

COUNCIL held at ZOOM - [HTTPS://ZOOM.US/](https://zoom.us/), on TUESDAY, 8 DECEMBER 2020 at 7.00 pm

Present: Councillor M Foley (Chair)
Councillors A Armstrong, H Asker, G Bagnall, S Barker, M Caton, A Coote, C Criscione, C Day, A Dean, G Driscoll, D Eke, J Evans, P Fairhurst, R Freeman, N Gregory, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, S Luck, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, M Sutton, M Tayler and J De Vries

Officers in attendance: D French (Chief Executive), B Ferguson (Democratic Services Manager), Jane Reynolds (Locum Lawyer) and A Webb (Director - Finance and Corporate Services)

Also present: E Gildea and L Thomas (Public Speakers) and E Game (Youth Councillor)

C52 TRIBUTE: COUNCILLOR STORAH

The Leader spoke on the outstanding contribution of the late Councillor Alan Storah, who had sadly passed away in October. In his professional career Councillor Storah was a Planning Officer and such expertise had been invaluable and evident in his time as a councillor, particularly in regards to his significant involvement in both Planning and the Local Plan process. He had worked extremely hard for his Ward constituents and was a dedicated district councillor. He would be sorely missed.

The Chair called for a minute silence in memory of Councillor Storah.

C53 PUBLIC SPEAKING

Mr Gildea spoke on Item 16 and urged Members to support the Chairman's Charter against the use of single use plastics. He said this was an opportunity for the Council to exercise great influence in areas in which it held no direct power, and to send out a message to local businesses that a change of mind-set was required if the climate crisis was to be overcome.

Ms Thomas also spoke in support of Item 16 and said this was a real opportunity to make a big difference in the district, and to demonstrate that Uttlesford was an area which cared for children and their futures. She said families required more information in how to help, such as a clear and transparent recycling policy. She urged Members to support the motion.

C54 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillors Barker, LeCount and Asker entered the meeting at 7.10pm.

Councillor Bagnall had sent his apologies for lateness.

Councillor Barker declared a non-pecuniary interest in relation to Item 13 as a member of Essex County Council.

C55 MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 8 October and 5 November 2020 were approved as correct records.

C56 CHAIR'S ANNOUNCEMENTS

The Chair provided an update on his engagements since the previous meeting. He said he was half through his charity walk to the Isle of Iona, or the equivalent distance, and had raised over £2,000 with donations still coming in. He thanked members and the public for their support.

C57 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader said a series of reports had been included in the agenda pack and he had no further comments at this time.

C58 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 15 MINUTES)

In response to a question from Councillor Dean, Councillor Eke said he would arrange a meeting of the Stansted Airport Advisory Panel as soon as possible. He said he had requested meetings previously, but had been informed that there was no business in line with the working group's Terms of Reference.

In response to a question from Councillor Dean, Councillor Pepper said the equalities listening events would go ahead but there had been some difficulty in finding speakers. She said she would keep all informed.

In response to a question from Councillor Sell, Councillor Eke said the Council was in dialogue with Stansted Airport in regard to helping those facing job losses and were looking at internal job profiles to ascertain whether personnel could be employed in similar roles at the Council.

In response to a question from Councillor Light, Councillor Pepper said she had kept members up to date in regards to ongoing work relating to the climate emergency. She said the draft Climate Policy and action plan had been discussed at a cross party meeting and it was recognised that it needed more work. She said the Interim Planning Policy regarding Climate Change would be made available in early 2021.

In response to a question from Councillor Loughlin, Councillor Lodge said he had never promised to abolish the Cabinet system but had made a commitment to reform council and to increase democracy.

The Chair indicated that the 15 minutes of question time had passed.

Councillor Lemon said he rarely asked questions at Full Council and requested a further question be allowed.

The Chair permitted the further question.

Councillor Lemon said that residents had been informed that there would be no rebates for green waste collections. He asked whether employees were being paid.

Councillor Hargreaves said he would send a written answer on this subject to all members.

Councillor Sell said it was undemocratic to limit questions to 15 minutes, due to the increase in number of Cabinet members.

The Chair said this was stipulated in the Council's procedure rules, although they could be looked at and reviewed.

C59 COVID-19 BUSINESS SUPPORT GRANTS - LOCAL AND ADDITIONAL RESTRICTIONS GRANTS

In response to a question from Councillor Light, Councillor Reeve said he could provide a written answer in regard to who would be delivering advice to businesses regarding support grants. He said this decision related to the Economic Recovery Plan, which would be considered later in the meeting.

The decision was noted.

C60 REVISED POLITICAL BALANCE

The Chair said a revised political balance calculation had been brought to Council following the sudden passing of Councillor Storah.

