

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 18 DECEMBER 2014 at 7.30pm

Present: Councillor K Artus – Chairman.
Councillors H Asker, G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, P Davies, A Dean, K Eden, I Evans, M Felton, M Foley, J Freeman, 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, J Redfern, J Rich, H Rolfe, J Rose, D Sadler, J Salmon, L Smith, A Walters, and L Wells.

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

C54 PUBLIC SPEAKING

Statements were made at the start of the meeting by Neil Hargreaves, Sharon Morris, Richard Gilyead and Stephen Williams. A summary of the comments made is attached as an appendix to these minutes.

C55 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors R Eastham, T Knight and D Watson.

Councillor Barker declared a non-pecuniary interest as a member of Essex County Council.

C56 MINUTES

The minutes of the meeting held on 21 October 2014 and the extraordinary meeting held on 11 November 2014 were received and signed by the Chairman as a correct record, subject to the addition of Councillor Rich's apologies for these meetings.

C57 BUSINESS ARISING

Minute C47 – Membership of committees and working groups

Councillor Mackman confirmed that Councillor Parry would replace him as the Residents4Uttlesford's representative on the Performance and Audit Committee.

C58 **REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR 2015/16**

Mrs Jackie Anslow, the Chairman of the Independent Remuneration Panel presented the Panel's report for 2015/16.

Mrs Anslow explained that the Panel had intended to implement the final year of a three year balancing plan to increase allowances paid to Executive members. However, as there had been no change to the extension to delegated powers to individual members, and the outcome of the district council elections might result in a further review of the decision making structures, only minor changes had been recommended to the allowance scheme in 2015/16.

The next review would consider - the reduction of members from 44 to 39, payment levels of SRA to opposition group Leaders, and levels of SRAs to members following clarification of the council's executive system. The reduction in the number of councillors would provide budgetary certainty, within which the Panel could alter the allowance structure without impacting on future costs.

Councillor Dean commented that the cabinet appeared to be operating as a glorified committee as members of the cabinet didn't take individual decisions. He pointed out that last year the Council had approved a 25% increase in the special responsibility allowance for cabinet members with a view to moving toward greater individual responsibility for decisions.

Councillor Rolfe proposed the recommendation in the report. He agreed with the conclusions of the panel, that there should be no significant changes to the allowance scheme this year. He explained that although the cabinet operated on the basis of collective decision making, this did not dilute the workload and commitment of individual members and this was reflected in the previous recommendations of the Panel.

Councillor Dean then proposed an amendment 'that the 25% increase to the payment to the Executive agreed in 2014/15 be withdrawn for this year as progress had not been made on developing the Cabinet role'.

In reply Councillor Rolfe said the council had fully debated the report last year and had agreed with the Independent Panel's views on the proposed increase.

On being put to the vote the amendment was lost. The motion was then put to the vote and carried by 28 votes to 5.

RESOLVED 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,	£5,000 (no change)

	determined at the hourly rate derived from the ASHE survey	
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	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

	allowance; leader of the largest opposition group @ 25% of basic allowance (£1,250); other opposition group leaders @ 15% (£750)	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)

C59 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that he had recently attended a meeting at Carver Barracks, together with Councillors Eden and Knight where there had been a constructive discussion in relation to the Community Covenant.

C60 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader reported that Uttlesford had received a 3.1% increase in its financial settlement, which was in line with the assumptions in the Medium Term Financial Strategy. He mentioned two consultants' reports expected to be received in January in relation to car parking provision and business accommodation. He also reported that the council had recently appointed an additional Economic Development Officer to build on the progress being made in this area.

In relation to the Local Plan, he said the Cabinet would agree a remodelled working group to take this matter forward. The membership would be cross party with only two cabinet members, himself and the relevant portfolio holder. The meetings would be held in public, in the evening and there would be the opportunity for public speakers. He wanted the process to be based on objectivity and transparency.

