

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 20 APRIL 2022 at 7.00 pm

Present: Councillor A Coote (Chair)
Councillors A Armstrong, H Asker (Vice-Chair), M Caton, C Criscione, A Dean, G Driscoll, J Emanuel, J Evans, M Foley, R Freeman, N Gregory, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, P Lees, M Lemon, B Light, J Lodge, S Luck, S Merifield, E Oliver, R Pavitt, G Smith, M Sutton, M Tayler and J De Vries.

Officers in attendance: P Holt (Chief Executive), T Coleman (Interim Director of Planning and Building Control), C Gibson (Democratic Services Officer), J Reynolds (Assistant Director - Governance and Legal), J Walsh (Planning Transformation Lead) and A Webb (Director - Finance and Corporate Services).

The Chair led a minute's silence to demonstrate solidarity for those suffering in the war and with the consequences of it.

C96 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Bagnall, Barker, Day, Eke, Fairhurst, LeCount, Loughlin, Pepper, Reeve and Sell.

Councillor Sutton gave the apologies from the Youth Council and confirmed that they are currently reviewing and recruiting new members.

Councillor Smith declared a personal and prejudicial interest in item 10 through his employer and said that he intended to abstain and not participate in the debate of the item.

C97 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 22 February and 28 February 2022 were approved as a correct record.

C98 CHAIR'S ANNOUNCEMENTS

The Chair provided a brief update on events he had attended since the previous meeting including a most enjoyable visit to a young choir and orchestra at a local primary school.

Councillor Asker gave details of her attendance on the Chair's behalf at Stansted College at Stansted Airport where HRH Princess Anne is the patron.

She detailed an incredible event laid on by students who attend the college which supports all the services relating to airport related employment. She noted that students come from all over the area, including from outside the district, to attend the college.

C99 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

Three reports from the Leader of the Council and lead Member for Housing and Health, the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan and the Portfolio Holder for Environment and Green Issues were all noted.

The Leader welcomed members to “the new normal”. She thanked all staff for their efforts during the pandemic and gave examples of many staff going above and beyond their usual responsibilities during these difficult times. This was followed by a round of applause from members.

C100 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)

Councillor Dean referred to Question 2. He said that the written answers provided by the Leader had not fully addressed all the questions. He referred to his question relating to the trajectory towards the established aim of 183 council homes and to the position at Auton Croft.

The Leader said that she hoped that the HRA Business Plan would move forward in this week, that Housing Board had agreed that Auton Croft would move forward and that a further 33 council homes were required to achieve the target. She said that she considered that all other questions had been answered and referred Councillor Dean to the next meeting of the Housing Board.

Councillor Khan referred to Question 1. He raised a number of points for clarification.

He noted that the Leader’s response had stated that operational issues had been addressed by officers since the partnership started two years ago. He said that nobody at Uttlesford seemed to be aware of the issues or their urgency until the new Chief Executive took up his role, and he asked the Leader whether, within her role sitting on the partnership board, she had addressed these concerns and if not why not. He said that the matter demonstrated the failure of the administration to put in place robust contract management arrangements for such contracts and partnerships.

He acknowledged that the Chief Executive had reported to GAP that a post would be created within the budget and he asked when an experienced contact manager would be recruited. He said that the Housing Board had not been notified of the problems with Uttlesford NORSE and he asked the Leader to commit to ensuring that the management information was provided to each

Housing Board meeting so that members could have an overview of the performance of Uttlesford NORSE.

He also said that the Leader had failed to provide an answer to his question regarding value for money and quality of service delivered by Uttlesford NORSE and requested a response in writing to Councillors as part of the minutes of the meeting.

He asked the following questions:

- What return did Uttlesford receive for each £1 invested in this partnership?
- How were savings reinvested?
- What outcomes were being achieved?

The Leader said that she did not have a problem with providing the management information to the Housing Board if it fell within their remit and confirmed that operational issues were raised with the partnership board.

She confirmed that the minutes of the Housing Board meetings were available on the website and include details of profit made by NORSE. She offered to provide further details and Councillor Khan requested that the Leader provide information on what value Uttlesford District Council gets for every £1 spent on the Uttlesford NORSE partnership, how much was reinvested in frontline services and how the quality of service was assessed.

Councillor Khan noted his assumption that the Uttlesford NORSE partnership had been entered to achieve better quality and to save money and said that UDC would not have exited the previous arrangements if the partnership was not a better option.

