

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 8 DECEMBER 2016 at 7.30pm

Present: Councillor J Davey – Chairman
Councillors H Asker, G Barker, S Barker, R Chambers, P Davies, A Dean, T Farthing, M Felton, M Foley, J Freeman, R Freeman, J Gordon, N Hargreaves, S Howell, D Jones, M Lemon, J Lodge, A Mills, S Morris, E Oliver, E Parr, J Parry, V Ranger, J Redfern, H Rolfe, H Ryles, G Sell and L Wells

Officers in attendance: D French (Chief Executive), S Pugh (Interim Head of Legal Services), P Snow (Democratic and Electoral Services Manager), A Webb (Director of Finance and Corporate Services) and N Wittman (Assistant Director, ICT and Facilities)

C38 PUBLIC SPEAKING

Doug Perry and Barry Drinkwater gave public statements on behalf of the Uttlesford Licenced Operators and Drivers Association (ULODA). The statements given are appended to these Minutes.

Councillor Chambers responded to the remarks made by Mr Perry in his role as Chairman of the Licensing Committee. The Council had always maintained excellent relations with the licenced trade. He was always in favour of talking to taxi drivers and their representatives and consultation arrangements were in place.

When Mr Perry was Chairman of the Licensing Committee the Council had operated a surplus in the licensing budget. A decision was taken 18 months ago to reduce the surplus to nothing and a 20% rebate had been returned to taxi drivers. If there was any surplus this year it would be a nominal amount of no more than £5,000.

It was the Council's responsibility alone to agree the licensing budget. In granting and enforcing taxi licences the Council had to be extremely careful to ensure that public safety was maintained at all times.

The Council would continue to listen carefully to the taxi trade and would continue to consult with interested parties at all times but on the understanding that setting the budget would always remain the Council's responsibility.

The Chairman invited Councillor Lodge to read a message received from Ripple Mackman thanking members for the tributes paid to former councillor Keith Mackman following his recent tragic death, and to those who had attended his funeral.

C39 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Anjum, Artus, Fairhurst, Harris, Hicks, Light and Loughlin.

Interests held by Councillors Asker, S Barker, Davey, R Freeman, Lemon, Lodge, Morris, Parr, Parry, Ranger, Redfern and Sell as members of town and parish councils, or of the County Council, were declared to the meeting.

C40 MINUTES OF THE MEETINGS ON 26 JULY AND 16 NOVEMBER 2016

The Minutes of the meeting held on 26 July 2016 and of the Extraordinary meeting held on 16 November 2016 were received, approved and signed as a correct record, subject to the following correction to the final paragraph of Minute C20 of the meeting on 26 July:

“Councillor Lodge commented that the PPWG was working rigorously to ensure the right infrastructure was in place. He claimed that, when Mrs Cheetham had been a member of the previous administration she had misled the Planning Committee so in his view her remarks were hypocritical.”

C41 MATTERS ARISING – Minute C37 of the Meeting on 16 November – Local Plan

Councillor Dean referred to a Freedom of Information request from a district resident sent on 21 October 2016 asking for copies of all correspondence between the Council and South Cambridgeshire District Council about the option of a new settlement at Great Chesterford. The Council had refused to comply with the request on the grounds of exemption because, if the information was provided, it would interfere with the “safe space” needed to develop a local plan and affect the integrity of the process.

He asked Councillor S Barker whether she agreed that the public and council members should be kept in the dark about dialogue between Uttlesford and authorities in Cambridgeshire over the prospect of a new settlement, or whether she would now tell us what dialogue did take place before the Local Plan process was paused?

Councillor Barker responded that the only email that could be found from the resident concerned was sent on 23 October. If other emails existed she would arrange for a further response to be sent. The information relating to the settlement at Great Chesterford was confidential because it had been part of the unpublished papers for the meeting of the PPWG on 25 October which did not take place because of the decision to pause the Local Plan process. As these papers had not been published there was no requirement to publish them. She also confirmed there had been no meeting between members of Uttlesford and SCDC.

Councillor Dean said the same resident had approached SCDC and received copies of two reports relating to the consultation process. He also referred to comments made by the Joint Director of Planning and Economic Development at Cambridge City and South Cambridgeshire that there had been no discussions between Uttlesford and SCDC between last November and the present pause, and that other discussions had been limited although there were matters of mutual concern.

