

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 20 JULY 2021 at 7.00 pm

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

Officers in attendance: R Tinlin (Interim Chief Executive), B Ferguson (Democratic Services Manager), R Harborough (Director - Public Services), J Reynolds (Assistant Director - Legal and Governance) and A Webb (Director - Finance and Corporate Services)

Also present: D French (Departing Chief Executive)

C27 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Caton, Eke, Fairhurst, Foley, Gregory, Loughlin and Luck.

C28 COUNCILLOR EKE - APPROVAL OF ABSENCE FROM MEETINGS

The Chair requested that Council take Item 13 next in proceedings, owing to the urgency of the item. Council consented.

RESOLVED to to approve Councillor Eke's absence by reason of ill-health for the purposes of section 85(1), Local Government Act, 1972.

C29 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 18 May and 10 June were approved as a correct record.

The minutes of the meeting held on 28 June were approved as a correct record subject to the following request:

Councillor Light requested that Minute C26 of the meeting held on 28 June be amended; she said she left the meeting as she felt it was illegitimate and she wanted this noted.

C30 CHAIR'S ANNOUNCEMENTS

The Chair listed his engagements since the previous meeting including visiting Saffron Walden Castle, raising the flag for Armed Forces Week and Frontline Workers Day, and the Churching of the Mayor ceremony in Saffron Walden.

The Chair invited the departing Chief Executive, Dawn French, to address Council. She thanked officers Peter Snow, Philip Hardy and Ben Ferguson for their support and work in facilitating electoral and democratic processes in the years she was in post. Adrian Webb, Director of Finance and Corporate Services, and Roger Harborough, Director of Public Services, were praised for their hard work and she said she was immensely grateful for their contributions to the senior leadership team. Heartfelt thanks went out to Susan Kempster, Manager of the Executive Support Team, whose professionalism and organisation had been essential to Ms French's time in post; she was a great asset to the Council. Finally, Ms French thanked her partner, Simon, for his constant support and good counsel. She thanked Members and wished Council and her successors all the best in the future.

Councillors Lodge, Dean, Criscione, Light and Lees made statements thanking and praising the departing Chief Executive. Her dedication, work ethic, professionalism, personality and leadership were widely praised. Ms French departed the Chamber to a standing ovation.

C31 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader welcomed the incoming Interim Chief Executive, Rob Tinlin. He said he would only be with the Council for a short time but had been tasked with a number of difficult objectives, involving the recruitment of a permanent Chief Executive, improvements to the development management service and driving the 'Uttlesford Moving Forward' transformation project.

C32 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)

The Chair said the pilot protocol was being implemented for the first time in regards to questions to the Executive and Committee Chairs. It would be trialled for two meetings and he asked for Members to give the new process time.

In response to a question from Councillor Barker, the Chair said he would like to proceed with the protocol and notice of urgent questions had been received on Cabinet Member reports.

The Chair invited Councillor Dean to ask his urgent question regarding the continuation and funding of Day Centres in the district.

In response, Councillor Freeman said the term 'former day centres' was a working term and had replaced the previous term 'reimagining day centres', although he conceded that it was confusing as the day centres were continuing, although he hoped they would take on a different incarnation than previously. He

said the objective of the working group was to future proof day centres in the district. They should be independent of politics and stability should be provided regardless of the Group in administration. He said the working group was looking at extending the function of these Centres to attract a wider demographic. He said this was still a work in progress and two work streams had arisen early in the process; one, to ensure that the day centres were operating as they were previously. Secondly, to reinvigorate day centres in order to fulfil additional functions for the wider community. He said it was likely in future that day centres would draw more heavily from their own resource, as well as the support of volunteers, rather than employees of the district council.

Councillor Dean was invited to ask his second urgent question regarding the publication of potential sites for development and housing numbers in the emerging Local Plan process.

