



# Uttlesford District Council

Chief Executive: John Mitchell

## Council

**Date:** Thursday, 18 December 2014  
**Time:** 19:30  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** All Members of the Council

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days prior notice.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest.**  
To receive any apologies and declarations of interest
  
- 2.01 Minutes of the meeting held on 21 October 2014** 5 - 16  
To consider the minutes of the meeting held on 21 October 2014
  
- 2.02 Minutes of the meeting held on 11 November 2014** 17 - 22  
To consider the minutes of the extraordinary meeting on 11 November 2014
  
- 3 Matters arising.**  
To consider matters arising from the minutes

- |           |   |         |
|-----------|---|---------|
| <b>4</b>  | <b>Report of the Independent Remuneration Panel for 2015/16</b><br>To consider the report from the Independent Remuneration Panel                               | 23 - 30 |
| <b>5</b>  | <b>Chairman's announcements</b><br>To receive any announcements from the Chairman   |         |
| <b>6</b>  | <b>Reports from the Leader and members of the Executive</b><br>To receive matters of report from the Leader and members of the Executive                        |         |
| <b>7</b>  | <b>Members' questions to the Leader, members of the Executive and chairmen of committees (up to 15 Minutes)</b><br>To receive members questions                 |         |
| <b>8</b>  | <b>Matters received from the Executive</b><br>To consider a report on the Living Wage from the Cabinet meeting on 28 October 2014                               | 31 - 32 |
| <b>9</b>  | <b>Matters received about joint arrangements and external organisations</b><br>Matters concerning joint arrangements and external organisations                 |         |
| <b>10</b> | <b>Matters received from Committees and Working Groups</b><br>To consider a report on the structure of the council referred from the Constitution Working Group | 33 - 38 |
| <b>11</b> | <b>Uttlesford Local Plan Examination</b><br>To consider the Inspector's decision and the next steps   | 39 - 48 |
| <b>12</b> | <b>Returning Officer's fees</b><br>To consider the proposed fees from 1 March 2015  | 49 - 56 |

**13 To consider the following Notice of Motion**

Motion proposed by Councillors Mackman, Dean, Morson and Parry

Council has no confidence in the Leader of the Council, Cllr Howard Rolfe and in the Deputy Leader and cabinet member for environmental services, Cllr Susan Barker.

The Council's lack of confidence is the result of the recent rejection of the draft Uttlesford Local Plan after eight years preparation and the responsibility of the aforementioned members for its unsatisfactory preparation before the Examination in Public.

**14 Chairman's urgent item**

To consider any items that the Chairman considers to be urgent

## **MEETINGS AND THE PUBLIC**

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Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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Democratic Services Officer – Maggie Cox

Telephone: 01799 510369 Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

#### **General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

**COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 21 OCTOBER 2014 at 7.30pm**

Present: Councillor K Artus – Chairman  
Councillors H Asker, G Barker, S Barker, C Cant, R Chambers, J Davey, A Dean, R Eastham, K Eden, I Evans, M Felton, E Godwin, E Hicks, S Howell, D Jones, A Ketteridge, J Ketteridge, T Knight, J Loughlin, K Mackman, J Menell, D Morson, J Parry, D Perry, V Ranger, J Redfern, H Rolfe, J Rose, D Sadler, L Smith, A Walters, D Watson and L Wells

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

**C39 PUBLIC SPEAKING**

Matt North made a public statement on the subject of openness and accountability. A summary of his statement is appended to these minutes.

**C40 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cheetham, Foley, Lemon, Parr and Salmon.

The Chairman wished a speedy recovery to Councillors Foley and Salmon, both of whom had experienced recent ill health.

**C41 MINUTES**

The minutes of the meetings held on 15 July 2014, and of the extraordinary meetings on 5 and 19 August, were received and signed by the Chairman as a correct record.

C42

## **BUSINESS ARISING**

### **(i) Minute C32 of the extraordinary meeting on 5 August 2014 – Apologies for Absence and Declarations of Interest**

Councillor Dean expressed the view that the Chief Executive had gone too far in his criticism of the Planning Committee during his remarks at the first of the two extraordinary meetings. He considered it was not appropriate for officers to criticise decisions made by members. Members were entitled to use their judgement and officers must respect that judgement.

C43

## **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded members there would be an extraordinary meeting on 11 November to consider the polling district review.

C44

## **PORTFOLIO HOLDER REPORTS**

The Leader reported on his activities since taking over in that position on 15 July. He had attended meetings of the Health and Wellbeing Board and had met with Essex Chief Executives. The better care fund was intended to integrate social care and health more effectively and was crucial to both areas of funding. The Mid-Essex Clinical Commissioning Group was working closely with the voluntary sector.

The agenda for change in local services was based around more working together as had been mooted in building control and in evolving a common waste system. This agenda was being pursued through the Local Strategic Partnership.

Examination of the Local Plan would take place during the weeks commencing 16 November and 1 December. The Local Plan Working Group would be meeting to consider the provision of 26 pitches for gipsies and travellers for the period to 2033.

A proposal would be submitted to Cabinet next week to ensure payment of the living wage to all of the Council's employees. This would benefit nine members of staff at an annual cost of £9,000.

The Leader announced the appointment Councillor Eastham as the lead member for conservation and the environment.

He said it was important in looking to the future to invest in economic prosperity. This approach had been exemplified in initiatives to expand the number of car park spaces, improve broadband provision, and in providing for additional business rate relief. There was also a theme around short term housing provision for homeless people.

Further investment opportunities were being pursued in creating a link between social care and support for the needy, and in leisure activities. The provision of extra office space would help to provide the seed corn for future economic growth.

Councillor Redfern gave a brief report covering her housing responsibilities. Development of the Mead Court site at Stansted was well underway. The Planning Committee had approved a site for council housing at Catons Lane in Saffron Walden. The next meeting of the Housing Board would be held at Hatherley emphasising the importance of sheltered housing.

Finally, she reminded members about the housing conference taking place at London Road on 3 November and she urged all members to attend.

Councillor Ranger reported briefly on recent activities within his communities and partnerships portfolio.

Councillor Walters spoke about community safety and expanded on items in his written report. This covered emergency planning, community engagement, a police update, a summary of anti social behaviour incidents, and the local highways panel and highway rangers. The reported figure of a 7% reduction in crimes recorded in Uttlesford should read 2.6%. He expanded on response times for cases of domestic violence reported in the district. In conclusion, Councillor Walters reported the announcement of a performance summary for Essex police, the outcome of which was now available on the Council's website.

Councillor Chambers informed members that an unqualified auditors' report had been received. This reflected well on the finance team and he was also able to report that preparation of

the budget was proceeding well. He would like to hear about ideas for budget preparation and invited members to contact him with any ideas they would like to include.

C45

## **MEMBERS' QUESTIONS**

Councillor Menell asked Councillor Walters whether more up to date figures for burglaries were available. She also expressed concern about reports of highway rangers undertaking hedging work.

Councillor Walters confirmed that highway rangers were engaged for a multitude of jobbing work. He was in discussion with Essex County Council about the purchase of more equipment to enable more hedge cutting work to be undertaken.

Councillor Redfern confirmed to Councillor Menell that parish councils had been invited to the housing conference.

Councillor Rose asked Councillor Walters to confirm that instances of domestic abuse were on the rise and whether he agreed that more training was needed to highlight the issue.

Councillor Walters agreed that the issue of domestic violence received a high profile in the press. The rate of such cases in Uttlesford was generally low but there was a need to monitor the trends carefully.

Councillor Rose raised concerns about the design of the proposed development of Reynolds Court in Newport. He asked that the period for the public inspection of proposals be extended into the evening. Councillor Redfern agreed to consider his request and said she would keep the parish council informed.

In response to a further question from Councillor Rose, the Leader confirmed he would sign up to the principles of the living wage.

Councillor Dean said that he had written twelve times to the Council about alleged infringements of a tree preservation order but had encountered only obfuscation and delay. In his opinion the events had the appearance of a cover up and he called on the Leader to arrange for an independent investigation into the incident.



The Leader replied that on the basis of the evidence he had seen he was not prepared to order an investigation. He was quite clear that the actions complained about did not concern the business of the office of a councillor and did not therefore come within the scope of the code of conduct.

The involvement of the former leader and the Chief Executive was de minimis. There had been two witnesses to the scene and this had prompted a process involving Essex County Council. He stood by the transparency of the process followed and had sent a full response to Councillor Dean. The questions raised had created another issue and this had been followed up and dealt with by the legal officer.

Councillor Loughlin enquired about a possible reference of the matter to the Local Government Ombudsman.

In responding to this comment, Mr Perry said that was confident any investigation by the Ombudsman could be properly defended.

Councillor Asker asked the Leader whether the provision of extra parking spaces at Swan Meadow to cover for the Waitrose development would be permanent, as this had involved digging up garden beds.

