

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 1 JULY 2013 at 7.30pm

Present: Councillor E Hicks – Chairman.
Councillors K Artus, H Asker, G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, A Dean, J Freeman, E Godwin, S Harris, S Howell, A Ketteridge, J Ketteridge, T Knight, R Lemon, J Loughlin, K Mackman, J Menell, D Morson, E Oliver, E Parr, J Parry, D Perry, V Ranger, J Redfern, J Rich, A Walters and D Watson

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

C17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors R Eastham, K Eden, I Evans, M Foley, D Jones, H Rolfe, J Rose, D Sadler, J Salmon, L Smith and L Wells.

C18 MINUTES

The minutes of the meeting held on 21 May 2013 were received, approved and signed by the Chairman as a correct record, subject to the addition of Councillor J Redfern to the list of those apologising for absence.

C19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he had selected Cancer Research UK and St Claire Hospice as the charities he would be supporting during his year in office.

C20 REPORTS FROM AND QUESTIONS TO THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader referred to the by-election for the election of a member to fill the vacancy in the Felsted ward which would be taking place on 25 July and for which four candidates had been nominated.

Turning to the write off of business rates liability in the sum of £1,155k, he advised members that a winding up order against Eighteen Aviation Limited had been granted by the courts and the prospect of recovering any of the liability owed was remote.

He would be attending the LGA conference later in the week with the Chief Executive.

Councillor Chambers presented his portfolio holder's report on finance and administration. In answering a question from Councillor Parr about using reserves to protect the vulnerable from the effect of housing benefit and Council Tax reforms, he said that the Council had decided to avoid imposing cuts in benefit of 20% in the first year by limiting Council Tax liability to those in receipt of full Council Tax benefit to 8.5%. By phasing in the changes over several years the most vulnerable in the district would continue to be protected. It had been estimated that 40% of CT liability would not be collected under the LCTS scheme. In the event, only around 10% of those liable had been taken to court for non-payment.

The Leader affirmed that Uttlesford had adopted the most supportive policies of Essex authorities. It was a coalition decision to bring about reform of the benefit system.

Councillor Morson asked whether the Cabinet proposed to transfer benefits from second home owners and the owners of empty homes to help people in need of support.

In response, Councillor Chambers said that it had been agreed to consult on the question of second and empty homes. The proposals subject to consultation were to remove the 10% second home discount and to reduce the discount on empty homes to 50% for up to six months, and for those subject to major refurbishment to 50% for up to 12 months.

Councillor Dean asked the Leader why members of the Cabinet were misleading the public over the number of houses needed in the district. It was being stated that the number of planned homes was being reduced since the general election. A report to the Local Plan Working Group on 14 June indicated an annual requirement of 415 dwellings. This was only a whisker different to the figure of 425 previously stated. The conclusion to be drawn was that the growth target had not reduced and any statement that it had was false and misleading.

The Leader responded that he was unaware of any Cabinet member placing misleading information into the public domain. All public statements made had been drafted in consultation with officers.

Councillor Dean then said that he had received an email from Sir Alan Haselhurst MP quoting a requirement for 3,000 houses. This was a lower number than was the case and he asked that the local MP should be briefed correctly. This would avoid the public being misled with the consequence of bringing the Council into disrepute.

The Leader said that he did not understand Councillor Dean's comments as everything connected to the local plan was transparent and in the public domain. The Liberal Democrat group had walked away from the local plan process and should now come back and play a full part in preparing a new plan.

Councillor Walters was then invited to present his portfolio holder's report on community safety. He highlighted that incidents of ASB across the district were down by 15%; the Anti-Social Behaviour, Crime and Policing Bill was intended to

streamline procedures for dealing with aspects of ASB; that incidents of burglary had risen in recent months; Nick Alston, the new Police and Crime Commissioner for Essex, would attend a public meeting in Saffron Walden on 19 September, and was showing concern for the victims of crime; the programme to update and install new CCTV cameras was progressing; and that the funding for eight new Police 'Specials' had progressed to the point where they were now trained and deployed in the district.

