

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 2 OCTOBER 2012 at 7.30pm

Present: Councillor C Cant – Chairman.
Councillors K Artus, G Barker, S Barker, R Chambers, J Cheetham, D Crome, J Davey, P Davies, A Dean, R Eastham, K Eden, I Evans, M Foley, E Hicks, S Howell, A Ketteridge, J Ketteridge, M Lemon, J Menell, D Morson, E Oliver, E Parr, D Perry, V Ranger, J Redfern, J Rich, H Rolfe, J Rose, L Smith, A Walters, D Watson and P Wilcock.

Officers in attendance: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive – Legal), R Harborough (Director of Public Services), S Joyce (Assistant Chief Executive – Finance), R Millership (Assistant Director Housing and Environmental Services), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Corporate Services).

C34 ACCREDITATION OF THAXTED PARISH COUNCIL AS A QUALITY PARISH

Margaret Grimster, Vice-Chairman of the Essex Association of Local Councils (EALC) was invited by the Chairman to speak on Quality parish status prior to the presentation of the award of accreditation to Thaxted Parish Council.

Mrs Grimster said that it gave her great pleasure to introduce the award as a long standing resident of Uttlesford. She said that Quality status lasted for four years and it was then possible for recipients to apply for re-accreditation.

In the case of Thaxted, the parish had presented a very comprehensive portfolio and the clerk had been able to demonstrate appropriate qualifications. Among the items presented in the portfolio were evidence of regular surgeries given by councillors, other methods of regular consultation with the electorate, availability of footpath leaflets, grants to community organisations, and a variety of other community projects.

The Chairman then presented the award to Councillors Ruth Ship and Terry Frostick. She said that it gave her great pleasure to make the award as it demonstrated a good standard of professionalism and met the increasing need for public bodies to achieve a high level of service to the electorate.

C35 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors H Asker, R Eastham, E Godwin, S Harris, T Knight, K Mackman, D Sadler and J Salmon.

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

Councillors G Barker and S Barker said they had been granted dispensation to speak in respect of disclosable pecuniary interests and pecuniary interests in

respect of those matters and because they were married to each other. They would not declare these dispensations again.

Councillor Chambers said that he had been granted a dispensation in respect of his membership of the bodies mentioned.

Councillor Foley declared a non-pecuniary interest as a member of SSE.

C36 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting held on 1 July 2012 were received, approved and signed by the Chairman as a correct record.

C37 **BUSINESS ARISING**

(i) Minute 24 – Members’ question and answer session

Councillor Foley asked for an update about the future of Clarence House. The latest available information indicated that the County Council would retain control of the building until at least September 2013. A campaign in support of retaining Clarence House for community use had evolved into the Friends of Clarence House but progress was frustrated by the lack of information.

Councillor Chambers said that it was likely that Clarence House would stay in County Council ownership and he would do all that he could to help local campaigners.

Councillor Morson asked about progress towards a member workshop on the local plan consultation as he understood there had been delays in obtaining transport studies. Councillor Ketteridge confirmed that he had spoken to the Assistant Director of Planning and Building Control and that a workshop would take place.

Councillor Dean asked about the impact on affordable housing provision of the coalition Government’s recent initiative.

Councillor Redfern replied that every housing site was examined to ensure suitable affordable provision. Councillor Cheetham added that the Government had not yet consulted on this subject and the Council would make representations when this was done.

The Director of Public Services said that he could not recall any consultation and added that the proposed reduction in affordable housing provision would only apply where a development scheme would otherwise not be considered viable. He was not aware of any such developments in Uttlesford.

(ii) Minute 27 – Matters of report from members of the executive

Councillor Morson asked about the proposed revenues and benefits service partnership with Harlow as he understood that a meeting was to be held this month.

The Chief Executive confirmed that a Joint Partnership meeting was scheduled to take place on 16 October and that an updated report on costings would be presented for discussion.