The Leader confirmed that an extra 43 spaces were planned to compensate for the loss of 300 spaces at Fairycroft. Work for this was underway and the extra spaces would be permanent. Some landscaping work had been programmed but some short term disruption was inevitable in providing for continuing economic prosperity.

C46

## **REPORTS FROM COMMITTEES AND WORKING GROUPS**

### **(i) Constitution Working Group on the Effectiveness of the Cabinet System**

The Chief Executive reported that the Constitution Working Group had been meeting to consider the effectiveness of the Cabinet system. The conclusion of the Working Group was that there was no need to change anything now and the newly elected council in May 2015 would wish to examine the system of governance in operation at that time.

He was aware that some members felt more disconnected from decision making than before and this aspect had been considered by the Working Group.

The chairmen of the Scrutiny and Performance and Audit Committees had both been invited to provide input into the examination of the cabinet system. This was from the perspective of seeking to enhance the overview and scrutiny functions and make them more effective. This was considered to be the key to achieving better member engagement with the executive system.

The Chief Executive drew members' attention to five conclusions of the Working Group set out in the report. The main one of these was item c) mentioning the need to accept and welcome the scrutiny function as a means of improving policy rather than thwarting ambitions of the administration. This could be arranged on the basis of more pre-scrutiny.

He also drew attention to the suggestion that all non-executive members should have the opportunity to exercise call-in, possibly in conjunction with an annual limit. The Working Group had recognised concerns about the existing restrictions on the use of call-in powers.

As Chairman of the Working Group, Councillor Menell confirmed the Chief Executive had covered everything in his summary.

Councillor Howell said that he had been late in making his submission to the Working Group. In his estimation, the cabinet system had a lot to recommend it. It was a more efficient way of taking decisions. The public had little interest in the method of decision making, they just wanted the Council to get on with it.

The committee system was inefficient and did not work very well. It was a matter of regret that some members felt a lack of engagement.

The role of scrutiny was to be a critical friend and to try to improve decisions without reversing them.

In contrast, the Performance and Audit Committee had two roles. First there was a pure auditing role and second there was a

responsibility for oversight and financial controls. The purpose was to engage in strong and robust scrutiny of performance and management to ensure value for money. The committee he chaired was not there to micro-manage.

Councillor Eastham welcomed the Working Group's proposals incorporating a more generous approach to call-in. The call-in provisions were diluted by the need for several members to agree.

Councillor Evans also welcomed the report and agreed with the conclusions reached. There was presently no input into a true scrutiny process which should be operating in the interests of residents. One example was the car park report which had disappeared into a black hole. She appreciated and supported the work carried out by the Working Group.

The Chairman commented that the drafting of earlier reports would assist the function of pre-scrutiny.

Councillor Dean welcomed the general direction of the report. He did have an issue with the presumption that administration policy should not be thwarted and said an annual limit on the number of call-ins allowed was misguided.

The Chairman suggested a member workshop on scrutiny would be a helpful way forward.

**(i) Standards Committee – Appointment of Independent Members**

Councillor Eden presented the recommendation of the Standards Committee to put in place arrangements for the replacement of independent members to replace one of the members who had resigned.

One of the remaining two members had indicated he would not continue beyond the election in May 2015.

The Leader said he had attended a pre-meeting with other group leaders. He wished to propose the appointment of a sub-committee to include three Conservative members, and one member each from the Liberal Democrat and Independent groups, together with one of the two existing independent persons. He

said he would propose Councillor Knight as one of the members from his group and would nominate two other members in due course.

Mr Perry said that Georgina Butcher-Dalton wished to act in that role and asked that members agree to appoint her.

Councillor Dean drew attention to the person specification and suggested it would be good practice to ensure that anyone appointed to one of the independent roles should be able to demonstrate some knowledge of the role of a district councillor.

RESOLVED to:

- a) Appoint a sub-committee to recruit and recommend the appointment of two independent persons, the sub-committee to consist of Councillor Knight and two additional Conservatives, together with one member each from the Liberal Democrat and Independent groups, all to be nominated, together with Georgina Butcher-Dalton representing the independent persons; and
- b) There be no amendment to the job description and person specification for Independent Persons

C47

## **MEMBERSHIP OF COMMITTEES AND WORKING GROUPS**

In his capacity as Leader, Councillor Rolfe confirmed that, following the establishment of a new political group known as Residents4Uttlesford, Councillor Mackman could no longer represent the Conservative Group on the Planning Committee. He nominated Councillor Oliver to replace Councillor Mackman as a member of the committee. He further nominated himself to replace Councillor J Ketteridge on the Local Joint Committee.

He said that news had emerged during the day that Councillor Asker had joined the new group and she could therefore no longer represent the Conservative group on the Licensing and Environmental Health Committee. He would nominate a member in due course to replace Councillor Asker.

Councillor Watson expressed the view that a committee member should be replaced only on the grounds that they were not performing their function properly. The Planning Committee had

performed its functions well and its membership should not be changed.

Mr Perry informed members that the Council's duty was to appoint nominees of the groups that had places allocated to them.

Councillor Asker acknowledged that the change in group membership had been at short notice for consideration at this meeting.

The Leader confirmed that committee places allocated to the Conservative group would be filled by a member of that group.

Councillor Perry said that the new group would become entitled to fill committee seats. There were planning appeals outstanding and Councillor Mackman should remain for those reasons.

Mr Perry said that Councillor Mackman would remain entitled to represent the Council at the appeals concerned.

Other members commented on the right of individual members to retain committee seats allocated to them.

Councillor Rolfe again confirmed that he was following due process in filling places allocated to the Conservative group.

Councillor S Barker said that it was not possible to consider political balance at this meeting and a report would be brought to the extraordinary meeting on 11 November.

Councillor Mackman confirmed that he wished to nominate Councillor Asker as a member of the Licensing and Environmental Health Committee and nominate himself as a member of the Planning Committee.

The Leader confirmed the position was as established today by the changes of group membership. He called on the three members to have switched groups to resign and fight by-elections.

Councillor Watson's reaction to these remarks, which he called 'disgraceful', was to formally withdraw from the Conservative group.

Councillor Hicks asked Mr Perry to set out the position regarding political balance on the Planning Committee.

Mr Perry said the Council was obliged to operate the rules of political balance to reflect the make-up of the Council. Political balance was reviewed annually in May. The existence of a new group would trigger an automatic review. Each of the groups would be invited to fill the seats allocated to them. The Council must abide by the wishes of those groups. There was no other option.

Councillor Dean asked Councillor Rolfe to withdraw his proposal.

The Leader said he would not do so. If changes in allegiance took place it was legitimate to ask the electorate for a fresh endorsement.

Councillor Perry sought to raise a point of order. In response, Mr Perry again said that the Council had no choice but to abide by the wishes of the constituted political groups and could not defer the matter.

The outcome was therefore as follows:

- Councillor Mackman would be replaced as a member of the Planning Committee by Councillor Oliver.
- Councillor J Ketteridge would be replaced as a member of the Local Joint Committee by Councillor Rolfe.
- Councillor Asker would be replaced as a member of the Licensing and Environmental Health Committee by a member of the Conservative group to be nominated.

C48

## **EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A

C49

## **REPORT OF MONITORING OFFICER**

The Monitoring Officer presented a report on actions taken under section 5(2) of the Local Government and Housing Act 1989.

Members debated at length the actions taken by the Monitoring Officer in accordance with his statutory duty and commented upon those actions.

The Council noted the report.

The meeting ended at 9.30pm.

## **Appendix**

### **PUBLIC STATEMENT**

#### **Matt North**

I am concerned about the honesty and integrity of the actions of senior members and officers of the Council and call for an independent inquiry. There has been a breach of a tree preservation order by a serving member of the Council who has committed a criminal offence. There has been an attempt to conceal the nature of the incident.

The Chief Executive was asked to attend the scene of the incident by the then leader of the Council. It was stated as proper for the Chief Executive to attend and proper for the leader to ask him to do so. A subsequent letter from Essex County Council commented on the way the breach of the order had been handled and stated it was not in the public interest to bring a prosecution.

Historical records had subsequently gone missing. The offender was a serving councillor. He considered the former Leader's involvement in this case was a Standards Committee issue.

Mr North referred to the various reports considered by the Planning Committee resulting in the application being refused. The relevant history of the site was not referred to in the report. The legal officers had not provided details of the offence committed. Mr Perry had been asked to set out in writing the details of the offences disclosed in the course of duties being performed by an officer. As a result of his actions, the employee had been persecuted.

No response had been received to a Freedom of Information request.



**EXTRAORDINARY COUNCIL MEETING held at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN on 11 NOVEMBER 2014 at 7.30pm**

Present: Councillor K Artus – Chairman.  
Councillors H Asker, G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, R Eastham, M Foley, E Godwin, S Harris, E Hicks, S Howell, D Jones, A Ketteridge, J Ketteridge, R Lemon, J Loughlin, K Mackman, J Menell, D Morson, E Oliver, E Parr, J Parry, D Perry, V Ranger, H Rolfe, J Rose, J Salmon, A Walters and D Watson.

