

## **COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 4 APRIL 2017 at 7.30pm**

Present: Councillor J Davey – Chairman  
Councillors A Anjum, K Artus, H Asker, G Barker, S Barker, R Chambers, P Davies, A Dean, P Fairhurst, T Farthing, M Felton, J Freeman, R Freeman, T Goddard, N Hargreaves, S Harris, E Hicks, S Howell, T Knight, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe, H Ryles, G Sell and L Wells

Officers in attendance: D French (Chief Executive), R Harborough (Director of Public Services), A Knight (Assistant Director Finance), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Finance and Corporate Services)

### **C75 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Foley, Gordon and Jones.

### **C76 MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2017**

The Minutes of the meeting held on 8 December 2016 were received, approved and signed as a correct record, subject to noting that Councillor Loughlin, quoted in the first line of Minute 64, had not been present at the meeting.

[Note: the quote attributed to Councillor Loughlin should have been attributed to Councillor Lodge and the necessary correction has been noted.]

The Chief Executive advised Councillor R Freeman that a clarification of the role of members at planning inquiries would soon be made.

### **C77 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that he would update members about his recent and forthcoming engagements at the Annual Meeting on 16 May.

He did mention that he was delighted to have attended a ceremony for the opening of the new Police office in the Lodge building adjacent to the Council Offices in Saffron Walden. He welcomed a strong Police presence in the district.

The Chairman welcomed a group of representatives to the shadow Uttlesford Youth Council who were present at this meeting.

### **C78 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

Following on from the Chairman's remarks, the Leader extended a warm welcome to the youth council representatives.

In summarising the present position regarding progress on the Local Plan, the Leader referred to the recent presentation of new settlement options and said that this had been a positive move. It had given members the opportunity to ask a number of questions of the developers making presentations.

There would be a further meeting of the Planning Policy Working Group later this week providing further opportunities for members to partake in detailed consideration of the Local Plan process.

The Leader welcomed Councillor Lemon as a newly confirmed member of the Conservative Group.

The Leader announced the appointment of Councillor Ryles as a member of the Cabinet with responsibility for economic development, parking and Stansted Airport.

Councillor Redfern drew the attention of members to a section of the website dedicated to children and refugees.

C79 **MEMBERS QUESTIONS**

In response to a question from Councillor Lodge, the Leader confirmed that the appointment of an additional Cabinet member would result in extra expenditure.

C80 **MATTERS REFERRED FROM COMMITTEES AND WORKING GROUPS**

**(i) Youth Engagement Working Group**

Councillor Lemon presented a recommendation from the Youth Engagement Working Group to support the actions taken to establish a pilot Uttlesford Youth Council subject to a further evaluation of the progress made in three months' time. He said it was a huge pleasure to be involved in this project and he was convinced the youth council would provide a great benefit to Uttlesford. All of the young people involved were enthusiastic to make a success of the project. He extended his thanks to members of the working group for their support and to John Starr in particular for the help and advice he had given.

Councillor S Barker asked whether the youth council was representative of Uttlesford as a whole. Councillor Lemon replied that all senior schools except one had provided a platform for meetings and there was a good geographical spread of representation throughout the district.

Councillor Fairhurst supported the remarks made by Councillor Lemon. In his estimation, the quality of the young people involved in this project was exceptional. Their contribution would add a great deal of value to the Council's work. He asked all members to take time to meet with the youth representatives to help achieve the possible best youth council for Uttlesford.

RESOLVED to support the pilot Uttlesford Youth Council as initially set up with a further evaluation to take place after three months.

**(ii) Standards Committee Review of Standards Code of Conduct and Procedure**

Councillor Knight presented the recommendation of the Standards Committee to adopt the proposed Code of Conduct and associated Procedure as set out in full in the report. She said that present procedures were seen as unfair. It was not right that the Monitoring Officer should also act as the investigating officer in advising a panel meeting to consider a complaint about a breach of the Code of Conduct.

The proposed revised Code and Procedure had been framed in more easily understood, plain English. This mammoth task had been undertaken by two task groups supported by the independent members whose contribution had proved exceptional.

The intention of the proposals was to make the process of investigating complaints more transparent with the inclusion of witnesses on both sides. It was hoped this would lead to fewer cases going forward to a hearing.

The Nolan principles expected of elected members had been set out clearly at the beginning of the proposed Code of Conduct. After much discussion by members, the form of wording being proposed was that it was intended “to promote the adherence by members” to those principles.

For the majority of elected members the Code of Conduct operated very well but she considered strong sanctions were needed in a small number of cases where a clear breach had been committed and this was something central government should consider.

