



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

To all Members of Uttlesford District Council, you are hereby summoned to attend the meeting of the District Council to be held as shown below to deal with the business set out in the agenda.

Chief Executive: Peter Holt

## Council

**Date:** Tuesday, 18th July, 2023

**Time:** 7.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

**Chair:** Councillor G Driscoll

**Members:** Councillors M Ahmed, A Armstrong, G Bagnall, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, A Dean, B Donald, J Emanuel, J Evans, C Fiddy, M Foley (Vice-Chair), R Freeman, R Gooding, N Gregory, N Hargreaves, R Haynes, P Lees, M Lemon, J Loughlin, T Loveday, S Luck, C Martin, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler

### **Public Speaking**

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

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# **AGENDA**

## **PART 1**

### **Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**  
To receive any apologies and declarations of interest.
- 2 Alderperson Presentation**  
To present former councillors who were nominated at the Annual meeting with their Alderman and Alderwoman certificates of office.
- 3 Minutes of the previous meeting** 5 - 15  
To receive the minutes of the previous meeting.
- 4 Chair's Announcements**  
To receive any announcements from the Chair.
- 5 Reports from the Leader and Members of the Executive** 16 - 22  
To receive matters of report from the Leader and members of the Executive.
- 6 Questions to the Leader, Members of the Executive and Committee Chairs (up to 30 minutes)** 23 - 29  
To receive questions from members for the Executive and committee chairmen.
- 7 Matters referred from the Executive and the Council's committees**  
To consider any reports referred from the Executive and the Council's committees and receive questions and answers on any of those reports.
- 8 Matters received about joint arrangements and external organisations**  
To consider matters concerning joint arrangements and external organisations.
- 9 Protocol for selection of Panel Membership** 30 - 35

To consider the protocol for selection of Panel Membership.

**10 Appointment of the Monitoring Officer** 36 - 38

To consider the appointment of a Monitoring Officer.

**11 Appointment of an Independent Person** 39 - 42

To consider the appointment of an Independent Person.

**12 Motion: HGVs and Satellite Navigation** 43

To consider the Member Motion as submitted by Councillor Barker regarding Heavy Good Vehicles and Satellite Navigation.

**13 Motion: Railway Ticket Office Closures** 44

To consider the Member Motion as submitted by Councillor Sell regarding Railway Ticket Office Closures.

## **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any Council, Cabinet or Committee meeting and listen to the debate. All agendas, minutes and live broadcasts can be viewed on the Council's website, through the [Calendar of Meetings](#).

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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# Agenda Item 3

**COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 23 MAY 2023 at 7.00 pm**

Present: Councillor H Asker (Chair - Outgoing)  
Councillors M Ahmed, A Armstrong, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, B Donald, G Driscoll (Chair), J Emanuel, J Evans, C Fiddy, M Foley, R Freeman, R Gooding, N Gregory, N Hargreaves, R Haynes, P Lees, M Lemon, J Loughlin, T Loveday, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler.

Officers in attendance: P Holt (Chief Executive), N Coombe (Deputy Monitoring Officer) and Ben Ferguson (Democratic Services Manager).

Also present: G Smith (Public Speaker).

## C1 REMARKS OF THE OUTGOING CHAIR

In welcoming members from all parties, Councillor Asker said she had experienced an interesting year in the Chair. She thanked the Chief Executive and officers for their support during her tenure and provided a summary of the numerous events she had attended. She said the loss of Her Majesty the Queen had cast a shadow but she had hope the new King would bring enjoyment to the country.

The Chief Executive formally thanked Councillor Asker as she received flowers and a portrait to mark her year in the Chair.

## C2 PUBLIC SPEAKING

Former Councillor George Smith had registered to speak in regards to Item 18. His statement has been appended to these minutes.

## C3 ELECTION OF THE CHAIR

The Chair called for nominations for the position of Chair of the Council. Councillor Driscoll was proposed by Councillor Coote and seconded by Councillor Freeman.

RESOLVED to elect Councillor Driscoll as Chair of the Council for 2023/24.

**C4 CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Driscoll made the statutory declaration as Chair of the Council for 2023/24.

He said he had not yet chosen his charity but it would operate throughout the district and would likely relate to supporting people with dementia.

**C5 ELECTION OF THE VICE CHAIR**

The Chair called for nominations for the post of Vice-Chair. Councillor Foley was proposed by Councillor Lees and seconded by Councillor Tayler.

RESOLVED to appoint Councillor Foley as Vice-Chair of the Council for 2023/24.

**C6 VICE CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE**

Councillor Foley made his declaration of acceptance of office.

**C7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Bagnall, Luck, Dean and Martin. Councillor Gregory sent apologies for lateness.

Councillor Barker said Councillor Martin's employment prevented him from attending this evening but he would make every effort to attend in future.

There were no declarations of interest.

**C8 MINUTES OF THE PREVIOUS MEETING**

The minutes of the ordinary and extraordinary meetings held on 21 March 2023 were approved as correct records.

**C9 RETURNING OFFICER'S REPORT**

The report of the Returning Officer relating to the outcome of the election of district councillors on 4 May 2023 was received and noted.

**C10 ELECTION OF A LEADER**

*Councillor Gregory arrived at 7.15pm.*

Councillor Foley proposed Councillor Lees for the position of Leader of the Council and the nomination was seconded by Councillor Coote.

RESOLVED to elect Councillor Lees as Leader of the Council

## C11 **LEADER'S ANNOUNCEMENTS**

Councillor Lees said she wanted to start by noting that the Council had won an exemplar award for address data reaching 'gold standard' and thanked Sampson Adamah and Richard Ebberson of the Planning Directorate for their work.

The Leader moved on to congratulate members for their election to Council. She said she wanted to work together and avoid tribal politics, and hoped this council could be an example to others who wanted to be non-political.

Councillor Lees announced her Cabinet as follows:

- Councillor Hargreaves – Deputy Leader and Portfolio Holder for Finance and the Economy
- Councillor Reeve – Portfolio Holder for the Environment and Climate Change
- Councillor Evans – Portfolio Holder for Planning
- Councillor Sutton – Portfolio Holder for Communities and Local Partnerships
- Councillor Coote – Portfolio Holder for Housing and Equalities

Councillor Barker, Leader of the Conservative Group and main opposition, said the Council would be poorer for the loss of former Councillors Smith, Isham, Khan, Fairhurst and Light at the election. She said their passion would be missed. She asked the Leader to re-think the responsibilities listed under the new Cabinet structure as important functions, such as waste collection, social housing, heritage, army liaison, rural affairs were missing from the list.

Councillor Sell, Leader of the Liberal Democrat Group, congratulated the new Chair and Leader, and said that Councillor Lees was both the first female and non-Conservative Leader to return an administration at Uttlesford District Council. Further to Councillor Barker's earlier comments, he said he also wanted to remember Councillor Caton's contribution to Council. He said his Group would not criticise the Administration for the sake of it but, equally, Council was not a political "big tent".