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

**C50 PUBLIC SPEAKING**

Councillor A Ketteridge made a statement, a copy of which is appended to these minutes.

**C51 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Dean, Eden, Evans, Felton, Freeman and Redfern.

**C52 POLITICAL BALANCE ON THE COUNCIL**

Members considered the report of the Democratic and Electoral Services Manager on the political composition of the council. The council was obliged to review its political balance following the increase in the number of political groups from three to four, with the formation of Residents 4 Uttlesford. The report recommended that seats on the main committees be allocated to the four political groups as detailed in the report.

The Democratic and Electoral Services Manager said a review of the Council's political balance was required where there had been a request for a review following a change of membership. He said the allocation of seats on committees had to be made in accordance with the proportion of the members of the political groups to that of the council as a whole. He explained the principles of proportionality.

The Democratic and Electoral Services Manager said the Licensing and Environmental Health Committee could not be taken into account for the purposes of the calculation because it was not established under The Local Government Act 1972. However the places on that committee could be

allocated on the same basis of proportionality, therefore the Licensing and Environmental Health Committee was included in the calculation of the number of seats, as it had been included previously.

The Democratic and Electoral Services Manager explained the situation in relation to the Standards Committee. He said that following changes to the standards regime under the Localism Act 2011, the standards functions were to be performed by the Full Council. However, it was agreed in 2012 that the Council would not be the appropriate forum for dealing with individual allegations of breaches of the code of conduct, and a Standards Committee was appointed to undertake this function. The Standards Committee was subject to the rules of political balance, but as the Council's constitution recognised that a politically balanced Standards Committee would be undesirable, subject to no member present voting against the proposal, each political group on the Council would have at least one member of the Standards Committee and could nominate up to three members. The aim was to achieve an even political balance on the Committee. Ideally there would be two members appointed from each group.

Setting aside the Standards Committee, the Conservative group would lose four members, the Liberal Democrat group would gain one member and Residents 4 Uttlesford would gain five members.

RESOLVED to allocate seats on the Council's committees as detailed below.

<b>Committees</b>	<b>Conservative</b>	<b>Liberal Dem</b>	<b>Residents 4 Uttlesford</b>	<b>Independent</b>
Planning (14)	Cheetham (c) Davey Eastham Eden (vc) Hicks Menell Perry Ranger Salmon Wells	Cant Loughlin	Mackman	Lemon
Licensing and Environmental Health (11)	Davey Freeman Hicks Perry (c) Ranger Salmon (vc) Walters Wells	Loughlin Morson	Asker	
Scrutiny (10)	G Barker Davies Harris	Evans (vc) Morson	Watson	Godwin (c)

<b>Committees</b>	<b>Conservative</b>	<b>Liberal Dem</b>	<b>Residents 4 Uttlesford</b>	<b>Independent</b>
	Howell Oliver Rich			
Performance and Audit (10)	Artus Eden Felton Howell (c) Jones Oliver (vc) Sadler	Dean Foley	Mackman	
Staff Appeals (8)	Artus Eden Hicks Jones Ranger Wells	Cant	Mackman	
Standards (6)	Eden Menell	Cant Loughlin	Parry Watson	Lemon (c) Godwin

C53

## **POLLING DISTRICTS AND PLACES SCHEME**

Councillor Chambers presented a report on final proposals for a revised polling scheme, which set out recommendations from the Electoral Working Group.

Councillor Rolfe proposed an amendment that the designated polling place for Saffron Walden Audley South be the Friends' School in place of the recommendation that it be the Gymnasium at the County High School. Councillor Rolfe said there were two reasons for proposing such an amendment: because the Friends' School had been the polling station for that polling district for a number of years, and because the County High School was opposed to the use of its premises, as it considered it would need to close on polling day due to the potential disruption to the examination period. Councillor Rolfe said the Friends' School was happy for its premises to be used, and the Assembly Room could be used for the purpose of polling.

The amendment was seconded. The Chairman invited the Democratic and Electoral Services Manager to comment as to whether this proposal was acceptable.

The Democratic and Electoral Services Manager said criteria at each of these two locations had been assessed very carefully. Officers had put forward two options to the Electoral Working Group, which had reached the conclusion that on balance the County High School was the preferred option. The reason that the County High School was preferred was first, because designation of the County High School was less risky than designation of the

Friends' School, and secondly, due to the fact that there had been difficulties on three out of the four previous occasions at the Friends' School.

Councillor Watson said he endorsed Councillor Rolfe's amendment. He was a member for Audley Ward. The location of the current polling place was more central and there was more parking. He appreciated that the Assembly Hall might not always be available but it would be for the 2015 elections.

Councillor Chambers said, if it was the wish of the Council, he would put forward that amendment, specifying the Assembly Hall as the polling place.

Councillor Loughlin asked whether the Democratic and Electoral Services Manager could explain what the past difficulties with the Friends' School site had been.

The Democratic and Electoral Services Manager said the optimum number of electors for a single polling station was considered to be no more than 1,500 electors. Therefore in order to deal satisfactorily with the number of electors on the register at Audley South, a room of sufficient size was required to provide for two polling stations. The Assembly Hall was the only part of the Friends' School that would be satisfactory for polling. On two occasions a mobile unit had had to be installed as a polling station, and on one occasion, at quite late notice, the Music Room had been used. Provided the Assembly Hall was available, then the location at the Friends' School was suitable. However, the Council had no absolute statutory right to use the Friends' School.

Councillor Loughlin asked whether the Council could be more certain of the availability of the Assembly Hall.

The Democratic and Electoral Services Manager said assurance had been given by the Friends' School that the Assembly Hall would be available for polling use in 2015 but beyond that it was not known.

RESOLVED to adopt a revised scheme of polling arrangements as set out in the appendix to the report subject to the designation of the Assembly Hall at the Friends' School as the polling place for Saffron Walden Audley South.

The meeting ended at 7.50pm.

### **Public Statement**

Councillor A Ketteridge

"I am speaking as member of the public. My actions as a private individual have opened the door to questions about the integrity of senior officers and members of the council. I understand officers have been told it would be a criminal offence to advise me. This matter relates to the pruning of a tree in my garden which was made the subject of a Tree Protection Order in 2012.

In 2013 I clipped some low-hanging branches, only to the extent of one garden rubbish bag, due to a genuine oversight as the tree was the subject of a Tree Protection Order. I was told a member of the public had reported me, following which an enforcement officer attended my property. Councillor Perry telephoned my father, then Leader of the Council, and told him that I was “cutting down” the tree, despite the fact that I was obviously available to speak to directly.

My action was due to an oversight which I recognise and for which I apologise. I subsequently received a local authority caution from Michael Perry in consequence of the County Council arboriculturalist’s findings. I understand that a record of a caution is held at the council should I ever repeat the action. As a result of public comments I have had to take legal advice regarding libellous statements.

I wish to state that at no time did anyone interfere with due process. There have been accusations of nepotism: there is none. Matt North requested there should be an independent inquiry which would have had serious consequences, not for me but for another party. I put in a planning application relating to the tree, following which there were local press headlines; Councillor Dean put a question to Council and Councillor Mackman made a public remark – never before has an application to prune a tree been in the headlines. I feel I have to speak at this forum to preserve the confidence of the public in the council, as it is a very good council, and I should add that the tree is still there.”



**Committee: Full Council**

**Agenda Item**

**Date: 18 December 2014**

**4**

**Title: Report of the Independent Remuneration Panel for 2015/16**

**Authors: Jackie Anslow, John Nowell and Janet Pearson assisted by Peter Snow**

Item for decision

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## Summary

1. In making or amending any scheme of allowances, the Council is obliged to have regard to the recommendations of an independent remuneration panel but is not bound by them.
2. The Independent Remuneration Panel has been meeting since August 2014 to consider what basic and special responsibility allowances should apply in 2015/16. In doing that the Panel has revisited the recommendations made in December 2013. Those proposals, accepted in full by the Council, were intended to be part of a long term rebalancing plan to match allowances to the positions of responsibility applicable under the executive system operated at Uttlesford since May 2011.
3. The Panel had intended to propose implementation of the final year of a three year plan to increase the allowances paid to executive members. This was intended to recognise positions of responsibility undertaken by cabinet members. We signposted in last year's report that further increases may not be appropriate in view of the way the cabinet system has developed at Uttlesford.
4. A change of executive leadership has taken place at the Council in the last few months and the composition of the cabinet has altered. The Constitution Working Group has been undertaking a review of the cabinet system and the operation of overview and scrutiny arrangements. We have noted however there has been no extension of delegation powers to individual executive members.
5. We said last year that we would continue to take account of the extent to which the executive system was underpinned by a meaningful scheme of delegation to facilitate swift and effective decision making. The present Leader has indicated clearly to us that he does not intend to extend delegation powers to individual members of the cabinet. The Panel acknowledges the operation of a collaborative leadership model fits the inclusive nature of the Council's culture of collective decision making. The outcome of the ordinary election of district councillors in May 2015 might result in a further review of decision making structures.
6. For all of these reasons, the Panel has decided to recommend postponing the main thrust of planned changes to the allowances scheme in 2015/16. Except

for some minor adjustments explained in this report, no changes are being proposed, including to the level of the basic allowance.

