

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 15 JULY 2014 at 7.30pm

Present: Councillor K Artus – Chairman.
Councillors G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, P Davies, A Dean, R Eastham, K Eden, I Evans, M Felton, M Foley, J Freeman, E Godwin, S Howell, D Jones, A Ketteridge, J Ketteridge, T Knight, R Lemon, K Mackman, J Menell, D Morson, E Oliver, E Parr, D Perry, V Ranger, 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), R Dobson (Principal Democratic Services Officer), M Perry (Assistant Chief Executive – Legal), A Taylor (Assistant Director Planning and Building Control), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Corporate Services).

PRESENTATION

Before the meeting commenced, representatives of Family Mosaic made a short presentation and answered members' questions about the work of the organisation across Essex and especially in relation to services provided to people in need living within Uttlesford.

C16 PUBLIC SPEAKING

Speaking on her own behalf, and on behalf of residents of neighbouring properties, Dr Jean Johnson made a statement about the outcome of her complaint to the Local Government Ombudsman and to the Information Commissioner regarding the Council's handling of a planning application at an adjoining property. A summary of her statement is appended to these minutes.

Councillor Derek Jones spoke during the public speaking session in support of the statement made by Dr Johnson. His statement is included as an appendix.

C17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Harris, Hicks and Loughlin.

The Chairman said that it was a great pleasure to see Councillor Walters back again following his recent enforced absence.

C18 MINUTES

The minutes of the annual meeting held on 13 May 2014 were received and signed by the Chairman as a correct record.

C19

BUSINESS ARISING

(i) Minute C13 – Chief Executive’s announcement

Councillor Dean expressed disappointment that a recruitment process had not been initiated for the position vacated by Stephen Joyce. He said that a permanent replacement was needed for reasons of competence, integrity and to maintain a strategic approach.

The Chief Executive reconfirmed his recent message to all staff and councillors that he wished to see first how policy evolved with a new leader in place before reaching any conclusions about the correct structure to have in place. The statutory duty to have in place a Section 151 officer was being addressed at a later point in the agenda.

(ii) Minute C14(ii) – report of the Executive Member for Communities and Partnerships

Councillor Cant said she had much enjoyed the visit of the Tour de France to Uttlesford and congratulated all of those involved with the arrangements.

C20

RESIGNATION OF LEADER OF THE COUNCIL

Councillor J Ketteridge announced his resignation as leader of the Council and leader of the Conservative group with immediate effect. He confirmed that he would not seek re-election as a district councillor in May next year. His resignation now would allow a new leader to come to terms with the role before the election.

He had acted in the role of leader of the Conservative group for 11 years and as leader of the Council for seven years. His time as Leader had coincided with the most difficult period in the Council’s history. A black hole in the finances had required immediate action to remove £1m from spending plans to allow a legal budget to be set.

These events had led to the setting up of a voluntary improvement board and a new management structure. This had required a change in the spending culture prevalent at that time and gradually a different council had emerged from the ashes.

The close working relationship he had developed with the Chief Executive had been at the heart of the transformation needed to deal with the financial crisis enveloping the Council in 2007.

He had also facilitated the devolution of assets to parishes; this rectified mistakes made in the reorganisation of the 1970s.

The Council’s finances had been placed on a sound footing. This had led to a favourable variance for seven years running and a period of four years when the Council had not increased its share of Council Tax. Indeed, for two years, the Council’s share of Council Tax had been cut.

These steps had all been necessary in planning for a future in which there would be little or no financial support from central government.

On 4 July, the local plan had been submitted for examination. He hoped this would lead to the plan being adopted. Local people could not afford to climb on the housing ladder. The local plan would help to address this problem.

In conclusion, Councillor Ketteridge said that he was proud the Council was well respected by their peers and by central government. Uttlesford had been voted the best rural district in which to live. This had not happened by accident.