## C12 **NOMINATIONS OF HONORARY ALDERMEN AND ALDERWOMEN**

Four nominations for Alderpersons had been brought to Council; former Councillors Cheetham, Morson, Godwin and Cant. The Chair invited proposals for each nomination.

Councillor Barker proposed and spoke to former Councillor Cheetham's nomination, who had been an extremely well respected and long standing Chair

of the Planning Committee, as well as deputy leader. Councillor Lemon seconded the proposal.

Councillor Sell proposed and spoke to former Councillor Morson's nomination. He said former Councillor Morson had worked tirelessly in the community and had represented his Ward of Henham and Elsenham with distinction. Councillor Loughlin seconded the proposal.

Councillor Driscoll proposed and spoke to the nomination of former Councillor Godwin. He said she had served the former Ward of Birchanger for fifteen years and had chaired the Scrutiny Committee between 2011-2015. Councillor Lemon seconded the proposal.

Councillor Driscoll proposed the nomination of former Councillor Cant. Councillor Evans spoke to the nomination and praised her for the work she had undertaken in her Ward and local community. Councillor Sell seconded the proposal.

The Chair asked whether there were any objections to taking all four nominations en bloc to one vote. The meeting consented and the nominations were carried unanimously.

RESOLVED to approve the nominations of former Councillors Cheetham, Godwin, Cant and Morson as Alderwomen and Alderman of Uttlesford District Council.

## C13 **SCHEME OF DELEGATION**

Members received for approval the scheme of delegation in relation to Council functions as set out in part 3 of the Constitution. The merger of the Governance, Audit and Performance and Standards Committee was highlighted.

Councillor Evans proposed approval of the Scheme. This was duly seconded by Councillor Coote.

RESOLVED to

- i. That the Council approves the Scheme of Delegation in respect of Council functions as set out at Appendix A, including the formal merger of the Standards and GAP Committees, to be known as the 'Audit and Standards Committee'.
- ii. That the Council approves the transfer of the functions of performance and corporate risk monitoring from the former GAP Committee to Cabinet, within the knowledge that Scrutiny Committee will be able to scrutinise said matters.
- iii. To authorise the Monitoring Officer under delegated powers to update the Constitution as necessary in respect of the two recommendations above.



**POLITICAL BALANCE**

The Council received the report on the allocation of seats to the Council's committees in accordance with the political balance provisions of the Local Government and Housing Act 1989. The recommendation outlined in the report for a 58 seat scheme was proposed by Councillor Lees and seconded by Councillor Evans.

Notice of an amendment had been submitted by Councillor Barker. Councillor Barker proposed a 60 seat scheme, which would provide an additional seat to both the Residents for Uttlesford and Conservative Groups on the Planning Committee. This was seconded by Councillor Loveday.

Councillor Criscione said both schemes were valid but the 60 seat scheme created no problems for the majority group.

Councillor Hargreaves said he had conducted research and smaller committees of 8 members, were the optimal size.

Councillor Moran said more members would equate to more experience on committee.

Councillor Barker requested a recorded vote.

<b>COUNCILLOR</b>	<b>For/Against/Abstain</b>
Cllr Ahmed	Against
Cllr Armstrong	Against
Cllr Asker	Against
Cllr Bagnall	Absent
Cllr Barker	For
Cllr Church	For
Cllr Coletta	Against
Cllr Coote	Against
Cllr Criscione	For
Cllr Davey	For
Cllr Dean	Absent
Cllr Donald	Against

Cllr Emanuel	Against
Cllr Evans	Against
Cllr Fiddy	Against
Cllr Foley	Against
Cllr Freeman	Against
Cllr Gooding	For
Cllr Gregory	Abstain
Cllr Hargreaves	Against
Cllr Haynes	Against
Cllr Lees	Against
Cllr Lemon	For
Cllr Loughlin	Abstain
Cllr Loveday	For
Cllr Luck	Absent
Cllr Martin	Absent
Cllr McBirnie	Against
Cllr Moran	For
Cllr Oliver	For
Cllr Pavitt	Abstain
Cllr Alex Reeve	Abstain
Cllr Neil Reeve	Against
Cllr Regan	For
Cllr Sell	Abstain
Cllr Silcock	Abstain

Cllr Sutton	Against
Cllr Tayler	Against
Chair (Cllr Driscoll)	Abstain

The amendment fell with ten votes for, eighteen against and seven abstentions.

Councillor Evans said the rationale behind the scheme was that a smaller Planning Committee would manage its business more effectively.

The Chair took the substantive proposal to a vote.

RESOLVED to approve the political balance of the Council and the allocation of seats set out in the report.

**C15 APPOINTMENT OF COMMITTEES 2023-24**

Councillor Foley proposed approval of the appointment of Committees as set out in the report. Councillor Asker duly seconded.

RESOLVED to approve the Council Committee appointments as set out in the report.

**C16 CALENDAR OF MEETINGS 2023/24**

Councillor Sutton proposed approval of the revised calendar of meetings as set out in the agenda papers. This was seconded by Councillor Asker.

In response to a question from Councillor Criscione regarding the frequency of Scrutiny meetings in light of the Executive adopting the performance function, Councillor Gregory said the number of meetings would be kept under review but there would be fewer Local plan Scrutiny meetings and there would be routine items on performance indicators.

RESOLVED to approve the calendar of meetings 2023/24

**C17 APPOINTMENT OF COUNCIL WORKING GROUPS 2023-24**

Councillor Lees proposed approval of the Working Group appointments set out in the report. This was seconded by Councillor Foley.

RESOLVED to approve the Working Group appointments set-out in the report.

C18 **APPOINTMENT OF A MEMBER TO THE ESSEX POLICE, FIRE AND CRIME PANEL**

Councillor Lees proposed Councillor Sutton to serve as the Council's representative on the Essex Police, Fire and Crime Panel, and Councillor Coletta to serve as the reserve member.

RESOLVED to appoint Councillor Sutton as the substantive and Councillor Coletta as the reserve representative on the Essex Police, Fire and Crime Panel

C19 **CONSIDERATION OF AN INDIVIDUAL STANDARDS COMPLAINT AGAINST A [FORMER] MEMBER**

The Chair opened the item for comment.

Councillor Gregory said the report was clear and he supported the Chief Executive's view. However, he had real concerns regarding process, particularly in regard to the length of time it took to establish a hearing and the Panel selection process. In terms of substance, he felt the complaint was politically motivated as the breach of the Code was of a technical nature, principally that the information had been entered on the incorrect section of the form. He questioned whether the complaint had been in the public interest and value for money, and said underhand tactics had been used, including stalking and harassment, and that the complaints had originated from members of a national party in order to discredit the former member.

Councillor Barker said the former member was an intelligent businessman and could have completed the form correctly. She said she was pleased that the matter had finally been resolved and if breaches of the Code occurred in her own Group, members would be suspended.

