

**COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 28 FEBRUARY 2013 at 7.30pm**

Present: Councillor C Cant – Chairman.  
Councillors K Artus, R Chambers, J Cheetham, J Davey, K Eden, I Evans, E Hicks, S Howell, D Jones, A Ketteridge, J Ketteridge, T Knight, R Lemon, J Loughlin, K Mackman, J Menell, D Morson, E Oliver, E Parr, D Perry, J Redfern, J Rich, H Rolfe, J Rose, D Sadler, J Salmon, L Smith, A Walters, D Watson and L Wells.

Officers in attendance: J Mitchell (Chief Executive), D Caton (Accountant), S Chapman (Accountant), M Donaldson (Accountancy Manager), M Perry (Assistant Chief Executive – Legal), R Harborough (Director of Public Services), S Joyce (Assistant Chief Executive – Finance), P Snow (Democratic and Electoral Services Manager), H Swain (Accountant), M Tokley (Principal Accountant) and A Webb (Director of Corporate Services).

**C60 PUBLIC SPEAKING**

The following residents of the district made statements and asked questions as recorded in the appendix to these minutes:

1. Andrew Yarwood of Newport
2. Susan Ball of Great Canfield
3. James Kellerman also of Great Canfield

The questions were answered by the Director of Public Services on behalf of Councillor S Barker as the portfolio holder for planning policy, who was absent from this meeting.

**C61 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors H Asker, G Barker, S Barker, D Crome, A Dean, R Eastham, M Foley, E Godwin, S Harris and V Ranger.

*Councillors Chambers declared a non-pecuniary interest as a Member of Essex County Council and of Essex Fire Authority.*

**C62 MINUTES**

The minutes of the meetings held on 11 December 2012 and 9 January 2013 were received, approved and signed by the Chairman as a correct record.

Councillor Oliver said that the reference in the minutes of 9 January to Wicken Bonhunt sharing church facilities with Clavering should have referred instead to a sharing arrangement for the same vicar and this was noted.

C63

## **BUSINESS ARISING**

### **(i) Minute C49 – Members' question and answer session**

Councillor Evans asked for an update about the future of Clarence House. Councillor Chambers said that Clarence House was not in his electoral division and he had no further information to report. In response to a further question from Councillor Knight, it was established that Clarence House was in the Thaxted division represented by County Councillor Simon Walsh.

C64

## **REPORT OF THE INDEPENDENT REMUNERATION PANEL – REVIEW OF MEMBER ALLOWANCES 2013/14**

David Barron presented the report of the Independent Remuneration Panel (IRP) for 2013/14. In finalising their recommendations, the Panel had agreed a number of principles. The first was to recognise that economic pressures meant that the new allowances scheme should as far as possible be cost neutral. Second, the Panel had used the Annual Survey of Hours and Earnings (ASHE) as it related to residence in Uttlesford, and had benchmarked allowances against similar councils elsewhere. Third, it was agreed to maintain ten hours per week as the basis for calculating the basic allowance. Finally, the Panel had formulated a broad ranking of positions for the calculation of special responsibility allowances (SRAs) based on the level of responsibility attached to each position.

The consequence of the rankings adopted meant that some post holders would do better than others. However, the Panel had decided to adopt a phased approach over a period of three years so that the allowances proposed would not be reached straight away.

As for the basic allowance, Mr Barron said that there was no need to recommend any increase. The ASHE figures did not justify any change and this was supported by evidence gained from discussions with the Chief Executive, Cabinet members and group leaders, and from a survey of members. However, benchmarking indicated that the basic allowance was comparatively generous. The assessment of public service discount at a level of 35% was confirmed.

He reminded members that they could opt to forego the allowance, or any part of it, at any time.

The Panel had decided to recommend the closure of the broadband payments to some members and, following new advice from the Monitoring Officer, proposed that the reimbursement of data protection registration fees should also cease. However, the Panel considered it advisable to leave the pension scheme in place pending clarification of the Government's intentions.

