



Uttlesford District Council

Chief Executive: John Mitchell

Council

Date: Tuesday, 26 May 2015
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 To elect a Chairman of the Council for the ensuing year**
Ex-Councillor Salmon has been nominated for this post under Article 5.1.2. It will now be necessary for candidates for the position to be nominated at the meeting.
- 2 Chairman's Statutory Declaration of Acceptance of Office**
The Chairman to make the Statutory Declaration of Acceptance of Office
- 3 To appoint a vice-Chairman of the Council for the ensuing year.**
Councillor Harris has already been nominated for this post under Article 5.1.2 (Ex-Councillor D Perry was also nominated for this post but cannot now be considered)

- 4 Vice-Chairman's Statutory Declaration of Acceptance of Office**
The Vice-Chairman to make the Statutory Declaration of Office
- 5 Apologies for absence and declarations of interest.**
To receive apologies for absence and declarations of interest
- 6 Minutes of previous meeting** 5 - 12
To consider the minutes of the meeting held on 14 April 2015
- 7 Matters arising.**
To consider any matters arising from the minutes
- 8 Returning Officer's report** 13 - 14
To receive the report from the Returning Officer
- 9 Chairman's announcements**
To receive any announcements from the Chairman
- 10 Leader of the Council**
To elect a Leader of the Council under Article 7.3
- 11 Leader's Announcements**
The Leader to make any announcements, including the appointment of a Deputy Leader and members of the Executive
- 12 Scheme of Delegation** 15 - 24
To agree that part of the scheme of delegation that the Constitution determines it is for the Council to agree (set out in Part 3 of the Constitution) and to agree the Scheme of Delegation
- 13 Council Committees 2015/16**
To decide which committees to establish for 2015/16 and then determine the size and terms of reference of those committees
- 14 Political Balance** 25 - 28
To review the political balance of the Council

- 15 Appointment of Committees 2015-16** 29 - 30
To appoint the council's committees for 2015/16
- 16 Appointment of Working Groups 2015-16** 31 - 32
to appoint the council's working groups for 2015/16
- 17 To appoint Chairmen and Vice Chairman of the Area Forums**
Please note the effect of the amendments to the Constitution already tabled for this meeting will remove all references to the Area Forums in Article 10. It is suggested that this item is deferred until after the Constitution item.
- 18 Essex Police and Crime Committee**
To appoint a Member representative to the Essex Police and Crime Panel
- 19 Constitution amendments** 33 - 34
To approve amendments to the Constitution adjourned to this meeting under Procedural Rule 20.2
- 20 Committee timetable 2015-16** 35 - 36
To agree the timetable of meeting for 2015/16
- 21 Honorary Alderman**
To consider nominations for the position of Honorary Alderman of the Council
- 22 Chairman's urgent items**
To consider any items that the Chairman considers to be urgent

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk. For background papers in relation to this meeting please contact committee@uttlesford.gov.uk or phone 01799 510430/369.

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 I 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.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510430/433 as soon as possible prior to the meeting.

Fire/emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

For information about this meeting please contact Democratic Services

Telephone: 01799 510433, 510369 or 510548

Email: 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

Website: www.uttlesford.gov.uk

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 14 APRIL 2015 at 7.30pm

Present: Councillor K Artus – Chairman.
Councillors G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, P Davies, A Dean, R Eastham, K Eden, I Evans, M Felton, E Godwin, S Harris, E Hicks, S Howell, D Jones, A Ketteridge, J Ketteridge, T Knight, R Lemon, J Loughlin, K Mackman, J Menell, J Parry, D Perry, V Ranger, J Redfern, J Rich, H Rolfe, J Rose, D Sadler, J Salmon and A Walters.

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

C77 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Asker, M Foley, J Freeman, D Morson, E Oliver, E Parr, L Smith, D Watson and L Wells.

C78 MINUTES

The minutes of the meeting held on 26 February 2015 were received and signed by the Chairman as a correct record.

C79 MATTERS ARISING

Minute C75 – Budget 2015/16

Councillor Dean said he was disappointed that the council had not supported the Liberal Democrats' budget proposals. However he was delighted that the proposal for the PV panels on council properties was being taken forward.

C80 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported on the various visits and civic dinners he had attended recently. He mentioned particularly the opening of the affordable housing in Stansted and the recreational facilities at Manuden.