He thanked fellow councillors and all of the staff for the part they had played in improving the Council's fortunes and reputation. He was leaving the Council's affairs in capable hands.

The Chairman thanked Councillor Ketteridge for the hard work and sterling dedication he had demonstrated.

Speaking for the Liberal Democrats, Councillor Dean commented that it was sad for anyone stepping down from a long held position. He said that Uttlesford Conservatives had a good record in many areas but not in respect of the local plan. He wished Councillor Ketteridge a happy retirement.

Councillor Lemon for the Independent group thanked Councillor Ketteridge for his hard work and for the leadership he had shown.

Councillor Cheetham said that Councillor Ketteridge had been a superb leader who was always prepared to listen when needed. She had enjoyed their time together leading the Council and she was sad their partnership was ending.

C21

ELECTION OF LEADER OF THE COUNCIL

Councillor J Ketteridge proposed and Councillor Cheetham seconded Councillor Rolfe for election as Leader of the Council. No other nominations were received.

In accepting his nomination, Councillor Rolfe thanked the Chairman and members for the confidence they had shown in him. He would endeavour to be professional and effective and looked forward to working with everyone.

He announced that Councillor S Barker would be his deputy.

Councillor Ketteridge had been an outstanding leader enjoying a record of considerable success. He had served the community since first being elected in 1979 with the help and support of Marilyn and the rest of his family. He would do his best to protect the legacy left by Councillor Ketteridge and the administration he had led.

He thanked Councillor Cheetham for the service she had given as deputy leader and said this was highly valued. Councillor Cheetham would continue to serve in the Cabinet as executive member for aviation.

Councillor Ranger would join the Cabinet with executive responsibility for communities and partnerships.

The new Leader said that he intended to appoint lead members taking responsibility for specific areas. The first such appointment would be Councillor Menell who would be lead member for families and children.

Councillor Rolfe congratulated Gaynor Bradley, Lisa Lipscombe and Lisa Cleaver for their work in making arrangements for the passage of the Tour de France through the district. He welcomed Daniel Barden who would be covering communications work for Lisa Cleaver while she was on maternity leave.

RESOLVED to elect Councillor Rolfe as Leader of the Council for the remainder of the Council's four year term of office

C22 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on various civic events and functions he had attended. He was present on the day the Tour de France had visited Uttlesford and he said that Saffron Walden should be proud of the number of people who had turned out to watch.

C23 **REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

(i) Councillor Cheetham – Aviation

Councillor Cheetham had submitted a report on airport issues following the annual meeting of SASIG (Strategic Aviation Special Interest Group). She had now received information from the Planning Policy/Development Management Liaison Officer confirming that Government night flight restrictions would be rolled over for a further three years. She would ensure that details would be sent to all members. A meeting of the Stansted Airport Advisory Panel would take place on 19 August to which all members were invited.

(ii) Councillor Barker – Environment

Councillor Barker had submitted a report on her environment portfolio. She added that the outcomes of the gypsy and traveller accommodation assessment would soon be available from Essex County Council and would be reported to all members.

(iii) Councillor Redfern – Housing

Councillor Redfern reminded members of the general invitation to attend a housing workshop on 17 July to review housing allocation policy.

C24 **MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN**

Councillor Mackman said that he had contacted Councillor Cheetham to express his concerns about a conflict of interest between her role as an executive

member and as Chairman of the Planning Committee. Local Government Association guidance was that such an arrangement was contrary to the spirit of regulation and should be the exception rather than the rule. He said that the LGA had no record of cabinet members chairing planning meetings anywhere else and the dual role undertaken by Councillor Cheetham was unfit for purpose. The position would be aggravated by the appointment of Councillor Ranger to an executive position. Councillor Cheetham had not responded to his messages to her.

Councillor Cheetham confirmed that she had taken some time off from council duties but had responded to Councillor Mackman earlier today. She had always sought legal advice where a conflict had arisen and had worked within the law.