The existing scheme of allowances was applicable to the previous committee based system and was not appropriate to the executive structure now in place. The existing scheme was therefore considered unfit for purpose.

The Panel had accepted the principle of a graduated approach as it was not considered possible to adopt the necessary degree of change in a single review. The figures presented as part of the recommended graduated approach were

intended to be illustrative but did provide an indication of how the Panel considered member allowances should be set in future years.

In summing up the recommendations proposed for 2013/14, Mr Barron said that the Remuneration Panel was independent and there was a strong recommendation to accept the report, especially in the light of the position last year when the proposals had been rejected.

He thanked his colleagues for the support they had given him. He also thanked Mr Snow for his efforts in supporting the work of the Panel and Mr Mitchell for the valued advice he had provided from a wider council perspective. This was his final appearance as a Panel member and he offered his best wishes to the Council for the future.

In responding to the presentation of the review report, the Leader thanked Mr Barron and the Panel for the work they had accomplished. He acknowledged that the Council had a recent history of not accepting the recommendations made and that this had caused frustration to members of the Panel. The rejection of recommendations submitted by the Remuneration Panel had nevertheless been for sound financial reasons.

The Council must now address the report presented this evening. The intention was to update the allowances scheme to reflect the change from a committee based system to a cabinet system. No change in allowances had taken place since the change to an executive method of governance.

The Leader said that the Administration had reviewed the recommendations made and had concluded that they should be broadly accepted, subject to a number of amendments. This was permissible because the Panel's report had taken into account the need to maintain the existing budget. The main changes proposed were intended to recognise the change in responsibilities between committee chairmen and portfolio holders.

The recommendations fell into two parts affecting the year ahead and the ensuing two years after that. He therefore proposed acceptance of the report subject to the following amendments:

1. That the SRA of £3,000 recommended for the Chairman of the Standards Committee be reduced to £2,000;
2. That the members of the Planning Committee receive a SRA of six days at the ASHE rate instead of five days;
3. That the Chairman of the Licensing Committee receive an on par SRA with the Chairman of the Planning Committee in view of the workload and frequency of meetings thus putting both regulatory committees on equal terms; and
4. The reimbursement of data protection registration fees upon application be discontinued; and
5. On the advice of the Monitoring Officer the members' allowances scheme as suggested for subsequent years be reviewed in December of each year in the light of circumstances at that time.

Councillor Morson asked the Leader whether the amendments would involve incurring extra cost of 0.6% rather than the 0.4% included in the report. He welcomed the report from the IRP and appreciated the work they had done. He said that there was cross party agreement to accept all of the recommendations except the last one with the effect that the budget would be frozen.

Economic conditions generally remained difficult and the Council's staff had had no pay increases for three years. He had concerns about the hierarchy proposed by the IRP because this reflected the cabinet system and the Liberal Democrats were committed to changing back to a committee system.

The cabinet system in place meant that councillors had been downgraded as their workload had changed. He would oppose any acceptance of an increase to the cost of allowances in future years as proposed in the report. He therefore supported the amendments put forward by the Leader as the message would otherwise be that councillors were rewarding themselves.

Councillor Loughlin asked what would happen to unclaimed allowances. Councillor Chamber said that would be for the Council to decide.

Councillor Watson thanked the IRP for their industry but said there was a national economic crisis to be considered. Councillors were all volunteers who had voted for a cabinet system. He would be unable to vote for any increase.

Councillor Rolfe said the key headline from the report was an increase of 0.6% on the cost of allowances. The Council was not debating whether or not there should be a cabinet system as that had been settled already. He said the Council must avoid the mess in which Parliament had found itself by not accepting reality.

Councillor Eden asked why the Hay system of job evaluation could not be used to determine the level of allowances to be paid.

Councillor Loughlin commented that it would be against principles of fairness and justice to award increases to councillors at a time when members of staff were being subjected to below inflation pay awards.