Councillor Ranger asked whether there were plans for the Commissioner to attend meetings in the other towns in Uttlesford. Councillor Walters said he knew that Nick Alston had that very much in mind. In his opinion, Mr Alston was doing very well in his new role and would prove to be hugely successful.

Councillor Watson said that the average time taken by Police to respond to incidents of domestic violence was 30 minutes. This was not acceptable as it could mean the difference between life and death.

Councillor Walters said he was impressed by Nick Alston's determination to improve weaknesses in Police performance. He would make a careful note of what Councillor Watson had said.

Councillor Rich asked how many more special constables might be provided. Councillor Walters asked Councillor Chambers to respond because of his particular interest in this initiative.

Councillor Chambers said he owed the Council an apology as he should have reported on his attendance at the Essex Police and Crime Panel. He would try to circulate a report to councillors during the following week.

On the subject of domestic violence, he was keen to ensure that response times were reduced. He expressed hope that eight further specials would be deployed this year and he would encourage further funding in this area. In the meantime, he emphasised that Uttlesford remained one of the safest areas of the country.

Continuing on this theme, Councillor Redfern said that a refuge for victims of domestic violence would soon be coming to Uttlesford. She also informed members that the second phase of the housing scheme at Leaden Roding was opening later in the month and would be available for allocations from the housing list. A further 28 properties were coming forward from the redevelopment of Mead Court in Stansted. This included temporary accommodation for the homeless and showed the Council was continuing to facilitate affordable housing provision.

Reverting to the community safety report, Councillor Perry said that he had attended a meeting of senior special officers and it was apparent that none of the specials so far deployed would be operational in the Saffron Walden area. Councillor Chambers said that the eight specials so far deployed were based at Great Dunmow but the intention was that they would patrol throughout the Uttlesford district.

C21

MATTER REFERRED FROM THE STANDARDS COMMITTEE ON 17 JUNE 2013 – REVIEW OF PROTOCOLS, GUIDANCE AND PROCEDURES

Councillor Lemon presented a recommendation from the Standards Committee to update protocols and procedures to accommodate changes in governance arrangements and those introduced by the Localism Act 2011.

Councillor Dean drew attention to the reference to improper conduct in paragraph 3.4 of the member/officer protocol. He asked what was the extent of officers' responsibility for the actions of members. In paragraph 7.2 of the same document there was reference to correspondence being copied to relevant ward members where there were significant local implications. He said there was a long tradition at Uttlesford of this convention being ignored and he asked for local members to be kept informed at all times.

Councillor Lemon invited Mr Perry as the Monitoring Officer to reply to Councillor Dean's questions. He said that officers had no responsibility for members' actions. The Monitoring Officer was responsible for investigating allegations of illegality; the Section 151 officer was responsible for investigating allegations involving the unlawful use of funds. In cases where a breach of the Code of Conduct was being alleged the onus was on the complainant to submit a formal complaint.

The purpose of paragraph 7.2 was to ensure that ward members were kept informed about significant matters affecting their wards and the intentions of the paragraph should be carried out as a matter of course.

Councillor Dean asked that the intentions of the protocol in this case should always be practised.

In commenting on the matters that had been raised, the Leader said that he wished to challenge Councillor Dean about misleading information being issued as he had himself consistently sought to misled deliberately in a political context.

The Chairman called for a vote to be taken on the motion and this was carried.

RESOLVED that the revised member/officer protocol, gifts and hospitality guidance, statutory officers protocol, and the procedure for dealing with complaints of misconduct against members of the Council be adopted as submitted, subject to one minor change to remove the word 'will' from the first line of paragraph 3.5 in the statutory officers protocol

C22

LOCAL GOVERNMENT BOUNDARY COMMISSION: CONSULTATION ON ELECTORAL ARRANGEMENTS FOR UTTLESFORD

As Chairman of the Electoral Working Group, Councillor Chambers proposed the adoption of a recommendation to submit comments to the Local Government Boundary Commission for England (LGBCE) in response to the consultation on draft recommendations published in April. The Working Group had formulated six separate proposals relating to proposed ward boundaries and their names. At this stage the proposal was not seconded.