7. We commend our recommendations to the Council.

## Recommendations

8. That the Council adopts for 2015/16 the recommended allowances set out in the following table.

Type of allowance	Existing scheme	Recommended scheme
Basic allowance	£5,000 (notionally ten hours per week, or 65 days annually, determined at the hourly rate derived from the ASHE survey)	£5,000 (no change)
Chairman of the Council	£4,000 (80% of basic allowance) + civic expenses	£4,000 (no change)
Vice-Chairman of the Council	£2,000 (40% of basic allowance)	£2,000 (no change)
Leader of the Council	£12,250 comprising £10,750 (215% of basic allowance) plus £1,500 (30% of basic allowance) for acting as leader of the majority political group	£12,250 (245% of basic allowance); allowance for acting as leader of the majority political group to be phased out and merged with the Leader's allowance
Deputy Leader	£6,500 (130% of basic allowance)	£6,500 (no change)
Members of the Executive	£6,000 (120% of basic allowance)	£6,000 (no change)
Chairmen of Overview and Scrutiny Committees	£3,500 (70% of basic allowance)	£3,500 (no change)
Chairman of Planning Committee	£3,750 (75% of basic allowance)	£3,750 (no change)
Members of Planning Committee	£462 (6 days at the ASHE rate)	£462 (no change)



Chairman of Licensing and Environmental Health Committee	£3,750 (75% of basic allowance)	£3,750 (no change)
Chairman of Standards Committee	£2,000 (40% of basic allowance)	£2,000 (no change)
Chairmen of Area Forums	£1,000 (20% of basic allowance)	£750 (15% of basic allowance)
Group leaders	Leader of the majority group @ 30% of basic allowance, leading to a final phasing out of the Leader's group leader's allowance; leader of the largest opposition group @ 25% of basic allowance (£1,250); other opposition group leaders @ 15% (£750)	The Council's Leader's group leader's allowance is proposed to be phased out and merged with the Leader's allowance (see box above). No change is being proposed to allowances paid to the opposition group leaders
Independent members of the Standards Committee	£500 – benchmarked against the payment made to members of the Independent Remuneration Panel	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 remain entitled to receive a maximum of one additional SRA	It is proposed to discontinue the multiple payment rule applicable to group leaders only; therefore remove all words after the brackets
Carer's allowance	Actual cost of engaging a carer up to a maximum of £15 per hour	No change
All other elements of the scheme including travel and subsistence expenses are to remain unchanged	As set out in part 6 of the Members' handbook	No change (but note removal of the provision enabling members to join or to participate in the Local Government Pension Scheme)

## Financial Implications

9. **The total cost of administering the members' allowances scheme was £295,256 in 2013/14, £302,756 in 2014/15 and is estimated to be £277,256 in 2015/16. The estimated saving involved in implementing the recommendations of the Panel in 2015/16 is therefore £25,500, or 8.4% on the existing scheme.**

## Background Papers

10. The following papers were referred to in the preparation of this report and are available for inspection.

No specific background papers were referred to in preparing this report other than documents already published.

## Impact

11. The impact of these proposals is described in the table below.

Communication/Consultation	In reaching its conclusions, the Panel has considered and evaluated comparative information from other local authorities in Essex and surrounding counties. The Panel has consulted with the leaders of three of the political groups as part of this year's review. A fourth political group was established after the consultation arrangements were agreed.
Community Safety	No impact
Equalities	No specific impact
Health and Safety	No specific implications
Human Rights/Legal Implications	No known implications
Sustainability	No specific implications
Ward-specific impacts	No specific ward implications
Workforce/Workplace	No specific implications

## Composition of this year's Panel

12. This year's Panel consists of the following members:

- Jacqueline Anslow, this year's Chairman and a former social worker and foster panel member, serving until August 2016
- John Nowell, a former senior finance officer in local government, serving until August 2015
- Janet Pearson, a former accountant, serving until April 2017

## Explanation of the approach adopted by the Panel

13. As in previous reviews, the Panel has benchmarked information from other Essex councils and some other neighbouring councils. The councils from which benchmarking information was obtained were Braintree, Brentwood, East Hertfordshire, Harlow, Maldon, Rochford, South Cambridgeshire, and Tendring.

14. No change is proposed to the **basic allowance** which has remained unchanged at Uttlesford since 2011/12 when it was reduced by £20. We noted in last year's report that the basic allowance of £5,000 remains quite generous in comparison with benchmarked authorities and the evidence we considered continues to support that interpretation. The average of the basic allowance paid at those councils is presently £4,800.

15. The level of the basic allowance is considered to be broadly correct, especially once the public service discount of 35% is applied. The Panel will continue to assess the suitability of the basic allowance to remunerate councillors for the time element of performing their role. The reduction in the number of district councillors from 44 to 39 may have an effect on member workload, which in turn might require a reconsideration of the basic allowance. The Panel intends to keep this issue under review.

16. In considering the appropriate level of the **Special Responsibility Allowances** payable to the **leader, deputy leader and other executive members**, the Panel took into account the way the executive model of decision making has evolved since May 2011. In framing the three year plan to match payments to the roles performed, the expectation of the Panel was that executive members would be granted some delegated decision making powers, and the cabinet as a corporate body would tend towards making only key decisions.

17. The cabinet system evolved differently under the stewardship of the previous leader and the present leader has made it clear to us he intends to continue the culture of collective decision making.

18. We recognise this is entirely a matter for decision by the leader and other members of the administration and does not detract in any way from the validity of the executive system as operated. However, the proposed increases in SRAs paid to executive members were based on assumptions about individual decision making powers which have not materialised. The

Panel accordingly recommends not proceeding with the intended increases for 2015/16.

19. Had the increases been implemented, the leader's SRA would have risen from 245% to 255% of the basic allowance, the deputy leader's SRA from 130% to 165%, and executive members' SRAs from 120% to 140%. The saving in 2015/16 of not implementing these increases is £7,250.
20. SRAs paid to executive members at Uttlesford remains below those in the benchmarked authorities by an average of between £1500 and £2000 but the Panel considers this is a realistic position given the factors mentioned in the preceding paragraphs. The Panel is aware of extensive individual delegation arrangements in place in several of those authorities, notably at Braintree and Rochford.
21. In adopting this position, the Panel is also aware of the imminence of local elections in May 2015 and feels that further reflection is needed before the executive model in operation at the Council can be fully assessed. This reinforces the decision not to recommend further changes before the election.
22. One change is being proposed to remove a clear anomaly remaining within the allowances scheme. This involves **phasing out the group leader's allowance paid to the leader of the council**. The overall effect will be cost neutral as the removed allowance will be merged with the leader's SRA. This change provides an opportunity to remove the provision allowing the payment of a second allowance to group leaders and it is being proposed accordingly.
23. One other change we do intend to confirm is to further reduce the SRA payable to the **chairmen of the two area forums** from 20% of basic allowance to 15%. As stated previously, the two forums have no decision making powers and meet only three times annually but they do provide a valuable public interface and act in a useful consultative capacity.
24. We noted the removal of the right of councillors to join the Local Government Pension Scheme after 31 March 2014 and that existing members of the scheme will cease to be members at the end of their present term of office.
25. In undertaking our duty to consider the appropriate level of allowances we have noted with interest the review of the executive system by the Constitution Working Group. In particular we noted the intention signalled by the Working Group to increase the effectiveness of the way that overview and scrutiny arrangements operate within the present executive system. The Panel will consider any changes proposed to the way that executive decisions are scrutinised in time for the Panel's next report.
26. The Panel has given careful consideration to the role of **opposition group leaders** in the wake of a specific question about this element of the allowances scheme during consideration of the previous review in December 2013. Benchmarking information has indicated some disparity between the allowances paid at Uttlesford and those paid elsewhere. Again, with the uncertainties arising from the 2015 local elections, the Panel considers it

sensible to revisit this issue once the political layout becomes clear after the election and in time for the Panel's next report.

27. In conclusion the Panel is recommending only minor changes to the members' allowances scheme for 2015/16 at this time. At the next review, following the local elections, the Panel will consider:

- a) Any effect of the reduction of member members from 44 to 39;
- b) Payment levels of Special Responsibility Allowances to opposition group leaders; and
- c) Levels of SRAs to members following any clarifications and/or amendments to the Council's executive system.

28. The overall cost of the allowances scheme will be reduced by £25,500 as a result of the changes we are proposing and the impact of the reduction in membership.