The Assistant Chief Executive – Legal advised members that he was not aware of the guidance quoted by Councillor Mackman. LGA guidance on probity in planning stated that it was proper for an executive member to be a member of a planning committee. A conflict might arise in circumstances where a member was actively promoting a planning application.

Councillor Cant asked Councillor S Barker about the correct route to follow in reporting highway dangers such as had arisen recently in Stebbing. She had been told to report parking problems to the parking partnership and road safety matters to Essex County Council. There had been two serious accidents connected to the lack of a pavement and, although representatives from the Parking Partnership had visited the site nothing had happened to resolve the problem.

Councillor S Barker reported that she had met recently to discuss problems in Stebbing with the Assistant Director Planning and Building Control and the lead officer of the partnership. She suggested speaking with Councillor Cant outside the meeting to discuss possible solutions.

Councillor Evans asked what had happened to recommendations on car parking made by a Scrutiny task group.

Councillor Barker said that data had been received from the parking partnership and reported to Cabinet. She would attend a Scrutiny Committee meeting to report on this matter if invited to do so.

Councillor Godwin confirmed that the Scrutiny Committee would revisit the subject of parking later this year.

C25

MATTERS REFERRED FROM COMMITTEES

(i) Annual Report of Standards Committee

Councillor Lemon presented the annual report of the Standards Committee. He read a statement regarding the continuing role of independent persons. This said that concern had been expressed because independent persons were not eligible for re-

election to the Committee. It had now been determined that independent persons could be re-appointed as they had no voting rights.

He made the point that better training would help all members to carry out their duties more effectively. In concluding, Councillor Lemon thanked Mr Perry and other officers for the advice they had given.

In referring to the role of independent members, Councillor Knight gave her approval to the move to re-appoint them for a further term. The cost of advertising for new independent persons was considerable and should be avoided if possible.

She also said she was pleased with the decision to retain the code of conduct but there was a need to review procedures followed when a complaint was made.

(ii) Annual Report of the Scrutiny Committee

Councillor Godwin presented the annual report of the Scrutiny Committee. She made particular reference to the review of council owned car parks and thanked Councillor Evans for the work she had undertaken in connection with the task group established for that purpose.

The main focus of the Committee's future work programme would be to review the effectiveness and role of day centres.

Members noted the annual report.

(iii) Recommendation from the Performance and Audit Committee – Revised Financial Regulations

Councillor Howell proposed adoption of the recommendation of the Performance and Audit Committee to adopt revised Financial Regulations.

Councillor Rose asked about the impact of the reduction in audit fees and Councillor Oliver confirmed the sum concerned was in the region of £40,000.

Councillor Artus asked whether the revised processes allowed business rate defaults to be flagged up for consideration. Councillor Howell replied that there was a reporting system in place for this information which, in turn, was reported to Cabinet.

RESOLVED to adopt the revised Financial Regulations as submitted

(iv) Recommendation from the Performance and Audit Committee – Revised Contracts Procedure Rules

Councillor Howell proposed adoption of revised Contracts Procedure Rules as recommended by the Performance and Audit Committee.

Councillor Watson asked about arrangements for payments to suppliers. Councillor Howell told him that the Committee had reviewed payment terms and followed government guidance in this respect. He then confirmed to Councillor Rose that the Council had signed up to a maximum 14 day payment period.

Councillor Knight referred to IT problems associated with centralised procurement and asked whether local contractors were always given the opportunity to tender. In response, Councillor Howell referred councillors to paragraph 4.3 of the Contracts Rules stating that at least one quotation shall be obtained from a local company wherever possible. Local in this context was defined as being within 20 miles radius of either Great Dunmow or Saffron Walden.

Councillor Redfern confirmed that a meet the buyer session had been arranged before letting the contract for the new housing scheme at Stansted. The policy was to use as many local contractors as possible.