C81 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader updated the council on devolution issues. The Essex authorities had informed the Secretary of State that in principle they wished to proceed with a

devolution proposal. The detail of the proposals would need to be discussed after the election.

He reported progress with the Uttlesford Planning Policy Working Group (UPPWG). Recent meetings had discussed the proposed Gypsy and Traveller site at Arkesden/Wicken Bonhunt and on this subject he reported the studies from the owner's consultants and the Environment Agency had now been received. The call for sites consultation was running from April to June. The next stage would be to determine the housing numbers and then to determine the allocations strategy.

This was the last council meeting of this council term. He reported that there were a number of members who would not be standing for re-election, between them they had 133 years of experience and this would be a significant loss to the council. He thanked the following members for their work and dedication during their time at the council

4 years

Councillor Andrew Ketteridge
Councillor David Watson
Councillor Joe Rich
Councillor Laurence Smith

8 years

Councillor Keith Eden – Vice -Chairman of the Planning Committee

15 years

Councillor Elizabeth Godwin – former Chairman of the Council and more recently Chairman of Scrutiny Committee

18 years

Councillor Christina Cant – former Chairman of the Council and Chairman of the Development Control Committee.

20 years

Councillor David Morton – former Chairman of the Community and Leisure Committee, Leader of his group and more recently vice-chairman of the Scrutiny Committee.

24 years

Councillor Jackie Cheetham – Chairman of STAAP, Chairman of Planning, Deputy Leader.

32 years

Councillor Jim Ketteridge
Chairman of the Council from 2002. Leader of the Council from 2007 - 2014

As an expression of appreciation of his service, the Leader suggested that Councillor Jim Ketteridge be proposed as an honorary alderman at the Annual Council meeting

Councillor Ranger had circulated a report on recent activities under his portfolio. He paid credit to Cllr Rolfe, who had carried out the role before him.

Councillor Walters updated members on the Audley End cycle path, which was now likely to be constructed in the summer months. He commended the recently published cycle strategy, which he hoped would be taken forward by the Highways Panel, although he was aware that funding was a major issue.

Councillor Redfern said this might be the last chance she had to address the council and therefore wanted to list what had been achieved under the housing portfolio over the past 4 years.

In relation to empty homes, a new officer had been recruited and significantly more homes had now been brought back into use. This gave increase revenue to the council and had a positive effect on the New Homes Bonus grant

The council was participating in the Essex Landlords accreditation scheme, It was looking at Energy efficiency improvements to council properties and considering the installation of solar panels.

The council continued to manage 3000 homes. A new fixed term tenancy policy had been introduced which encouraged movement within the housing stock. Tenant participation work was continuing and the telecare service was available For all Uttlesford residents.

There had been an increase in the number of people presenting as homeless. Work was continuing to prevent the use of Bed and Breakfast accommodation by providing more temporary accommodation. There was still more to do in this area but work was continuing with partners.

She reminded members that in April 2012, the council had brought out of the housing subsidy and had been able to fund a housing building programme. New homes had been provided at Mead Court and the redevelopment of sheltered schemes at Hatherley Court and Reynolds Court. The council continued to look at the development potential of UDC owned sites. The council had given planning permission for 557 affordable homes as well as rural exception housing and extra care schemes. There had been a large investment programme to improve existing stock. She said she was amazed at what has been achieved in such a short time.

Finally she said she was disappointed that the ward boundaries had changed and that she would be standing against fellow councillors but she wished them well in the forthcoming election.

Councillor Cheetham reported on airport issues which fell under her portfolio. One matter of concern had been the suggestion to increase the local residents' charge for set down/pick up at the airport from 50p to £1. This was too big an increase for local families who used the bus and rail as their local station and

dropped off family members for work and school. She had taken this matter back to the subgroup with a suggestion that there should be an inner and outer radius with the residents who lived closest to the airport only paying 50p.

The airport's sustainable development plan had been published and a link would be sent to all members. She asked the council to monitor the expansion of the airport up to 40mppa and ensure that the impacts did not outway the benefits.

This was her last report and she thanked officers, both past and present for their help over the years. She asked Members to remain vigilant in the face of expansion, the possibility of new runways and the outcome of the Davies report on airport capacity in June.

She hoped the new council would work within a spirit of cooperation. She wished new councillors good luck and to those that were standing down a peaceful retirement.