The Chairman asked to clarify the proposal as Councillor Morson had indicated he supported the first part of the recommendation.

The Leader confirmed that the proposal he had made related to the payments for 2013/14 only and that future allowances would be reviewed each December.

The proposal was put to the vote and carried by 23 votes to five.

RESOLVED that the allowances set out in the following table be applied in the year 2013/14:

<b>Type of allowance</b>	<b>Scheme of member allowances to apply in 2013/14</b>
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Basic allowance	£5,000 (no change)
Broadband allowance (paid to some members only)	£0 (payment to be discontinued in 2013/14)
Chairman of the Council	£4,000 (no change)
Vice-Chairman of the Council	£2,000 (no change)
Leader of the Council	£8,750 (175% of basic allowance)
Leader's group leader allowance	£3,000 (60% of basic allowance)
Deputy Leader	5,250 (105% of basic allowance)
Members of the Executive	£4,750 (95% of basic allowance)
Chairmen of Overview and Scrutiny Committees	£3,500 (70% of basic allowance)
Chairman of Planning Committee	£3,750 (75% of basic allowance)
Members of Planning Committee	£462 (6 days at the ASHE rate)
Chairman of Licensing and Environmental Health Committee	£3,750 (75% of basic allowance)
Chairman of Standards Committee	£2,000 (40% of basic allowance)
Chairmen of Area Forums	£1,250 (25% of basic allowance)
Group leaders	Leader of the majority group @ 60% of basic allowance (see box above); leader of the largest opposition group @ 25% of basic allowance (£1,250); other opposition group leaders @ 15% (£750)
Independent members of the Standards Committee	£500 (no change)
Multiple payment of Special Responsibility Allowances (SRA)	Only one SRA is payable to a member at any one time (the higher of the two or more to which a member is entitled) but group

	leaders may claim a maximum of one additional SRA (no change)
Reimbursement of data protection registration fees upon application	To be discontinued
All other elements of the scheme including carer's allowance, travel and subsistence, and application of the Local Government Pension Scheme to remain unchanged	No change from the current year

The Chairman thanked David Barron for the hard and diligent work he had undertaken as a panel member since 2008 and as Chairman for the past two years. She also thanked other panel members for their efforts. They then left the meeting.

**C65 CHAIRMAN'S ANNOUNCEMENTS**

In referring to the civic dinner would be held on 16 April in the Foakes Hall at Dunmow, the Chairman warmly invited all members to attend.

**C66 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader made reference to the publication of statistics from the Campaign to End Child Poverty indicating that the adjoining districts of Uttlesford and South Cambridgeshire had among the lowest rates of children living in poverty in the East of England. The latest unemployment figures had indicated a drop in the number of those out of work in Uttlesford. The unemployment rate of 2% compared with the national average of 5%. These two factors could not be viewed in isolation as one had a direct impact on the other.

There was no complacency about these indicators and this was why the Corporate Plan and the budget had the aim of improving still further the quality of life and the prosperity of residents. It was also notable that Uttlesford had registered the highest number of community assets in the country.

Brandon Lewis MP, the Under Secretary of State for Communities and Local Government, was scheduled to visit the District Council next Monday to see at first-hand how the Council had transformed its fortunes from the low point in 2007 when Uttlesford had been named as one of three councils at risk of financial collapse, to a position of financial strength. The Council was now one of the very few local authorities anywhere that was cutting its council tax. Moreover, the Medium Term Financial Strategy did not envisage a council tax rise in the life of the present council.

The transformation was quite remarkable and had arisen because of the ability of the management team, the staff and council members to work together to achieve a target of £2m of efficiency savings from the revenue budget.

The Leader then referred to widespread comment in the local press from political and interest groups about the progress of the Local Plan. As members were aware, progress had been delayed because the Council was still awaiting receipt of the transport assessments from the Essex highways authority. However, it was now expected that the long anticipated member workshop would take place at 6pm on 21 March. He expressed the hope that this event would help to refute suggestions that the process of agreeing the Local Plan was being held up until after the County Council elections.