Councillor Asker highlighted the swift actions of officers following the hearing, in order to address the failings identified in the Standards hearing report.

Councillor Sell said national political groups would suspend members if they were found to be in breach of the Code. He said the previous Council had been toxic and the annual accounts had still not been signed off.

The report was noted.

C20 **PAY POLICY UPDATE**

Councillor Hargreaves presented the report on an updated Pay Policy. He said the report proposed a minor in-year amendment to the Pay Policy, so as to provide for a supplementary payment for any Statutory Officers (Head of Paid Service, Section 151 Officer or Monitoring Officer) or Deputy Statutory Officers whose substantive grade was below grade 13 (Assistant Director). This was to

allow for greater flexibility in seeking to attract candidates to hard to recruit functions and associated roles.

Councillor Lees seconded the proposal.

**RESOLVED:**

- i. To introduce a Statutory Officers Allowance of £10,000 per annum, to be paid only to Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- ii. To introduce a Deputy Statutory Officers Allowance of £3,000 per annum, to be paid only to Deputy Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Deputy Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.

**C21 UPDATE ON HANDLING OF SUDAN EVACUATION**

Councillor Lees updated Council on the handling of the Sudan Evacuation effort at Stansted Airport in the district, which received evacuees from Sudan in late April/early May 2023. She proposed suspending Council Procedure Rule 10.1 (Motions on Notice) in order to put forward a motion of thanks to all those involved. Councillor Foley seconded the proposal.

The motion to suspend Rule 10.1 was carried unanimously.

Councillor Lees said she was incredibly proud of the response and proposed a motion of thanks.

Councillor Hargreaves duly seconded.

The proposal was carried unanimously.

**RESOLVED:** To officially thank all the volunteers and staff who worked all hours of the day and night on the Sudanese evacuation response at Stansted from 24<sup>th</sup> April 2023, and all the way through the Bank Holiday weekend – to UCAN who set up the initial Humanitarian Assistance Centre and all the other volunteer agencies including RE:ACT Emergency Response, Citizens Advice, the Red Cross and St John's; to the other Councils providing staff from Harlow, Epping, Braintree, Maldon, Tendring, Colchester, Castle Point, Essex County, and beyond into

Stevenage, South Cambridgeshire, Herts and Cambridgeshire Counties; to the Police, Fire and Rescue Service, Ambulance Service, the NHS, Border Force and Government departments; to Stansted Airport and the Radisson Blu Hotel; and to all of our own staff in housing, communities and all the other departments whose staff answered the call and ran to help; and to anyone else not specifically mentioned.

The meeting was closed at 8.25pm.

**Statement from George Smith to Full Council, Uttlesford District Council**  
**23/05/2023**

Dear Chair, Members and Officers

Thank you for allowing me to address you this evening. I am going to be talking to Agenda Item 18 as the complainant in this matter.

It is far too easy for politicians to dismiss complaints from colleagues as being politically motivated, and by doing so you risk condoning behaviours that are wrong. It is not a defence who the complainant is, if there is merit to the complaint. Now, being a member of this Council is a privilege. But with that privilege comes a responsibility to uphold the highest standards of office. This complaint was never about a political attack on Councillor Lodge, it stemmed from what I saw as his failure to declare his involvement in a residential development that took place in his ward.

I am aware that this case has a wider story linked to it, including defections and other allegations. However, I did not include those issues in my complaint as I wanted to focus on the circumstances for which I had evidence.

I remain deeply concerned how long this matter took to be resolved. The original complaint was submitted last August, taking 8 months to come to a Panel hearing. I had reasonably expected the matter to be concluded well before the Council entered the election period.

The report in front of you instructs members to not re-hear the case itself but I do wish to talk about the one item in my complaint that was not upheld which I would urge should be an area for consideration in the future.

The failure to declare a financial interest in a planning application whilst sitting on the planning committee is itself an offence, which is why I felt this matter so important to raise through the Council's internal procedures.

Whilst I understand the argument put forward by the Investigating Officer, that because the property deal at Thaxted Road was financed through a Limited Company, there is no financial interest to declare. However, that argument says to the public that any member of this Council can finance development in the District, whilst sitting on the Planning Committee, and they do not have to declare this involvement providing they do so via a limited company.

I do not believe the public would consider this to be in accordance with the Nolan Principles, nor this administrations pledge to be open and transparent. This cannot be in the public interest and as we have seen precisely this happen in Uttlesford, I strongly urge members to tighten up the Code of Conduct to explicitly require such instances to be declarable.

# Agenda Item 5

## **Councillor John Evans**

### **Portfolio Holder for Planning**

#### **Full Council report – 18 July 2023**

I feel privileged to have been re-elected in May and to be once again reporting to you as the Portfolio-Holder for Planning.

Since my last report in February work on the Local Plan has been progressing and we remain on course to publish a consultation draft (known as a Regulation 18 draft) of the plan this October. Substantive work has also been ongoing within Development Management, Planning Enforcement and Building Control.

The department is now all-but fully staffed and includes:

- a Conservation Officer;
- a Local Plan Team which now consists of 87% permanent staff members (including a recent graduate whom we are supporting through a planning masters degree);
- an additional planning enforcement officer;
- with a qualified Ecologist due to join us in August.

We have made significant strides in the recruitment and retention of staff, in what remains the single most difficult profession to recruit to in local government; by way of example, Planning Authorities in Essex have 31 planning officer positions currently unfilled. We have also reduced our reliance on agency staff.

In May and June senior planning staff organised and delivered planning training for our new planning committee, all elected members, and also ran two sessions for parish colleagues. Some 50 parish council colleagues attended the sessions which ran over two days.

### **Development Management & Enforcement**

During the week beginning 19 June 2023 the Planning Service was subject to a peer review. This was led by the government's Planning Advisory Service (PAS) acting on behalf of the Department of Levelling up, Housing and Communities (DLUHC). The outcome of the review will be reported to DLUHC Ministers and assist them in their deliberations with respect to our designation.

The Peer Review panel and DLUHC themselves have acknowledged that there is no express methodology set whereunder LPAs might be re-assessed or considered for de-designation. So, they are looking for sufficient positive steps having been taken and verifiable measures identified towards lasting improvement. I, along with a selection of other elected members (cross-party), officers, stakeholders, parish councils and partner organisations were invited to meet with the panel, when they attended here over two days, to describe our current and future plans and actions.



The Council is currently 'designated' for its performance in terms of 'quality of major planning decisions'. The designation was based on performance between 2018-2020. We prepared a Performance Improvement Action Plan in discussion with officials at DLUHC and have been working to achieve the actions identified. In June, DLUHC published the latest statistics available which indicate that Uttlesford now falls below the threshold for designation for the first time since 2018. We have thus "leapfrogged" a number of other English councils. The challenge will be to maintain this level of performance and continue to improve it.

The outcome of the peer review is expected later this summer.