#### Risk Analysis

29. The risk analysis is set out below.

Risk	Likelihood	Impact	Mitigating actions
That member allowances do not continue to be set at a realistic level reflecting jobs undertaken and may jeopardise the recruitment of elected members	3 – allowances paid to portfolio holders do not reflect the time commitment and level of responsibility demanded	3 - the Council may be less well governed if allowances are not set at a realistic level and future recruitment of members may be affected	Adopting a suitable scheme of allowances taking account of relevant levels of responsibility

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## Item 8 – Matter referred from the Executive

**Committee:** Cabinet

**Agenda Item**

**Date:** 28 October 2014

**Title:** The Living Wage

**Portfolio Holder:** Cllr Robert Chambers

Key Decision: No

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### Summary

1. This report outlines the Living Wage and recommends that the council becomes a Living Wage employer from the 1 January 2015

### Recommendations

- a. The Cabinet is requested to recommend to Full Council, that the Council agrees to pay the Living Wage from 1 January 2015 and will seek to obtain accreditation with the Living Wage Foundation from that date.

### Financial Implications

2. The revenue implications of this item can be met from existing budgets

### Background Papers

None.

### Impact

Communication/Consultation	Discussions have been held with the trade union.
Community Safety	None
Equalities	An Equalities Impact Assessment is attached as Appendix One
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
None Ward-specific impacts	None
Workforce/Workplace	See report

## Background

3. The Living Wage Campaign in the UK was launched by London Citizens in 2001 and calls for every worker in the country to earn enough to provide their family with the essentials of life. Following a series of successful campaigns, various interested parties joined together and formed the Living Wage Foundation in 2011. The Foundation is now the lead body and provides accreditation, support and advice to Living Wage Employers.
4. The figure used by the Living Wage Foundation is calculated for the Foundation by the Centre for Research in Social Policy (CRSP). The calculation is based on the Minimum Income Standard for the United Kingdom, the product of research by CRSP, funded by the Joseph Rowntree Foundation. The research looks in detail at what households need in order to have a minimum acceptable standard of living. Decisions about what to include in this standard are made by groups comprising members of the public. The Living Wage is therefore rooted in social consensus about what people need to make ends meet.
5. The uprating of the Living Wage figure each year takes account of rises in living costs and any changes in what people define as a 'minimum'. It also takes some account of what is happening to wages generally, to prevent a situation where Living Wage employers are required to give pay rises that are too far out of line with general pay trends.
6. The Living Wage rate (outside of London) for 2014/15 will be announced on 3 November 2014 as part of the 'Living Wage Week' which runs from 2 – 8 November.
7. The current Living Wage rate (outside of London) is £7.65 per hour. Fifteen staff are currently paid below this amount, a mix of mainly cleaners and refuse loaders.
8. Introducing the Living Wage, at the current rate, would cost £8,850 in a full year. Precise costs will be presented to Full Council in December once the new figure is known. Previous rates are shown below
  - 2011/12 - £7.20
  - 2012/13 - £7.45
  - 2013/14 - £7.65

At present there is no indication of the 2014/15 rate, however for every 10p per hour increase the introduction cost to the Council rises by £1,400.

9. The cost of being accredited to the Living Wage Foundation is £400 per annum.



**Committee:** Council

**Agenda Item**

**Date:** 18 December 2014

**10**

**Title:** Council Structure 2015/16

**Author:** Maggie Cox Democratic Services Officer

Item for decision

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### Summary

1. The Council is asked to consider the Constitution Working Group's proposals for a new structure of the Council for 2015/16 based on the reduction in the number of members from 44 to 39 after the district elections in May 2015.

### Recommendations

- 1 The proposed structure of the Council 2015/16 as set out in appendix 2 be agreed as the basis for planning and be put before the new Council in May 2015.
- 2 A timetable of meetings for 2015/16 be prepared on the basis of the frequency of meetings set out in appendix 3

### Financial Implications

2. None at this stage. There will be implications for members' allowances from May 2015:

### Background Papers

3. None.

### Impact

- 4.

Communication/Consultation	n/a
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	To comply with the legal framework in relation to decision making Changes to the council's constitution will be required

Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

## Situation

5. The council structure for 2015/16 will be determined at the first meeting of the new council in May 2015. Any proposal put forward at this stage will not be binding on the new council. However, it is useful now to consider the committees which will still be required and how the reduction of members from 44 to 39 can be accommodated within the structure. It is also necessary for a draft timetable to be developed and meetings scheduled, so that at least in initial stages of the new council, the day to day business of the council can continue.
6. At the meeting on 2 December 2014, the Constitution Working Group, reviewed the Council's current structure of committees and working groups and considered a new structure based on 39 seats. It considered the following areas:
  - Proposed committees and working groups.
  - The number of members on each committee.
  - A timetable for the frequency of meetings.

## Council structure

The working group agreed that in the most part the status quo should be recommended to continue but some minor changes were suggested as follows

### Removal of the Staff Appeals Committee

This committee has not met for over 6 years, as the council has changed the way that it deals with appeals from its employees. It does not seem sensible to appoint members to a group that is not likely to meet. However, in future, if member involvement is required, a committee could be established by the council.

### Reduction in committee membership

- Planning – 12 Members (currently 14)
- Licensing and Environmental Health – 10 Members (currently 11)

The size of membership for these committees is a historical legacy and it would seem sensible to adopt a consistent approach, in line with the other two main committees, which each have 10 members. However the working group felt that the Planning Committee should have 12 members, given the frequency of its meetings and the need to ensure that absence was adequately covered.

The existing structure and the proposed changes are set out in appendix 1 and 2.

The proposed amendments to the structure would accommodate the reduced number of members from May 2015, but still leave each member with the opportunity for a place on a council committee.

### **Terms of reference**

The working group felt that the terms of reference for the main committees should be a matter for the new Council to consider. The terms of reference for the Council Working groups showed that the work in these areas was on-going and it was agreed that these groups should remain in the structure. It was the responsibility of new Cabinet to establish the Cabinet working groups.

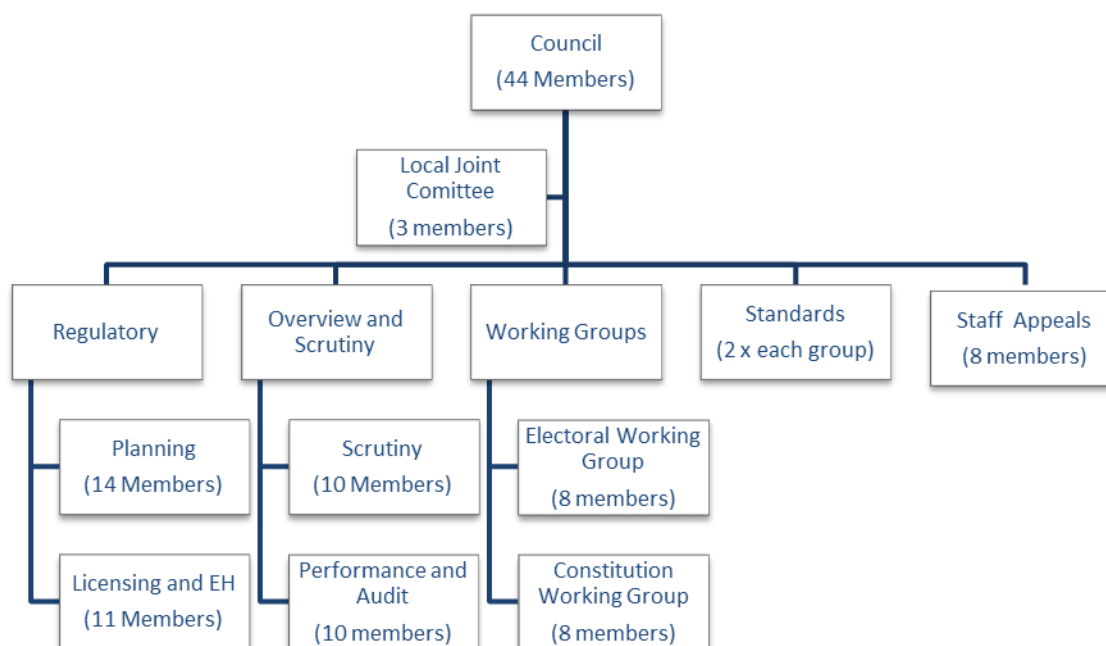
### **Frequency of meetings**

Appendix 2 sets out the frequency of the main committee meetings. The timetable of meetings has been based on these principles for the last four years. Many of the dates are determined by operational deadlines, particularly in relation to budget setting. The working group agreed that the timetable of meetings for 2015/16 should be prepared on a similar basis to previous years. It was envisaged that the new council might wish consider the most appropriate way to timetable the Scrutiny Committee meetings given the previous discussion on this matter.