Councillor Barker reported on a number of items that she had brought to cabinet since the last meeting. This included conservation area appraisals, Christmas car parking, gypsy and traveller consultation, flooding relief scheme, and a land swap to enable the Waitrose development. She had attended meetings of the NEPP and dealt with requests for traffic regulation orders.

Councillor Redfern reported on items under her housing portfolio. She mentioned progress with the council's development at Mead Court Stansted and the upcoming schemes at Reynold Court, Newport and Caton's Lane, Saffron Walden. The council was also assessing the potential for its garage and garden sites. Significant work had been undertaken to the council's existing housing stock, particularly to improve energy efficiency.

Councillor Ranger tabled a report on the activities of his portfolio since the last meeting.

C61 MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN

Councillor Morson asked Councillor Rolfe if his change of heart regarding the arrangement for the local plan group had occurred out of principle or necessity, as the Liberal Democrats had been barracked for not attending these meetings due to the lack of public involvement. Councillor Rolfe replied that this was a question of principle; there was no reason why these meetings should not be held in public.

Councillor Rich commented that the Council had fulfilled its role in the housing area in an impressive manner. He highlighted two developments in Stansted, Mead Court and Forest Hall where the affordable houses had blended well into the development. There had been much talk of the council allocating houses to people outside the district, and he asked what could be done to make sure that the correct information got into the public domain.

In response, Councillor Redfern said that the recent change to the allocations policy had strengthened the local connection criteria, but emphasised that even at present the vast majority of social housing (95/97%) was allocated to people from the council's own waiting list. The problem was the shortage of available properties, as only 200 residents from a waiting list of 1500 had been allocated properties last year. It was essential that developments came forward in order to provide affordable housing and for exception sites to be encouraged. Councillor Menell suggested that the press report in relation to the allocations policy should be run again in the New Year.

Councillor Felton asked Councillor Barker if she could take up the issue of the light pollution from the recently opened racecourse at Great Leighs. This was having a detrimental effect on the neighbouring Uttlesford communities. Councillor Barker agreed to take this up with Chelmsford City Council.

Councillor Foley thanked Councillor Walters for the recent assistance in relation to flooding in Thaxted and the provision of sandbags. He commented that the flooding appeared to be caused by inadequate drainage following new development in the village.

C62

UTTLESFORD LOCAL PLAN EXAMINATION

The Chief Executive presented his report on the next steps in the Local Plan process. He said he had already received a request for a review into the events leading up to the Inspector's decision and this had been passed to Councillor Godwin, Chair of Scrutiny Committee for a report in due course.

The Inspector had closed the Examination into the Local Plan. He had given an initial statement; the full response was expected before Christmas.

The areas of concern were that the council had not planned for sufficient houses, and the Inspector suggested an uplift of at least 10% on its objectively assessed need. He also had severe reservations as to whether the Elsenham site was sustainable for the scale of development proposed. He said the council should have undertaken a transparent assessment of other sites, including a single site solution. He had felt that the work to be undertaken was too extensive to allow for a six month suspension of the process.

The Chief Executive said it was clear that the plan had significant shortcomings, but also not every part of it was unsound. The plan had not been rejected outright and the council had the opportunity to remedy the defects. However the council did not have time on its hands as the 5 year housing land supply would quickly disappear when the OAN increased. He referred to the next steps, set out in the recommendation, to review the numbers, complete a new SHMA, review the highway impact and environmental assessments, and hold duty to cooperate discussions with neighbouring authorities. There would then be a further call for sites.

Councillor Hicks asked why the Inspector, having had prior access to the information, had not come to his conclusions at an earlier stage which would

have saved the time and cost of the Inquiry. The Chief Executive replied that it was not possible to speculate but pointed out that the purpose of the Inquiry was to examine the plan and to hear all the evidence.

Cllr Cheetham understood the plan had not been dismissed out of hand and therefore asked if there was a timetable for getting other parts of the plan accepted. The Chief Executive said that this was a matter for the new working group, some aspects might be issued as supplementary guidance but the council would need to wait for the full Inspector's letter for clarification.