Last year the department determined **2891** planning and related applications, approximately 85% of which were decided within target timescales. This is far above the government threshold. The Development Management service attracted £1.8 million in application fees last financial year, and some £300,000 in non-statutory fees, by offering planning advice and performance agreements (PPAs) to applicants. This assists in making elements of the Planning Service financially self-sufficient.

In April, our pre-application and PPA service was refreshed. Challenging service standards have been set and fees charged to developers increased in order not to cause a financial burden to the rate payer in this respect.

In Planning Enforcement, we have so far this calendar year served seven enforcement notices on those considered to be breaching planning controls. This is our highest number of notices served post-covid. Planning Enforcement Officers still seek to arrive at negotiated solutions with transgressors, however and importantly are further supported and resourced to take formal action where necessary and justified.

## **Local Plan**

Since my last report, we have an adopted Developer Contribution (S106) Supplementary Policy Document (SPD) which will assist officers in securing necessary infrastructure to support new development.

We also have a draft District wide Design Code, in an advanced state. We were selected as a design code pathfinder authority by government and could be one of the country's first local authorities to have our own design code. This will assist in raising the bar for the design of new development in the district.

During the pre-election and election period (early April – May) the team has been working on improving the local plan evidence base, visiting and assessing sites, and monitoring sites currently under development.

The Local Plan Leadership Group was formally appointed on 30 June and meetings of the group will now resume. We have reached a crucial point in the Regulation 18 stage of the local plan, and the LPLG will soon be considering draft site allocations. Following these meetings the draft plan, along with LPLG recommendations, will be considered by Cabinet and an agreed draft is due to be published at the end of

October. A public consultation will then run for at least six weeks. Responses will be considered in early 2024 and feed into a final draft, due for publication in summer 2024.

### **Building Control**

Our Building Control Team continues to maintain a market share of approximately 80% of all building control contracts in the district. This is thought to be some 15%-20% higher than the local authority average in the region and exceptionally high for a council building control function that operates in a competitive market where there are 28 'Approved Inspectors' also operating in the area (i.e. private companies licensed to provide Building Control services). The team further remains on call 24 hours a day, 365 days a year in respect of urgent and dangerous structure callouts (e.g. bridge strikes, building collapses etc).

### **Stansted Airport**

Earlier this month Stansted Airport advised us of their plans to seek to extend the current terminal building to the rear to create some 16,500 sqm of floorspace, to provide more space for existing customers. The planning application will be for the expansion of the building to support moving towards their existing approved passenger number cap of 43 million passengers per year. Whilst the application is to be made directly to the Planning Inspectorate the airport has committed to fully engage with the Council and the public.

## **Councillor Arthur Coote – Portfolio Holder for Housing** **Report to Full Council: 18<sup>th</sup> July 2023**

### **General Summary**

I am sure Members will acknowledge, this has been an extremely busy time for our Housing team, with a particular focus on repairs and maintenance. UDC Has also welcomed Kerry Clifford, Assistant Director of Housing, Health and Communities who joined the Corporate Management Team in June. Kerry will be working with Simone, Housing Consultant, over the coming weeks to complete a thorough handover.

At the final meeting of the Scrutiny Committee before election, a scoping document was presented suggesting a review of the management of council housing. The Scrutiny Committee held on the 22<sup>nd</sup> June 2023 was asked to consider that the scoping document was not relevant due to events superseding it and to defer the review so as not to detract from the work taking place to rectify issues that had been identified. This approach was agreed and a report on issues and solutions will be put before Cabinet, most probably in September 2023.

As an update to the errors made in setting rents for the past two years, a letter will be sent to all tenants affected w/c 17<sup>th</sup> July 2023 and rebates will be issued during August. Officers have progressed work to develop a new rent setting procedure, putting in lines of defence to tighten up the governance, so that all rent changes and rents for new homes or those which are calculated when a home is re-let, are checked by senior, qualified officers before being finalised.

The Housing Team is also continuing to prepare for the new regulatory standards, which will come into force from April 2023. This includes a gap analysis against the Consumer Standards as well as a review of all existing policies and procedures. We are also preparing the publishable complaint handling self-assessment, as prescribed by the Housing Ombudsman and are also preparing our Housing Annual Report.

Tenants will shortly be asked to consult on the key themes that the Tenant and Leaseholder Panel have identified as being key priorities for the Tenant Engagement Strategy. Work to develop the strategy and a menu of engagement that will seek to broaden our depth and reach of tenant feedback will then commence. We will also turn our focus to scrutiny activities, asking residents to really look at how our services are delivered and make practical suggestions to improve them.

By the next full Council meeting, we will have developed a suite of new KPI's for our Housing Options service that will help us to update our Housing Strategy and to show trends, such as how many households we have on the transfer list, how many homeless applicants we have, how many families declare that they are overcrowded etc. With this data we will also progress a 'Rightsizing' campaign to promote movement within our housing stock and that of other registered providers, to make sure that residents are living in accommodation that is suitable for them and that which meets their needs.

## Repairs and Maintenance

The stock condition survey completed by Savills has largely been completed with over 90% of homes successfully accessed and assessed. Where tenants have refused access, further visits will be attempted in the coming weeks by UNSL with enforcement action being taken where necessary. The council is using the data to inform a capital works and planned maintenance programme, prioritising those that do not meet the Decent Homes Standard or where we have identified severe cases of damp and mould. We hope to sign off the programme for 2023-2024 in the coming weeks. Work is now being scheduled for the 95 cases of severe damp and mould that the surveys identified and UNSL have been given a target date of the end of September for works to be completed. All properties have had mould washes undertaken to make them safe. Of the 525 moderate cases that were identified, UDC have appointed two temporary surveyors to scope the work that needs to be done and they have completed just over 100. Surveys will be sent to UNSL on a bi-weekly basis so that remedial works can be undertaken. Tenants have now been written to, thanking them for letting us in to complete the surveys and advising them that works will commence shortly.

Health and Safety compliance also remains a priority and our 'Safer Homes Officer' is reviewing our policies and operational procedures to ensure that we are delivering in this important area. We have secured four injunctions for non-access in relation to gas safety, with more scheduled for July. Work is underway with Dodds and UNSL to bring our gas servicing procedure forward and for the Housing team to intervene at an earlier stage where there are missed appointments or no contact.