C82 MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN

Councillor Howell reported that the footway through the village of Hempstead was now in construction and would be completed by the summer. This had been the key objective of Hempstead PC for many years and the progress had much to do with the chairmanship of Councillor Walters but also showed how effective a partnership could be between UDC, ECC and the parish council.

Councillor Cant said that last summer she had given Lindsell parish meeting £500 to purchase a village sign. This had led to long saga of correspondence between UDC and ECC about the legalities and responsibility of granting permission. She said this had become a farcical situation, which had still not been resolved. She asked that Members continue to press for a resolution on her behalf if this had still not been resolved.

Councillor Mackman asked Councillor Redfern 3 questions

I understand that the Reynolds Court tender process has been put out on a 'cost plus' basis. I have three questions.

- 1/ Why did UDC choose this procurement route?
- 2/ Are the council aware of the risks to which the council may be exposed?
- 3/ Does the council have the in-house resources to manage the route?

Councillor Redfern replied that the council was not undertaking a cost plus procurement but instead a two stage design and build programme at a fixed price, which could only be varied by the client.

Councillor Rose asked Councillor Ranger whether the recent fire at the local business of Carr and Bircher in Newport warranted support from the District

Council. Councillor Ranger replied that he would ask the Economic Development Officer to contact the company to ascertain the full facts.

Councillor Dean understood that a recent meeting of the NEPP suggested a revision to residents parking at the Lower Street car park Stansted, which needed to be approved by Cabinet. Councillor Barker said this concerned the dual use bays and whether residents who returned between the 10am - 4pm should be allowed to use the car park free of charge. She felt that this could be dealt with under the Leader's authority as the April cabinet meeting had been cancelled.

Councillor Dean said there was concern that there would not be sufficient parking for the staff of the proposed NHS dentist. Councillor Barker replied that the dentist was no different to any other business. The health centre had leased spaces from the council and if it wished the dentist could do the same.

Councillor Knight said there appeared to be a problem with the organisation of the ECC Highways department which was causing frustration when trying to deal with local issues. She suggested that the new council should be proactive and aim to set up a working group in partnership with ECC to look at what improvements could be made.

Councillor Perry thanked Councillor Redfern for her support to him as the Chairman of the housing Board. He said the housing department was an exemplar for others to follow and the positive initiatives should be more widely publicised.

C83 PAY POLICY 2015/16

Members received the annual review of the Council's pay policy. This had been previously considered by Cabinet. There were two changes from the previous year, the council was now a living wage employer and there had been national changes to pension arrangements.

RESOLVED to approve the Pay Policy 2015/16.

C84 MINUTES OF THE INDEPENDENT PERSONS APPOINTMENT PANEL

The council received the minutes of the final meeting of the Independent Persons Appointment Panel

RESOLVED that the minutes of the meeting of the panel held on 18 February 2015 be approved.

C85 AMENDMENTS TO THE CONSTITUTION

The council was asked to approve two amendments to the Constitution

The first was an amendment to the Employment Procedure Rules in line with recent legislation which made changes to the procedure for the dismissal of the Head of Paid Service, the Monitoring Officer and the S151 Officer.

The second related to changes that were required to reflect the reduction in the council membership 44 to 39 councillors,

RESOLVED that

- 1 Members adopt the revised Officer Employment Procedural rules with effect from 11 May 2015.
- 2 The proposed changes to the constitution stand adjourned to the next meeting of the Council.

C86 APPOINTMENT OF SECTION 151 OFFICER

At the meeting on 15 July 2014, Mr Adrian Webb, Director of Finance and Corporate Service had been appointed as the S151 officer on an interim basis. The Council was asked to confirm this as a permanent appointment. Members commented that Mr Webb had done an outstanding job since taking on this position and they had every confidence in his ability to carry out this role.

RESOLVED that the function of s151 Officer to reside within the role of Mr Adrian Webb, Director of Finance and Corporate Services.

C87 ADOPTION OF BYLAWS

Councillor Redfern declared a pecuniary interest in this item as she was the owner of a piecing salon

Members were asked to agree the recommendations in the report to adopt updated bylaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by local authorities. The new bylaws would ensure that these activities would be monitored by Environmental Health Officers.

RESOLVED that the updated bylaws be adopted.

C88 NOMINATIONS FOR THE POST OF CHAIRMAN AND VICE- CHAIRMAN OF THE COUNCIL

Councillor Rolfe proposed and Councillor Barker seconded that Councillor John Salmon be nominated for the position of Chairman of the Council and Councillor Stephanie Harris be nominated for the position of Vice-Chairman of the Council

Council Perry said he had been advised that he could not be nominated for the position of vice-chairman because of his chairmanship of the Licensing

Committee. He now understood that this was acceptable and he would like to put himself forward.