In concluding her remarks, Councillor Knight thanked members of the Standards Committee and the independent members for their strong support and time commitment given to this review.

Councillor Loughlin seconded the motion.

Councillor Artus said the present Code was open to misinterpretation and misunderstanding. It had been substantially rewritten and reworked by Councillor Jones to incorporate the Nolan principles of standards expected of those holding public office.

The proposed wording of promoting adherence to those principles had watered down the impact of the original intention and rendered it meaningless. There should either be adherence to those principles or not. Accordingly he proposed the following amendment:

*In the introduction to the Code of Conduct, instead of the words “It is also intended to promote the adherence by members to the following principles”, substitute “Members shall adhere to the following principles”.*

Councillor Goddard seconded the amendment.

Councillor Dean said the report proposed adoption of the revised code at the meeting on 16 May and asked whether this meant that amendments could be considered at this meeting.

Councillor Loughlin said that the wording had been backwards and forwards but the Committee had now agreed the wording in the recommendation and this had been endorsed by Mr Pugh.

Councillor Knight said that the wording proposed by Councillor Artus was not enforceable. Promoting adherence was considered the strongest wording that could be included so she considered it pointless to agree wording that could not be enforced. With one exception, the Committee had agreed with the view of the legal officer and this should be supported.

Councillor Fairhurst said it was his view that both options were lawful but that it would not be possible to enforce adherence to the Nolan principles. The choice was between being vague or trying to enforce wording that could not be upheld.

Councillor Artus said that another council had decided to incorporate the wording he had proposed so he could not see why it could not be agreed.

Councillor Dean said that strong advice had been received from a retired judge against adopting the wording in the amendment. The Nolan principles had a wide application including the principle of leadership and as such the perceived failure to provide leadership could lead to a large number of complaints. For that reason he favoured the proposed wording to promote adherence to these values.

In the view of Councillor Hargreaves, the wording proposed by Councillor Artus would place too onerous a duty on members to investigate alleged failures of leadership. Complaints raised against members should be concerned with specific matters mentioned in the code.

In summing up his proposed amendment, Councillor Artus said that his intention was to simplify the code. His proposed amendment would not lead to a plethora of complaints. It would either be in accordance with the code or not.

The amendment was put to the vote and was lost by 18 votes against to 12 in favour.

The substantive motion would therefore be taken at the Annual Council meeting on 16 May.

### **(iii) Constitution Working Group Proposal for Revised Member Officer Protocol**

Councillor Ranger presented the recommendation of the Constitution Working Group to adopt a revised Member Officer Protocol. It was intended to use plain language to encourage partnership and mutual respect between members and officers, explain the difference between each other's roles and expectations, and set out the support members could expect from officers.

The proposal was seconded by Councillor Chambers.

Councillor Artus explained his reasoning for proposing an amended version of the protocol, including the word “advocate”. The present protocol included reference to members as representatives and advocates for their ward and constituents but this was omitted in the revised version.

In his view it was the job of members to be advocates for their communities and this was more important than their role as representatives. Elected members should be advocates for causes in which they believed. He proposed the following amendment:

*1 To include the word “Advocate” in the definition of a member.*

*2 Include the following clause either at the beginning or the end of the protocol:*

*“Nothing in this protocol shall prevent or hinder a council member from fully engaging with officers of the council, including calling or attending meetings, or offering information and advice in the furtherance of any issue within their wards or wards for which they have responsibility.”*

The amendment was seconded by Councillor Asker.

Councillor Loughlin asked for an exclusion to apply to members of the Planning Committee if the amendment was agreed as Planning members could not advocate the views of local residents in relation to planning applications.

Councillor Knight supported the amendment. Officers sometimes acted in good faith without being aware of ward issues and members needed the freedom to speak openly.

A number of members spoke on both sides of the argument, including councillors Ranger, Hicks and Chambers.

Councillor Rolfe felt it right that the Constitution Working Group should again meet to consider the right balance to be achieved in the wording to be proposed.

Councillor Artus summed up his position by saying the right of a member to act as an advocate could be jeopardised if the wording he proposed were to be omitted.

Upon being put to the vote, the amendment was carried by 18 votes to 12.

Councillor Ranger then withdrew the recommendation and agreed the protocol should be referred back to the Constitution Working Group for further consideration.

(iv) **Constitution Working Group Proposal for the Appointment of Substitutes on Committees**

Councillor Ranger presented the recommendation of the Constitution Working Group to introduce substitutes to attend meetings when regular members could not attend because of other commitments.