Councillor Barker said she had asked for a duty of co-operation meeting to take place with SCDC and there would be continuing discussions. She asked Councillor Dean to forward to her any further emails from the resident concerned so that a more detailed response could be sent.

C42 REPORT OF THE INDEPENDENT REMUNERATION PANEL – REVIEW OF ALLOWANCES 2017-18

David Brunwin presented the review of member allowances for 2017/18 as Chairman of the Independent Remuneration Panel.

He said that the Panel had reviewed four main areas as follows:

- The Basic Allowance
- The attendance of members at briefings and workshops
- The workload of the Licensing and Environmental Health Committee
- Executive functions

As a matter of principle, the Panel had agreed that making regular small increases to the basic allowance was preferable to larger increases less often. This would help to maintain the value of the allowance without impacting greatly on the budget. After a long period when the allowance had been frozen there had been an increase of 1% in 2016/17.

Similarly in 2017/18 the Panel was recommending a 1% increase in line with the local government pay award in April 2016. The Panel had decided to break the link between the basic allowance and the Annual Survey of Hours and Earnings (ASHE) as that benchmark no longer seemed relevant. However, instead of benchmarking the basic allowance to future pay awards the Panel felt it would be better to maintain flexibility to determine the appropriate level as circumstances allowed.

One of the group leaders had suggested a thorough analysis of time commitment should be carried out as a possible option for the 2018/19 review.

Following a suggestion made by the Leader, the Panel had explored the possibility of linking the basic allowance to attendance at workshops and briefings as a way of encouraging attendance. Before this could be further considered he felt the Council should set out its expectations for the adoption of a programme of member training and development and the commitment expected of members.

The Panel had also considered the feasibility of remunerating members of the Licensing and Environmental Health Committee for the extra commitment required in attending extraordinary meetings of the Committee when acting as a panel to determine private hire and premises licences. The difficulty in assessing the additional time and responsibility commitment of members was the disparity in members' attendance at these meetings, especially since only four members were required to form each panel. The evidence indicated that the workload was

not spread evenly between the committee members. The Panel had concluded it would not be equitable to pay a SRA to all members of the Licensing Committee. Finally, the Panel had looked at the workload and responsibility levels of Cabinet members and had concluded there had been no significant change in the last year.

In responding to the report, Councillor Rolfe thanked David Brunwin and his team for their hard work and consideration of the allowances scheme to be applied in 2017/18. He said that he would follow up the suggestion about a programme of member development and training. This had been highlighted in the recent LGA peer review as an area for potential development at the authority. The Leader then proposed adoption of the report and recommendations.

RESOLVED that the scheme of allowances set out in the following table be adopted for 2017/18:

Type of allowance	Existing £	Recommended £
Basic allowance	5,050	5,100
Special Responsibility Allowances		As Special Responsibility Allowances are expressed as a multiplier of the Basic Allowance, the recommendation is that all would be adjusted to reflect the proposed 1% increase in the Basic Allowance. The phrase "no change" used in this table below signifies there is no change to the multiplier, but that the 1% increase is to be applied.
Chairman	4,040	4,080 (no change other than as a consequence of the proposed increased Basic Allowance) + civic expenses
Vice-Chairman	2,020	2,040 (no change other than as a consequence of the proposed increased Basic Allowance)

Leader	12,372.50	12,496 (no change)
Deputy Leader	6,565	6,630 (no change)
Portfolio Holders	6,060	6,120 (no change)
Overview/ Scrutiny Committee Chairmen	3,535	3, 570 (no change)
Planning Committee Chairman	3,787.50	3,825 (no change)
Planning Committee members	466.20	470 (no change)
Licensing & Environmental Health Committee Chairman	3,787.50	3,825 (no change)
Standards Committee Chairman	2,020	2,040 (no change)
Main opposition group leader	3,535	3,570 (no change)
Other opposition group leader(s)	2,020	2,040 (no change)
Independent members of Standards Committee	505	510 (no change)
Panel members of Independent Remuneration Panel	505	510 (no change)
All other elements of the scheme to remain unchanged. Only one special responsibility allowance may be claimed.		

In concluding this item, the Chairman thanked Janet Pearson who was retiring as a member of the Independent Remuneration Panel after a term of three years.