Councillor Jones proposed, seconded by Councillor Knight, that Councillor Perry be nominated for the position of Vice- Chairman of the Council.

The nominations would now stand adjourned for adoption at the Annual Meeting of the Council.

The meeting ended at 9.45pm.

**REPORT OF THE RETURNING OFFICER TO THE ANNUAL COUNCIL MEETING
ON 26 MAY 2015**

The following members were elected on 7 May 2015:

Ashdon – Howard Stephen Rolfe

Broad Oak & the Hallingburys – Keith Ronald Artus and Lesley Jane Wells

Clavering – Edward Morgan Oliver

Debden & Wimbish – Tina Patricia Knight

Elsenham & Henham – Rory James Anthony Gleeson and Elizabeth Ann Parr

Felsted & Stebbing – Marie Christine Felton and Alan Keith Mills

Fritch Green & Little Dunmow – Stephanie Blanche Harris

Great Dunmow North – John Edward Norris Davey and Paul Davies

Great Dunmow South & Barnston – Graham John Barker, Eric William Hicks and Victor Frederick Ranger

Hatfield Heath – Reginald Mark Lemon

High Easter & the Rodings – Susan Barker

Littlebury, Chesterford & Wenden Lofts – Robert Pursey Chambers and Julie Annice Redfern

Newport – Neil Hargreaves and Joanna Jane Parry

Saffron Walden Audley – Barbara Ann Light and Sharon Jane Morris

Saffron Walden Castle – Heather Jane Asker and Richard Ford Freeman

Saffron Walden Shire – Aisha Anjum, Paul Geoffrey Fairhurst and John Stuart Lodge

Stansted North – Alan Dean and Geoffrey Sell

Stansted South & Birchanger – Terry Farthing and Thom Henry Goddard

Stort Valley – Janice Irene Loughlin

Takeley – James Gordon, Derek Michael Jones and Howard Reginald Ryles

Thaxted & the Eastons – Martin Foley and John Robert Humphrey Freeman

The Sampfords – Simon John Howell

John Mitchell
Returning Officer

Committee: FULL COUNCIL

Agenda Item

Date: 26 May 2015

12

Title: SCHEME OF DELEGATION

Author: Michael Perry, Assistant Chief Executive – Legal, 01799 510416 Item for decision

Summary

1. The Council's Constitution requires the Council to approve a Scheme of Delegation at the first annual meeting of the Council following an ordinary election of councillors. This report is to propose a Scheme of Delegation for the new Council.

Recommendations

2. That members approve the Draft Scheme of Delegation (annexed) with or without amendments.

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Decisions of committees of officers which are not within the scheme of delegation are subject to legal challenge.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Local authorities are creatures of statute and can only act within their statutory powers. Some functions are required to be performed by the Council's Executive, others by the Council. The Council has power to delegate performance of its functions in most cases to committees, sub-committees or officers.
7. Under the constitution there will be five committees, namely Licensing and Environmental Health, Performance and Audit, Scrutiny, Planning and the Standards Committees. Of these Performance and Audit and Scrutiny do not require delegated powers, their responsibilities flowing from legislation and from Part 3 of the Constitution (Responsibility for Functions). The Licensing and Environmental Health, Planning and Standards Committees however do require delegated powers. With regard to officer functions, much of what is currently delegated to officers falls within executive functions and will therefore be subject to consideration within a Scheme of Delegation from the executive. The delegated powers contained in the Draft Scheme of Delegation attached to this report relate to council functions only.
8. Although the Council is being asked to approve a scheme of delegation to officers it is open to the committees with delegated powers to amend that scheme insofar as it relates to matters within their remit.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
Decisions are challenged on the basis that they are not within Delegated Powers.	3, there is currently increasing scrutiny of the authority of committees and officers to take decisions.	2, in most cases any defect can be rectified by referring the decision up for re-consideration although in some cases the Council may face a threat of judicial review.	That the Scheme of Delegation be kept under review.

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.

SCHEME OF DELEGATION OF COUNCIL FUNCTIONS

GENERAL DELEGATION TO COMMITTEES CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)
The functions of the Council referred to below are delegated to the designated committees and officers.