The key elements of the proposal were to allow each political group two substitutes per committee to be appointed, by nomination, at the Annual Meeting, to be treated as full members of the committee when attending in the absence of a principal member, for the duration of the meeting concerned. Appointed substitute members would be required to undertake training before attending either the Licensing or Planning Committee.

RESOLVED to adopt the scheme for the appointment of substitutes on committees, with effect from the Annual Meeting on 16 May 2017, and that suitable amendments to the Constitution be drafted by the Monitoring Officer

**(v) Constitution Working Group Proposal for Changes to the Performance and Audit Committee**

Councillor Ranger presented the recommendation of the Constitution Working Group to change the status of the Performance and Audit Committee from a scrutiny committee to an ordinary committee, and to strengthen the role of the committee by giving it a clear responsibility for governance. The committee would be renamed as the Governance, Audit and Performance Committee and would take on the roles of the Constitution and Electoral Working Groups, both of which would then be dissolved.

RESOLVED to approve the recommendation to change the Performance and Audit Committee from a scrutiny to an ordinary committee with a revised title of Governance, Audit and Performance Committee and with revised terms of reference to be agreed

**C81 POLITICAL BALANCE**

The Democratic and Electoral Services Manager reported on the Council's political balance and the revised entitlement to committee places following the recent Elsenham and Henham by-election, the decision of Councillor Lemon to join the Conservative group, and the resignation of former Councillor Parry.

RESOLVED to approve the political balance report and allocate committee places accordingly

**C82 APPOINTMENTS TO FILL VACANCIES ON COMMITTEES AND WORKING GROUPS**

Nominations were received from political groups to fill those vacancies indicated in the resolution, in accordance with political balance requirements. Councillor Rolfe indicated that the Conservative group would not make any nominations in advance of the Annual Meeting as it appeared likely the allocation of committee places would alter between now and that meeting.

RESOLVED to make the following appointments:

Licensing and Environmental Health Committee: Councillor Sell to fill the vacancy allocated to the Liberal Democrats, one vacancy (Conservative) to remain unfilled

Scrutiny Committee: Councillor LeCount (Residents for Uttlesford) to replace Councillor Sell (Liberal Democrats)

Performance and Audit Committee: one vacancy (Residents for Uttlesford) to remain unfilled

Vacancies on the Constitution Working Group and the Youth Engagement Working Group to remain unfilled

**C83 INDEMNITY FOR THE RETURNING OFFICER**

Councillor Howell presented a recommendation to indemnify the Council's Chief Executive and Returning Officer against any excess or liability for the conduct of elections not already covered by the relevant insurance policies. It was noted that the personal liability carried by the Returning Officer included an excess of £1,000 in respect of public liability and £5,000 for employer's liability. There was no excess relating to the conduct of elections.

RESOLVED to indemnify the Returning Officer against any excess or liability not covered by insurance

**C84 NOMINATIONS FOR THE POSTS OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL FOR 2017/18**

Councillor Rolfe said it gave him much pleasure to propose Councillor Sell for the position of Chairman of the Council in 2017/18. This nomination was seconded by Councillor Davey.

Councillor Rolfe then proposed Councillor Wells as Vice-Chairman of the Council and this nomination was duly seconded by Councillor Loughlin.

Councillor Lodge then proposed Councillor R Freeman as Vice-Chairman and this was seconded by Councillor Morris.

The nomination of Councillor Sell would go forward to the Annual Meeting unopposed.

The nomination of Councillors Wells and R Freeman would be submitted for election at the Annual Meeting.

**C85 EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A

**INVESTMENT OPPORTUNITY**

Councillor Howell presented details of an investment opportunity and answered detailed questions from members.

Following a lengthy debate, he proposed the approval of a recommendation in the report and asked members to note a decision taken on 9 March 2017 under delegated authority.

A recorded vote was requested on the motion before members. The outcome of the recorded vote was as follows:

*For the motion:*

*Councillors G Barker, S Barker, Chambers, Davey, Davies, Dean, Farthing, Felton, J Freeman, Goddard, Harris, Hicks, Howell, Lemon, Lodge, Loughlin, Mills, Oliver, Ranger, Redfern, Rolfe, Ryles, Sell and Wells*

*Against the motion:*

*Councillors Anjum, Artus, Asker, Fairhurst, R Freeman, Hargreaves, LeCount, Light and Morris*

*Abstained*

*Councillors Knight and Lees*

The motion was carried by 24 votes in favour to nine votes against with two abstentions.

RESOLVED to approve the recommendation to delegate authority to the S151 officer, in consultation with the Finance Portfolio Holder, to agree the final version of the Parent Company Guarantee

The meeting ended at 9.10pm.