C43 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman summarised his busy schedule of engagements in the period since the last meeting.

Councillor Ranger offered his hearty congratulations on the Chairman's marriage which had taken place on the previous Saturday.

The Chairman thanked Councillor Ranger and members for their good wishes.

C44 **YOUTH ENGAGEMENT REPORT**

The Chairman agreed to bring this matter forward as there were young people present to listen to the debate. He invited Councillor Lemon to present the report.

Councillor Lemon welcomed the young people at the meeting and said it was a good opportunity for them to observe how the Council operated. The working group had initiated a number of visits to schools as part of their work. A notable feature was that it had highlighted the widespread lack of knowledge about the work of the Council. One of the benefits of this exercise would be to raise the Council's profile among young people.

The previous practice whereby ward members made regular visits to local schools seemed to have stopped in recent years and he encouraged members to reinstate local school visits at least once or twice per year.

The working group had identified a source of funding for the initial three month period mentioned in the recommendation but needed more time to get the proposed youth council up and running before reporting back on the progress made.

Finally, he said that the Council had participated in the election of four members of the Essex Youth Assembly and he hoped the shadow youth council in Uttlesford would eventually feed into the wider county group. He proposed approval of the recommendation in the report.

Councillor Morris welcomed the report on behalf of Councillors Fairhurst and Light, neither of whom could be present this evening. Both of the councillors she had mentioned felt passionately about the involvement of young people in the proposed youth council and she wished to support the availability of the funding needed to enable it to become established. She considered that young people had never been so engaged and so now was an ideal time to progress this project.

Councillor Rolfe said he understood that many members felt passionately about the creation of a youth council and he thanked Councillor Lemon and his group for the work they had put in to make it a reality. A celebration event had taken

place the previous evening attended by a number of young people and it was important to listen to their views, especially as some of those present would be unlikely to be members of a school council. He welcomed the young people attending and supported the work being done to progress this matter.

RESOLVED to form an Uttlesford Youth Council with a view to considering more detailed recommendations after an initial period of three months.

C45 **REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

In commenting on the recent community achievement awards ceremony, the Leader said it had been truly humbling to see the dedication and time commitment needed to enable the volunteer groups to serve their local communities. The awards ceremony had recognised the efforts being made by these volunteer groups in helping to make Uttlesford such a special place.

The efforts of the food bank had recently been celebrated by the Council and he wished to recognise the efforts of the volunteers who had supported more than 400 people in various parts of Uttlesford.

The Leader announced that he had asked Councillor Felton to take on the role of lead member for member development and training. At the same time, Councillors Goddard, Davies and Farthing had relinquished their lead member roles for sport, communication and customer service, and depots maintenance respectively. These areas of responsibility would now revert to the relevant portfolio holder.

C46 **LOCAL COUNCIL TAX SUPPORT SCHEME 2017/18**

Councillor Howell presented the Cabinet's recommendation to approve the Local Council Tax Support Scheme (LCTS) for 2017/18. He said that that this was an area of spending with more visibility than many others. LCTS had been introduced in 2013/14 and included a number of key elements to protect low income pensioners, disabled residents, and carers.

The Cabinet had decided to recommend that the contribution rate should be maintained at 12.5% for a further year. This compared favourably with the rate set by other councils in Essex which had all set their contribution rate at between 20 and 30%.

It was now proposed to maintain a discretionary grant to town and parish councils but to reduce this by 50%. There was no obligation to provide this level of subsidy and it was considered a better approach to focus on need.

The third area was to align the LCTS scheme criteria with the key housing benefit reforms except for the "Removal of the severe disability premium where another person is paid universal credit (carers' element) to look after them". Four of these changes had already been incorporated into the LCTS scheme. The remaining two reforms were expected to be implemented from April 2017. The agreed changes would remove the family premium for all new working age

claimants, reduce the backdating of claims from six months to one month, remove the element of the work related work activity component in the calculation of the current scheme for new employment and support allowance applicants, and reduce the period of absence from the UK from 13 weeks to four weeks.

Councillor Howell said that because Uttlesford was a wealthy area did not mean the protections were any more affordable for the Council. He reported the public consultation carried out in August and September strongly supported the continuation of the reduction in grant to parish and town councils and there was majority support for five of the six measures proposed.