THE PLANNING COMMITTEE

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s, 258 Town and Country Planning Act 1990
8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

THE LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

1. Functions relating to licensing and registration in respect of the following matters:-
 - 1.1 animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
 - 1.2 game and game dealers
 - 1.3 house to house and street collections
 - 1.4 hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
 - 1.5 pleasure boats under Public Health Acts Amendment Act 1907
 - 1.6 movable dwellings and camp sites under Public Health Act 1936
 - 1.7 caravan sites under Caravan Sites and Control of Development Act 1960
 - 1.9 tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
 - 1.10 sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.11 street trading under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.12 acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
 - 1.13 food premises under the Food Safety Act 1990
 - 1.14 operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
 - 1.15 licensable activities under the Licensing Act 2003
 - 1.16 houses in multiple occupation under the Housing Act 2004
 - 1.17 the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
2. Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974

3. Functions relating to smoke free premises
4. Power to designate a public place for the purposes of police powers relating to alcohol consumption
5. Power to make or revoke an alcohol disorder zone
6. Power to pass a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply within the Authority's area

THE STANDARDS COMMITTEE

1. The function of advising the council on the adoption or variation of a code of conduct
2. Promoting high standards of conduct by members and co-opted members
3. Assisting members and co-opted members to observe the code of conduct
4. Monitoring the operation of the code of conduct
5. Providing training to members and co-opted members on the code of conduct
6. Granting dispensations to members under s. 33 Localism Act 2011
7. Determining whether complaints of a breach of the code of conduct should be referred for investigation.
8. Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.
9. With regard to parish and town councils within the district:
 - a. the functions referred to in paragraph 7 above
 - b. receiving reports from the Monitoring Officer or complaints of a breach of the code of conduct by town or parish councillors: advising the parish or town council concerned whether there has been a breach of the code of conduct and recommending what action the parish or town council should take with regard to any breached found to have been proved

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

In consultation with the Chairman of the appropriate committee or, where he or she is not available, the Vice Chairman Chief Officers and Deputy Chief Officers have delegated authority to take any action which would normally require committee approval but which requires an urgent decision subject to that action being in accordance with Council policy and within budget. Such a decision is to be reported to the next meeting of the appropriate Committee with a full explanation of the reasons for the decision and the urgency.

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. The development of corporate strategies.
3. Public relations and consultation relating to matters which are Council functions.
4. Power to make payments or provide benefits in cases of maladministration
5. All functions delegated to chief officers and deputy chief officers under this Scheme of Delegation

THE CHIEF FINANCE OFFICER

1. To certify the annual calculation of the Council Taxbase
2. To certify the Council's Business Rate estimates
3. To certify the draft Statement of Accounts in accordance with the Accounts and Audit (England) Regulations 2011
4. To determine financial administrative procedures and systems pursuant to discharging statutory responsibilities for making arrangements for the proper administration of the Council's financial affairs under the Local Government Act 1972
5. To review and authorise employees' subsistence and expense rates at 1 April each year in line with national agreements or locally approved variations
6. To respond to consultations of a technical nature relating to local government finance and audit matters
7. To provide other certifications and authorisations required of the Section 151 Officer
8. To comment on and approve documents prepared by the External Auditor prior to consideration by the Performance and Audit Committee

THE ASSISTANT CHIEF EXECUTIVE - LEGAL

1. Authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including any appeals
2. Authorise officers of the Council to appear on behalf of the Council before courts and tribunals
3. Grant applications for licenses and for registration of premises, persons and vehicles and the amendment or transfer of such licenses or registrations where such applications meet policy guidelines adopted by the Council or the Licensing and Environment Committee