The Council would next week host the sixth form mock interviews organised by the Rotary Club. He was pleased to say that a number of officers, including the Chief Executive, would be participating in this event.

Councillor Walters then presented a short written report summarising his activities as portfolio holder for community safety. He explained the scope and role of the Local Highways Panel and said he was pleased to confirm that all prioritised schemes for 2012/13 had now been signed off for completion, with all funding in the sum of £472k allocated. Uttlesford was the only LHP in the county to have done so. Parish councils had been invited to present new highway improvement schemes for consideration in 2013/14.

Councillor Rolfe then presented a short report, tabled at the meeting. He summarised the progress being made in the areas of economic development, the allocation of grant aid funding, and in planning for the visit of the Tour de France in the summer.

C67

#### **MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN**

Councillor Jones said there had been suggestions from residents in his ward that Freedom of Information requests had not been handled as well as they might have been. He asked if he could be told how many Fol requests had been received, how many related to planning matters, how many had been answered in the time allowed, and how many had satisfied the requirements of performance standards.

The Leader said that he could not provide an immediate answer but would ask officers to respond in writing. He also suggested that the Performance and Audit Committee might wish to examine the process of responding to Fol requests.

Councillor Rich commended Councillor Rolfe on his report. He asked about efforts to develop the promotion of tourism within Uttlesford. He said there was a key meeting of the British Hospitality Association in March and asked whether the Council would be represented.

Councillor Rolfe said he was not aware of the meeting but would make enquiries.

Councillor A Ketteridge asked about plans for the provision of superfast broadband. There was some public confusion as to whether this was applicable to wireless broadband as this was more expensive than cable broadband provision.

Councillor Rolfe thought this was the case but was unsure about the cost implications. BT was rolling out the scheme and he was optimistic about capacity. He undertook to give Councillor A Ketteridge a written answer in due course.

Councillor Mackman commented that consideration should be given to agreeing a definition for travellers and gypsies and how the status of applicants was verified.

Councillor Watson commended the actions taken by Councillor Rolfe in relation to the LSP and hoped that the matter would be publicised.

C68

### **CORPORATE PLAN 2013-18 AND CORPORATE RISK REGISTER 2013/14**

The Leader proposed acceptance of the Corporate Plan covering the period from 2013 to 2018. It would be necessary to add the funding for voluntary bodies listed in Councillor Rolfe's report.

The draft plan had been approved by Cabinet in December. The new plan moved the focus away from the four priorities set out in the previous plan towards the newly stated priorities of low tax, providing high quality services, sharing the benefits of growth in a responsible way to protect the environment, and improving prosperity for local residents. The new plan would build upon the sound financial management that underpinned the plan previously in place.

RESOLVED to approve the Corporate Plan 2013-18 and the Corporate Risk Register 2013/14 as submitted

C69

### **BUDGET 2013/14**

Councillor Chambers made a short statement to introduce the budget items to be considered at this meeting. He thanked Mr Joyce and his team for the excellent work they had undertaken and for the co-operation he had received in preparing the budget for approval.

Local authorities were operating in difficult financial circumstances. Over a period of four years the Council's core grant funding had been reduced by 42%. The position at Uttlesford had been turned around by the measures introduced by the Administration so that Uttlesford was now one of the best run authorities in the country.

The next few years would be very challenging but the Medium Term Financial Strategy set out a position whereby council tax would be cut in 2013/14 and then frozen for two further years. The Council was one of a small number nationally to do so and this was made possible by the prudent and disciplined approach adopted.



The Administration had decided to put investment into a number of services including support for the voluntary sector and for local businesses, and additional funding for the provision of special constables. This was in pursuance of the four newly stated priorities in the Corporate Plan.