In response, Councillor Evans said this information could be found in the minutes of Cabinet and Local Plan Leadership Group (LPLG) meetings, and the newsletters circulated on 21 June and 13 July. He encouraged all members to sign up for updates to ensure they stayed informed. The question of housing numbers was reviewed by the LPLG and details on how the figure was calculated could be found in the relevant Housing Numbers report. The call for sites information would be published tomorrow (21 July), and officers had worked hard to get the information into the public domain as soon as possible. Engagement with the public and parish councils would begin next week.

Councillor Khan was invited to ask his urgent question regarding the ring-fenced budget for Day Centres and its use for redundancy pay.

In response, Councillor Freeman said he had only recently learnt that part of the £94k ring fenced for Day Centres had been reassigned for redundancies and rent costs. He said he had raised the matter and a satisfactory budget would be required to move ahead with the Day Centres project. He was aware of the outstanding request for funding from the day centre in Stansted. He said he was committed to getting the project underway and that members should continue to liaise with him to move the matter forward.

The Chair said he would take any questions of clarification on the nine written questions submitted and published with the papers. Supplementary questions would not be permitted.

In response to a question of clarification from Councillor Pavitt regarding the rivers and water study, Councillor Evans said obtaining independent advice did appeal to him but he would discuss the practicalities with officers before confirming whether this was possible.

In response to a question from Councillor Light regarding the Saffron Walden Day Centre, Councillor Freeman said the Garden Rooms in Saffron Walden remained closed but the Council intended to make alternative, local provision.

In response to a question of clarification from Councillor Khan regarding the number of council homes built and the reduction of carbon emissions in the building process, Councillor Lees said a draft housing strategy was being prepared and a more concrete forecast on the numbers built would be available once that had been completed. She said

she was unable to give a full answer on the reduction of carbon emissions but she confirmed they were built to environmental standards. She would provide a more detailed response outside of the meeting.

In response to a question of clarification from Councillor Khan regarding the ongoing police investigation and the impact on the Council's reputation, the Leader said there had been no progress nor change to the answer previously given.

In response to a question from Councillor Smith regarding Local Highways funding, Councillor Hargreaves said that highways funding had been made available year on year to the County but had not been taken up. He had referred to officers at both district and county level to confirm that this was correct. Furthermore, he had received correspondence from the Chair of the Highways Panel who had said that Essex County Council could not deliver any further works this year. He said funding would be made available for next year.

The Chair said question time had exceeded 30 minutes and he would move onto the next item after one further point.

Councillor Driscoll said he had asked Essex County Council (ECC) members why they had not accepted the money; he said they responded by saying that they would only accept when they had match funding.

Councillor Barker raised a personal statement. She said it was made clear that ECC would not be match funding this year and it had been said at the Highways Panel meetings in January, March and October.

C33

MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES - ANNUAL REPORT OF THE GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

Councillor Oliver presented the Annual Report of the Governance, Audit and Performance Committee (GAP). He said much work had been carried out in the past year and he thanked Councillor Driscoll, as Vice-Chair, and the Committee for their contributions. He said there were loose ends in regards to the external audit not being signed off due to an ongoing police enquiry, which he hoped would be resolved in the near future. The other open issue related to the grant from the Armed Forces Covenant Fund Trust to Debden Parish Council, which had been called back. There was a debate as to whether this grant was to be paid by Uttlesford District Council, or the parish.

Councillor Isham referred to the work of the Committee's Task & Finish Group that had reviewed the question time procedure; he said he could not recall the curtailment of democratic debate being the purpose of the review and he asked for clarification.

The Democratic Services Manager said twelve questions had been asked and answered during the new procedure and that the protocol had been carried unanimously through both GAP and Council.

Councillor Sell referred to leisure centre operators and the managing of contractual arrangements throughout the pandemic, and asked for a cumulative total of the amount of money waived, and whether the operator had resumed payment.

Councillor Oliver said he was unsure but he would find out and the answer would be circulated.

The Annual report was noted.

C34 COMPLAINT UPHELD BY THE LOCAL GOVERNMENT OMBUDSMAN

Councillor Oliver presented the report regarding the complaint upheld by the Local Government and Social Care Ombudsman (LGSCO) relating to a disabled facilities grant application. The report had not been considered by the GAP Committee due to its urgency. He said compensation of £7,000 had been awarded and paid to the complainant and lessons had been learnt which would be incorporated into new procedures.