**Compliance at the end of June is shown below.**

Compliance area	Performance		Comments
	No. expired	% compliant	
Electrical safety domestic	18	99.35%	The council was granted its first injunction with costs on 20 June – more cases are scheduled for July – and more court dates are starting to come through now. All outstanding cases are with the council's out-sourced lawyers. <b>Already in July the figures for 5 years have dropped to 222.</b>
Within 10 years (legal req.)			
Within 5 years (best practice)	240	92%	

Electrical safety communal areas within 5 years	0	100%	N/A
Annual gas service, domestic	8	99.59%	Two injunctions with costs were awarded on 20 June at court. Two further injunction hearings currently scheduled for July. All cases are with the council's lawyers and in various legal stages, including final legal letter/awaiting court dates.
Annual gas service, communal areas	0	100%	N/A
Fire Risk Assessments (FRAs) in date	0	100%	There are no high-risk actions outstanding from previous FRAs.
Water hygiene	0	100%	UDC is working with UNSL to identify and report on follow-up actions arising from risk assessments.
Lifting equipment	1	99.15%	Awaiting a replacement part – therefore poses no risk as cannot be operated.
Asbestos risk assessments communal	0	100%	There are no high-risk follow up actions outstanding from previous risk assessments.
CO and smoke alarms – additional regulatory requirement	Being verified	Being verified	Properties which are deemed non-compliant as identified during the stock condition survey – a number are legally compliant although not hard-wired. Site visits are in progress to follow up and these will then be

			reported on in future reports.
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More generally, a review of the Service Level Agreement between UDC and UNSL is currently taking place and work is ongoing with UNSL in areas of under-performance such as voids. UDC is losing significant income, due to the unreasonable lengths of time taken to prepare homes for re-let, with some empty homes standing empty for 50-100 days, for no acceptable reason. There is also concern with the quality of voids being returned to UDC and as such, every void is being inspected by the UDC client team before the council can accept the property back. The Assistant Director of Housing, Health and Communities is working at a granular level with the team to implement a new process chart of the key to key letting process and to introduce a new void tracker which will identify where the process is breaking down. From this data it is hoped that UNSL will be able to put measures in place to mitigate the issues.

An update on Reynolds Court; as previously reported, the development company, Lovell has been held to account for the identified failings in the fire safety provision and they have accepted liability and confirmed that they will compensate the council for costs incurred, including those related to the waking watch, which remains in place. Some items have been completed and for the remainder, Lovell are developing a time-bound action plan to deliver this. A deep dive into the issues will be undertaken once we are satisfied that all matters are resolved so that tighter governance arrangements can be put in place to prevent issues such as this happening again.

Following the issues at Reynolds Court, the council has arranged for inspections of other sheltered schemes to take place, to ensure that there are no similar issues elsewhere. However, it should be noted the Reynolds Court is unique in its structure, and as such, there is no reason at this time to have concerns – the first of these inspections has now taken place and no issues of concern were identified. The quality of fire risk assessments is also being audited by UDC's new Safer Homes (compliance) officer.

A new suite of repairs and maintenance KPIs has been agreed with UNSL to reflect a more robust approach. This will include damp and mould indicators, in line with the proposed new 'Awaab's law' and other requirements as set out in the Social Housing Regulation Bill.

End.

# Uttlesford District Council Meeting 18 July 2023

## Written Questions to Members of the Executive and Committee Chairs

### Written responses to be published on 17 July 2023

**1. By Councillor Barker to Councillor Lees – Leader of the Council:**

“Please provide a comprehensive list of Cabinet Member portfolios to include all those items listed at the May Council meeting and in addition responsibility for:

Sport, Heritage, Culture ,Museum, Grants, Rural issues, Licensing, Waste & Recycling collection, Democratic Services, HR, staff welfare and any others missing from the May list.

Please also identify Lead officers for each area of responsibility.”

**2. By Councillor Barker to Councillor Lees – Leader of the Council:**

“The Cabinet report on Blueprint Uttlesford states that by 2028 there will be fewer staff employed at Uttlesford. To help all members understand the changes in staffing that will occur can the Leader please provide two lists:

The first is a list of the Statutory Functions that the Council must undertake  
The second is the Non Statutory functions that we do currently undertake.”

**3. By Councillor Criscione to Councillor Evans – Portfolio Holder for  
Planning:**

“The Local Plan Scrutiny Committee and Local Plan Leadership Group have not met either individually or jointly in over a year. No evidence base documents have been published, and even more so, if a member of the public clicks through the website to "The New Local Plan" and subsequent page entitled "local plan evidence and background studies", they discover a Freudian slip in being directed to the 2019 evidence base.

What would the Cabinet Member respond in the contention that there is a democratic deficit in this current local plan-making process and, moreover, what democratic oversight has been, and continues to be in place on matters

concerning the delivery of a draft local plan and associated evidence base in the period after the draft Regulation 18 Plan was discarded last May?"

**4. By Councillor Haynes to Councillor Evans – Portfolio Holder for Planning:**

"In view of the fact that so little information has filtered through to the public domain in relation to the Local Plan I would welcome a statement as to what has been done over the course of the past year.

We are told that the delay in getting to the Reg. 18 draft is due to deficiencies in the evidence base. What steps have been taken to rectify this and specifically, have the omissions in the Landscape and Heritage studies now been addressed (the lack of identification and analysis of key views in the former and the absence of any commentary on the setting of heritage assets in the latter)?"

**5. By Councillor Lemon to Councillor Sutton – Portfolio Holder for Communities and Local Partnerships:**

"Could I please ask that Councillor Sutton provide answers to the following questions on the Youth Council:

1) When did the Youth Council last meet?

And:

2) How many Youth Members do we currently have?"

**6. By Councillor Moran to Councillor Hargreaves – Portfolio Holder for Finance and the Economy**

"I am sure you agree with me that the provision of top quality sports and leisure facilities for our residents is increasingly important in the fight against obesity and to support good mental and physical health. Can you please give us an update in regards to the district's leisure facilities, as follows:

1. Can you tell us what your onsite visits have revealed regarding the partial closure of Lord Butler leisure centre and assure us that this council has had in place a robust inspection regime of all council provided sports and health facilities in Uttlesford?
2. Can you please update us on any discussions you and your officers have had with the new operators of our leisure centres, Parkwood, in particular looking forward to the planned internal audit of all PFI contracts that is to take place in this council year?"



**7. By Councillor Pavitt to Councillor Evans – Portfolio Holder for Planning:**

**With reference to para 3.1 of Appendix 1**

“Please advise what action has been taken to assess the extent to which the council may unwittingly or otherwise compromise its legal responsibilities, namely to ensure that it does not undertake nor authorise projects which jeopardise (a), (b), (c) and (d) as contained in the Environment Agency’s reply to UDC (dated 26-10-2020), which stated:

*Legal obligations and Article 4.7 Regulation 33 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 place a duty on each public body, including Local Authorities, to have regard to River Basin Management Plans (RBMPs) when exercising their functions. This means they must ensure they neither undertake, nor authorise, a project which may jeopardise*

- a) The current status of a WFD element or cause its deterioration*
- b) The attainment of good status*
- c) Pollution reduction measures*
- d) Standards and objectives for protected areas”*

**8. By Councillor Pavitt to Councillor Evans – Portfolio Holder for Planning:**

**With reference to para 3.5 of Appendix 1**

“What further information has been received from the Greater Cambridge Planning Service on their Water Management Studies following the meeting of officers on 27th April 2021 and what implications are there for Uttlesford in the EA’s formal objection on 26th June 2023 to new housing in South Cambs on the grounds of water concerns and river damage which pose - quote: “a real risk to chalk streams, river, and wetland habitats.”