C70

### **HOUSING REVENUE ACCOUNT 2013/14 AND FIVE YEAR BUDGET STRATEGY**

Councillor Chambers proposed acceptance of the Housing Revenue Account for 2013/14 as submitted. He said that all budgets had already been through a thorough examination by the Scrutiny Committee and by the Cabinet. The average increase in housing rents would be 4.57%. This would enable new investment in council housing including a new scheme at Mead Court in Stansted.

Councillor Redfern added that the HRA budget had also been considered by the Housing Board and the Tenant Forum. She commended the work undertaken by Mrs Millership and her team and the support provided by Councillor Ranger acting as her deputy.

RESOLVED that the following be approved:

1. The HRA budget for 2013/14 as set out in Appendix A to the report (including increases in rents and service charges)
2. The maintenance of an HRA working balance of £649k for the period to 31 March 2014
3. The use of and contribution to HRA earmarked reserves as detailed at Appendix E

C71

### **TREASURY MANAGEMENT POLICY, STRATEGY AND PRUDENTIAL INDICATORS**

Councillor Chambers proposed adoption of the Treasury Management Policy and Strategy. This involved the use of the most secure banks for investment purposes providing a guaranteed return.

RESOLVED that the following be approved:

1. The Treasury Management Policy as set out in Appendix A
2. The Treasury Management Strategy as set out in Appendix B
3. Prudential Indicators as set out in Appendix B
4. The Council's counterparty list and limits as proposed at Appendix 3 to Appendix B

C72

### **CAPITAL PROGRAMME 2013/14 TO 2017/18**

Councillor Chambers proposed adoption of the Capital Programme as set out in the report.

RESOLVED to approve the Capital Programme and associated financing as set out in Appendices A and B of the attached report

**C73 MEDIUM TERM FINANCIAL STRATEGY**

Councillor Chambers proposed adoption of the Medium Term Financial Strategy as presented. He said that it was important not to overestimate the core funding and new Homes Bonus likely to be received from central Government as this would limit flexibility in the years ahead.

RESOLVED that the Medium Term Financial Strategy be approved

**C74 ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES**

Councillor Chambers proposed acceptance of the report setting out the robustness of estimates and the adequacy of reserves as part of the budget setting process.

RESOLVED that the Council:

1. Takes account of the advice in the report when determining the 2013/14 General Fund budget and Council Tax
2. Approve the risk assessment relating to the robustness of estimates as detailed in the report
3. Set the minimum safe contingency level for 2013/14 at £1,189,000
4. Agree that no transfers to or from the Working Balance should be built into the 2013/14 budget

**C75 GENERAL FUND AND COUNCIL TAX 2013/14**

Councillor Chambers proposed approval of the General Fund Budget and Council Tax requirement for 2013/14.

He said the general financial position was sound and drew attention to a number of specific factors including new investments, Essex Community Budgets, and the need to continue making efficiency savings year on year. He also referred to the Local Council Tax Support Scheme approved at the last meeting. The decision to cut Council Tax by 1% was realistic without being complacent.

RESOLVED that the Council:

1. Approve the 2013/14 General Fund Budget and Council Tax requirement of £4,646,960, as summarised in paragraph 25 of the report and detailed in Appendices A to D
2. Approve the schedule of fees and charges at Appendix E
3. Note the Equalities Impact Assessment at Appendix F
4. Approve the Council Tax resolution as set out in Appendix G

**C76 PAY POLICY**

The Leader moved acceptance of the annual pay policy required by the Localism Act 2011.

Councillor Morson referred to the reference in the report to the need to attract staff and asked how this could be put into practice given the recent lack of pay rises.

The Leader commented that it was the national body that was responsible for determining pay rates. He was not sure whether an agreement for 2013 would be made but thought it likely that a 1% pay award would be agreed.

Councillor Loughlin asked how local pay rates compared to those in neighbouring authorities. The Leader said that this depended on individual grades and local allowances in place, although many of these had now been withdrawn. Some councils had opted out of national pay awards but Uttlesford did not have the resources to do the same.

