a finding that the member concerned had breached the Council's Code of Conduct but no sanction being imposed. An appeal against this finding was made to the First Tier Tribunal – Local Government Standards in England which decided that the councillor had not breached the Code of Conduct. The other allegation was passed for investigation but following a withdrawal of the complaint no further action was required.

Future Actions

Under transitional provisions the current Standards Committee will remain responsible for dealing with allegations of breaches of the Code of Conduct made before the new provisions take effect. Thereafter a new Standards Committee constituted under the Localism Act will take over.

Personal Remarks

I would add my personal comment on the provisions of the Localism Act which fail to give independent persons voting rights at Committee meetings and hence preclude an independent person from chairing meetings of your new Standards Committee. The imposition of such arrangements will, in my opinion, diminish public confidence that the conduct of councillors will continue to be subject to non-partisan scrutiny. Representations from a number of authorities to the Government on these aspects have, so far, been effectively unheeded.

To conclude, I wish to thank Mr Perry and all staff members who have given their excellent support and assistance to the Committee during the year.

Mr Chairman, I present this Report for acceptance by the Council.

Sean A. Brady
Chairman: Standards Committee
15 May 2012