RESOLVED to adopt revised Contracts Procedure Rules as submitted

(v) Annual Report of the Performance and Audit Committee

Councillor Howell presented the annual report of the Performance and Audit Committee. He thanked Councillor Oliver for his support as Vice-Chairman and said how reassuring it was to be able to call upon the expertise of a qualified accountant. He also thanked officers for their help and support.

In commenting on the report, Councillor Dean said that he had resigned from the Committee last year over concerns about the thoroughness of the self-assessment exercise undertaken by members. He noted that a number of actions had been identified arising from the self-assessment but said he had not seen this and asked why it had not been included in the report.

He also asked whether the high proportion of missed bin collections was caused by levels of staff absenteeism.

Councillor Howell responded by stating that Councillor Dean had been removed from committee membership and by paying tribute to the work of Councillor Parr during her time as a member.

(vi) Recommendation from the Constitution Working Group – Public Speaking at Planning Committee Meetings

Councillor Menell proposed the recommendation of the Constitution Working Group to revise the procedure for public speaking at Planning Committee meetings and her proposal was duly seconded. The proposal was to limit the number of speakers in respect of each application being considered to no more than three supporters and three objectors, in addition to the applicant/agent and the relevant parish council.

Councillor Cheetham proposed the following amendment:

Council adopts a pilot scheme to allow a maximum of five speakers in favour of an application and five against as well as district, parish and county councillors and the agent. The pilot scheme will run until the end of this council term with a review next spring so that the outgoing Planning Committee can report back to the Constitution Working Group before the council elections next year.

Councillor Perry spoke against the amendment. He said the Council had already decided against any restriction on public speaking and this should be maintained. The rules as operated now allowed everyone a fair hearing. He asked for clarification that the reference to parishes included town council representatives.

Councillor Cheetham agreed to add the word 'town' to the amendment.

Councillor Rich supported the amendment. He said he was in favour of more democracy not less and was concerned at any move to restrict speaking. He would support a pilot scheme on the basis that those wishing to make representations had the means to do so in other ways.

Councillor Watson said the electorate had a right to be heard and it was wrong of the Council to give the impression it did not want to hear from them. Such an impression would be disastrous in terms of public perception.

Councillor Mackman said that any attempt to change what the Council had already decided was equivalent to the Irish referendum question and he could not support it.

In seconding the amendment, the Leader thanked the Constitution Working Group for their careful consideration of this matter. He supported the move to rebalance the number of speakers to more than three for and against each application for a trial period. Unrestricted speaking meant that meetings tended to drag on thus upsetting those waiting a long time for their application to be considered. In his view, five speakers for and against was quite sufficient.

Councillor Godwin said that she had been a member of the Planning Committee for many years and there were very few occasions when as many as five people had registered to speak. She supported the amendment.

Councillor Ranger said the amendment had brought some realism to how the Planning Committee had to deal with applications. There was ample opportunity to access the website to view applications and to read any representations made. It was not difficult for anyone to express their views and these were given the merit they deserved.

Councillor Cant said that she had served on the Planning Committee for 19 years. In her experience, all committee members made the effort to read all of the information included in each report and in the representations made. A recent meeting had required her to leave home at 8am and she had not arrived home again until nearly 9pm. Thirty-six people had spoken on a single application. This was not the best way for good decisions to be made as only so much information could be taken in.

Councillor Evans said she would support the amendment on a trial basis and asked whether the time scale could be specified.

In responding to this point, Councillor Cheetham confirmed the trial period would run for the duration of the present council term.

The Chief Executive then clarified that the pilot scheme, if approved, would run until the annual meeting of the new council but that it would be reviewed by the Planning Committee and the Constitution Working Group before the end of the Council's term. A recommendation could be submitted to the new council for consideration.

Upon being put to the vote, the amendment was carried by 33 votes to six against. The substantive motion was then carried.

