

**COUNCIL held at ZOOM on TUESDAY, 23 FEBRUARY 2021 at 7.00 pm**

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

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

**C72 MINUTE SILENCE**

The Chair requested a minute's silence in memory of Lesley Johnston, a long standing and much valued member of the Environmental Health team. She would be greatly missed by friends and colleagues at the Council.

*A minute's silence was held.*

**C73 PUBLIC SPEAKING**

Public statements were made by Ms Thomas, Ms Roberts, Dr Ghosh and Mr Darcy in relation to Item 17. Mr Ross, representing Stop Stansted Expansion, had a statement read on his behalf. Summaries of their statements have been appended to these minutes.

**C74 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from the Youth Council.

Councillor Criscione declared a non-pecuniary interest in relation to Item 12 as he was a member of the Conservative Environment Network.

**C75 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meetings held on 8 December 2020 and 6 January 2021 were agreed as correct records of these meetings.

**C76 CHAIR'S ANNOUNCEMENTS**

The Chair summarised his engagements since the previous meeting and said he had 50 miles to go before he had completed his charity walk. He thanked all those that had supported him, and he had nearly raised £3000 for the Stroke Association, his chosen charity. He also thanked officers and members for their help in producing a Chairman's Charter to reduce single use plastics in the district. He said a further update would be provided in the next two weeks. Finally, he added that UDC would be launching a "making a difference award" to promote those who had selflessly helped others who were struggling throughout the pandemic.

**C77                    REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader spoke on the Stansted Airport planning application and said it was correct for Counsel to solely focus on the appeal. He rejected the accusation that the Council's defence was "apologetic" and said it was not appropriate to comment further at this time whilst the appeal was ongoing.

Councillor Pepper informed Members that the first Equalities Listening Event would take place on 9 March 2022. She thanked officers for their assistance in setting up the event and encouraged people to get in touch and book a place to participate

**C78                    QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN (UP TO 15 MINUTES)**

In response to a question from Councillor Criscione relating to the pre-determination of the 3G Football Pitch grant, Councillor Armstrong said the reason for haste was that the project had been ongoing for eight years and required additional funding now to ensure their work had not gone to waste. He said there was further funding available and he was happy to look at further applications.

In response to a question from Councillor Dean regarding an Oxfam statement that had been released in light of Investment Opportunity 12, Councillor Reeve said he could not comment on specifics due to the commercial confidentiality of the investment in question. However, he said all requests for borrowing were brought to Full Council for all members to debate, and each opportunity was considered in the light of what is in the public interest. He said a vote was taken on each opportunity presented to Members and, that whilst not everyone would agree with the outcome, the will of the majority prevailed and each decision had been taken with the necessary consideration.

In response to a supplementary question, Councillor Reeve said Yemen had not been discussed specifically but the ethical nature of the investment had been deliberated on.

In response to a question from Councillor Lemon relating to the cost of dividing the Council's accounts due to the fact that the Statement of Accounts had yet to

be signed off, Councillor Hargreaves said he was not aware of the specific cost but a response would be circulated in writing.

In response to a question from Councillor Barker regarding the low level of engagement to the consultation on the Local Plan, Councillor Evans said the current process had been innovative in securing early consultation with the public and he considered it a success.

The Chair indicated that 15 minutes had passed and he would only take questions from those with their hands already raised.

Councillor Khan asked whether Councillors Lodge, Hargreaves and Reeve had displayed appropriate behaviour at the previous Cabinet meeting in which a member of the public was named. He asked whether they would apologise publicly and whether they felt they were fit to serve as councillors. He said he would accept a written answer.

Councillor Gregory asked Councillor Reeve whether he was aware of the criticism faced by Oxfam for its own ethical standards by a range of monitoring bodies.

In response to a question from Councillor Caton, Councillor Lees said the administration would pay heed to the report and recommendations of the Ark housing study that had recently been published.

C79

## **MEMBERS' SCHEME OF ALLOWANCES 2021-22**

Diane Drury, the Chair of the IRP, presented the report outlining the proposals for the Members' Scheme of Allowances 2021-22.