This was a complex issue and he proposed the adoption of the recommendation.

Councillor Ranger proposed an amendment to add the words “and limiting the number of children within the calculation to a maximum of two” to part (c) of the recommendation.

He considered that limiting the number of children to be included in the calculation was a disincentive to working people and should be made an exception.

A vote was taken on the amendment and this was carried with no votes against. The substantive motion was then carried.

RESOLVED to approve the following Local Council Tax Support scheme for 2017/18:

- a) To maintain the contribution rate at 12.5% for a further year;
- b) To continue to provide town and parish councils with a discretionary grant but for this to be reduced by 50%.
- c) To align the LCTS scheme with the housing benefit reforms as detailed in the report, with the exception of the ‘Removal of the severe disability premium where another person is paid universal credit (carers’ element) to look after them’ and ‘limiting the number of children within the calculation to a maximum of two’.

C47

GREAT DUNMOW NEIGHBOURHOOD PLAN

Councillor Susan Barker presented the recommendation of the Cabinet to formally ‘make’ the Great Dunmow Neighbourhood Plan as part of the statutory development plan for the district. She commented that the plan had been overwhelmingly approved at a recent poll of all electors in Great Dunmow on a turnout of 21%.

Councillor Sell congratulated Councillor Davey as the modest driving force bringing the Neighbourhood Plan to completion and said this was a notable achievement as the first such plan to be adopted in the district.

Councillor Redfern added her congratulations and asked for a blueprint to produce a successful neighbourhood plan which would benefit parishes such as her own at Great Chesterford.

RESOLVED that the Great Dunmow Neighbourhood Plan be formally 'made' as part of the statutory development plan for the district.

C48

CORPORATE PLAN 2017-2021

The Leader said the Corporate Plan was usually updated on an annual basis. The Chief Executive had given the plan extra discipline and he commented on the stated vision of "Working together for the well-being of our communities and to protect and enhance the unique character of the District".

Underpinning the stated vision were a number of key themes as follows:

- Promote thriving, safe and healthy communities
- Protect and enhance heritage and character
- Support sustainable business growth
- Maintain a financially sound and effective Council

There was a level of detail below these themes setting out actions needed to deliver the stated goals and to measure against the outcomes achieved.

He confirmed that the plan was in draft form only at this stage and it was not being recommended for approval until the Scrutiny Committee had been given the opportunity to consider it in February.

C49

DEVOLUTION UPDATE

The Leader reminded members that Essex council leaders had voted 8-7 against any devolution model providing for a directly elected mayor.

Since then the Secretary of State had confirmed that a directly elected mayor remained the cornerstone of the devolution process. However, the combined bid submitted by Cambridgeshire, Peterborough, Norfolk and Suffolk had failed, as had a subsequent bid for a combined Norfolk and Suffolk, with the result that Suffolk had been left looking for potential partners. He commented that cross-county arrangements presented difficulties for financial streams and there were now some signals that the directly elected model might not be the only available option.

The outcome was being awaited of the arrangements for the allocation of the local growth fund and it was still unclear whether devolved bodies would receive a lot more of the funding from this area.

Meanwhile, outside of the devolution structures, work was proceeding on the Essex economy and he outlined the key challenges identified in a presentation by the Essex Enterprise Commission entitled *Enterprising Essex Opportunities and Challenges*.

In addition, a body called the Pan Essex Growth and Infrastructure Framework was looking at what was needed to drive the economy forward. These initiatives were operating outside of the devolution model and without the benefit of any central government funding.

Finally, in West Essex, work was continuing within the combined London/Stansted/Cambridge corridor groups to look at the economy of the M11 corridor area. An appointment would be made to explore how to take advantage of the economic opportunities generated by growth in this area.

In terms of the health and wellbeing agenda and the development of skills, West Essex generally was lagging behind in producing the tertiary qualifications needed by local businesses and he hoped the measures being taken would start to address this deficiency.

The groups would get together in the New Year to explore how to align all of these points. Until then, there was no substantive change in the position.

C50

MEMBERS QUESTIONS

Following on from the announcement about the proposed closure of Carver Barracks, Councillor Morris asked for an update on plans for the preparation of a sports facility and athletics track.