Councillor Dean asked about the meeting between Councillor Cheetham and Theresa Villiers MP as the then Minister for Aviation in the light of the decision by the Government to review aviation policy and the possible consequences for future development at Stansted.

Councillor Cheetham said that she had met the minister in September and the position remained that expansion at Stansted had been ruled out for the duration of this Parliament. A meeting of STAAP had taken place recently to look at a draft response to the DfT's draft policy framework consultation and this would be submitted to cabinet for approval. The Council was already talking to the other partner authorities with a view to making joint representations.

Councillor Cheetham declared a non-pecuniary interest as a member of NWEHPA.

The Leader added that this was one of the principal reasons why adequate reserves were needed to fight any future expansion plans. All other options were for proposals that might follow after 2015.

C38

CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded members about the 33 Engineer Regiment's homecoming parade on 12 October and hoped that the returning troops would be given a warm welcome in Saffron Walden to show appreciation for the sacrifices they had made in Afghanistan.

She asked members to support the quiz on 23 October intended to raise funds for Marie Curie Nurses.

In conclusion, she referred to the opening of the Rowney Community Park at Carver Barracks which was the most spectacular play area she had ever seen. She urged members and their families to visit the park which had been supported by funding from Uttlesford and was open to all local residents. A framed certificate had been received in appreciation of the Council's support for this project.

C39

REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

In referring to the Local Government Boundary Commission's review of the Council's warding scheme, the Leader said that two meetings of the Electoral Working Group had been held and outline proposals had now been circulated to all members for comment. The proposals would now be considered by the three political groups and the Working Group would meet again after the Police and Crime Commissioner election on 15 November to prepare a scheme for approval.

In view of the shortage of available time before the Council meeting on 11 December, it was now proposed to hold an extraordinary Council meeting on 9 January 2013 to agree a scheme for submission to the Boundary Commission.

The Independent Remuneration Panel had commenced its review of allowances to apply in 2013/14 and would shortly be circulating a survey to all members to gather evidence about the required structure and level of allowances to be proposed. He urged all members to participate in the survey.

He drew attention to the consideration by the Performance and Audit Committee of the Audit Commission's annual governance letter which had given an unqualified auditor's opinion and unqualified value for money report. The contents of the audit letter made pleasing reading as it endorsed the Council's financial management and the approach to maintaining reserves.

The Leader said that the Council's was now operating with a budget £2 million less than in 2008/09 and said this was a remarkable achievement given the fact that Council Tax had not risen for two years. He congratulated all members of staff in the finance department for this successful conclusion.

Councillor Chambers had submitted a written report and briefly summarised the main points covered. He said that the preparation of the Local Council Tax Support scheme would not be an easy exercise to undertake. The results of the recent consultation would be made available shortly.

He confirmed that the budget was on track with favourable balances forecast for both the General Fund and the Housing Revenue Account. The forecast GF surplus took no account of the impact of planning appeals. It was hoped that the HRA surplus would allow some new build schemes to be funded and members were encouraged to make suggestions.

Councillor Redfern said that she had been unavailable recently for personal reasons and thanked her deputy Councillor Ranger and housing officers for covering in her absence.

Notwithstanding the new build opportunities now available, she emphasised that five new houses had been built last year and eight further dwellings would shortly be built at Leaden Roding. The Mead Court Task Group was presently examining options for the redevelopment of that site and the resulting scheme would prove an asset to the community in Stansted.

Councillor Rolfe referred to his written report in the agenda pack and added some detail about the evaluation of the five additional town and parish grants being considered as part of the Jubilee Fund. He spoke briefly about the administration of the voluntary support grant scheme and stressed that the available funding was finite.

Councillor Lemon asked Councillor Rolfe to extend the consultation on the economic development strategy and he agreed to do so by one week.

Councillor Parr asked that suitable cold weather schemes should be in place as Uttlesford had a relatively high rate of avoidable deaths in the elderly age range.