RESOLVED to approve the Pay policy as set out in Appendix 1 of the report

#### **C77 REQUEST FOR COMMUNITY GOVERNANCE REVIEW AT LITTLE EASTON**

Councillor Chambers proposed acceptance of a recommendation to agree to undertake a Community Governance Review (CGR) at Little Easton as requested by the Parish Council. The CGR had been requested to deal with over-spilling of the Woodlands Park sector 4 development at Great Dunmow into the adjoining parish of Little Easton.

It was not possible to undertake a CGR at the present time because of the co-incidence of the Further Electoral Review (FER) but it was clear that the boundary between Great Dunmow and Little Easton needed to be reviewed at some stage to ensure that parish boundaries continued to reflect community interests and identities.

The Council had also committed to review again the parish boundary at Priors Green and the two areas could be reviewed at the same time once other obstacles had been removed.

RESOLVED that a CGR be undertaken once the outcome of the FER was known and other conditions were met, and that the precise timing be agreed in consultation with the Electoral Working Group

#### **C78 TIMETABLE OF MEETINGS 2013/14**

The leader proposed acceptance of the proposed timetable of meetings for 2013/14.

RESOLVED to adopt the timetable of meetings for 2013/14

#### **C79 AMENDMENT TO PART 5 OF THE CONSTITUTION**

Councillor Cheetham proposed approval of a change to part 5 of the Constitution relating to the procedure for Parish/Town Council Representatives/Members of the Public Attending Meetings of the Planning Committee. The intention of the change was to reflect current policy since 2002 by limiting public speaking to one supporter and one objector.

Councillor Jones said that he was concerned to ensure that the public was able to speak more fully at planning meetings than had been the case. The system operated to date was based on custom and practice and was not reflected in the written scheme. He felt it was regrettable that a limit had been applied and a continuation of this practice would mean that the public was being muzzled. He would therefore be unable to support formalising the present arrangement.

Councillor Artus supported Councillor Jones, especially in relation to contentious planning issues. He said that he would also vote against the proposal.

Councillor Rich said that he supported the objections that had been raised and felt there was a legal objection to limiting public speaking. There were ways of achieving an unrestricted speaking regime by asking the public not to repeat points already made.

Councillor Howell said that he had been surprised to read the effect of the proposal in his agenda pack. The foremost responsibility of any council was to listen to the public and he could not vote otherwise.

As a member of the Planning Committee, Councillor Loughlin said that she could understand why members might not wish to hear the same thing said over and over again but that this was the effect of democracy and she could not support the proposal.

Councillor Rose concurred with all of the points made by other speakers. It was incumbent upon the Council to hear the voice of the local community. Councillor Mackman also expressed agreement.

Councillor Redfern agreed with other speakers but suggested that the matter could be left to the Chairman's discretion.

Speaking as Chairman of the Planning Committee, Councillor Cheetham then outlined a number of factors to be taken into account by members when voting on the proposal. The present arrangement had been in place since 2002 when public speaking at planning meetings had first been introduced. This limited the public to one speaker in support of an application and one against. If there were more people who wished to speak in respect of a particular application, it was suggested that speakers pooled their resources into one statement and an extended time was normally granted in these instances.

The Planning Committee was very conscientious and was prepared to set aside a day for the consideration of difficult applications. She was concerned that an unrestricted scheme would leave applicants waiting for an unreasonable length of time for their applications to be determined.

The proposal was intended to bring the Constitution into line with existing practice while remaining fair to all concerned. There was no question of debate being stifled but it was important to have an effective scheme in place for the determination of planning applications. If the proposal was rejected, she felt the Planning Committee would have to examine its timetable of meetings.

In response to these comments Councillor Artus said he remained unconvinced by any argument that would restrict the right of the public to make representations.

The motion was put to the vote and declared lost by 9 votes in favour and 17 votes against.

The effect of the vote was to leave the Constitution unchanged.

The meeting ended at 9.35pm.