The Leader said the intention was to engage in dialogue to secure the future of the facility beyond the planned closure in 2031. The Army had given a commitment to enter into a partnership on the basis of match funding. The intention was to achieve full use of facilities and value for money for the investment made.

Councillor Foley asked the Leader whether there should there be a solid proposal for development at Easton Park given that there was a distance of no more than 100 or 200 yards between that development and Great Dunmow.

Councillor Rolfe replied that 100 yards was considered to be a legitimate distance between two settlements. He had met with Little Easton Parish Council to discuss their concerns. It was important to consider how the impact on existing communities could be mitigated but also to ensure consistency of approach across the whole district. He re-emphasised that the houses allocated to the district had to go somewhere and it was important to reach a position where the evidence could be fully respected even if the housing allocations were not always supported by the local communities most affected.

C51

APPOINTMENT OF EXTERNAL AUDITOR

Councillor Oliver presented a recommendation from the performance and Audit Committee to opt in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

The present arrangements would cease after the 2017/18 audit and the opt-in to the PSAA were considered the most cost effective and advantageous in terms of

quality control to take. The other options either of establishing an auditor panel to conduct a procurement exercise, or exploring joint arrangements with neighbouring authorities were not considered to be feasible.

RESOLVED that the Council opt-in to the appointing person arrangements made by the Public Sector Audit Appointments body for the appointment of external auditors.

C52

2018 REVIEW OF PARLIAMENTARY BOUNDARIES

Councillor Howell presented the recommendation of the Electoral Working Group to welcome the proposals of the Boundary Commission for England (BCE) for new Parliamentary constituency boundaries in Essex, especially in respect of the proposed Saffron Walden constituency. He said the inclusion of the whole of the Uttlesford district in a single constituency was the best possible outcome for the Council and for local residents, avoiding a division between two or more constituencies as would have been the case under the previous proposals.

To achieve the required constituency size it was being proposed to include four wards from Braintree to replace the four wards from the Chelmsford City area which would instead now form part of a revised Brentwood and Ongar constituency. Although transport links to some of these areas were not as good as those from the south in all other respects the Braintree wards seemed better suited to the Saffron Walden constituency area.

In seconding the motion, Councillor Sell endorsed these comments as the proposals involved a reinstatement of much of the area forming part of the pre-2010 constituency area, even though some of the villages such as Rayne and the Three Fields area had never previously been included in a Saffron Walden constituency.

RESOLVED that representations be made to the BCE welcoming the initial proposals for new constituency boundaries in Essex, more specifically for the proposed Saffron Walden constituency

C53

CHANGES TO THE CONSTITUTION

Councillor Ranger presented three proposed changes to the Constitution as recommended by the Constitution Working Group as follows:

- The deletion from agendas of the standard item "Matters arising".
- The addition of a provision to the Overview and Scrutiny Procedure Rules to allow a scrutiny committee meeting to be cancelled following withdrawal of a call-in request.
- The inclusion of powers enabling the Monitoring officer to make routine changes to keep the Constitution updated.

Councillor Ranger said the proposed changes would have the effect of allowing the more efficient conduct of Council business and procedures.

Councillor Lodge said he was concerned about the removal of matters arising as a head of business and he considered this to be anti-democratic. Appendix 1 to the report listed numerous ways in which members could raise matters of concern by using other methods and he asked why it was considered necessary to add these areas of complexity to Council procedures. He would not support this change.

Councillor Dean expressed misgivings about the same proposal on the grounds of transparency and said the Scrutiny Committee had discussed the proposal in terms of the need to track the progress of business. He considered it was heavy handed to propose a formal motion and asked for the implementation to be delayed.

Councillor S Barker said that the Cabinet and all committees made decisions. It was not easy for the public if matters were raised without notice and confirming the recommendation would put us in line with all other Essex councils. We should follow good practice advice.

Councillor Ranger reminded members that the Constitution Working group was a cross-party body and had reached a decision on the basis of good practice. Ample opportunities were available for members to raise matters of concern as set out in the appendix.

Councillor Redfern said she was minded to support the proposal but would first like a reassurance that the notice of key decisions could be replicated for all committees.

The Chief Executive confirmed that a list of decisions could be generated and shared with members and this could include progress updates.

A vote was then taken separately on each of the three proposals and all three were carried.