Councillor Artus said that he had no problem with the proposal but did take issue with the wording in the text referring to the proposed Takeley ward as 'unviable'. He suggested instead that the wording be changed to refer to the proposed ward as not complying with the numeric criteria of the Boundary Commission without the inclusion of Bush End.

Councillor Menell said that she wished to propose one additional change of ward name in relation to the proposed ward of Chesterford and Elmdon, which the Working Group had recommended should be titled as Wenden Lofts and the Chesterfords. She said that Littlebury was at the centre of the proposed ward and yet was not mentioned in the title. She proposed that the name should be changed to Littlebury with the Linked Parishes. As this did not find a seconder she then suggested The Chesterfords, Wenden Lofts and Littlebury Within.

Councillor Chambers responded to her remarks by suggesting the name of Wenden Lofts, Littlebury and the Chesterfords.

Councillor Redfern then said that she was surprised the name of Chesterford and Littlebury had not been put forward by the Working Group. Instead of the suggestions made to date, she proposed either that name or Littlebury and Chesterford should be submitted to the LGBCE.

Councillor Cheetham then proposed the name of Chesterford, Littlebury and Wenden Lofts and this was duly seconded.

Before that proposal was put to the vote, Councillor Morson said that a point he had raised at the EWG meeting concerning the definition of the proposed Stansted North ward had not been included in the Minutes. He reiterated that the ward as proposed with the inclusion of the Stort Valley parishes with Stansted North had no social cohesion, and wished the two areas to remain in separate wards.

The Commission's argument was that the addition of Ugley to the existing Stort Valley ward was not sustainable because there were no direct road links between Ugley and the remaining parishes in the proposed ward. He could not understand why the addition of Stansted North made any difference to this objection.

Councillor Chambers said that he did not accept Councillor Morson's assertion that separate Stort Valley and Stansted North wards had been agreed by the Working Group. However, he was happy to agree the new ward should be named as Stansted North and Stort Valley.

Councillor Morson repeated his view that a ward including five parishes and four rural settlements tagged onto an urban area was not viable. The point made by the LGBCE about the lack of road links did not make sense.

Councillor Chambers said he accepted that the matter had been discussed but not as stated by Councillor Morson in that no recommendation had been agreed.

Councillor Rich spoke as the one of the existing members for Stansted North. He said that Ugley residents felt a community of spirit with the part of Stansted to which it was linked even though the area had been redefined. Although there was no direct road link between Ugley and the Stort Valley communities, there was such a link between Stansted North and the remaining villages in the proposed ward. The Commission's proposal was a compromise as many boundary changes were. He was content with the ward name and hoped it would not be changed without mentioning Ugley.

Councillor Cant spoke about the proposals for the Stebbing and Felsted area. She said that residents in Stebbing were not happy with the Commission's proposals and preferred the Council's own proposals. On the question of road links between component parts of the ward, she said that Stebbing was separated from Felsted by both the old and the new A120 and this created a massive barrier.

Of the road links between the two villages, one was travelled via Little Dunmow and Flitch Green and the other involved a detour from Stebbing Green via Rayne outside the district boundary, and then back through Bannister Green. In terms of local transport links, Stebbing itself was closer to Dunmow than to Felsted. It was likely the A120 would eventually become a three lane motorway separating two major settlements so the rationale of the Commission was ludicrous.

Councillor Loughlin then commented on the proposals as they affected her ward of Stort Valley. She said that the Stort Valley parishes had good relations with Ugley but should not be part of the growing town of Stansted which had many unattractive aspects.

Councillor Watson supported the EWG's recommendations insofar as they related to the retention of Little Walden within a Saffron Walden based ward. He said there was no rationale for Little Walden not to be part of Saffron Walden and the proposals should reflect that position.

In referring to the various comments made by members, the Leader said that the Council was expected to set out how any proposed changes to ward boundaries could be accommodated by making adjustments elsewhere. Other than some tweaking to boundaries as suggested by the EWG, the Council was unlikely to make much progress in achieving a different solution as everything might then unravel. He suggested the best way forward was to accept the recommended boundaries and hope to persuade the Commission to accept minor changes on the grounds of social cohesion.