**9. By Councillor Gregory to Councillor Evans – Portfolio Holder for Planning:**

**With reference to para 3.6 of Appendix 1**

“What information has been received from the council’s water cycle study consultants in respect of the water sustainability and river pollution concerns summarised by JBA Consultants in their presentation in October 2021?”

**10. By Councillor Gregory to Councillor Evans – Portfolio Holder for Planning:**

**With reference to para 4.1 of Appendix 1**

“How has the Environment Agency been - to quote: “actively considering... the matters raised in the adopted motion” and is the cabinet member for Planning satisfied that both UDC and the EA have addressed these “as a matter of urgency” bearing in mind the motion was passed four years ago?

**11. By Councillor Criscione to Councillor Evans – Portfolio Holder for Planning:**

**With reference to para 4.2 of Appendix 1**

“Is the cabinet member for Planning satisfied that suitably robust “measures to protect and improve water supply, river flow and environmental conditions” will come forward in what little time remains before Reg 18 consultation of the Local Plan and what “further evidence and expert advice” has been obtained to this end?”

**Appendix 1 - Questions Regarding Water Sustainability & River Damage as submitted by Councillors Pavitt, Gregory and Criscione (Questions 7 – 11)**

**Background**

Three years ago (July 2020) council unanimously passed a motion regarding the effect on Uttlesford’s rivers of over-abstraction of ground water. The motion required specific actions.

A year later (20/7/21), Cllr Pavitt asked for a report to full council of the progress made in respect of those actions. In response, the Asst. Director of Planning provided a list of actions and a summary of progress (attached below). Using that report as a benchmark and its paragraph numbering, can the Member for Planning please respond to Questions 7 -11:

*Provided by Assistant Director – Planning, 11 May 2021*

**BRIEFING NOTE FOR THE LEADER  
PROGRESS ON ADDRESSING ISSUES IN THE JULY 2020 WATERS AND RIVERS MOTION**

- 1. Purpose of this Note**
- 1.1. To provide an update on Water related work that has taken place following the Council adopting the ‘Waters and Rivers’ Motion in 2020.
- 2. Background**
- 2.1. On 21 July 2020 the Council resolved on Waters and Rivers:
  - 1) To act to raise awareness of the threat to its rivers and to:

- (a) Call on those responsible for water supply and environmental protection to adopt immediate measures to avoid the loss of important river habitats.
  - (b) Lobby central Government to gain better recognition of both Uttlesford's water imperatives and also the need to protect its Chalk streams.
- 2) To make water supply and river health a material consideration of sustainability when assessing major applications for development within the district.
  - 3) When developing the district Local Plan to give full and detailed consideration to:
    - (a) The sustainable provision of water throughout the district;
    - and (b) Protection of the Chalk stream habitats of Uttlesford.
  - 4) At the earliest opportunity to introduce stringent policies for new buildings in respect of water conservation and recycling.
  - 5) To call on the Environment Agency to:
    - (a) Immediately submit a plan for restoring a proper and consistent flow to the rivers of Uttlesford;
    - and (b) propose a programme for monitoring water quality and restoring the biological health of the rivers to at least "good" as defined in the Water Framework Directive;
    - and (c) Ensure that the alkalinity of the Chalk streams within Uttlesford is and continues to be sufficient to safeguard the natural ecology associated with a Chalk stream environment.
- 2.2. Councillor Pavitt has indicated he will ask a question at Full Council on 20 July 2021 about what progress has been made as a result of the adopted Motion:
- \* To call on those responsible for water supply and environmental protection to adopt immediate measures to avoid the loss of important river habitats.
  - \* To call on the Environment Agency to immediately submit a plan for restoring a proper and consistent flow to the rivers of Uttlesford (together with other measures).

### **3. Actions to Date**

- 3.1. Following the adoption of the Motion, the District Council wrote to the Environment Agency (Appendix 1) and a reply was received on 26 October 20 (Appendix 2). River Basin Management Plans are an important part of the Agency's work and in Uttlesford there are two: Anglian and Thames (we fall

within the Cam and Ely Ouse Catchment Partnership (CamEO) and the Combined Essex Catchment called Essex Rivers Hub).

- 3.2. The River Basin Management Plans are currently under review and a consultation took place last year with revised Plans due to go out for consultation before final publication this year.
- 3.3. The District Council has also become a member of Water Resources East (WRE) which is preparing a strategy to address water supply and related environmental impacts which are serious issues for all local authorities in the region. The District Council is an active member of the organisation and a regional strategy is in preparation for consultation before the end of 2021.
- 3.4. On 10 October 2020 officers of the District Council met representatives of the water companies and agencies and agreed how to collaborate in preparing the local plan. A copy of notes of the meeting are attached in Appendix 3.
- 3.5. On 27 April 2021 officers of the District Council met officers from Great Cambridge Planning Service for an update on their work on Water Management Studies (as well as decarbonising the energy grid) and agreed further collaboration. A copy of notes of that meeting is attached as Appendix 4.
- 3.6. On 29 April 2021 the Local Plan Leadership Group agreed the methodology for undertaking the next stage in preparing the Regulation 18 Draft of the Local Plan in accordance with the approved Local Plan Development Scheme. The methodology recognises that the water cycle issues, and related environmental issues, will be an integral part of the emerging local plan.
- 3.7. On 29 April 2021 both the Local Plan Leadership Group and the Strategic Infrastructure Delivery Group considered the proposed scope for a study on Water Cycle issues. Consultants are being appointed to do this work with a target date for a report back to members in November 2021.
- 3.8. On 22 April 2021 the consultation period closed for the Local Plan Issues and Options Stage and representations have been received from the Environment Agency, Anglian Water and Thames Water. These representations are currently being processed.

#### **4. Summary of Progress**

- 4.1. Both the Environment Agency and Water Resources East are actively considering a range of issues, including the matters raised in the adopted Motion and the Council. The Council will continue to engage with these organisations to ensure that the matters highlighted in the adopted Motion are fully addressed as a matter of urgency.

- 4.2. The Local Plan presents a significant opportunity for the District Council to include measures to protect and improve water supply, river flow and environmental conditions and the actions described above support the preparation of a local plan to do that. The Council is currently obtaining further evidence and expert advice to ensure that this is done.

Gordon Glenday

Assistant Director – Planning

11 May 2021

# Agenda Item 9

**Committee:** Full Council

**Date:** 18 July 2023

**Title:** Protocol for selection of Panel Membership

**Report Author:** Peter Holt, Chief Executive

**Author:** [pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)

**Lead Member:** Councillor Oliver, Chair of the Audit and Standards Committee

## Summary

1. This paper identifies an operational problem for officers in the routine selection of panel members from amongst the pool of qualified councillors to join various individual panels which need to be convened from time to time to consider specific cases/matter, whether Licensing & Environmental Health applications, Appointment Interviews for senior staff, or specific Standards complaints.
2. The report was considered at the Audit and Standards meeting on 27 June 2023 and is recommended to Full Council for approval.