RESOLVED to adopt, with immediate effect, the following changes to the Constitution:

1. Delete the head of business “deal with any matters arising from those minutes” in paragraphs 1.1.5 and 2.3 of the Council Procedure Rules.
2. Insert the following new paragraph 9.13 in the Overview and Scrutiny Procedure Rules:
“A call-in request under para 9.3 may be withdrawn at any time up until the Scrutiny Committee meets to consider the decision called in. If a request for call-in is withdrawn by all members who made it, then subject to the agreement of the Chairman, a Scrutiny Committee to consider the decision shall either not be summoned or shall be cancelled. For the avoidance of doubt, the meeting shall go ahead if the Chairman of the Scrutiny Committee decides that this is in the public interest. Information about any call-in requests that are withdrawn under this provision shall be included on the agenda for a future meeting of the Scrutiny Committee.”

3. Make the following changes to Article 15 of the Constitution to enable routine changes to be made in the circumstances set out:

15.2.1 Subject to Article 15.2.3, changes to the constitution may only be made by the Full Council after consideration of the proposal by the Constitution Working Group.

15.2.2 In the event that the Council considers amending the constitution to provide for a mayor and cabinet form of executive it must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum

15.2.3 The Monitoring Officer may approve drafting changes in these circumstances:

- To update the Council's scheme of delegation where responsibility for a function the subject of delegated powers is moved from one officer to another; for instance, following a departmental restructuring or to reflect changes in job titles or the management structure.
- To reflect changes to delegations to officers made by regulatory committees or by the Cabinet.
- To reflect changes in responsibilities of members of the Cabinet, as determined by the Leader.
- To update references in the Constitution to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect changes which are required by new legislation which the Council has no choice but to make.
- To correct obvious errors or to better give effect to the clear intention of the Constitution.

C54

APPOINTMENT OF MONITORING OFFICER

The Interim Head of Legal Services left the meeting before the consideration of this item.

The Chief Executive presented the recommendation in the report to appoint Mr Simon Pugh, Interim Head of Legal Services, as the Council's Monitoring Officer.

RESOLVED to appoint Mr Simon Pugh, Interim Head of Legal Services, as the Monitoring Officer for the Council with delegated power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests.

Mr Pugh then returned to the meeting.

C55

CHANGES TO DELEGATIONS

The Council received a report proposing changes to the scheme of delegation to officers to take account of the retirement of the Assistant Chief Executive – Legal and the subsequent appointment of the Interim Head of Legal Services.

RESOLVED to assign delegated powers of the Assistant Chief Executive – Legal in accordance with the appendix to the report

C56 **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 involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A

At this point a short adjournment was taken during which those members of the public present left the meeting.

C57 **INVESTMENT OPPORTUNITY**

The Director of Finance and Corporate Services made a presentation illustrating the process for progressing the investment opportunity before members for consideration.

Councillor Howell then presented to members details of the investment opportunity and answered a number of questions from members.

The recommendations in the report were proposed and seconded and a recorded vote was requested.

The outcome of the recorded vote was as follows:

For the motion:

Councillors Asker, G Barker, S Barker, Davey, Davies, Dean, Farthing, Felton, Foley, J Freeman, Gordon, Howell, Jones, Lemon, Lodge, Mills, Oliver, Parr, Ranger, Redfern, Rolfe, Ryles, Sell and Wells

Against the motion:

Councillor R Freeman

Abstained:

Councillors Hargreaves, Morris and Parry

The motion was declared carried by 24 votes to one against with three abstentions.

RESOLVED to adopt the recommendations set out in the report

The meeting ended at 10.45pm.

APPENDIX – PUBLIC SPEAKING STATEMENTS

Statement by Mr Doug Perry

Because there was a suggestion that no consultation was to be allowed to take place between UDC and the trade ,due to need and necessity .

I tabled a motion at Town Council ,which has been forwarded to UDC ,and is receiving attention.

During a meeting between myself ,the ULODA chairman, with a senior officer of this Council ,a number of assurances have been given.

This has improved the relationship between the trade and the Council and has gone a long way to improving Partnership Working.

The way forward is complex and further discussions are needed ,which has been agreed.

The three main aspects that were discussed are ,The Budget ,The single point of Contact, and Delegated Powers.