The Chairman commented that he thought this was the most constructive approach. However, Councillor Dean then said that the perfect solution was already available in the form of the Council's own proposal for separate wards of Stort Valley, to include Ugley, and Stansted North. The only reason for the lumping together of the two wards was the existence of a piece of road outside the ward boundary 0.8 of a kilometre in length and this was not a sensible way to proceed. The ideal solution was to revert to the original proposal and he proposed accordingly.

Councillor Asker spoke as one of the members for the Castle ward in Saffron Walden. She said that the small adjustment made to strengthen the boundary between the proposed Castle and Shire wards would slightly worsen electoral equality and this contradicted the decision to exclude Little Walden from a Saffron Walden ward.

Councillor Knight then said that the proposal made earlier by Councillor Menell should be adopted as a courtesy and in recognition of her many years of service to the community.

Councillor Davey said that the recommendations submitted by the EWG had been debated and should be taken to the vote.

Councillor Chambers, as Chairman of the Working Group, then proposed that the following comments be submitted to the LGBCE:

1. Little Walden to be retained within Saffron Walden Castle ward
2. Bush End to be retained within Broad Oak and the Hallingburys ward
3. Stansted South ward to be renamed as Stansted South and Birchanger
4. Chesterford and Elmdon ward to be renamed as The Chesterfords, Littlebury and Wenden Lofts
5. Little Dunmow and Flich Green to be renamed as Flich Green and Little Dunmow
6. Great Dunmow South to be renamed as Great Dunmow South and Barnston

The proposal was seconded by Councillor Cheetham.

In further debate, the following amendments were proposed:

- Councillor Rich – that Stansted North ward be renamed as Stansted North, Stort Valley and Ugley
- Councillor Dean – that the Council revert to the original proposal for separate wards of Stansted North and Stort Valley
- Councillor Knight – that Littlebury should come first in the ward title as in Littlebury, Chesterford and Wenden Lofts
- Councillor S Barker – that Stansted North ward be renamed as Stansted North and Rural
- Councillor Ranger – that Great Dunmow South and Barnston ward be renamed as Barnston and Great Dunmow South

Of the amendments listed above, only those proposed by Councillors Dean and Knight were seconded, in that order.

Councillor Dean's amendment was put to the vote and lost by 18 votes to five. Councillor Knight's amendment was put to the vote and declared carried by 14 votes to nine.

RESOLVED that the counter proposals listed as 1-6 above, subject to the amendment of item 4, be submitted as the Council's comments on the

C23 ANNUAL REPORT OF THE STANDARDS COMMITTEE

Councillor Lemon presented the annual report of the Standards Committee. The Committee had been operating under the revised arrangements set out in the Localism Act since 1 July of last year. He highlighted the unsatisfactory finding that 16 of 53 parish councils in the district had not yet indicated whether they had adopted either the Uttlesford Code of Conduct, or another Code instead.

He thanked the Monitoring Officer and other members of staff for the advice and knowledge they had offered during the past year.

The report was noted.

C24 ANNUAL REPORT OF THE PERFORMANCE AND AUDIT COMMITTEE

Councillor Howell presented the annual report of the Performance and Audit Committee. He drew attention to a mistake on page 38 where the sentence reading: 'A number of actions for 2012/13 have been identified arising from this assessment' should have referred to 2013/14 instead.

He thanked Mr Auty, Mr Joyce, Mrs Bronson and members of their teams, as well as Democratic Services officers, for the support and assistance they had provided throughout the year.

In referring to the section in the report dealing with the annual self-assessment of the effectiveness of the Committee, Councillor Dean said that this exercise had been carried out by two members only, whereas the whole Committee should have participated. It was therefore wrong to say that an improvement had taken place.

He had discussed the outcome of the assessment with officers who had agreed with his conclusion that the Committee was roughly 65% compliant instead of the 93% claimed to be the case. This was shameful and would bring the Council into disrepute. It meant that the Council's audit committee could not be relied upon to be frank about its own performance and had produced an untruthful report. The Committee was therefore guilty of compounding a deception and the report should be rejected and referred back for reconsideration.

In responding to these remarks Councillor Howell said it was disappointing that a former member of the Committee felt so strongly about the self-assessment process. He thanked members of the Committee for their hard work on essentially dry matters not well suited to political knockabout. In assessing the Committee's performance he preferred facts to opinions.