The Leader noted that the operational minutes were not a public document and agreed that they would be shared with the Housing Board. She said that she would speak with the officers who coordinated the contract management.

Councillor Jones interjected with a point of order and requested that questions were limited to those detailed within the agenda.

Councillor Khan said that the Leader had ignored the second bullet point of his question. The Leader replied and confirmed that her response had stated that the budget remained the same, as advised by the finance officer. She confirmed that she would provide the additional information as requested.

Councillor Caton referred to Question 3; he thanked Councillor Reeve and officers for their comprehensive answer. He sought further clarification in respect of the available office space at the Little Canfield site.

The Chief Executive said there would be adequate space available for 40-60 desks at the Little Canfield site.

Councillor Caton asked to be provided with the square footage figures in writing at some future point.

Councillor Caton referred to Question 4; he asked which area of the Council the vacant Principal Planning Officer post was in.

Councillor Evans confirmed this post was in the Development Management team.

C101 **MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

The Chair said that all matters had been included as standalone items on the agenda; namely the Planning Committee Working Group Recommendations report which had been recommended for approval by the GAP Committee.

C102 **MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

None received.

C103 **PLANNING COMMITTEE WORKING GROUP RECOMMENDATIONS**

Councillor Merifield summarised the report that made recommendations to change the Constitution. She highlighted some typos in the report that would be corrected. She outlined each of the four recommendations and proposed their acceptance.

Councillor Lemon seconded the motion and thanked the Interim Transformation Lead for all her work in the Planning area.

Councillor Light stated her opposition to mandatory training sessions as outlined in Appendix 2 of the report and said that this training should be voluntary. She said that she valued appropriate training.

Councillors Criscione, Tayler, Driscoll, Freeman and Lemon all spoke in support of the principle of mandatory training.

Councillor Merifield replied at the end of the debate. She highlighted that the training would be available to all members and they were all encouraged to attend.

The Chair moved to a vote.

RESOLVED to approve the four recommendations below:

Recommendation 1. That the changes to the call in protocol (exact wording) as set out in Appendix 1 should be approved as changes to the Constitution.

Appendix 1

Extract Part 5 Codes and Protocols

2. Procedure for calling in an application

2.1. Any member of the council may call in an application which would fall to be dealt with by officers under delegated powers regardless of where the application site is situated within the District.

2.2. If a member is considering calling in an application for a site in a ward in respect of which that member is not a ward member then before calling in the application the member shall inform the member or members for that ward of the intention to do so.

2.3. A request for a planning application to be called in must be:-

2.3.1. In writing (including e-mail);

2.3.2. Made within **4** weeks of the validation date (which may be ascertained from the Council's website);

2.3.3. State if the application is to be called in if the officer recommendation is for approval or refusal (but not both);

2.3.4. Give valid planning reasons for requesting that the application be called in.

Recommendation 2 That the changes to Member Training Requirements (exact wording) as set out at Appendix 2 should be approved as changes to the Constitution.

Appendix 2

Current wording:

Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the Planning Committee should attend.

To be replaced with:

Officers will arrange an annual basic mandatory training session for Councillors who are members or substitute members of Planning Committee. This training must be undertaken before participating in decision making at Planning Committee. All members of the Council who are not on Planning Committee or a substitute member of planning committee will be invited to attend on a voluntary basis. Officers will arrange and offer (in consultation with the Chair of Planning) a programme of topic focussed training to run throughout the year. Topics to include review of decision made, visits to implemented schemes and updates on changes to planning law.

Recommendation 3 That the changes relating to Planning and the Scheme of Delegation (exact wording) as set out in Appendix 3 should be approved as changes to the Constitution.

Appendix 3

Extract Section 2, Part 3 Responsibility for Function

ASSISTANT DIRECTOR PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
 - 1.1 Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission **where the application was accompanied by an Environmental Statement**
 - 12 Any application a member has called in for a planning reason within the agreed time period;
 - 13 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
 - 14 ~~Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere.~~ **Approval of major applications which fall into the category of a major application (as defined by the GDPO).**
 - 15 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
 - 16 **Any application where the applicant is an officer of the Council, an elected Member or a spouse, child or partner**
 - 17 Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.
 - 18 **Any application for a Deed of Variation to a s106 Agreement which is an alteration to a Head of Term agreed by Planning Committee.**

- 2 Carry out all functions related to the enforcement of planning legislation contained in the Schedule ~~except that the issue of all formal notices must be jointly authorised by the Assistant Director – Governance and Legal~~

Recommendation 4 That the changes to the Protocol for Public speaking (exact wording) as set out in Appendix 4 should be approved as changes to the Constitution.