4. Determine whether representations made in respect of licensing matters or applications for reviews of licences are valid or may be rejected as being vexatious, frivolous or repetitious
5. Refusal of licenses and registrations where such applications do not meet policy guidelines adopted by the Council or the Licensing and Environment Committee
6. Issue of statutory notices and certificates
7. Issue of statutory notices, registrations and certificates in respect of charitable collections and gaming
8. To suspend licenses issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding 2 weeks where there has been a breach of condition or an alleged offence where in the view of the Assistant Chief Executive – Legal a prosecution would not be appropriate
9. To suspend licenses under s.61 Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately if in his or her opinion it is in the interests of public safety that the suspension should have immediate effect such suspension to last until the day after the next meeting of the Licensing and Environment Committee
10. Subject to the provision of a satisfactory statutory declaration to grant an application for a licence where the Council requires a criminal record check where the applicant is in possession of a check to the level required by the Council which is not more than 18 months old and to revoke any licence if a false declaration is made
11. To grant licences in cases where a driver has a pending prosecution for a motoring offence which is in the opinion of the Assistant Chief Executive - Legal unlikely to attract 6 points or more on the drivers licence
12. Subject to the provision of a satisfactory statutory declaration to grant an application for renewal of a licence granted by the Council where the Council requires a criminal record check but a check to the level required by the Council is not immediately available and to revoke any licence if a false declaration is made
13. To grant applications for consent to place tables and chairs and other items on pedestrian areas of the highway subject to conditions where such applications fall within the policy previously adopted by the Licensing Committee or any amendment or amendments thereto made by the Licensing and Environment Committee and to refuse applications which do not fall within that policy

DIRECTOR OF CORPORATE SERVICES

1. Implementation of national provincial and local agreements and amendments to conditions of service
2. The approval of pensionable ill health retirement in consultation with the Leader of the Council or cabinet member authorised by him or her

DIRECTOR OF PUBLIC SERVICES

1. All functions delegated to the Divisional Head of Planning and Building Control under this Scheme of Delegation

ASSISTANT DIRECTOR PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
 - 1.1. Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission; reason within the agreed time period;
 - 1.2. Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and County Planning (Development Plans and Consultation) (Departures) Directions 1999);
 - 1.3. Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere;
 - 1.4. Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
 - 1.5. Applications which would otherwise be delegated but which the Assistant Director, Planning and Building Control considers should come before the Committee.
2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule except that the issue of all formal notices must be jointly authorised by the Assistant Chief Executive - Legal.
3. Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.
4. All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

THE SCHEDULE

All functions concerning the Council's role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder

AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) ACT 1953
ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
ANTI-SOCIAL BEHAVIOUR ACT 2003
BUILDINGS ACT 1984
BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998
CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
CLEAN AIR ACT 1956
COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981
PUBLIC HEALTH ACT 1925
ECCLESIASTICAL EXEMPTION (LISTED BUILDINGS AND CONSERVATION AREAS) ORDER 1994
ESSEX ACT 1987
EUROPEAN COMMUNITIES ACT 1972
GREEN BELT (LONDON AND HOME COUNTIES) ACT 1938
HEDGEROW REGULATIONS 1997
HIGHWAYS ACT 1980
LAND COMPENSATION ACT 1961
LOCAL GOVERNMENT PLANNING AND LAND ACT 1980
LOCALISM ACT 2011
PASTORAL MEASURES ACT 1983
PLANNING AND COMPENSATION ACT 1991
PLANNING AND COMPULSORY PURCHASE ACT 2004
PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PUBLIC HEALTH ACTS
REGULATORY AND INVESTIGATION PROCEDURES ACT 2000
THE ENVIRONMENT ACT 1995
THE HEALTH ACT 2006
TOWN AND COUNTRY PLANNING ACT 1959
TOWN AND COUNTRY PLANNING ACT 1990 (as amended) TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

and the power contained in s.111 Local Government Act 1972 and s.2 Local Government Act 2000, so far as the use of such powers is incidental to the exercise of the functions of a Local Planning Authority under the legislation listed above, subject to prevailing common law and statutory duties and obligations concerning the use of those powers (advice on this point can be obtained from the Assistant Chief Executive - Legal).

Committee: Annual Council

Agenda Item

Date: 26 May 2015

14

Title: Political Balance on the Council

Author: Peter Snow, Democratic and Electoral Services Manager

Item for decision

Summary

- 1 This report considers the political composition of the Council and recommends that seats on the main committees be allocated to the three political groups as detailed in the report.
- 2 Following the ordinary election held on 7 May 2015 new political groups have been formed comprising: Conservative, 23 members; Residents for Uttlesford, 9 members, and Liberal Democrats, 6 members. Councillor Lemon has been elected as the sole independent member and is not a member of a political group.

Recommendation

That the Council reviews its political composition and achieves political balance by allocating seats on its committees as detailed in the report.