## **PUBLIC STATEMENTS**

### **Andrew Yarwood, a parish councillor and resident of Newport**

Firstly, I thought that the reports produced by cabinet holders were useful and added value to the proceedings.

I was very grateful that Cllr Barker took time to consider the questions that Newport Parish Council were asking and provided a considered response.

I did though wish to raise a couple of points that I thought detracted from the proceedings, did not add value to our council and in fact at times made the meeting to appear almost childish, which I set out below:

- I really think that councillors should be respectful to others, and to see and hear the very silly behaviour of some members, whilst another asked a question, was for me, a most disrespectful state of affairs. To seem to follow the example of Prime Ministers Questions is not a professional way to run a council or represent ones constituents.
- Also I felt it unreasonable of members to ask long rambling and frankly almost unintelligible questions of members of the cabinet or officers of the council. If members wish to make the debate useful to all, detailed questions should be raised in advance so that proper consideration can be given and responses provided. Then perhaps responses can be made without the need for rather tiresome political sniping, which littered the meeting. Questions should be kept short and to the point.

### **Susan Ball on behalf of the Hope End Conservation Committee**

We wish to make the Council aware of concerns about the decision making process within the Planning department and the quality of advice being provided to the Planning Committee, particularly in applications made by the travelling community. We believe that their approach is seriously flawed, applies the wrong tests, fails to properly apply Government Policy, fails to give proper weight to provisions in the Local Plan and to local opinion expressed in VDSs. It is encouraging cynical applications whilst failing to meet the expectations of genuine traveller applicants.

Mrs Ball said she was frustrated that residents had been unable to get across their message about the misguided nature of the policy being applied by the Council on traveller applications. Changes in Government policy had removed top down targets from planning policy but the need to ensure fair and equal treatment for travellers must respect the interests of the settled community.

The present policy was leading to a revolving door approach to traveller site applications whereby there were always more applicants waiting. Uttlesford was applying the wrong policy and there was a need to treat local communities more fairly.

Questions:

1. Is it the de facto policy of UDC that the absence of provision in the adopted Local Plan for gypsy and travellers sites *must* result in approval in

every application for a traveller site and will always outweigh the provisions of the adopted Local Plan and a local Village Design Statement?

2. Does the Council agree that to enable its Planning Committee to make a fair and balanced decision on the merits of an application the report from the Planning Department should identify *all* relevant factual and policy matters both for and against the application and identify all material considerations?

Answers:

1 – No, that is not the council's de facto policy. Each application has to be considered on its merits against the national policy, which is set out in the Government's Planning Policy for Travellers.

2 – Yes, all reports should identify all material considerations, and they do.

### **James Kellerman, a resident of Great Canfield**

Mr Kellerman said that he was speaking as a resident of Great Canfield. He was concerned about the treatment of travellers in the area as the Council was applying a woolly policy. He asked whether it was enough for applicants to claim traveller status or whether there was an objective procedure in place to verify that applicants enjoyed a nomadic lifestyle. In the absence of any such test it appeared that anyone could submit a similar application.

Property developers were now applying to develop sites based on traveller rules and there was a danger of disguised applications bypassing the normal planning routes. This procedure placed the settled community at a disadvantage and subverted the normal planning laws causing distress and unfairness. He urged the Council to bring fairness back into the planning process.

Written questions:

What standards of evidence are the planning department demanding to prove that an applicant is a traveller or gypsy? I have seen the definition in various publications.

Are the planners aware that many applications for travellers sites thinly disguised commercial developments subverting the usual planning rules?

Written answers:

The council has due regard to the recent government policy on this planning issue in preparing its local plan policies and proposals and determining planning applications in the interim. It does not recognise the claims made in the statement about 'subverting the usual planning rules', which are not specific.

It is immaterial whether an applicant is a gypsy, traveller, company or settled resident as the issue that the council considers is whether the use of land for gypsy and traveller pitches is appropriate.