## Recommendations

3. To adopt the protocol for appointing members to panels.

## Financial Implications

4. Nil

## Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - The Council's Constitution
  - The draft Protocol for appointing Members to Panels – appendix A

## Impact

- 6.

Communication/Consultation	This protocol in draft form has been the subject of informal consultation with Party Group Leaders
Community Safety	nil
Equalities	nil

Health and Safety	nil
Human Rights/Legal Implications	As addressed in the report and draft protocol
Sustainability	Nil
Ward-specific impacts	All wards
Workforce/Workplace	The adoption of this protocol removes officers from the invidious and unacceptable position of having to select panel members in any combination that will at times prove immensely politically controversial without any guidance or framework.

## Situation

7. There has been a loose 'custom and practice' in place by which officers have selected Panel Members over recent years, which has proved uncontroversial. However, in due course an intensely controversial issue arose, where the selection of the members of a particular panel was going to lead to inevitable allegations of being more likely to lead to one outcome or another of that panel's ultimate deliberations. This put officers in a lose/lose situation, where, without any guidance on panel formation, they had to form a panel. This panel formation process itself added substantial heat to an already fraught process, and there is a cross-party and officer consensus that this should be avoided in future. As a result therefore, this protocol has been drafted, drawing from the law and wider models of good practice, and has been considered by the Audit and Standards Committee, which has recommended the protocol to full Council for adoption into the Constitution.

## Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
If the current status quo is maintained – ie no protocol to guide the selection of future panels – then the negative recent experience is almost certainly going to be repeated – which is nobody's interests.	4 - high	4 - high	This protocol has been drawn up, and Party Group Leaders' informally consulted.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## **Protocol for selection of Panel Membership – Uttlesford District Council**

The Council has different types of Committees, Sub-Committees, Working Groups and Panels made up of Councillors, as determined both by the Constitution and at times by law related to particular statutory functions (e.g. Environmental Health and Licensing Committee).

Which Councillors sit on the Cabinet is in the gift of the Leader of the Council, who shall announce their Cabinet after they have been elected by full Council. The Cabinet can contain members of any party, and is required by law to contain between 3 and 10 Members, including the Leader and a nominated Deputy Leader.

There are various standing Committees provided for in the Council's Constitution and (in some cases) as required by law, including:

- Planning Committee
- Licensing and Environmental Health Committee
- Audit and Standards Committee
- Scrutiny Committee
- Chief Officers' Investigatory Disciplinary Committee
- Chief Officers' Appeals Committee
- Appointments Committee (for chief officers and statutory officers)

The Membership of those standing Committees are determined by full Council, on an overall proportionate basis to reflect the overall numbers in the authority's different political groups. It is for each party to nominate its own Members to those Committees up to their entitlement on each Committee.

Various of those Standing Committees may appoint Working Groups from time to time from amongst their membership, to consider certain aspects of their duties. For example, the Planning Committee has in recent times operated a Planning Working Group, and the Planning Committee has appointed its membership from amongst its numbers, again in approximate proportion to the overall numbers of seats held by different parties.

The Cabinet also routinely operates a number of Working Groups, either on a task and finish basis, or on an ongoing basis, currently including:

- Housing Board
- Local Plan Leadership Group

It is entirely in the gift of the Cabinet which Councillors it appoints to such Working Groups, but the membership of each need not be in proportion to overall group numbers, and could be made up of only majority group members if it so chose.

These appointment rules are well evidenced, but there are not clearly documented or agreed appointment rules for the following Panels of Councillors needed from time to time.

- Licensing and Environmental Health Panels
- Appointments Panels
- Standards Panels

The purpose of this document is to set out a clear and agreed process for selecting the membership of these three sets of ad hoc/task-and-finish Panels of Councillors.

The main role of the statutory Licensing and Environmental Health Committee is to consider policy issues in this subject area. As such, in the last year, this Committee has only needed to meet on three occasions, and for relatively brief meetings. Section 6.1 of the Licensing Act 2003 requires that there are 10-15 Members on this Committee. Individual licensing applications considered under relevant legislation that are for Members to determine rather than delegated to Officers (under the Schedule of Delegated Powers) are heard by three Member panels, drawn from the parent Licensing and Environmental Health Committee. In the last year, there have been 11 such Panels convened. On each of those 11 occasions, Officers have selected which Members take part, subject to their availability, and this has proved uncontroversial.

The Appointments Committee of seven Members appointed by full Council is only convened when there is a vacancy to fill in any of the Chief Officer or Statutory Officer roles – Chief Executive, Director of Planning, Director of Finance & Corporate Services (and Section 151 Officer), Head of Legal Services (and Monitoring Officer) etc. When the Appointments Committee determines that the interviews for any of these roles are better undertaken by a Panel of less than 7 Members, it forms a Panel of a lower number. The majority group is entitled to a majority on any such panels, but has at times sought to offer one of its seats to other groups, but there has been no certain process for determining or governing this, and on a recent occasion, the Chief Executive drew names from a hat, as witnessed by the [then] Conservative and Liberal Democrat Group Leaders, which resulted in a panel of one Residents for Uttlesford, one Conservative and one Liberal Democrat Member.

The Audit and Standards Committee considers policy issues, but individual Standards Complaint hearings are heard by panels of three, drawn from the overall Committee membership and/or Substitutes list. One particular recent Standards Complaint hearing has highlighted the problematic nature of the effective discretion left to Officers in selecting the membership of three for any particular panel. Standards Panels also contain a fourth, non-voting Member, drawn from the pool of Independent Persons retained by the Council to assist with Standards processes, members who are subject to complaint under investigation are excluded.

As such, this paper sets out as below how the membership of those three sets of Panels shall from time to time be determined by officers, following these established principles.

Panels for Licensing and Environmental Health and also for Standards complaints shall be of three members. In contrast, the Appointments Committee has flexibility to determine the size of any Appointments Panels for particular vacancies as it sees fit, e.g. a panel of 3, a panel of 5 or the full Committee interviewing for a Chief Executive

vacancy – so for Appointments Panels of other than 3 Members, the same principles shall apply as below, but with the numbers proportionately adjusted.

On each occasion a Panel is required for a Licensing and Environmental Health Panel, an Appointments Panel, or a Standards Panel, first, the pool of qualified members shall be established.

To qualify, a Member must be a full or substitute Member of the parent Committee, duly appointed by full Council. They must also have undertaken all necessary training to enable them to sit on the Panel – though flexibility should be deployed so as to enable a Member to sit on the relevant Panel if it is reasonably practicable to put them through the training before the relevant meeting. They must not be disqualified by having any material interest in the issue to be considered – e.g. a relationship with a job applicant, a pecuniary or other registerable interest with a licensing applicant, or any interest in the matter being considered by the Standards Complaint (e.g. as a witness, or anything else that would stop them from being able to consider the matter even-handedly, objectively and without predetermination). Any Member subject to a live Standards Complaint themselves shall not be eligible to sit on any Standards Panel. The Monitoring Officer will make the determination as to eligibility to qualify for the pool.