RESOLVED to adopt a pilot scheme for public speaking at Planning Committee meetings to operate until the annual meeting of the Council in May 2015 and to be reviewed before the end of the present Council's term; the pilot scheme to operate as follows:

For each application, interested parties would be invited to speak in the following order:

1. Non-committee councillors
2. Up to five supporters
3. Up to five objectors
4. Town or parish council representative/county councillor
5. Applicant or agent

C26

PERFORMANCE AND AUDIT COMMITTEE – CHANGE OF MEMBERSHIP

Members noted the election of Councillor Dean as leader of the Liberal Democrat group from 16 June 2014. The group had requested a change of membership on the Performance and Audit Committee.

RESOLVED to appoint Councillor Dean as a member of the Performance and Audit Committee in place of Councillor Parr

C27

APPOINTMENT OF SECTION 151 OFFICER

The Chief Executive requested members to appoint Adrian Webb as the Council's Section 151 officer. This was a statutory appointment to make provision for the proper administration of the Council's financial affairs. The position was vacant following the departure of Mr Joyce. Mr Webb was the only qualified candidate.

Councillor Watson said that he had a great deal of experience of investigating corruption and asked for the word 'interim' to be added to the recommendation. Appointing the only possible candidate to a position was not good practice.

Councillor Chambers agreed to propose the recommendation subject to the addition of the word interim.

The Chief Executive said that he respected the Council's position but the appointment of a statutory s151 officer could not be time limited and the term interim was essentially meaningless.

Councillor Chambers stated that he wished to keep the term interim in his proposal. Councillor Watson said he was satisfied with this proposal as the Council would otherwise be taking unnecessary risk.

RESOLVED to appoint Adrian Webb as the Council's Section 151 officer on an interim basis

C28 **AMENDMENT TO COMMITTEE TIMETABLE**

RESOLVED to amend the timetable to change the meeting of the Scrutiny Committee on Tuesday 14 October to Tuesday 7 October

C29 **PUBLICATION OF MEMBERS' ATTENDANCE RECORDS**

The Chief Executive presented a report regarding his intention to publish on the website details of members' attendance at all council and other internal meetings to which they were appointed. He had written to members inviting comments and had received considerable feedback in response. In view of some of the comments made to him, he had considered it best to ask members to endorse the intention to publish this information.

During discussion, members made a variety of comments about the proposed publication arrangements. The points made covered the scope of the meetings intended to be included in the publication scheme; the recording of legitimate reasons for not attending meetings, especially long-term illness; and the accuracy of the records being published.

There was general agreement that a record of attendance at meetings should be published for reasons of transparency; that only internal meetings to which members were specifically appointed should be included; and that extended periods of absence due to illness should be acknowledged wherever possible.

RESOLVED to publish members' attendance records with immediate effect

C30 **NOTICE OF MOTION**

Councillor Dean proposed an amended version of the motion he had submitted on notice for consideration at this meeting. The revised wording included parts 1, 2 and 3 of the motion listed on the agenda but sought to substitute the following wording for part 4:

4. Council therefore resolves that the resolution of the planning committee on June 25th was invalid; that the assistant director of planning & building control

was not authorised to write to the planning inspectorate informing them that the council would not be defending the appeal in relation to application UTT/12/0808/OP Elsenham; and that the council will defend the appeal in accordance with long-standing practice.

The Assistant Chief Executive – Legal advised members that the effect of the amendment was unlawful and could not be put to the vote. This was because the Council could not vote upon the legality of its own actions.

Councillor Dean then proposed the motion in the original terms as follows:

- 1. Council notes that the planning committee voted on June 25th 2014 in favour of not defending an appeal by Fairfield against a dual refusal by UDC of 800 homes at Station Road, Elsenham.*
- 2. Council also notes that the matter was tabled on the agenda with obscure wording which prevented members not on the planning committee from knowing what was to be discussed.*
- 3. The planning committee does not have delegated authority from council to determine matters relating to appeals, especially matters of political significance to the local plan, nor to make decisions not to defend a highly controversial appeal against one of its own planning refusal decisions. The planning committee must preserve its independence from executive matters and party politics in line with codes and government regulation.*
- 4. Council therefore resolves to determine this matter itself at the earliest opportunity.*

The motion was seconded by Councillor Morson.