Councillor Lodge proposed the recommendation as set out in the report; Councillor Dean duly seconded.

The recommendation was carried unanimously.

RESOLVED that the Council reviews its political composition and achieves political balance by allocating seats on its committees as set out in the report

C61 **COMMITTEE APPOINTMENTS**

Following approval of the political balance calculation, the Chair said it was necessary to make appointments to the Council's committees.

Councillor Lodge proposed approval of the appointments set out in the agenda papers; Councillor Dean duly seconded.

The appointments were approved unanimously.

RESOLVED to make appointments to the Council's committees as set out in the report.

C62 **REVISED EQUALITY POLICY**

Councillor Pepper presented the report on the Council's Equality Policy. She said this would be a "live" document and would be subject to review and change. She proposed adoption of the Equality Policy, as set out in the report.

Councillor Lees seconded the recommendation.

Councillor Khan asked how the Council would make the Policy a "living and breathing" document that would be well understood and followed by the wider public. Furthermore, he asked when the Equality Impact Assessment Tool would be implemented.

The Chief Executive responded and said the Council already had an Equality Impact Assessment in place. The revised tool would be rolled out after all staff had carried out the equalities training.

Councillor Driscoll said it was a good document but there were a number of grammatical errors that needed to be corrected before final publication of the policy.

In response to a question from Councillor Criscione, Councillor Pepper said the policy was universal and she was positive that it applied to the Gypsy, Roma and Traveller communities but she would highlight this point with officers for absolute certainty.

The Chair moved to a vote. The recommendation was carried unanimously.

RESOLVED to adopt the amended Uttlesford Equality Policy published in September 2020.

C63 **MEDIUM TERM FINANCIAL STRATEGY - MID YEAR UPDATE**

Councillor Bagnall entered the meeting at 7.52pm.

Councillor Hargreaves summarised the report on the MTFS – Mid-Year update. He said this was a prediction of the year end financial position, based on the half-year position and the forecast for the remainder of the year. He said this year it had been particularly difficult to forecast, due to the number and level of adjustments that had to be made. In summary, he said the finances were in a reasonable position, and thanked officers for their hard work in administering grants to businesses across the district. He proposed the recommendation in the report.

Councillor Coote seconded the recommendation.

Councillor Barker asked for the Council's collection rates in respect of business rates and rent collection.

Councillor Hargreaves said a written answer would be provided.

Councillor Sell said there was some good content in the report, and he hoped that funding for sports projects would be available. He asked whether the Council would be willing to support an initiative in Stansted Mountfitchet relating to mental health, of which he was a director.

Councillor Khan asked for clarity on the amount of income received by investments thus far.

Councillor Hargreaves asked that detailed questions should be submitted in advance, and said a written answer would be supplied.

In response to a question on damping, Councillor Hargreaves said this related to the Government's 'Fair Funding Review' which had been put on hold. This damping, therefore, was an estimate on what income would be received in future.

Councillor Hargreaves said the big risks in the budget were related to Covid-19 matters and the subsequent uncertainty and impact this would have on the economy.

In response to a question from Councillor Caton, Councillor Hargreaves said he would circulate a document to all members, pertaining to reduced expenditure.

In response to a question from Councillor Driscoll regarding the variances in the Essex pension fund deficit year-on-year, Councillor Hargreaves said the pension fund liabilities were assessed every three years, and therefore these variances were likely to be adjusted following the three-year cycle.

Councillor Coote requested that detailed questions be put to portfolio holders in advance of the meeting, so detailed answers could be given at the meeting itself, rather than having to wait on written responses.

The motion was carried unanimously.

RESOLVED to approve the mid-year updated Medium Term Financial Strategy.

C64 LOCAL COUNCIL TAX SUPPORT SCHEME - 2021/22

Councillor Hargreaves presented the report on the Local Council Tax Support Scheme for 2021-2022 and proposed the recommendation as set out in the report. He said the Scheme was the most generous of any council in Essex and he encouraged anyone to apply if they were in need. He added that the number of claimants had been on a downward trend in recent years, although this had reversed following the impact of Covid-19. He highlighted the cost of the scheme, £413,000 for this year, and said the year stated in the table was incorrect. In future he said efforts would be made to make the consultation clearer, in order to improve the low response rate.

Councillor Dean seconded the recommendation.

Councillor Barker referred to paragraph 14 in the report, which referred to an increased case load due to the pandemic, and queried the cost of the Scheme. She said the paperwork was not adequately clear and would be abstaining from the vote.

The Chair moved to a vote.

The recommendation was carried 33 for, 0 against with 4 abstentions.