Ms Drury said the IRP's deliberations had been focused on the impact of Covid-19 on the Council and the wider community. Specifically, the Panel had been mindful of the economic impact; with unemployment on the rise, and the public sector pay freeze, the Panel felt it was right that councillors demonstrate solidarity and therefore a freeze in Members' Allowances had been recommended to Council. She said it was very important to note that there were positives of the past year, and praised Members for rising to the challenge of a remote decision making process. Furthermore, virtual meetings had provided greater inclusivity, for both the public and members, and had cut costs in terms of travel. Looking forward, she said that in future years there would be a need to review the Opposition Leaders' allowance. She concluded that in next year's review she hoped for more extensive dialogue with Members.

The Leader thanked the Panel and proposed the recommendation set out in the report.

Councillor Lees seconded the recommendation and highlighted the fact that Cabinet Members took a voluntary reduction in their allowance, to accommodate the greater number of members within Cabinet.

Councillors Sell and Oliver expressed support for the proposal.

RESOLVED to adopt the recommended scheme of allowances for the year 2021/22 as set out in Appendix 1 to the report, effectively retaining the current level of basic allowance and all existing special responsibility allowances (SRAs).

## C80 **DRAFT CORPORATE PLAN 2021-2025**

*Councillor Barker declared a non-pecuniary interest as a Member of Essex County Council.*

The Chair took Item 10 next in proceedings and asked Councillor Reeve to present the report on the draft Corporate Plan.

Councillor Reeve said the Corporate Plan had been thoroughly reviewed in light of the new Local Plan and the impact of Covid-19, but had been found to be robust and therefore largely remained unaltered. The only change from the previously agreed document related to 'Youth'; the previous iteration had focused on the role of the Youth Council, while the updated document had broadened the scope to Youth more generally. He proposed approval of the Plan.

Councillor Driscoll seconded the proposal.

Members discussed the Corporate Plan and the following points were raised:

- Were the Administration living up to their pledge of "open, honest and responsible governance?"
- The Corporate Plan Delivery Plan was the real issue at hand and it should come to Full Council for approval.
- Could the Plan commit Council to "locally led development corporations" in terms of the Local Plan and the opposition of a second runway at Stansted Airport.
- There were no measures of success outlined in the document.
- It was not in the remit of the District Council to tell the County Council how to fulfil its statutory functions, such as school transport.
- However, District councillors did have a role in holding the County to account, as they were representing their ward constituents.
- Support for young people in the District needed to go beyond the Youth Council.
- The Youth Council itself required more support but it had created a real platform for young people since its establishment.
- The use of the word "play" infantilised the document.

In response to these points, Councillor Reeve summarised as follows:

- The Administration took the governance of the Council extremely seriously.

- The principles raised in the Plan did not amount to pre-determination.
- There was a need to engage with both young and elderly people in the District and new corporate actions targeting these demographics would be introduced. The importance of “play” was the Administration’s desire to make Uttlesford a welcoming place for families.
- The District Council would work together with County to ensure matters progressed as they should.
- The Youth Council was an important organ of the Council but the scope should be widened to ensure all young people were supported.
- Specific details would be included in the Corporate Plan Delivery Plan, which would also include reference to other detailed plans, such as the Economic Development Plan and Climate Crisis Action Plan. The Corporate Plan set out the Administration’s priorities, the Delivery Plan would set out how the Administration would achieve these goals.

The Chair moved to a vote. The proposal was carried 25 for, 9 against and 3 abstentions.

RESOLVED to approve the Corporate Plan 2021-2025.

C81

## **MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2021/22**

Councillor Hargreaves presented the report on the Medium Term Financial Strategy and Budget proposals for 2021/22. He began by thanking the Director – Resources and Finance and the Assistant Director – Resources for their excellent work during an extremely challenging year. He summarised the appendices that made up the budgetary reports and highlighted areas of note throughout the documents. He proposed the recommendations as set out in the report..

Councillor Coote seconded the proposals.

In response to a point of order raised by Councillor Criscione, the Chair said the debate would focus on the budgetary papers as a whole, including the Council Tax resolution, although a separate recorded vote would be taken on this resolution.

In response to a question from Councillor Sell regarding the rise in employee charges, the Director – Finance and Resources said the rise in charges related to the future investment in the Planning Department, the Little Canfield business park project and the yet unconfirmed 2% pay rise that would depend on a central Government decision.

In response to a question from Councillor Sell regarding the Carver Barracks running track, the Director – Finance and Resources said a report would be considered at Cabinet in March that detailed the progress of works on the running track, with a completion date due in September.