Councillor Sadler said there was no hiding from the fact that the council had got this wrong, and the public deserved an apology. Councillor Lemon asked if it was possible to have an estimate of the cost of the process to date and for the plan to be finally completed.

Councillor Rich said the local planning authority was required to provide sustainable and deliverable sites, and questioned whether sufficient land had come forward to make this possible. The Chief Executive replied that if the working group decided that a new settlement was the way forward, the call for sites would specify a large site which would need to be substantially justified and supported by high level evidence. Councillor Morson said the public inquiry had revealed that a number of developers felt they had not been given the opportunity to put forward alternative sites. It appeared that once the preferred site had been chosen the others options had not been considered.

In relation to the Elsenham site, Councillor Loughlin said this site had been put forward on a number of occasions and residents had voiced concern about the road network, which had now been upheld by the Inspector. She congratulated the community but was concerned that local residents had given up their time and money in order to fight this proposal.

Councillor Perry said he had been vilified because of his stance and believed that the council owed the public and the local parishes and groups an apology. However he said that unity was required going forward and he hoped that all groups would now work together.

Cllr Rose hoped the council would defend its existing villages and asked for an assurance that there would be no more developments proposed for the key settlements. In response, the Chief Executive said the Inspector was suggesting that more houses should be provided and this would be across the district. It was important to establish a 5 year land supply as this was critical in assessing planning applications against the NPPF. He pointed out that with the Inspector's ruling this was now a worsening situation.

Councillor Dean then moved the following motion, which amended the recommendations in the Chief Executive's report.

- 1 Council authorises the Chief Executive in consultation **with all the Group Leaders** 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 a new Working Group or similar body (* see 5 below) and thence for Cabinet, which will include the steps outlined in paragraph 11 (a – e of the report) 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.
5. **Council strongly advises Cabinet that a new working group or similar body should be created in line with the following principles:**
 - i. **The group shall be chaired by a widely respected person (or persons) who will have the confidence of the public of Uttlesford and be able to demonstrate independence from past party political influence over the Local Plan. Joint chairmanship may be an option.**
 - ii. **The group shall have a cross-party membership from within the council and shall have community members representing parts of the district and community groups engaged with the Local Plan process.**
 - iii. **Terms of reference and modus operandi to be agreed with all participants.**
 - iv. **Arrangements for the group that have been negotiated with the group.**
 - v. **The group shall have a work programme that has been agreed with the group.**
 - vi. **Formation of the group shall commence in January 2015 and the group shall hold its first meeting by January 30th 2015**

In support of his motion, Councillor Dean said that the council had wasted eight years in the preparation of the plan and there would now be a further two years of planning by appeal. The Council had to redo much of the plan and to do so all councillors should come together in an open and consensual manner. He suggested a process that had some parallels with a neighbourhood plan. There should be an independent chairman and the community should have a real role in the working group. He asked the council to accept these principles.

Councillor Rolfe proposed an amendment, 'to accept the above proposal up to word 'similar bodies' and then delete all the following words in bold type.' He stated that the process going forward should be about transparency and working together. The council had to fulfil the requirement for additional houses but in doing so planning laws had to be followed and the new housing number established. There would be an exhaustive search for sites and an empirical process to measure the different submissions, but inevitably people would be upset. The working group would include all political groups and the public would have the opportunity to make statements.

Councillor Barker said these were sensible recommendations and asked that the motion be put.

Councillor Dean said the amendment would have the effect of restricting the community's involvement to just making statements and it was likely that the Leader of the Council would chair the group. He felt the Council was in danger of making the same mistakes. Councillor Loughlin agreed and commented that Councillor Rolfe was not listening to the wishes of the residents and Councillor Lemon felt it was important for the new group to have an independent Chairperson.

The amendment was put to the vote and was carried by 27 votes to 12.

Councillor Dean requested a recorded vote on the substantive motion

RESOLVED that

- 1 Council authorises the Chief Executive in consultation with all the Group Leaders 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 a new Working Group or similar body and thence for Cabinet which will include the steps outlined in paragraph 11 (a–e) of the report.
- 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.