Councillor Driscoll said policies had been reviewed and a procedural timeline would be introduced to ensure the events that had led to the complaint would not happen again.

The report was noted.

C35 CONTRACT PROCEDURE RULES

Councillor Oliver presented the report on Contract Procedure Rules. He said there would be a shared procurement service with Chelmsford City Council and it was necessary to amend a number of contract procedure rules. A summary of these changes could be found at paragraph 11 in the report. He proposed approval of the recommendation.

Councillor Driscoll seconded the proposal.

RESOLVED to approve the Contract Procedure Rules as set out in the report and Appendix 1.

C36 RIPA POLICY REPORT

The Interim Chief Executive spoke to the report. He said the item was urgent and had been brought to Council in order to action a number of unfulfilled commitments left from the previous RIPA review.

Councillor Freeman said he had been briefed on the subject and said it was a matter, in the main, for first tier councils.

Councillor Light said she was alarmed at the contents of the report. She asked for a full and detailed briefing to ensure Members were informed before voting on the matter. She proposed that the report be referred back to the report author, and for further information and training to be provided before the item was brought back to Council.

Councillor Dean seconded the proposal.

In response to a question from Councillor Emanuel, the Chief Executive said the procedures related to the operation of CCTV cameras and surveillance, and ensuring that the correct safeguards were in place.

Councillor Isham said he did not feel adequately briefed on the subject and asked for further information before taking an informed vote on the matter.

In response to a question from Councillor Bagnall regarding the urgency of the item, the Chief Executive referred to the report and pointed out that the Council were at risk of breaching legal requirements if the recommendation was not approved.

Councillor Lees said she was bemused; the report had been available for a week and information should have been sought before the decision was brought to Council.

Councillor Khan asked why were there outstanding actions following the inspector's previous review and why had this not been brought to the attention of the GAP Committee. This raised concerns with the way in which the Council managed risk. He added that this should be referred to the GAP Committee.

Councillor Lavelle, Chair of the Licensing and Environmental Health Committee, said Enforcement Officers needed a clear, compliant policy in order to carry-out their obligations. He said the policy was clear and well written, and the issue around covert surveillance was a red herring. In the main, the CCTV within the remit of the district council related only to security surveillance on council premises. He commended the report.

Councillor Light said further training and information were required before voting on the matter. She said sufficient training on the issue was required otherwise the Council would be at risk of falling into disrepute or legal challenge.

Councillor Barker said the Council had an existing RIPA Policy and the recommendation was simply bringing the Policy up to date and ensuring that officers had sufficient training.

The Chair took the proposal to refer the report back to the report author to a vote.

The motion was defeated.

The Chair returned to the recommendation outlined in the report and moved to a vote.

RESOLVED to:

- i. Adopt the RIPA policy annexed to the report and set in place provisions for training to be undertaken by relevant key officials.
- ii. Amend the Council's scheme of delegation as set out in its Constitution as required to implement the policy.

C37

GOVERNANCE REVIEW WORKING GROUP - IMPLEMENTATION OF PORTFOLIO HOLDER BRIEFINGS

The Vice-Chair took the Chair for this item in order for Councillor Coote to present the report relating to the recommendation of the Governance Review Working Group (GRWG) to implement Portfolio Holder briefings.

Councillor Coote said he had been informed that there was no longer cross-party support for the recommendation to introduce Portfolio Holder Briefings. He proposed to refer the report back to the GRWG for further work.

Councillor Lees seconded the proposal.

Councillor Sell said the Liberal Democrat Group had withdrawn their support as they felt the proposal did not go far enough. A review of the Cabinet system was required and he felt there was not sufficient political will for this to take place. He questioned whether this would be kicked into the long grass. He concluded that the Liberal Democrat Group were not completely opposed to the recommendation, as there was agreement that it could help create a more collegiate atmosphere, but the proposal was not radical enough.

Councillor Coote said it would be referred back in order to get support of the entire working group. He felt he could not propose the recommendation without this support.