Councillor Rolfe said that the figure concerned was just one among a range of statistics and reflected the diversity and rural nature of the district. The LSP was now focusing on the four new work streams and would shortly propose an action plan and further initiatives in support of older and vulnerable people.

Councillor Dean asked for an assurance that the Mead Court redevelopment was not yet finalised. He also asked Councillor Chambers to confirm that he was receptive to ideas about how to implement the Council Tax Local Support scheme.

On the first question Councillor Redfern said that any suggestions made would be taken into consideration by the Task Group and by the Housing Board.

On the second question, Councillor Chambers said that he would do everything possible to help local people in adjusting to the new system.

Councillor Menell drew attention to the community achievement awards evening on 18 October and hoped that all members would be able to attend.

C41

MATTERS RECEIVED FROM COMMITTEES AND WORKING GROUPS

(i) Constitution Working Group on 19 September 2012

As Chairman of the Working Group, Councillor Menell proposed changes to the Access to Information and Executive Procedure Rules contained within part 4 of the Constitution to comply with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Having been seconded by Councillor Davey, the motion was adjourned without discussion to the next ordinary meeting.

The Leader said that the District Councils' Network had written to the Secretary of State drawing attention to the significant extra burden imposed by these regulations on local authorities at variance with the stated intention to reduce regulation.

(ii) Standards Committee on 1 October 2012

Councillor Lemon proposed, as Chairman of the Standards Committee, adoption of revised Codes and Protocols contained in part 5 of the Constitution. This was to accommodate changes made by the Localism Act 2011.

The motion was seconded by Councillor Cheetham and would now stand adjourned until the next ordinary meeting.

C42 **SCHEME OF DELEGATION OF COUNCIL FUNCTIONS**

Councillor Chambers presented a report explaining the need to amend the Scheme of Delegation of Council Functions to allow for certification of the Council's Business Rate Estimates.

RESOLVED to add to the Council functions delegated to the Assistant Chief Executive - Finance the words "To certify the Council's Business Rate Estimates".

C43 **MEMBERSHIP OF THE INDEPENDENT REMUNERATION PANEL**

Members received a report giving details of new appointments to the Independent Remuneration Panel and seeking approval for a payment to be made to the new shadow member.

Mrs Jacqueline Anslow had replaced David Murtagh as a full panel member from 1 August. Mrs Janet Pearson had been appointed in a shadow capacity from the same date and would replace the present chairman David Barron from April 2013.

RESOLVED that a payment of £250 be made to Mrs Janet Pearson during the period of her service as a shadow member of the Independent Remuneration Panel.

C44 **NOTICE OF MOTION**

Councillor Morson proposed, and Councillor Parr seconded, the following motion, of which notice had duly been given under Procedure Rule 10:

"Uttlesford District Council has a duty to be open and accountable to its residents. In order to ensure that it fulfils this duty, the LDF working group should be immediately disbanded and replaced with an open, accountable and accessible instrument. Due to the considerable public interest in the issues discussed at this forum, meetings should be held in the evening and made open to all councillors, members of the public and the press."

Councillor Morson said that he did not wish to rehearse the arguments that had led to the present deadlock between his group and the administration and wished only to focus on finding a way to mend relationships, both inside the Council and with local communities. His intention was to find a means of providing for further inclusion of the public and of other members in the local planning process.

Councillors were here to represent the interests of the District Council and its residents. He acknowledged that the location of housing within the district was a difficult matter and the motion proposed a balance that would allow all parties to be invited to the LDF Working Group.

He agreed that members had been invited to contribute and to speak at Working Group meetings but the administration had been remiss in not allowing Full

Council to determine aspects of the housing programme. The change of course to the hierarchy of settlements had not been agreed by Council and there should have been an opportunity to influence this policy change.

There had been no consultation on the way that development sites should be determined in the local plan and the published minutes had been very bland in content. He understood that this was intended to preserve commercial confidentiality but the effect had been that it was not a process open to all members.