Financial Implications

None

Background Papers

None

Impact

Communication/Consultation	Political parties to consult within their groups to determine their views on the recommendation
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	To comply with the Local Government and Housing Act 1989. In the event that members decide an allocation of seats which does not accord with the principles of political balance set out above this can only be achieved if no members attending the

	meeting dissent.
Sustainability	n/a
Ward-specific impacts	All
Workforce/Workplace	None

Situation

3 The Local Government and Housing Act 1989 requires local authorities to review the representation of the different political groups at the Annual Meeting or as soon as practicable thereafter. It further requires them to allocate the seats on their committees to political groups represented in accordance, so far as reasonably practicable, with the following four principles of proportionality:-

- (a) that not all seats on the body concerned are allocated to the same political group;
- (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of an authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority;
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all seats on that body as is borne by the number of members of that group to the membership of the authority.

Current Situation

4 Ahead of any decision made by the newly elected Council, it has been assumed that the number of seats on ordinary committees of the Council (excluding Standards) will be as follows:-

Committee	No of seats
Planning	10
Licensing and Environmental Health	10
Scrutiny	10
Performance and Audit	10
Total	40

5 The current political composition of the Council (excluding the single independent member who cannot be taken into account for political balance purposes) is as set out on the next page:

Group	Members	Percentage
Conservative	23	60.53%
Residents for Uttlesford	9	23.68%
Liberal Democrats	6	15.79%
	38 (of 39 members)	100%

- 6 Based on the 40 seats, the number of seats available to each group is as follows

Group	Percentage	Calculated seats	No. of seats
Conservative	60.53%	24.21	24
Residents for Uttlesford	23.68%	9.47	10
Liberal Democrats	15.79%	6.32	6
	100%	40	40

Allocation of Seats – Committees

(i) Licensing Committee

- 7 The Licensing Committee cannot be taken into account for the purposes of the calculation because it was not established under the Local Government Act 1972. However, it seems sensible to offer the ten places to be allocated on the same basis of proportionality, and the Licensing Committee has therefore been included in the calculation of the number of seats.

(ii) Standards Committee

- 8 The Localism Act 2011 set out changes to the standards regime. There is no longer a statutory power to appoint a Standards Committee and the standards functions are intended to be performed by Full Council. However it was agreed in 2012 that the Council would not be an appropriate forum for dealing with individual allegations of breaches of the Code of Conduct and a Standards Committee was appointed to undertake this function.
- 9 In the absence of a statutory power, a Standards Committee is required to be appointed under the provisions of the Local Government Act 1972 and is subject to the rules of political balance.
- 10 Since the Localism Act changes, the Standards Committee has consisted of six members, increased to eight with the establishment of the Residents for Uttlesford Group prior to the election, with an equality of representation between all political groups. Article 9 of the Constitution provides for three nominations to be made by each political group and it is now suggested that the Committee be expanded from eight to nine members.
- 11 If this committee was included within the calculations (assuming nine members) the result would be as set out on the next page:-

A total of 49 seats would be available and the number of seats allocated to each group would be:-

Group	Percentage	Total Seats
Conservative	60.53%	(29.66) 30
Residents for Uttlesford	23.68%	(11.60) 11
Liberal Democrats	15.79%	(7.74) 8

- 12 The Council's Constitution recognises that that the rules of political balance contained in the Local Government and Housing Act 1989 apply but acknowledges that a politically balanced Standards Committee would be undesirable. It provides that subject to no member present voting against the proposal each political group on the Council would have at least one member on the Standards Committee and each political group could nominate up to three members. The aim is to achieve an even balance on the Committee. This will be achieved by appointing the three members nominated by each group thus making a committee of nine members.

Proposal for allocation of seats

- 13 Based on the principles outlined in paragraph 12, the allocation of the 49 seats (including the Standards and Licensing Committees) would be as follows:-

Committees	Seats available	Conservative	Residents for Uttlesford	Liberal Democrats
Planning	10	6	2/3*	1/2*
Licensing and Environmental Health	10	6	2/3*	1/2*
Scrutiny	10	6	2/3*	1/2*
Performance and Audit	10	6	2/3*	1/2*
Standards	9	3	3	3
	49	27	13	9

* The precise allocation of seats is to be determined by Council. Following allocation the groups will nominate members to the seats allocated to their groups.

Risk Analysis

There are no risks associated with this report.