Councillor Criscione said approving the recommendation was not mutually incompatible with Councillor Sell's comments that the review had not gone far enough; the implementation of Portfolio Holder briefings did not necessarily mean the end of the governance review.

Councillor Light said she supported the briefings but they needed to be constructed in a way that allowed opposition members the opportunity to engage with the administration on policy matters. She also wanted a more democratic and participatory system.

The Vice-Chair moved to a vote.

RESOLVED to refer the report relating to the Implementation of Portfolio Holder Briefings back to the Governance Review Working Group for further work.

NEW ARRANGEMENTS FOR STATUTORY SENIOR OFFICER DISCIPLINARY PROCEDURES

Councillor Oliver presented the report relating to statutory senior officer disciplinary procedures. He said the procedures only related to the Head of Paid Service, Chief Finance Officer and Monitoring Officer. He said this had been recommended by the GAP Committee and proposed the recommendation.

Councilor Driscoll seconded the proposal.

RESOLVED that:

- i. The JNC model procedure be adopted for all three relevant statutory officers and that the Council's disciplinary procedures and the Constitution be amended to reflect this.
- ii. The establishment of the following standalone Committees to manage the procedure: An Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the relevant officers. This committee is to be a politically balanced committee of at least five members, at least one of whom is to be a member of the Cabinet. There should be two reserve members in case of any conflict of interest. An Appeals Committee (AC) to deal with disciplinary matters short of dismissal relating to the relevant officers. This committee is to be a politically balanced committee of at least five members, at least one of whom is to be a member of the Cabinet. There should be two reserve members in case of any conflict of interest. An Independent Panel (IP) comprising of three people appointed under section 28 Localism Act 2011 to advise Council in the event of a recommendation from the IDC to dismiss a relevant officer.
- iii. The delegation of power to an elected Member most usually the Chair of the IDC to suspend a relevant officer immediately in an emergency.
- iv. That in the case of a complaint against a relevant officer, the decision whether to refer the matter to the IDC will be delegated to the Monitoring Officer or Chief Finance Officer in conjunction with the HR Manager in the case of a complaint against the Head of Paid Service and delegated to the Head of Paid Service in conjunction with the HR Manger in the case of a complaint against the Monitoring Officer or the Chief Finance Officer. In all cases the JNC will be consulted prior to referral and independent legal advice will be taken as appropriate.

- v. That the relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Uttlesford District Council employees. Additionally, this will include the right to be accompanied by a legal representative at their own cost.
- vi. That the Assistant Director Governance and Legal and Monitoring Officer be authorised to make all necessary and consequential amendments to the constitution to give effect to these recommendations.
- vii. That the HR Manager in conjunction with the Assistant Director Governance and Legal and Monitoring Officer be authorised to appoint three new persons to comprise the IP.
- viii. That the HR Manager be authorised to arrange appropriate mandatory training for members serving on the IDC and AC and the Independent Persons serving on the IP.
- ix. That the HR Manager be authorised to amend the Councils disciplinary procedures and contracts of employment for relevant officers accordingly.
- x. That the IDC and AC be appointed, and seats thereon allocated to political groups in accordance with the rules of proportionality and that appointments be made to Committees in accordance with the nominations received from political groups.

C39 EXCLUSION OF PUBLIC AND PRESS - WITHDRAWN

The Chair said there was no need to exclude the public and press unless Members wished to discuss the appointment of the Assistant Director – Governance and Legal at length.

C40 RECRUITMENT OF THE ASSISTANT DIRECTOR - GOVERNANCE AND LEGAL AND MONITORING OFFICER

The Leader presented the report and said the appointment process was particularly rigorous. He said he was delighted to propose the appointment of Jane Reynolds as Assistant Director - Governance and Legal and Monitoring Office, with delegated powers as set-out in the Constitution.

Councillor LeCount seconded.

RESOLVED to appoint Jane Reynolds as the Assistant Director Governance and Legal and Monitoring Officer with delegated powers as set out in the Constitution.

The meeting was closed at 8.48pm