### **Risk Analysis**

None at present

**Current Council Structure (44 members)**



**Committee seats available**

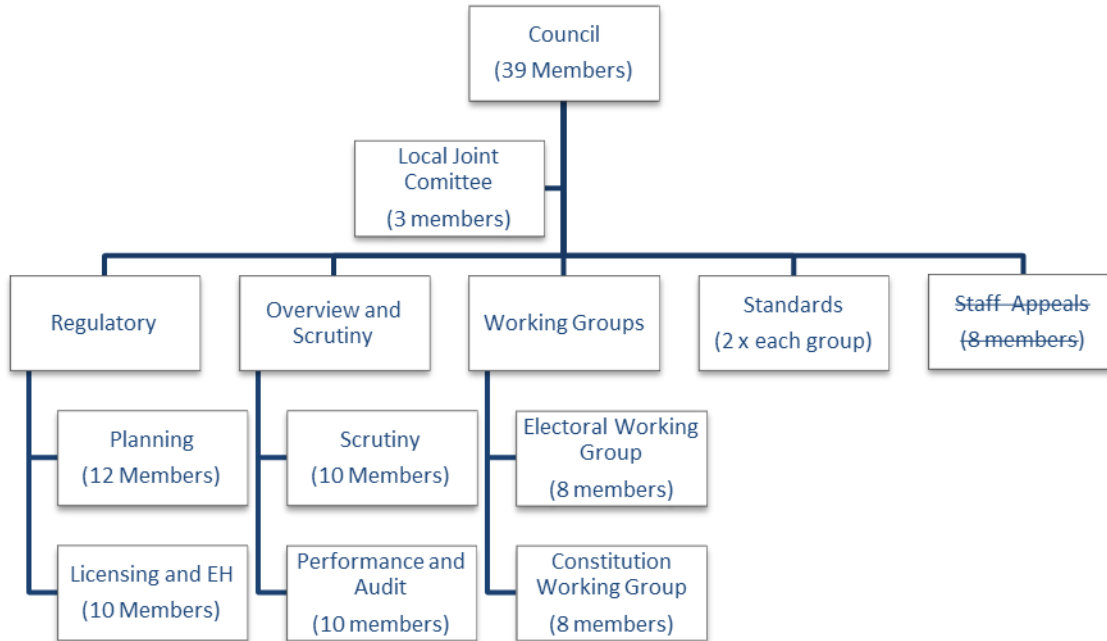
Council	44
Regulatory	25
Overview and Scrutiny	20
Staff appeals	8
Standards	8
Working groups	19
<b>Total</b>	<b>124</b>

**No of Seats per member**

2.8 - seats available per member

2.02 – seats on main committees Council, regulatory, overview and scrutiny.

**Proposed Structure (39 members)**



**Seats available**

Council	39
Regulatory	22
Overview and Scrutiny	20
Working groups	19
Standards	8
<b>Total</b>	<b>108</b>

**No of seats per member**

2.8 seats per member

2.07 – seats on main committees (council, regulatory, overview and scrutiny)

**Frequency of meetings**

Meeting	No. per year	Frequency
Council	5 + Annual Council	May, July, October, December, February, April
Cabinet	10 (but at Leader's discretion)	Approximately every 6 weeks
Planning	14	Every 4 weeks (5 weeks over Christmas)
Licensing	4 times per year (including budget setting meeting)	July, October, January, March Panel meetings arranged on an ad hoc basis (around 10 per year)
Scrutiny	6	Generally 2 weeks before Cabinet Dates also reserved for potential call in 10 days following the Cabinet meetings
Performance and Audit	5	May, July, September, November, February Timetabled to comply with performance reporting and approval of the Statement of Accounts
Standards	3	June, October, March Hearings arranged on an Ad hoc basis (av. 1-2 per year)

**Committee: Council**

**Agenda Item**

**Date: 18 December 2014**

**11**

**Title: Uttlesford Local Plan Examination:  
Inspector's decision and next steps**

**Author: John Mitchell, Chief Executive**

Item for decision

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## **Summary**

This report is brought forward at the request of the Leader in the light of the decision of the Inspector to close the Local Plan Examination in Public on 3 December 2014. At the time of writing the Inspector's full statement has not been received but the summary statement is appended. This report sets out the next steps. While there may be calls for an examination of the process that brought the Council to this position it is of immediate concern that the Council puts the necessary framework in place to move forward. To this end, Members should note that the Inspector has not determined that every aspect of the Plan is unsound and the Council therefore does not need to restart the entire process from first principles. To minimise the risk of "planning by appeal" the Council will need to determine the means to consolidate those aspects of the Plan which do not need revision. This report therefore concerns the next steps rather than an examination of past events.

## **Recommendations**

1. Council authorises the Chief Executive in consultation with the Leader to advise the Planning Inspectorate that the council will take the appropriate steps to prepare revisions to the submitted Plan to address the soundness issues as confirmed by the formal report of the Examination, once it has been received;
2. Council instructs officers to prepare a revised Local Development Scheme for the preparation of a revised Plan for consideration by the Working Group and thence for Cabinet, which will include the steps outlined in paragraph 11 (a-e) below;
3. Council notes that a report will be prepared for the Working Group and thence for Cabinet identifying those aspects of the Plan which have not been challenged by the Inspector as a basis for preparing a revised plan;
4. That a further report be brought to Council prior to submission of the revisions to the plan.

## **Financial Implications**

5. The process of revising the Plan and a further Examination will extend through FY 2015/16 and into FY 2016/17. The minimum budget provision required will be similar to that in the current year. It may be necessary to draw on the

Planning earmarked reserve to resource any exceptional work that needs to be commissioned. It had been anticipated that the Inspector would have needed to recommend modifications to the submitted Plan to provide for an early review to address the new housing market assessment findings even if he had felt able to recommend adoption as so modified. Consequently the overall financial implications of the Examination findings may not be greatly different from what is needed to ensure that the Council always has an up to date Plan.

## Background Papers

- The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

- 

Communication/Consultation	Consultation will be an integral part of the process of preparing revisions to the Plan as submitted in 2014
Community Safety	None directly
Equalities	Any equality and diversity issues will be assessed during the process
Health and Safety	None
Human Rights/Legal Implications	The council is required under the Planning Acts to prepare a Local Plan
Sustainability	A Local Plan is required to be compliant with the National Planning Policy Framework which is the Government's policy for achieving sustainable development
Ward-specific impacts	All
Workforce/Workplace	A review of resources will be required. Some reliance on external resources will be required for specialist technical advice.

## Situation



8. The Local Plan examination was concluded early by the Inspector on Wednesday 3 December. A copy of his summary statement is appended, and the full statement may or may not be available in time for this meeting.
9. There are two principal reasons. Firstly he considered that the Council's objectively assessed housing need (OAN) required an uplift of at least 10% from 2011 to take into account such matters as affordable housing needs, employment issues and market signals. Secondly he expressed severe concerns about the suitability of land to the north east of Elsenham as a strategic allocation because of a lack of evidence to demonstrate the suitability of the local roads and the capacity of junction 8 on the M11. He was also of the view that further assessment of the claims of other new settlement options is required. Unless these matters are addressed then he could not recommend adoption of the Plan.
10. Officers agree with the Inspector that the work necessary to address these issues will take longer than the normal 6 month period of a suspended examination, and this is why the Inspector closed the examination rather than suspending it. However, in his very carefully worded statement he has not declared the whole plan to be unsound and Officers are taking legal advice on whether to withdraw the plan from its submitted status while the necessary revisions are carried out.
11. The principal risk is that an increased build rate of 580 houses per year backdated to 2011 (up from 523) quickly eats into the council's 5 year housing land supply, opening up a window of opportunity for speculative planning applications for new developments in the district while the revised plan is prepared. The next steps are therefore:
  - a. Reassess the 5 year land supply requirement based on OAN of 580 homes a year from 2011. It will take at least six months before the new housing market assessment is concluded as it needs to take account of new official household projections which are overdue.
  - b. Complete a new Strategic Housing Market Assessment to form a basis for Duty to Cooperate discussions with East Herts, Epping Forest, and Harlow District Councils through the mechanism of the inter authority Cooperation for Sustainable Development Group that has been set up. Duty to Cooperate discussions will also need to take place with Braintree, Chelmsford and South Cambs Councils, and with the Greater London Authority.
  - c. Review the Strategic Environmental Assessment methodology in the light of recent case law to ensure it is fit for purpose.
  - d. Seek to ensure that M11 J8 modelling and other technical assessment work is brought to a conclusion to confirm scope for improvement works and capacity that can be created, together with estimated costs. Duty to Cooperate discussions will take place on this and other relevant transport related matters with Essex, Hertfordshire and Cambridgeshire County Councils, together with the Highways Agency.

- e. Issue a call for sites focusing on a new settlement once the Council's OAN is determined. Given the Inspector's comments on the nature of some of the proposals that have been put forward in the past it is currently considered that if responses are to be credible they will need to be accompanied at the very least by a master plan, a transport assessment, a Strategic Environmental Assessment, a flood risk assessment and a water cycle study.

12. Progress will be overseen by a Working Group. The Leader has indicated that this will be open to cross party involvement, broadcast and made open to the public. Consultation will continue to be meaningful, extensive and inclusive. One of the key early tasks of this Group will be to assess the implications of the Inspector's full statement in detail and to recommend interim measures to minimise the risk of "planning by appeal".

### Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The pattern of new development is relatively ad hoc with no strong coherent spatial logic.	3 The absence of an up to date adopted Plan until a revised plan is in place means that planning applications will be determined principally on the basis of the National Planning Policy Framework and not necessarily steered by the council's interpretation of that national policy to local circumstances	3 The resulting pattern of development may not reflect a coherent strategic approach. The provision of services and infrastructure to support development may be less integrated	Prepare revised Plan as expeditiously as possible whilst complying with due process.
The council cannot demonstrate that it has a 5 year supply of deliverable housing sites	4 A higher objectively assessed housing need increases the 5 year requirement	3 Sites considered to be sustainable development are likely to be allowed on appeal in the absence of a demonstrable 5 year supply of land	Further sites not allocated for development may need to be granted planning permission in the interim.

<p>The preparation of local plans across the housing market area needs to be coordinated to show that the full needs of the market area as a whole are being met</p>	<p>3 Dependent on ability of the four councils to progress their respective plans in concert</p>	<p>2 A future examination finds Uttlesford Local Plan is still not proposing enough development to meet housing needs because of lack of progress in a neighbouring authority</p>	<p>Member Inter authority Cooperation for Sustainable Development Group needs to resolve issues and ensure each respective council can accept its recommendations.</p>
<p>Strategic infrastructure to support the scale of development needed to meet the objectively assessed housing need does not exist</p>	<p>3 Significant capacity improvements to the strategic highway network cannot be funded from development without affecting its viability</p>	<p>3 Congestion or non-delivery of strategic sites</p>	<p>Strategic transport modelling needs to be progressed.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix: Summarised Conclusions of the Inspector, 3 December 2014.



## **Examination of the Uttlesford Local Plan (ULP)**

### **Summarised conclusions of the Inspector after the hearing session on 3 December 2014**

This note briefly summarises the conclusions I have reached about the soundness of the plan. It also indicates what I consider likely to be the most positive way forward.

#### Objectively assessed need for housing (OAN)

Para 47 of the National Planning Policy Framework (NPPF) requires Local Plans to meet the full OAN for market and affordable housing in the Housing Market Area (HMA) as far as consistent with the policies in the NPPF.

The most recent (phase 6) demographic work by Edge Analytics (on the basis of the SNPP-2012 data) indicates an annual dwelling requirement of 508 using 2011-based household formation rates or 549 using 2008-based rates. The average of the two rates gives a requirement of 529pa. In my view this is an appropriate starting point, allowing for some return towards long-term pre-recession trends and avoiding embedding post-recessionary conditions judged to have been reflected in the 2011 Census. In itself this a small addition (6pa) to the plan's provision of 523pa would not be a major issue.

However, Planning Practice Guidance 2a-019 recognises that various factors may require some adjustment to be made to demographically-modelled household projections (e.g. affordable housing needs, employment issues and market signals). The brief for the forthcoming Strategic Housing Market Assessment (SHMA) currently being produced for Uttlesford and its 3 neighbouring authorities in the 'Harlow/M11 corridor' requires PPG compliance on these matters. It remains to be seen how these factors will be considered and weighed in the SHMA.

While evidence on some of these topics is patchy. Taking them in the round and without discussing them in detail here, I consider that an uplift of at least 10% would be a reasonable and proportionate increase in the circumstances of Uttlesford, say to about 580pa.

The submitted plan therefore does not provide for a full PPG-compliant OAN.

## Elsenham policy 1 – land north east of Elsenham

The Elsenham strategic allocation emerged as part of the favoured option about 8 years ago at the outset of what has become an extended plan-making process. It is not clear that transparent consideration of other 'new settlement' options took place before the very high level, broad brush comparative Sustainability Assessment (SA) of January 2010, acknowledged by the Council as 'not a full SA'. No further SA of other possible 'new settlement' options took place until June 2014 after the plan had been submitted despite the promoters of other options developing their schemes to varying extents of detail in the intervening period. Whether or not this retrospective exercise meets the requirements of the SEA Regulations as interpreted by subsequent case law, it is questionable whether the Council considered the claims of other candidate locations for growth ('new settlement' or otherwise) to the transparent extent required to constitute 'proportionate evidence' justifying Elsenham as such a major element of what is declared to be the 'most appropriate strategy'.

From all the material produced on this issue by the Council, by the promoters of the site, and by opponents of the allocation, I have severe concerns about the justification for this proposal and thus the soundness of the plan as a whole.

On the basis of its size and level of services the plan regards Elsenham as one of 7 'key villages', the function of which is 'to act as a major focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area'.

There is no reason in principle why the plan should not propose a step change in the size and status of a key village if this is justified as a sustainable way to meet the district's needs. However, Elsenham is embedded within a rural road network and the areas of the existing and proposed new parts of Elsenham are substantially divided by the railway line, a situation which could become worse if the crossing is closed.

NPPF para 34 says that "Plans ..... should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes will be maximised."

At Elsenham the opportunity to use trains is a definite benefit but this will only affect a small minority of journeys. The current infrequent bus services will be improved but will still only be modest. Designed opportunities for safe walking and cycling on site will be good, but beyond that effectively no better than they are at present. Most travel will be on rural roads heading

mainly west towards Stansted Mountfitchet through roads clearly unsuited for the purpose, or south through the Countryside Protection Zone via the longer route of Hall road to the airport and destinations along the A120.

It is unclear that any of these routes are fit for purpose to the extent that Elsenham would be able to overcome its overall connectivity disadvantages and be regarded as a sustainable location for growth on this scale.

Further concern about the allocation (in this case after the initial phase of 800 houses) arises from the uncertainty attached to the capacity of M11 (J8) as expressed in the representations about the submitted plan by the Highways Agency and the County Council. The Statement of Common Ground (SoCG) indicates that resources are likely to be available to fund improvements to the junction to cater for planned developments before the mid-2020s; however, further work is required to explore capacity after that date. Although more modelling is proposed to investigate this issue, the outcome of this work (and the availability of funding for any further improvements found necessary at the junction which, it is said, could be very substantial) are both currently unknown. In these circumstances it would be premature, and inconsistent with the PPG on transport evidence bases in plan-making, to recommend adoption of the plan.

### The Way Forward

Taken together, my concerns about the OAN and the justification for Elsenham mean that I cannot recommend adoption of the plan as submitted. Nor would I be able to recommend Major Modifications under section 20 of the act which could overcome these soundness defects.

My normal strong inclination would be to 'keep the Development Plan process on the road' wherever possible in order to keep the planning process moving along with as little disruption as possible. However, the scale of work which the Council would need to undertake to propose and consult upon changes to deal with these matters would be greater than could be completed within the normal maximum 6-month period of a suspended examination.

The new SHMA, currently being prepared for Uttlesford and its neighbours in the 'Harlow/M11 corridor' should provide a vehicle for up-to-date, PPG-compliant OAN assessments for these authorities both individually and jointly.

There appears to be widespread recognition that some form of new settlement(s) in an appropriate location may form the most appropriate

means for catering for the future long-term growth of the District on a scale bold enough to achieve maximum possible sustainable critical mass and a long term solution, especially as there may well be limits to how far relatively small towns with the characters of Saffron Walden and Great Dunmow grow sustainably, attractively, and in an integrated way through successive phases of peripheral expansion.

I make no comment on the claims of any of the many alternative sites, larger or smaller, that have been promoted in the process over the years , and note that some of those dubbed 'new settlements' may or may not fit that description. Armed with the new SHMA, providing a clearer picture of future needs for Uttlesford and its neighbours, I consider that a revised plan needs to be prepared as soon as possible, in co-operation to any extent necessary with the still-emerging plans of neighbouring authorities.

Roy Foster

3rd December, 2014



**Committee: Council**

**Agenda Item**

**Date: 18 December 2014**

**12**

**Title: Review of Returning Officer's Fees and Expenses**

**Author: Peter Snow, Democratic and Electoral Services Manager, 01799 510430**

Item for decision

## Summary

1. Members are asked to review and approve the Returning Officer's scale of fees and expenses for use at all relevant local elections and referendums held in the Uttlesford district from 1 March 2015.

## Recommendations

2. Approve the Scale of Fees and Expenses set out in Appendix A to this report.

## Financial Implications

3. The recommendations have costs but these are already budgeted. In practice the fees listed in the appendix will be subsumed by the fees used for the General Election for which a separate funding allocation has already been made. The cost to the Council of the apportioned share of the combined Parliamentary and local elections in May 2015 is estimated to be in the region of £117k, equivalent to the allocation from the Cabinet Office. Of that sum, a proportion will be reclaimed from parish councils as the full cost of administering parish elections will be charged directly to those parishes concerned, whether or not those elections are contested.

## Background Papers

4. All papers referred to by the author in the preparation of this report are already published.

## Impact

- 5.