RESOLVED to approve the Local Council Tax Support Scheme for 2021/22 based on the following;

- I. The contribution rate is frozen for the sixth consecutive year at 12.5%.
- II. The Council continues to protect Vulnerable and Disabled Residents and Carers on a low income.

C65 UTTLESFORD ECONOMIC RECOVERY PLAN 2020 - 2022

Councillor Reeve presented the report regarding Uttlesford's Economic Recovery Plan 20/21. He said the pandemic was an ever changing situation; unemployment was at levels not seen for decades and many businesses impacted by the crisis had slipped through the Government's support net. The Plan proposed that £1 million be made available to help with the economic recovery, to be spent over the next 3 years. The bulk of this money would be spent on staffing costs in order to facilitate the objectives of the Plan. The Plan would tie in with two important work streams of the Council; the Climate Change Emergency and the emerging Local Plan. Furthermore, there were four main areas of focus:

- Business support and engagement
- Information, advice and guidance to individuals as well as businesses

- Skills and training
- Job creation, now and in the future

Councillor Reeve detailed some of the practical measures that would be put in place to assist the economic recovery, and highlighted the example of the Local 'Click and Collect Service' which supported local businesses in trading online. He proposed approval of the Economic Recovery Plan as set out in the report.

Councillor Fairhurst seconded the motion.

Members discussed the Plan and asked a series of questions, to which Councillor Reeve responded to at the end of the debate. He said that this was an extremely challenging situation and the Council would not be able to help everyone impacted by the economic downturn.

- The Council were balancing both short term and longer term economic objectives in the Plan. The Plan had been formulated with the impact of Covid-19 primarily in mind, but attention had also been paid to the future, in terms of the emerging Local Plan, green economy and inward investment. A balanced approach had been favoured, to help as many people as possible now.
- The Council was in dialogue with neighbouring Local Authorities, and there had been discussions with Harlow Council regarding the diversification of courses on offer at Stansted Airport College.
- In its current form, the Plan was inadequate in terms of Smart targets but the Plan would be scrutinised in 6 months time and sharper targets would be in place, in order to provide a measure of success.
- The amount of funding available for the economic recovery was not enough to create employment opportunities on a mass scale. Instead, the money would be used to provide guidance and information to businesses and individuals to make it easier to access the help that was available. He highlighted the proposed Essex 'Best Hub' Scheme as an example of a central service that provided information to businesses in need of advice at this current time.

The Chair moved to a vote. The recommendation was carried unanimously.

RESOLVED to approve the Uttlesford Economic Recovery Plan 2020 - 2022 included at Appendix A

C66

MEMBER MOTION: ANNUAL ACCOUNTS AND GOVERNANCE STATEMENT

As the meeting had passed the two hours' mark, the Chair asked Council if they were content to proceed. Council assented to proceeding.

The meeting was adjourned for a comfort break at 9.00pm.

The meeting was reconvened at 9.10pm.

The Chair asked Councillor Caton to present his motion on the Annual Accounts and Governance Statement. He noted that the motion requested that the Chief Executive divulge information that was currently under investigation. He asked Members to speak carefully throughout the debate.

Councillor Caton said it had been 25 years since Lord Nolan outlined the ethical standards that those in public life should be held accountable to. He said such principles were above party politics, and he was disturbed that the Annual Accounts had not been signed off by the external auditor due to concerns surrounding good governance. The purpose of the motion was not party political, but rather to protect the reputation of the Council as a corporate body and to provide clarity to the public. He said it was the duty of every councillor to ensure due process was followed and good governance adhered to, and proposed the motion as set out in the agenda papers.

Councillor Criscione seconded the motion.

Councillor Khan said silence in this situation was not “golden” and Members were complicit in the potential damaging of the Council’s reputation by not revealing details of the investigation. The Nolan principles were vital to good governance.

Councillor Jones raised a point of order and said an investigation was ongoing and therefore details were held in confidence. Due process must be followed and he highlighted the legal right of “innocent until proven guilty”.

Councillor Asker raised a personal explanation and said Councillor Khan was speaking out of turn by casting collective judgement on the Administration as a whole.

Councillor Criscione asked Members to consider whether contributions to the debate constituted legitimate points of order.

Councillor Gregory raised a point of order and cited the Code of Conduct, specifically relating to the general obligation of Members to not “intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation.” He requested that Councillor Khan retract his previous comments in breach of the Code.

Councillor Asker raised a further personal explanation said the investigation was confidential and it was only right that such confidentiality was respected. Furthermore, the financial stability of the Council was not in question and there were more pressing matters at hand.