In speaking to the motion, Councillor Dean said that the wording went to the root of why the Council existed. It was vital to retain the confidence and trust of the electorate but that trust had been damaged because of a widespread perception that the planning process had been politicised.

A failure to defend the planning appeal would be unprecedented, especially as the application was twice refused and had been determined in the context of an untested and un-adopted local plan.

He considered it disgraceful that the legal advice had been issued under a disguised heading of 'appeals'. Councillor Morson had then been told he could not attend the meeting even though the Leader was able to attend.

The power to determine whether or not to defend the planning appeal was delegated from Full Council to the Assistant Director Planning and Building Control and so the decision could not properly be made by the Planning Committee. The matter should have been referred to Council in the first place. As a result there was no proper authority for the decision and it should now be determined by Council.

In supporting the motion, Councillor Perry said that politics should play no part in planning issues. The Fairfield application had been refused by the Planning

Committee and the decision made undermined the committee's role. His request for a second legal opinion had been refused.

The public deserved a greater say in planning matters and this had been denied. He had been elected to serve the people of Uttlesford and believed in the principles of openness, transparency and fairness. As a result of the actions taken by the Council the Conservatives would face a difficult time at next year's election.

In concluding his remarks, Councillor Perry requested a recorded vote.

Councillor S Barker tabled an amendment in the following terms:

Council notes that the planning committee voted on June 25th 2014 in favour of not defending an appeal by Fairfield against a dual refusal by UDC of 800 homes at Station Road, Elsenham.

The planning committee must preserve its independence from executive matters and party politics in line with codes and government regulation.

She said it was clear the Assistant Director had delegated authority to make the decision but sensibly sought the opinion of the Planning Committee. None of the members of the Cabinet had any say or influence over the decision made and she herself had seen the report for the first time only the previous week. She agreed that the Planning Committee must preserve its independence and the decision made had been arrived at entirely correctly.

Councillor Parr said the changing of the Council's position on the Fairfield application had caused great stress in the Elsenham and Henham communities. As a result the Council's reputation was in the gutter. The Planning Committee's original decision had offered the community great hope where there was none and people now felt let down. She urged members to support the interests of the local communities by changing the appeal decision.

Councillor Mackman also spoke in support of the original motion. He had been unable to attend the planning meeting owing to a road accident that day and he could not therefore be associated with the decision. The Fairfield application had been refused on robust grounds. He should be allowed to discuss the grounds for not defending the appeal as all planning decisions should be unbiased.

At this point in the meeting, the Chairman warned members that any discussion on the content or merits of the legal opinion could be discussed only in part 2.

Councillor Morson said it was a cause of great concern that the Council would not be defending its own decision to refuse the Fairfield application. He did not dispute that the Assistant Director had the necessary authority to take the decision but expressed concerns over the way that decision had been taken.

The building of 800 houses on the Fairfield site would lead eventually to 3,000 houses. The process for allowing that to happen should be done in a more open

and transparent manner. The fact was that he had not known the Fairfield appeal would be discussed at the planning meeting as not all councillors had been allowed access to the legal opinion. Only planning committee members had seen the report on the grounds that no-one else needed to do so. This was wrong.

This was the first time in his knowledge the Council had refused to support its own case on appeal. There had been interference with the independence of planning members as the original refusal decision had been referred back on the grounds that officers needed to be sure of the reasons for refusal.

Full Council must now reclaim the authority to overcome the secret and covert processes employed not to defend the refusal decision.