The motion was agreed by 29 votes to 12. The voting was as follows:-

For the motion: Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Davey, Davies, Eden, Felton, Freeman, Harris, Hicks, Howell, Jones, A Ketteridge, J Ketteridge, Menell, Oliver, Perry, Ranger, Redfern, Rich, Rolfe, Rose, Sadler, Salmon, Smith, Walters, Wells.

Against the motion: Councillors Asker, Cant, Dean, Evans, Foley, Godwin, Lemon, Loughlin, Mackman, Morson, Parr, Parry.

C63 NOTICE OF MOTION

Councillor Mackman moved the following motion, which had been put forward 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’

Councillor Mackman said that the motion had been proposed because of the Leadership’s unsatisfactory preparation of the local plan before the Examination in Public. He did have some sympathy for Councillor Rolfe, as he had only been Leader for a few months and much of the damage had been done at an earlier stage, but as the current Leader he should take responsibility. The plan was too badly flawed as a result of the decisions taken by the leadership of the council.

Councillor Morson seconded the motion. He said that during the inquiry it had become clear that the planning evidence for choosing the Elsenham site had been flawed and once the site had been chosen, the council had retrospectively been engaged in trying to find evidence to fit. The villages of Elsenham and Henham had been involved in eight years of fighting and the parish councils and local residents had spent around £250k on this process.

The 2100 houses at Elsenham was the main part of the local plan allocation and the council had on that basis refused to defend two refusals on appeal for 800 houses. He was very pleased that the Elsenham site had been removed but there was still the possibility of the 800 houses and he felt that residents had been treated abominably.

Councillor Ranger questioned Councillor Mackman’s motives for proposing this motion. He said the mechanism to judge the council and its members was at the upcoming local elections. The council should not throw out two experienced members at this stage.

Councillor Barker said she was proud to be a district councillor and although the council might not have got it all right, she had felt that the approach taken represented the best chance of getting the plan accepted.

Councillor Howell said he had sympathy for Councillors Parr and Morson and admired the tenacity of their campaign. He commented that it had been easier for local councils when housing numbers had been prescribed by the central

Government as councils were now required to establish their own numbers but these still needed to be ratified by the Inspector.

He said it was easy to say, I told you so, but he did not recall anyone in the Chamber questioning the housing numbers, or raising the issue of the duty to cooperate or taking cross border housing. He also remembered differing support for both the single settlement and dispersal options. He said this was not a victory, as other communities in the district would be affected by any new proposals. He also thought it was unlikely that a different group of councillors would come up with a different solution.

Councillor J Ketteridge spoke of the hypocrisy of this motion, as those councillors who were now opposing the plan had also in the past held meetings in private and during the life of the plan had given no alternative suggestion as to where the additional houses should go.

Councillor Cheetham said that finding houses anywhere in Uttlesford was difficult. The Leadership has worked hard and had been required to make some very difficult decisions. It was necessary for houses to be built in order to secure affordable units.

Councillor Eden said the council should not be wasting time on this motion. He considered the present leadership to be hardworking, competent and aware and had been required to address difficult issues. Councillor Perry added that the Leader had promised to engage with the public and invite other groups to the process. It was premature to make a decision until the full Inspector's decision had been received.

In supporting this motion, Councillor Dean said he had given this careful thought as moving forward with the process was essential. However, he considered that massive mistakes had been made and the Leadership had continually refused proposals for better engagement with the public. The decision making in relation to allocating the Elsenham site had not been evidence based and the Leadership had failed to understand the implications of the decision.

In reply Councillor Rolfe said he was a keen supporter of effective community engagement. The fact was that Uttlesford now had to find additional sites for houses. The local plan was a difficult process and only 14% of authorities had managed to achieve an approved plan. He had been at the inquiry when the Inspector had made his announcement and noted his comments that, 'much of the plan is sound'. He felt the council should now wait for clarity in the comprehensive report, learn from the past and move on.