Appendix 4 – Extract Part 5 Codes and protocols.

PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF THE PLANNING COMMITTEE

- 2 Attendance by Parish/Town Councillors and Members of the Public
- 2.1 Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications. **If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations.**
- 2.2 Two representatives of the town or parish council may also attend site visits.(see Procedure for Members' Site Visits above).
- 2.3. The Town or parish council representative and members of the public may attend the meeting and speak on any application. They must register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510410) or email: committee@uttlesford.gov.uk by 2pm on the day before the meeting. The order of speaking for each application will be as follows
1. Non-committee member
 2. Supporters
 3. Objectors
 4. Town or parish council
 5. Applicant or Agent

- 2.4 The town/parish council representative may speak for up to 5 minutes, members of the public may speak for up to 4 minutes. Applicants and their representatives may speak for up to 15 minutes
- 2.5 At the meeting those making representations should sit in the public area until the relevant item is to be considered.
- 2.6 Those making representations should sit at the allotted desk alongside members to make their statement and having made their statement should then return to the public area (or leave the meeting).

C104 MEMBER MOTION: PROVISION FOR REMOTE AND HYBRID MEETINGS

Councillor Lees presented the cross-party motion regarding provision for remote and hybrid meetings and proposed the motion set out on the agenda.

Councillor Caton formally seconded the motion and it was made clear that it had the support of all Group Leaders.

Councillors Caton, Smith, Isham and Criscione all spoke in support of the motion highlighting the benefits of greater flexibility, making significant savings on travel time and the benefits of modern technology.

Councillor Lees replied at the end of the debate.

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

RESOLVED that: This Council supports the petition launched by ADSO and LLG on 5 January 2022 with regard to giving councils discretion in future to hold remote and hybrid meetings alongside in person meetings. We agree to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.

C105 MEMBER MOTION: RIVER POLLUTION

Councillor Pavitt presented his motion regarding river pollution. He outlined the current concerns and indicated that there was cross-party support for the motion. He proposed the motion as set out on the agenda.

Councillor Emanuel seconded the motion and raised specific concerns about the lack of water in Newport.

Councillor Isham spoke in support of the motion and noted that the River Chelmer was dying and there was a lack of fish life.

Councillor Criscione urged members to visit Flitch Green and noted that there were issues with sewage after rainfall and expressed concerns about both the River Chelmer and Stebbing Brook with a clear need for monitoring to take place.

Councillor Evans declared that he did own a length of Stebbing Brook and suggested that the letter be also sent to the local MP to seek active support.

Councillor Caton raised concerns about the River Stort and the Stansted Mountfitchet waste unit. He suggested that the Water companies could provide additional funding to enhance the Environment Agency in preference to bonuses and dividends.

Councillor Foley referred to the lessons learned from privatisation.

Councillor Pavitt replied at the end of the date; he referred to the fact that not all sewage treatment plants were monitored as well as the situation with regards to the two rare chalk streams. He accepted the additional proposal to also send a copy of the letter to the local MP.

The Chair moved to a vote. The resolution was carried unanimously (Councillor Smith took no part in the debate as per his declaration).

RESOLVED that: Council notes that it is evident from national reports that rather than less frequently, raw or partially-treated sewage is entering waterways at ever greater frequency.

This is of particular concern as we enter summer and people, especially children, play in the rivers.

Uttlesford is the source of 4 important rivers, two of which are classified as rare chalk streams including the iconic River Cam.

Sample testing and visual reports indicate that these rivers are polluted beyond legal limits.

Local authorities need support to protect public health and river ecology.

Council calls on the Chief Executive to write to Environment Secretary George Eustice asking that he boosts funding for the Environment Agency (EA) in order to support more inspections of rivers, water recycling centres and the performance of water companies in Uttlesford. This letter will also be copied to Kemi Badenoch, MP for Saffron Walden.

It would be appropriate for the EA's budget to be restored to pre-2010 levels to enable more prosecutions of offenders and for the EA to fund councils to develop schemes to stop pollutants entering rivers.

The meeting ended at 8.16 pm.