In commenting further, Councillor Howell confirmed that he had invited all members of the Committee to participate in self-assessment but not all had done so including Councillor Dean, who had gone to an art exhibition instead. Councillor Dean had given the impression that he had chosen to resign but the

changes to political balance meant that it would have been his last meeting anyway. Councillor Dean had last attended a meeting in August of last year and he could not therefore take seriously the remarks he had made. He had chosen to address the question of self-assessment but his facts were incorrect as members of the Committee had formally agreed with the findings. Accordingly, he did not feel inclined to take members through the extensive list of items covered as part of this exercise.

The Chairman invited Councillor Dean to speak again. He said that he had almost left the Committee last year on the grounds that members were not permitted to scrutinise what was being discussed. He stood by his comment that officers had stated the Committee's report to be an opinion and did not agree with it. He proposed that the report be referred back for further consideration and this was seconded.

Upon being put to the vote the motion was declared lost by 21 votes to five.

Councillor Redfern said that there was a stark contrast between the Chairman's remarks and those of Councillor Dean who had made disgraceful allegations. The hard work accomplished by members and officers together was reflected in the annual report and members should be satisfied with the outcome.

Councillor Knight said she had resigned from the Committee for similar reasons. The figures presented should be examined and clarified. If Councillor Dean was proved to be wrong he should be made to apologise. He should be challenged to produce the necessary evidence. Members should think carefully before supporting the Committee's report out of loyalty. She concluded her remarks by saying that she had resigned from the Committee for personal reasons.

Councillor Cheetham then asked the Chairman to bring the discussion to a conclusion and move to the next business. The Chairman called for a vote and this was carried by 24 votes with none against.

C25

ANNUAL REPORT OF THE SCRUTINY COMMITTEE

Councillor Godwin presented the annual report of the Scrutiny Committee. She said that the Committee had met a number of interesting people in the course of scrutinising a number of services including GP and ambulance cover within the district. It was apparent that morale was generally low within these services and provision uneven.

The Committee had a programme of work continuing into this year including car park charges, sewage and septic tank provision, dig fouling and the provision of rural broadband. She asked members to send her any further ideas of service areas that could be subject to future scrutiny. In concluding her remarks she thanked Mr Auty, Mrs Taylor and Mr Webb for their invaluable support during the year.

Councillor Mackman asked her whether the Committee was yet in a position to comment on the local plan preparation process. Councillor Godwin replied that no document had yet been received.

Members noted the annual report.

C26 APPOINTMENT OF MEMBER REPRESENTATIVE TO SERVE ON THE ESSEX COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The Leader proposed Councillor Rolfe to be co-opted to serve as the Council's non-voting member of this committee.

Councillor Dean asked the Leader to confirm that Councillor Rolfe was still employed by the NHS. The Monitoring Officer confirmed that he did not consider the question of employment in the NHS to be a relevant issue.

RESOLVED that Councillor Rolfe be nominated to serve as a member of the ECC Health Overview and Scrutiny Committee

C27 CHANGE OF DATE OF PLANNING COMMITTEE MEETING

RESOLVED that the date of the Planning Committee meeting in December be changed from 18 to 11 December 2013

C28 EXCLUSION OF THE PUBLIC

RESOLVED that, under Section 100I of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of part 1 of Schedule 12A of the Act.

C29 LANDSBANKI DEPOSIT

Councillor Chambers summarised the key points of a part 2 report about options to recover the Council's remaining Landsbanki deposit.

Members discussed the options presented to the meeting and the implications of proceeding as proposed. It was agreed to accept the recommendations as presented.

RESOLVED that:

1. In principle approval is given to the sale of the Council's Landsbanki deposit in accordance with the outline terms set out in the report
2. The Chief Executive be authorised to communicate the Council's position to Bevan Brittan by 15 July 2013
3. The Assistant Chief Executive – Finance be authorised to agree final terms and conclude the sale, in consultation with the Leader, Finance Portfolio Holder and the Assistant Chief Executive - Legal

The meeting ended at 9.35pm.