He pointed out that the local plan was not the only aspect of the council's work and listed achievements in other services which had led to the Uttlesford coming top in a number of satisfaction surveys. He didn't think that he deserved to be the subject of a vote of no confidence.

A recorded vote was requested

RESOLVED that the motion was lost.

The voting was as follows

For the motion: Councillors Asker, Cant, Dean, Evans, Foley, Loughlin, Mackman, Morson, Parr, Parry.

Against the motion: Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Davey, Davies, Eden, Felton, Freeman, Godwin, Harris, Hicks, Howell, Jones, A Ketteridge, J Ketteridge, Lemon, Menell, Oliver, Perry, Ranger, Redfern, Rich, Rolfe, Rose, Sadler, Salmon, Smith, Walters, Wells.

C64 **MATTERS RECEIVED FROM THE EXECUTIVE**

Councillor Chambers reported that the meeting of the Cabinet on 28 October had recommended that Uttlesford should become a Living Wage council. He said he was proud to be putting forward this proposal and confirmed that the cost to the council of introducing this initiative would be £9,200.

RESOLVED that the council agrees to pay the Living Wage from 1 January 2015 and to seek to obtain accreditation with the Living Wage Foundation from that date.

C65 **MATTERS REFERRED FROM COMMITTEES AND WORKING GROUPS**

Councillor Menell said that the meeting of the Constitution Working Group on 2 December 2014 had looked at the council's existing structure and recommended a revised structure based on a reduction in Members from 44 to 39 from May 2015.

The council noted the proposed structure to be put before the new council and agreed for an initial timetable of meetings to be prepared based on the current frequency of meetings.

C66 **RETURNING OFFICER'S FEES**

The council received the proposed Returning Officer's scale of fees and expenses for use at all relevant local elections and referendums held in Uttlesford district from 1 March 2015.

RESOLVED that the scale of fees set out in appendix A to the report be approved.

The meeting ended at 10.30pm.

PUBLIC STATEMENTS

Sharon Morris

Sharon Morris said she was disappointed to be making this statement. Councillors entered into public service with the best intentions of serving the residents and were voted in on that basis. It was obvious that some councillors had failed in their duties. They had not listened to the local interest groups when they had pointed out the flaws in the plan and residents had been barred from key meetings. The council had ignored the Government and NPPF advice. She was ashamed at this debacle and that UDC was one of the 15 local authorities to have its plans dismissed as irreparable. The residents should be given an unreserved apology as Uttlesford had suffered the effects of poor planning decisions. She said that councillors should consider their allegiances and do the right thing today by ensuring that future meetings were open to the public and residents were involved in the discussions.

Neil Hargreaves

Neil Hargreaves said that now the Local Plan had been dismissed, the council should consider how much the process had cost; he estimated it over the eight years as up to £4m. Studies had been commissioned which had not been acted upon and he felt that so much else could have been done for Uttlesford with those funds. He said that the council was holding too much money in its reserves. In Uttlesford Life, Councillor Rolfe had said that the council's priorities were fiscal prudence and using money in accordance with residents' wishes. Mr Hargreaves questioned how the local plan process could be considered to be prudent.

Richard Gilyead

Mr Gilyead thanked all the residents who had attended the meeting. It was clear that residents no longer trusted the council, big decisions had been taken behind closed doors and money had been spend on fighting the local interest groups. He said that Leadership meant taking people with you but this had not occurred. When objections had been made residents had been told to shut up – it was rule rather than serve. He asked Members to think carefully about the leadership vote, though the big vote of confidence would be in the 2015 elections.

Stephen Williams

Stephen Williams said the local plan was dead. It had been flawed but the council had not listened and had since shown no remorse. He considered this to be breathtaking arrogance, the council was oblivious to the outrage in the community. He said there had also been little progress in the area of economic development. The Council had not been served well by its senior officers, particularly the Head of Planning and the Chief Executive who were the masters of this debacle. He said the council should make the necessary changes and move forward.