Officers shall then default, in the circumstance of there being a majority group overall on the Council, to filling two of the seats on each panel with qualified Members of the majority group, as nominated by the Leader of the Council, taking into account their availability.

Officers shall then by default offer the third seat on each Panel to a qualified Member of the largest opposition group, as nominated by the Leader of the Opposition.

The Leader of the Council or the Leader of the Opposition shall have the right to offer any of their Panel seat entitlements to any other qualified Member from any smaller group of their choice, where they choose to want to involve other smaller party groups who would not otherwise be entitled to seats on a proportionate basis.

Where either the majority group or the largest opposition group cannot field their full entitlement of qualified candidates, and have not voluntarily reassigned their seat entitlements, any remaining vacant seats shall be offered in turn for nomination by the Leader of each subsequent group, in size order, from amongst their qualified candidates.

# Agenda Item 10

**Committee:** Full Council

**Date:**

**Title:** Appointment of the Head of Legal and Monitoring Officer

Tuesday, 18 July 2023

**Report Author:** Peter Holt, Chief Executive  
pholt@uttlesford.gov.uk

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## Summary

1. Following the resignation of the Council's Monitoring Officer earlier in the year, we have undertaken a recruitment campaign to secure a suitable successor to this Statutory role and be our Head of Legal.
2. The Sub-Committee of the Appointments Committee (Cllr Lees, Cllr Evans and Cllr Barker) met on Friday, 30 June 2023, to interview shortlisted candidates and select a Head of Legal and Monitoring Officer for recommendation to the Council for appointment.

## Recommendation

3. That the Council appoints Nurainatta Katevu to the post of Head of Legal and Monitoring Officer effective from a date to be determined by the Chief Executive in consultation with the HR Manager.

## Financial Implications

4. The post is a permanent part of the staff establishment and costs are fully covered within the salary budget.

## Situation

5. The Monitoring Officer is a Statutory role and following the resignation of the previous postholder has been undertaken by the Assistant Director, Corporate Services pending this permanent appointment.
6. A respected employment agency specialising in legal recruitment was appointed to undertake a recruitment campaign which ran through May & June and five candidates were shortlisted and invited to the technical interviews. One of these candidates withdrew due to illness leaving four candidates. Following these interviews, three strong candidates were put forward to the final members interviews on 30 June 2023.
7. Arising from the robust and thorough background assessments and interviews, the Sub-Committee of the Appointments Committee recommend the appointment of Nurainatta Katevu as the Council's next Head of Legal and Monitoring Officer.

8. The recommended candidate, Nurainatta Katevu, currently works at North Hertfordshire District Council and has been employed there since May 2015, initially as a Planning Lawyer and was then promoted in March 2020 to Legal Regulatory Team Manager and Deputy Monitoring Officer. Prior to this she was also a Planning Lawyer at Lincolnshire County Council from April 2014 to May 2015. Nurainatta has over 20 years local government experience and has worked her way up from a Paralegal to her current role, working at Councils such as Stevenage Borough Council, Cambridge City Council and London Borough of Newham. She is currently managing a busy legal team with a complex and varied caseload, advising members and officers on governance and constitutional matters.
9. It is, therefore, recommended that this Council Meeting approves the appointment of Nurainatta as the Head of Legal and Monitoring Officer.

### Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
That proper processes are not followed in the appointment to this Interim post	1	2	<ul style="list-style-type: none"> <li>• HR &amp; Procurement procedures are in place to ensure compliance with relevant employment &amp; financial legislation</li> <li>• Council to approve the appointment</li> <li>• Sub-Committee of Appointments Committee has overseen a thorough, professional and effective recruitment process</li> <li>• The Sub-Committee of Appointments Committee has used a</li> </ul>
That the Council does not appoint a new Head of Legal and Monitoring Officer.	1	3	

			respected recruitment agency with significant knowledge, experience of the LG market
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee:** Full Council

**Date:**

**Title:** Appointment of an Independent Person

Tuesday, 18 July  
2023

**Report Author:** Richard Auty, Monitoring Officer

**Author:** [RAuty@uttlesford.gov.uk](mailto:RAuty@uttlesford.gov.uk)

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## Summary

1. This report recommends that the council appoints a person to the position of Independent Person under s28(7) of the Localism Act 2011 to act at a Standards Hearing,

## Recommendations

2. That the council appoints Gillian Holmes to the position of Independent Person under s28(7) of the Localism Act 2011 to act in the matter of a complaint at a Standards Hearing.

## Financial Implications

3. None arising from this report.

## Background Papers

4. None

## Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The council is required under section 28 of the Localism Act 2011 to appoint sufficient Independent Persons to assist the Council in promoting and maintaining high standards of conduct by district councillors and co-opted members of the Council, and by Town/Parish Councillors of Town/Parish

	Councils within the District
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

6. The Council is required under section 28 of the Localism Act 2011 to appoint sufficient Independent Persons to assist the Council in promoting and maintaining high standards of conduct by district councillors and co-opted members of the Council, and by Town/Parish Councillors of Town/Parish Councils within the District.
7. The Council currently has three Independent Persons; however, in one particular complaint none are available to act in the Hearing stage due to previous involvement in the matter.
8. The Monitoring Officer proposes to appoint an Independent Person from another authority to act in accordance with section 28(7) of the Localism Act 2011, in respect of one particular complaint.
9. Details of this person can be found in Appendix A.
10. The Council is currently advertising for additional Independent Persons, in part to prevent this happening again.

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The council does not appoint an Independent Person	1: members are expected to observe their statutory duty	3: The council are unable to determine complaints in accordance with their procedures. The council risks reputational damage if this function is not performed	Appoint a suitable Independent Person



- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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## **Member Motion as submitted by Councillor Barker - Full Council, 18 July: HGVs and Satnavs**

### **Motion:**

“This Council believes that HGVs using standard car Sat Navs collide with local infrastructure, such as railway bridges, or become stuck on narrow roads, causing major disruption and is costly to local communities. They often take significant amounts of time and resources to free, causing major congestion across the Essex road network generating more emissions and disrupting local rail services.

This Council therefore instructs the Chief Executive to write to the Government and call on them to work with Satellite Navigation companies and others providing road information to remove By Ways, By Roads and other similar roads from their systems.”

Proposer: Councillor Barker

# Agenda Item 13

## **Member Motion as submitted by Councillor Sell - Full Council, 18 July: Railway Ticket Office Closures**

### **Motion:**

“This Council notes the plans by Greater Anglia to close the ticket offices at Stansted Mountfitchet, Elsenham, Newport, Audley End and Great Chesterford Railway stations.

Therefore, the Council resolves to respond to the consultation expressing our opposition to such closures.”

Proposer: Councillor Sell