Of 21 meetings only five had associated published background papers and there had been only three recommendations to cabinet during that time. One meeting in November 2011 had scheduled a report to Cabinet in December but that had not happened. He concluded accordingly that the process involving the working group was neither efficient nor effective.

He congratulated officers on the way they had organised and hosted the many exhibitions held during the consultation phases and acknowledged the contribution made by the area forum meetings. The consultation measures already taken were not a reason for not doing more.

All members wanted the best for Uttlesford and its communities. There was a clear tension among local communities about the processes adopted. The motion submitted provided a way of allowing people to come to meetings. Creating a framework to allow people to speak at meetings would help to regain the confidence of the public.

The Leader had been quoted extensively in the press. More of that debate should take place in the Council Chamber. This would require a change to the constitution to allow working group meetings to be held in public as other councils had already done. He concluded his remarks by saying that the effect of the motion would be to make the process more accountable.

Having seconded the motion, Councillor Parr spoke in support. She said that the motion would enable more openness and transparency as had happened at East Herts District Council where a district plan executive panel had been established.

She quoted a number of councils where public meetings had been adopted to consider the local plan process and said that a similar solution here would be more acceptable to the public.

The Leader responded to the motion. He said that working groups and task groups had formed part of the council for many years. They were not decision making bodies and recommended courses of action to the Council after due consideration.

The LDF Working Group had originally been established by the then Liberal Democrat administration with only five members. The membership had since been expanded to 12 and the administration had ensured it was politically balanced even though there was no requirement to do so. All members were invited to attend these meetings and no-one had ever been stopped from

speaking. A further meeting would be held on Friday and he had always valued the contribution of Liberal Democrat members. It was a matter for those members to decide whether to withdraw from meetings. To date no Liberal Democrat resignations had been received.

In support of his argument, the Leader quoted the example of the Strategic Development Advisory Group (SDAG) set up in 2004 by the Liberal Democrat administration. Councillor Dean had chaired the group for a time as had Councillor Wilcock. This body was created to consider, among other things, housing provision within the district, the content of master plans and LDF preparation work. It had been decided that SDAG would operate under Chatham House rules which involved non-disclosure of anything said at a meeting.

In contrast to these actions, there had been attacks by Liberal Democrat members over a long period of time about private meetings taking place and this clearly demonstrated a position of double standards.

Councillor Morson had supported the outcomes of LDFWG recommendations at Scrutiny Committee and Cabinet meetings and his about turn from a dispersal strategy was therefore inexplicable. He would be interested to see the alternative strategy offered by the Liberal Democrat group.

Councillor Cheetham said that the position at East Herts was totally different as that council was determining its core strategy and not deciding on the location or numbers of housing. East Herts had both a more up to date local plan and a full five year supply of land which was not the case in Uttlesford. In addition, they went into part 2 when commercially sensitive matters were discussed. The LDFWG had worked well and there has been more consultation than ever before, including leaflets to every house.

Councillor Rich said that he had attended meetings and never been stopped from speaking. He hoped that all groups felt included and expressed surprise at suggestions to the contrary.

Councillor S Barker said that she had been saddened to see the motion. She could not understand why the LDFWG was in any way different to other working groups operating internally and participating fully in policy formulation. Liberal Democrat councillors had been present at all meetings except one.

Councillor Lemon expressed sadness at the motion as he felt residents would be let down by a policy of non-attendance. It would prevent knowledgeable councillors from making a full contribution.

Councillor Dean said that the world had been a different place in 2004. To say that all working groups were accountable in some way was incorrect. He had conducted an analysis of LDF meetings and had found that 75% had not published any background papers. This was in contrast to the practice of other working groups. He was unclear for example how proposals had emerged from LDF meetings held at the end of 2011 to result in a Cabinet decision in May.