Communication/Consultation	No specific consultation has been carried out.
Community Safety	No impact
Equalities	No impact
Health and Safety	No direct impact

Human Rights/Legal Implications	The Council must by law pay all of the Returning Officer's expenses as reasonably incurred
Sustainability	No impact
Ward-specific impacts	All wards
Workforce/Workplace	No direct impact

## Situation

6. The Council is obliged by law to appoint a returning officer (RO) who will either be the Chief Executive (as is the case at Uttlesford) or another senior officer of the authority. The RO has a distinct legal role in relation to the conduct of elections that is entirely separate from his position in the local authority. It is important to be aware of this distinction for it preserves the ability of the RO to act in an independent capacity to uphold principles of electoral law, free from pressures that may be exerted by elected members or by political groups.
7. The Representation of the People Act 1983 provides that all expenditure properly incurred by the RO in relation to the holding of an authority election shall be paid by the Council. There are similar provisions for the election of parish councillors although there is discretion as to whether that cost should be reclaimed from the parish councils concerned.
8. The 1983 Act makes provision for a scale of expenses to be fixed for the purpose of determining those expenses which are to be met but does not require such a scale to be adopted. It also says that, in cases where such a scale has been fixed, that scale may not be exceeded.
9. The Council has always operated on the basis of an adopted scale of fees and expenses. This is considered to be the most convenient method of ensuring that election expenses are met, and that appropriate staff are able to be recruited, in an orderly and controlled manner.
10. The law requires that election expenses are apportioned equally between the polls concerned where combined polls are held. However, not all functions at a combined poll are combined so the Council's scale of fees will be used where costs are attributable to district ward elections. Parish election costs will continue to be reclaimed from the parish councils concerned unless the Council decides otherwise. If a contested parish poll does not take place the costs reclaimed will be limited to the work involved in dealing with nominations, publishing notices, associated fees and incidental costs such as postage.
11. The scale of fees was last reviewed four years ago immediately prior to the ordinary election of district and parish councillors in 2011. Those elections were combined with the national referendum on the voting system to be used at Parliamentary elections. Authority has been granted to the Director of

Finance and Corporate Services to increase the scales annually in line with the average annual local government pay award in the interim period before this review and it is proposed to retain the same arrangement during the period until the next review in 2019.

12. Since 2011 the fees have been increased by 1% to reflect the pay award made in April 2013.
13. The only change proposed in this report is to agree to apply the scale of fees and expenses to any neighbourhood planning or other parish referendums required to be held in the Uttlesford district.

## Risk Analysis

14. The risk analysis is included below.

Risk	Likelihood	Impact	Mitigating actions
2 – That fees agreed for the payment of polling and other staff engaged by the returning officer become progressively more uncompetitive as compared with neighbouring authorities	1 -There is little likelihood of this happening at present because of the conditions of constraint operating in local government and the general economic climate	2 - The impact would be make the recruitment of election staff more difficult and potentially jeopardise the effective administration of the statutory functions of the returning officer	Through benchmarking and other actions, ensure that the rates of payment on offer are sufficient to recruit enough reliable staff with the skills required

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**RETURNING OFFICER'S SCALE OF FEES AND EXPENSES PAYABLE AT ELECTIONS OF DISTRICT AND PARISH COUNCILLORS IN THE DISTRICT OF UTTLESFORD EFFECTIVE FROM 1 MARCH 2015**

		PROPOSED SCALE FEE
<b>1</b>	<b>Returning Officer's Fees</b>	
	Fee for conducting the election and generally performing duties which a Returning Officer is required to perform under any enactments relating to Local Government elections, other than any duties for which separate allowances are prescribed herein:-	
	(a) for each electoral area for which a contest takes place	£68.80
	(b) at a contested election, for every 1,000 electors or part thereof within each electoral area	£24.15
	(c) for each uncontested electoral area, countermanded election and elections at which there are insufficient valid nominations	£32.50
<b>2</b>	<b>Clerical Fees and Allowances</b>	
	For all supervisory and clerical assistance, including the services of one or more deputy returning officers (other than at the counting of votes – see separate payment), the following fees and allowances are payable:-	
	(a) for each contested electoral area	£90.50
	(b) for each uncontested electoral area, or countermanded election	£42.25
<b>3</b>	<b>Poll Cards</b>	
	For services in connection with the preparation, issue and delivery of official poll cards, the following allowances are payable:-	
	(a) allowance for every 100 electors or part thereof in the electoral area for the employment of persons in connection with the preparation and issue of poll cards	£1.90
	(b) allowance for the delivery of poll cards, other than by post, the lower of the following:-	
	(i) 64% of second class postage rate; or	
	(ii) the net rate at which the Royal Mail or other provider would deliver the cards	
<b>4</b>	<b>Postal Voting</b>	
	An allowance for the employment of persons in connection with the dispatch and receipt of the ballot papers of electors entitled to vote by post:-	
	(a) for every 50 postal voters in the electoral area, or part thereof	£41.00
<b>5</b>	<b>Polling Staff</b>	
	(a) for the Presiding Officer at each polling station (to include all expenses, other than any travelling expenses recoverable under part 7 of this scale)	£187.45
	(b) for the Poll Clerk at each polling station (to include all expenses, other than any travelling expenses recoverable under part 7 of this scale)	£117.75
	(c) for all duly appointed polling staff, for attending an appropriate training session, to include all travelling expenses associated with that attendance, on the basis that the appointment will be cancelled in the event of a refusal to attend.	£42.80
	(d) for each person authorised to provide training to all polling staff on the basis set out in paragraph (c) above for each such session provided.	£80.35

<b>6</b>	<b>The Count</b>	
(a)	(i) for performing the duties of a Deputy Returning Officer, a fee for each contested district or parish election, or combination thereof, for which the counting of votes takes place	£48.30
	(ii) fee for each recount for any electoral area for which a Deputy Returning Officer is responsible	£24.15
(b)	a fixed sum is payable, for each contested ward or parish, for the remuneration of all staff engaged in the counting of votes, except for any deputy returning officer(s) so appointed; and	£203.45
(c)	a fixed sum is payable, in respect of each separate recount of votes that is required to be held, for the remuneration of all staff engaged in that count or those counts, except for any deputy returning officer(s) so appointed	£101.75
<b>7</b>	<b>Travelling Expenses</b>	
The travelling expenses of the Returning Officer and clerical or other assistants employed by him where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election; and of each Presiding Officer, Poll Clerk, or count assistant, reasonably and properly incurred, shall be reimbursed at the rate of 45 pence per mile.		
<b>8</b>	<b>Miscellaneous Disbursements</b>	
The actual and necessary costs shall be payable in respect of each of the following items:-		
(a)	printing and providing ballot papers and official poll cards;	
(b)	printing and providing notices and other documents required in and about the election or poll and costs of publishing the same;	
(c)	the renting of any building or room for the purpose of the election and for expenses of heating, lighting and cleaning any building or room for such purpose;	
(d)	adapting and fitting-up any building or room for the purpose of the election (including the provision of voting compartments and any necessary furniture) and restoring it to fit condition for its normal use;	
(e)	providing ballot boxes, including any repairs, taping, labelling and testing;	
(f)	conveyance of ballot boxes in those cases where the cost of transport is not included in the travelling expenses of Presiding Officers and Poll Clerks under paragraph 7 of this Schedule;	
(g)	general stationery, postage, telephone calls, bank charges, insurance premiums and all miscellaneous expenses.	

**9 Local Referendums**

For every poll held under The Local Authorities (Conduct of Referendums) (England) Regulations 2007, or equivalent regulations, this scale of fees shall be applied to the expenses thereof, in so far as practicable. The fees listed above shall be applicable, except as follows:

- Returning Officer's Fees: The sum of £2,323
- Clerical Fees and Allowances: The sum of £2,525
- The Count:
  - a) For the payment of all deputy returning officers and supervisory officers appointed to that role for the counting of votes at the referendum, the sum of £910
  - b) For the payment of all staff engaged in the counting of votes, other than those listed in a) above, the sum of £3,838
  - c) For the payment of deputy returning officers and all other staff engaged in any recounting of votes required to be undertaken, the sum of £1,868

**10 Parish Polls**

For every poll consequent on a parish meeting, this scale of fees shall be applied to the expenses thereof, in so far as it may be applicable. Fees and allowances are payable not exceeding those set out in paragraphs 1, 2 and 6 and costs and expenses as set out in paragraphs 7 and 8 of this scale. In relation to polling staff fees the amounts payable shall not exceed 60% of the fees set out in paragraph 5 of this scale.

**11 Neighbourhood Planning and Other Parish Referendums**

For every neighbourhood or other parish referendum to be held, this scale of fees shall be applied to all expenses incurred, in so far as they may be applicable.

**12 Parish Election Costs**

All costs associated with parish elections will be reclaimed from the parish concerned.

**FEE REVIEW ARRANGEMENTS (to be reviewed after May 2015)**

*The fees will be reviewed every four years in relation to the date of 1 March immediately preceding the ordinary election of district and parish councillors.*

*In all other years, authority is given to the Director of Finance and Corporate Services is authorised to increase the scales annually in line with the salaries award, with an annual commencement date of 1 March.*

*Approved by the Council on 18 December 2014.*