Councillor Rich made the point that much of the work of councillors was concerned with mundane matters on behalf of the people they represented. It was important to see the right thing being done. In this case the outcome would be the construction of hundreds of homes in the community.

The problem had arisen because the Planning Committee was minded to refuse the application but had not been given the assistance needed to produce stone cold reasons for refusal. In similar terms, the Bentfield Green application in Stansted had been resisted but the Council had not made a good job of presenting its case. In contrast, local pressure groups had done a fantastic job of defending the appeal.

The Council must feel able to fight its corner on local planning issues regardless of the local plan. This could be accomplished without prejudicing the local plan process.

Councillor Evans agreed with other speakers that the decision not to support the appeal case was unprecedented. The Council's position had led to a loss of trust and to a position where villages had been left to defend the refusal on their own.

Councillor Dean said that he wished to speak against the amendment as he claimed this was a negation of the original motion.

Councillor Eden told members that he had been present at all three planning meetings. His view was that the committee had made an error of judgement and had now finally got it right.

Councillor J Ketteridge said he was disappointed by many of the comments made in the debate. Cabinet members had played no part in the decision of the Planning Committee which had been made in good faith. The fact was that politics had no part to play in individual planning decisions but did have a role in strategic planning.

He referred to recent decisions made by Cambridge City Council which had recently decided not to defend its refusal of an application resulting in an award

of costs of £117k. The Planning Committee had reached its decision not to defend the appeal properly and after considering the advice given.

Some members questioned the wording in the amendment stating that it was a Conservative amendment.

The Leader confirmed that the Assistant Director was legally empowered to make the decision not to defend the appeal but had correctly referred it to the Planning Committee for endorsement. The Planning Committee was entirely independent of the executive. He confirmed that he had not seen the part 2 report in advance of other members.

Councillor Ranger criticised other members for the adverse comments they had made about the process followed. He stressed that the decision had been made on solid grounds and was not political.

The Chairman then called for a recorded vote to take place on the amendment. The voting was as follows:

For the amendment – Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Davies, Eden, Felton, Freeman, Howell, A Ketteridge, J Ketteridge, Menell, Oliver, Ranger, Redfern, Rolfe, Rose, Sadler, Salmon, Smith, Walters and Wells

Against the amendment – Councillors Dean, Evans, Foley, Lemon, Mackman, Morson, Parr, Perry, Rich and Watson

Abstained – Councillors Cant, Davey, Eastham, Godwin, Jones and Knight

The amendment was carried by 23 votes to ten against with six abstentions.

Councillor Dean then summed up the debate. He had been interested to hear from members across the chamber. It was clear that there were reservations about what had happened. Officers had got what they wanted and the processes needed to be looked at carefully. The new Leader should examine these events as the public did not understand what had occurred. There was no comparison between this case and the Cambridge example quoted by Councillor J Ketteridge. He would stand on principle to vote against the substantive motion.

The Chairman then called for a recorded vote on the substantive motion. The voting was as follows:

For the motion – Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Davies, Eden, Felton, Freeman, Howell, A Ketteridge, J Ketteridge, Menell, Oliver, Ranger, Redfern, Rich, Rolfe, Rose, Sadler, Salmon, Smith, Walters and Wells

Against the motion – Councillors Dean, Evans, Foley, Lemon, Mackman, Morson, Parr, Perry and Watson

Abstained – Councillors Cant, Davey, Eastham, Godwin, Jones and Knight

The substantive motion was passed by 24 votes to nine against with six abstentions.

The effect of the vote was to leave Council policy in relation to the Fairfield planning appeal unchanged.

The Chairman thanked members for their attendance and closed the meeting.

The meeting ended at 10.10pm.

PUBLIC STATEMENTS

Dr Jean Johnson

Dr Johnson said she was speaking on behalf of all of the residents of the properties concerned. Temporary planning permission had been granted for eight static mobile homes at the site adjoining her property. This had caused drainage problems and contamination of the land. She had been vilified and told she was a nuisance. The Council had ignored her complaint. She and her neighbours had been advised to refer the matter to the Local Government Ombudsman and had done so.