Appointment of Committees 2015/16

Nominations received from political groups for appointment at the Annual Council meeting on 26 May 2015

Committees	Conservative	R4U	Liberal Democrat
Planning (10)	R Chambers J Davey (VC) E Hicks A Mills V Ranger (C) H Ryles	P Fairhurst R Freeman J Lodge	J Loughlin
Licensing and Environmental Health (10)	R Chambers (C) J Davey T Goddard (VC) J Gordon E Hicks +1 to be nominated	A Anjum S Morris J Parry	R Gleeson
Scrutiny (10)	G Barker (VC) P Davies M Felton T Goddard S Harris E Oliver	H Asker B Light	A Dean (C) G Sell
Performance and Audit (10)	G Barker J Freeman J Gordon D Jones (VC) T Knight E Oliver (C)	N Hargreaves B Light	M Foley J Loughlin
Standards (3 from each political group)	K Artus (VC) D Jones T Knight (C)	A Anjum H Asker N Hargreaves	A Dean J Loughlin G Sell

Appointment of Working Groups

Working groups	Conservative	R4U	Liberal Democrats
Constitution Working Group (8)	R Chambers J Freeman S Harris E Oliver V Ranger (C)	B Light J Parry	A Dean
Local Joint Committee (3)	H Rolfe	S Morris	A Dean
Electoral Working Group (8)	J Davey T Farthing T Goddard S Howell (C) D Jones	A Anjum N Hargreaves	G Sell
Community Achievement Panel (5) <i>To be appointed by Cabinet if still required</i>	3	1	1
Highways Panel (4) + the four county councillors representing Uttlesford (including Cllr Lodge) <i>A Cabinet body but to be appointed at Annual Council</i>	R Chambers J Freeman A Mills		G Sell
Housing Board (10 + 2 tenant representatives) <i>A Cabinet body but to be appointed at Annual Council</i>	T Farthing (VC) M Felton (C) A Mills V Ranger J Redfern H Ryles	H Asker S Morris	A Dean J Loughlin

Planning Policy Working Group (10) <i>A cabinet body but to be appointed at Annual Council</i>	S Barker (VC) P Davies S Harris A Mills E Oliver H Rolfe (C)	J Lodge J Parry	A Dean J Loughlin
Museum Management Working Group (4) <i>To be appointed by Cabinet</i>	3	1*	1*
Stansted Airport Advisory Panel (10) <i>To be appointed by Cabinet</i>	K Artus (C) J Davey T Farthing T Goddard E Oliver (VC) H Ryles	P Fairhurst + 1/2	1/2
Waste Strategy Panel (10) <i>To be appointed by Cabinet if still required</i>	6	R Freeman + 1/2	1/2

* Assuming the Conservative Group takes the majority of seats on this group this leaves only one place to be allocated. In this case it is suggested the place be allocated to the RfU group, unless decided otherwise

CONSTITUTIONAL AMENDMENTS

Part 1 – Summary and Explanation

How the Council operates	The Council is composed of 39 (44) Councillors
--------------------------	---

Part 2 - Articles

Article 2 – Members of the council.	2.1 – Composition and eligibility Add - The council will comprise 39 members
	2.2 - Election and terms of councillors Add - The next election to be held in May 2019
Article 10 – Area Forums	Delete all text The new council will consider alternative options to engage with the wider community and parish councils and seek their views on services in the District.

Part 4 - Procedural Rules

Access to information Procedure Rules	Rule 1 - scope Remove references to area forum
	Rule 4 – Time of meetings 4.4 add at 7.00pm or 7.30pm
	Rule 5 – Notice of meeting Add the words - or publishing on the council's website
	Rule 14 Forward Plan 14.1 Delete all text – no longer a statutory requirement 14.2 remove reference to area forum

COMMITTEE TIMETABLE 2015/16

	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	Tue	7.30pm	26 AC		28			13		17		25 (Thur)		12	17
Cabinet*	Thurs	7.00pm		18	23		17	22		10	12 (Tues)	16 (Tues)		7	26
Scrutiny	Tues	7.30pm		24 (Wed)			10 (Thur)		17			9	15		3
Scrutiny (reserved for call in)	Mon	7.30pm		29		3	28		2	21	25	29		18	
Performance and Audit	Thur	7.30pm			16		24		19			11			
Planning	Wed	2.00pm		3	1 29	25 (Tues)	16	21	18	16	13	10	9	6	4
Licensing & Env Health	Wed	7.30pm					9				20			20	
Standards	Mon	4.00pm			6				2				21		

*Not required to be agreed by Council. Cabinet meetings are scheduled at the Leader's discretion and are included here for information. All meetings normally held at Saffron Walden.