Councillor Ketteridge had tried to take him to the Standards Committee over comments made in the press. The complaint was subsequently withdrawn but it was not clear why.

The Chairman asked Councillor Dean to keep his remarks to the motion. He then concluded by saying there was a need for greater transparency. Members had not been treated fairly and the present process was not trusted.

Councillor Chambers said that Councillor Morson had proposed the dispersal policy at Scrutiny Committee and had now changed his mind. It was never possible to please everyone in policy making but councillors were elected to make difficult decisions and to do what was best for the district. He deplored any move by the Liberal Democrat group to politicise the LDF process and said the administration would keep politics out.

Councillor Rich again spoke to express astonishment at the volte-face performed by Liberal Democrat members following the Scrutiny meeting. Consideration of the LDF process was one open to all members and had been made more democratic under the present administration. It was disappointing that the Liberal Democrat group had pulled out of the process through announcements made in the press and the only consequence would be a further erosion of public confidence.

Councillor Rolfe said that Liberal Democrats had created a smokescreen to compensate for a lack of strategy. He asked Councillor Morson to state what his group's strategy was for the next 15 years. The process being followed by the LDFWG was perfectly legitimate and reflected the discussion of commercially sensitive information. Policy was submitted to Cabinet and ultimately Council as so had full accountability.

The two Liberal Democrat members had made an important contribution to the debate. Their withdrawal was sad from a political accountability viewpoint and had been questioned by parish councils.

Councillor Watson said that the LDFWG had been engaged in the most important decision to be made by the Council since 1974. What was decided would change the face of the district. He was opposed to the dispersal strategy but accepted the way the process was operating. The Liberal Democrat stance hinted at impropriety even though their members had previously supported the hierarchy of settlements. This was a cynical attempt to mislead the public.

Councillor Wilcock urged members to concentrate on the last three lines of the motion and to address the transparency issue. It was a straightforward motion the main point of which had not been addressed by most speakers and it was important to do so.

Councillor Morson then summed up the debate. He expressed disappointment with the personal and political tone of many of the comments made. He had tried not to denigrate the Conservative group and concentrate instead on the arguments. In August 2007 three options were under consideration but two weeks later option 4 had been produced from nowhere. He asked what had

happened at the meeting on 30 August 2012 to which only one of his group's LDF members had been invited?

One member had suggested that the press should denigrate the Liberal Democrat position but the press should be independent enough to listen to the facts and reach conclusions.

He had admitted his support for the dispersal strategy at Scrutiny Committee and this was now being used as an argument against his position. The fact was that he had been told this was a draft to be modified over time.

He referred to the position at East Herts and said that the public in Bishop's Stortford was being asked to look at different locations for development so there was no essential difference to the process at Uttlesford. This highlighted the failure of the Council to address the lack of a five year land supply instead of spending five wasted years on option 4.

Councillor Cheetham was invited to speak on a point of order to explain that the position on the five year land supply had been laid down by the Government and was a consequence of the nature of some permitted developments that had fallen behind the expected schedule.

Councillor Morson said that he did not wish to add anything further except to request a recorded vote.

Outcome of recorded vote:

For the motion: Councillors Cant, Dean, Evans, Foley, Morson, Parr and Wilcock

Against the motion: Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Crome, Davey, Davies, Eden, Hicks, Howell, Jones, A Ketteridge, J Ketteridge, Lemon, Menell, Oliver, Perry, Ranger, Redfern, Rich, Rolfe, Rose, Smith, Walters and Watson

The motion was therefore declared lost by 26 votes to 7.

C45

ANY OTHER URGENT BUSINESS

Councillor Lemon proposed changes to the code of conduct as recommended by the Standards Committee on the previous day. The changes were required as a result of references to conflicts of interest in The local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The proposed amendments to the code had been tabled as part of the pack of 'to follow' information.

The Assistant Chief Executive - Legal explained the effect of the change which applied only to members of the executive.

The meeting ended at 9.10pm.