The Chief Executive said the motion was valid and Council had a right to debate the subject. She said Councillor Khan had made his statement in good faith, and it would be for councillors to reject his allegations. Furthermore, it was for

councillors to judge their own and each other's behaviour, and procedures were in place if a formal Code of Conduct complaint was to be brought forward.

Councillor Khan said the Governance Statement was an important component of the Annual Accounts, and an endorsement of the Council's financial figures. He said the Administration had stood on a mandate of good governance and said the public would not forgive them if they did not support the motion.

Councillor Sell said Members had no choice but to put forward this motion in order to protect the Council's reputation. Good governance was vital; the auditor's refusal to sign off the accounts was not simply an "outstanding procedural matter", and high ethical standards were required to win the hearts and minds of the community. Councillors should always put the interests of the Council's before their own, and he asked any individuals under investigation to stand down. He urged Members to support the motion.

Councillor Criscione agreed and said the Council was bigger than any one person or political group, and he questioned how councillors could vote against the motion before them. He said it was not about the legal right of innocent until proven guilty, but rather about putting the Council first and upholding the Nolan principles of ethical standards in public life.

Councillor Freeman, under Procedure Rule 12.10, moved the motion that the question be now put to Council.

Councillor Jones seconded the motion.

The Chief Executive said it was a valid motion that required no notice and would be put straight to a vote. If the motion carried, Members would move to a vote on the substantive motion.

Councillor LeCount requested a recorded vote.

For:	Against:	Abstain:
Cllr Armstrong	Cllr Caton	Cllr Foley
Cllr Asker	Cllr Criscione	Cllr Lemon
Cllr Bagnall	Cllr Dean	Cllr Sutton
Cllr Barker	Cllr Fairhurst	
Cllr Coote	Cllr Gregory	
Cllr Day	Cllr Isham	
Cllr de Vries	Cllr Khan	
Cllr Driscoll	Cllr Light	
Cllr Eke	Cllr Loughlin	
Cllr Evans	Cllr Oliver	
Cllr Freeman	Cllr Sell	
Cllr Hargreaves		
Cllr Jones		
Cllr Lavelle		
Cllr LeCount		

Cllr Lees		
Cllr Lodge		
Cllr Luck		
Cllr Merifield		
Cllr Pavitt		
Cllr Pepper		
Cllr Reeve		
Cllr Tayler		
Total:		
23	11	3

The motion that the question be now put was carried 23 for, 11 against with 3 abstentions.

Councillor Caton said he was greatly disappointed that the debate had been stifled. He said the upholding of standards in public life was not a trivial matter and he urged Members to support the motion.

The Chair moved to a vote. The motion was defeated 10 for, 25 against, with 2 abstentions.

C67

MEMBER MOTION: CHAIRMAN'S CHARTER - SINGLE USE PLASTICS

Councillor Light presented her motion relating to a Chairman's Charter against single use plastics. She thanked Councillors Fairhurst, Pepper, Dean, Criscione, Pavitt and Foley for their support. She said the intention of the motion was to encourage businesses to reduce their use of single use plastics and a commitment to reduce their carbon footprint. She highlighted the success of a similar scheme in Saffron Walden and said this was an opportunity to increase the reach of such an initiative. A Chairman's Charter would send out a message that it was everyone's responsibility to protect the district's future. She urged Members to support the motion.

The Chair said it was an excellent motion and thanked Councillor Fairhurst for ensuring that there was cross party involvement in the scheme.

Councillor Pepper seconded the motion and said she was delighted to support a scheme that would take the Council closer to its green objectives.

Councillor Coote commended the motion but said it would take a lot of hours and time to make it work. He said the scheme in Saffron Walden had been very successful.

Councillor Criscione supported the motion and said it could make real change, as demonstrated by his professional experience with similar schemes that led to action in his own workplace.

Councillor Fairhurst said the scheme in Saffron Walden had been a success and he had positively engaged with many businesses over the issue of climate change. He said the Council should award businesses who had gone the extra mile as “Champions” and said while the scheme would take much work, it would create a lasting legacy.

The Chair moved to a vote. The motion was carried unanimously.

This Council has committed to taking positive action and engaging all our residents and local businesses to work together to preserve and nurture our shared future.

To this end Council is RESOLVED to:

- i. grant a Chairman's Charter to local businesses and organisations which commit to reducing their carbon footprint and reducing single-use plastics.
- ii. invite the Chairman of the Council to adopt and promote this Charter and by doing so, lead the community in undertaking simple actions which will have far-reaching effects.

The benefits of the Charter would be to:

1. Engage and encourage all our community in working together towards a common goal
2. Fulfil our commitment to nurturing our environment and natural heritage
3. Take some small, practical steps to mitigate the Climate Emergency

The Chair wished all present a Merry Christmas and closed the meeting at 10.10pm.