The Budget was discussed along with the Licensing Surplus and agreements reached which resulted in a degree of transparency and understanding including that involving resources.

The surplus being ring fenced can only can be used to the benefit of the trade.

The nominated person was also discussed and a clear understanding has now been ascertained as to who speaks to who and under what circumstances.

You are discussing delegated powers later in the Agenda but again assurances given as to top, down procedure being proposed and the actual detail is to be discussed at a more appropriate time.

However it has been conceded that in the future Information ,Education ,and prevention is the way forward (Dependent on Circumstances).

With regard to enforcement can I respectfully suggest that as both Planning and Licensing have a regulatory function and is vast and complex areas of law , that we return to the past and reintroduce a single Enforcement Officer with responsibility for each.

I would like to express my thanks on behalf of the trade for the discussions that have taken place and look forward to working in collaboration with the Council, so that everybody benefits.

Statement by Mr Barry Drinkwater

Good evening, Chairman, Leader, Members and Officers.

I'm Barry Drinkwater, Chairman of Uttlesford Licensed Operators & Drivers Association, a role I've enjoyed for 12 years on and off - currently very much ON! I'm speaking on behalf of all our members and as the voice of the trade delegation of senior representatives which includes Andy Mahoney, Managing Director of the district's largest operator, 24x7, and Robert Sinnott, Managing Director of ACME Transport. We three, along with Richard Ellis, ULODA's Vice Chairman and proprietor of Barnston Luxury Travel, have been meeting together with the council regularly for several years on behalf of the WHOLE trade.

This evening I'm also speaking in support of Cllr Doug Perry, ULODA's President since our AGM in October, a role he says he has been honoured to accept. We came to know each other very well working in partnership during his time as Chairman of the Licensing Committee. Doug was instrumental in setting up the Licensing Task Group when the surplus of £160,000+ was uncovered in the council's Licensing Accounts. The Licensing Committee resolved that the surplus (derived entirely from licence holders' overpayment of their council licence fees) should be returned to the trade via a ringfenced Licensing Reserve and insisted that officers should work closely with the trade by discounting the fees until the funds were exhausted, forecast to be 3 to 5 years.

Michael Perry had been our single point of contact as the council's Lead Officer and effectively Head of Licensing. The taxi and private hire trades grew immeasurably on his watch (Uttlesford now has over 1,500 licensed drivers + 100 operators). He was both a lighthouse giving out clear messages to the trade about policy and practice and also the rock on which a few licence holders foundered - and came to grief - under his enforcement regime.

It was agreed from the outset that we would meet every year to review the Licensing Accounts in some detail, to make sure that the Budget was justified, and to protect the trade's position ad infinitum in order to avoid any repeat of the council's conduct in its administration - in short, to go forward with the interests of transparency and best practice foremost.

We wrote to Dawn French on the day of Michael's retirement with the question "What Next Please?!" - and in the hope that she would be happy to engage with us on this and other matters, particularly the Assistant Chief Executive - Legal's exercise of delegated powers going forward and the enforcement regime on which we shared our views with the Scrutiny Committee in the summer. Dawn kindly agreed to meet the usual trade suspects with Tony Cobden as newly appointed Licensing Lead Officer on 31 August. We enjoyed a convivial hour or so together and looked forward to - and had the vision of - working in collaborative partnership on licensing matters, with a lighter touch when it came to enforcement. In short, it boded well. You can't imagine (although some of you may!) how very disappointed we were when the shutters seemed to come down almost immediately on the matter of the meeting to review the Licensing Accounts - which was already long overdue. Within 14 days, we were advised by email that the meeting was discontinued forthwith. We protested that this flew in the face of the spirit of transparency we had enjoyed over the previous 5 years and the decision had to be revisited (please!). We have heard nothing any different since.

Meanwhile our reading of the report on 2016/17 Budget Monitoring for Q2, presented to Cabinet on 1 December, indicates that the Licensing Reserve has not changed since the end of the last financial year and there is £16,000 still to distribute!! It defies belief that we are being denied access to Council Officers to address this matter with them!! We all "owe" it to colleagues in the trade and are united in our determination to continue to manage the money (our money!) properly. Please please help us by persuading officers to change their minds and meet with us without more ado. Thank you very much for listening.