The Ombudsman had concluded the Council's handling of the application was at fault. Had steps been taken to obtain more information on drainage and flood risk, the Ombudsman felt that councillors may have reached a different view and therefore a different decision.

Arising from the Ombudsman's final decision notice, the Council had agreed to apologise and pay to her and her neighbours agreed sums of compensation. They had also agreed to place a note of the Ombudsman's concerns on the planning file.

The Council had also been found by the Information Commissioner to have wrongly withheld information from her and other residents.

Many matters remained unresolved as they were outside the jurisdiction of the Ombudsman to investigate. She wished all members of the Council to be aware of the outcome of her complaints to the Local Government Ombudsman and the Information Commissioner.

Councillor Derek Jones

To: Chairman and fellow Councillors

I stand before you this evening, in this public speaking part of the meeting, to add my support to what you have just heard from Dr Jean Johnson. I want to put on record my disquiet and disgust at the way that this authority, in company with other statutory authorities, has been utterly useless in matters of planning, and/or enforcement, in relation to physical changes at the property adjacent to her property.

In essence, this Council, with others, has permitted an important drainage ditch to be filled in allowing the land in which the ditch was situated to be raised by some 80 centimetres on average (over two and a half feet). It has largely ignored the fact that in excess of 100 lorry loads of developers 'muckaway' has been imported to achieve this and tried to argue that pollutants, including arsenic, lead and benzopyrenes, included in the 'muckaway', present no hazard to the land and neighbouring land. It has ignored the fact that water goes downhill and if you remove a drainage ditch between properties and raise the land, on one side, then some water will end up flooding onto the, now lower, adjacent property.

Not content with this inaction, when trying to unearth facts relevant to this situation held within the files of this Council, Dr Johnson found officialdom getting in her way. A Freedom of Information request was not responded to fully. Information provided was heavily redacted. Information that was provided made it clear that other information had been withheld, when it should not have been withheld.

In a huge effort for local residents, Dr Johnson and a neighbour made strenuous efforts to ensure that all relevant information was placed in front of Councillors of the Planning Committee. Our current Chairman of the Council, and I have tried on several occasions to get some kind of enforcement action undertaken, all without success.

Dr Johnson has successfully referred problems encountered to the Information Commissioner and to the Local Government Ombudsman. Both referrals have resulted in findings largely in her favour. However, these are minor, perhaps 'pyrrhic' victories in themselves, because unless there is some kind of physical action taken to restore normality to the properties concerned, they (including the property where the problems were created) have become virtually unsaleable, as any proper sale process will necessarily disclose the un-remediated problems and hence the 'legacy'.

I am mindful of the fact that there is currently a further Planning Approval for the site concerned, which is subject to Discharge of Conditions before it can be implemented. Although this seems, currently, to be preventing the Approval from proceeding, it in no way corrects the unsatisfactory situation that has been allowed to happen.

I call upon Uttlesford District Council to:

- 1 Disclose the findings of the Information Commissioner and the Local Government Ombudsman to ALL Councillors
- 2 Appoint a sub-Committee or other appropriate grouping of Councillors with appropriate experience to view the findings of
 - the Information Commissioner and
 - the Local Government Ombudsmanand to check that remedies are in place within the Council to ensure similar issues do not arise in the future
- 3 Try all means possible, to engage with other Statutory Authorities including Essex County Council and the Environment Agency with a view to resolving, with utmost expediency, the problems caused by filling in the drainage ditch and the raising of the land, compounded by the fact of pollutants introduced onto the land. Ideally, residents should also be included in any discussions to resolve the issues
- 4 Strive to improve the experience of residents who have dealings with the Council, by bringing greater clarity to procedures and exchanges between parties and wherever possible removing obfuscation.