In response to a question from Councillor Sell in relation to Government funding for the upcoming elections, the Chief Executive confirmed that £15 million for the

local elections and £16 million for the Police, Fire and Crime Commissioner elections had been made available to local authorities to ensure these elections were Covid-19 safe.

Councillor Criscione said the Conservative Group could not support this budget as he did not agree with the council tax rise in a time of economic hardship. Taxes should remain low to ensure more money stayed in individuals pockets. He asked why investments had not been located in the District and questioned why the Council was asking for further money from its residents, and highlighted the County Council's decision to freeze council tax for another year. He requested that Members reject the budget regardless of party allegiance.

Councillor Khan asked how much of the Climate Change budget had been spent and where; how much money had been generated by the Council's portfolio of investments in the past financial year; and how would the budget be communicated to residents following tonight's meeting.

Councillor Pepper said that no money had been spent from the Climate Change budget. An independent person would be brought in to advise on how best to spend the budget over the next three years.

Councillor Hargreaves said the message would be communicated by council tax bills. He said he would circulate details on the net income generated by the investments outside of the meeting.

Councillor Barker said there had been a mistake in the papers; those paying Band D would in fact pay £10 more a year, not £5. She could not support a budget that raised taxes in two consecutive years.

Councillor Hargreaves said this had been corrected and Band D tax payers would see an annual increase of £5 only.

Councillor Coote said he would defend the rise in council tax in order to maintain the current level of services the Council provided.

In response to a question regarding an adjournment, the Chief Executive said there were six further speakers and advised to adjourn following resolution of the budget item under debate.

Councillor Gregory said the Scrutiny Committee had been impressed by the report and praised officers for presenting a balanced budget. He said there were two issues that Scrutiny were concerned with; the Climate Change project required measures of success before money was spent and he wanted to see the Climate Change Action Plan before September 2021. He said there were also concerns with the projected expenditure on the planning department, and asked that detailed proposals be presented to Scrutiny before expenditure took place. He said that Chesterford Research Park had been a success but had added much strain to the local road network; an issue that had yet to be resolved.

Councillor Caton said he supported the proposals to raise council tax to ensure council services were maintained in future years.

Councillor Bagnall said he was disappointed with the political point scoring on display. He highlighted the fact that other local councils were raising council tax at this time.

Councillor Fairhurst said he supported this budget but it was unsettling that the climate change budget had yet been utilised. He asked what was holding up this critical project and feared it was already too late.

Councillor Asker said she supported the proposal to raise council tax to ensure spending continued on services. It was a fair proposal she was prepared to defend. She said the climate change budget would be utilised before September.

Councillor Hargreaves said green spending had taken place in the form of a green energy tariff. Furthermore, he said the objective was not to simply spend the budget but to spend it effectively and carefully.

The Chair moved to a vote. The recommendations set out in Appendices A to H were taken first. The vote was carried 30 for, 4 against and 3 abstentions.

The Council Tax resolution as set out in Appendix I was necessitated by law to be determined by a recorded vote. The resolution was carried 30 for, 5 against and 2 abstentions as follows:

Councillor:	For, Against or Abstain
Armstrong	For
Asker	For
Bagnall	For
Barker	Against
Caton	For
Coote	For
Criscione	Against
Day	For
De Vries	For
Dean	For
Driscoll	For
Eke	For
Evans	For
Fairhurst	For
Foley	Abstain
Freeman	For
Gregory	For
Hargreaves	For
Isham	For
Jones	For
Khan	For
Lavelle	For
LeCount	For

Lees	For
Lemon	Against
Light	Against
Lodge	For
Loughlin	Abstain
Luck	For
Merifield	For
Oliver	Against
Pavitt	For
Pepper	For
Reeve	For
Sell	For
Sutton	For
Taylor	For

Council is RESOLVED to:

**A) Section 25 Report – Robustness of Estimates and Adequacy of Reserves:**

I. Take account of the advice in the report when determining the 2021/22 General Fund budget and Council Tax

II. Review the risk assessment relating to the robustness of estimates as detailed in the report

III. Set the minimum safe contingency level for 2021/22 at £1,458,615 million for the General Fund and £463,865 million for the Housing Revenue Account

IV. Agree that no transfers to or from the Working Balance should be built into the 2021/22 budget.

**B) Commercial Strategy**

V. Approve the Commercial Strategy 2021 - 2026.

**C) Medium Term Financial Strategy**

VI. Approve The Medium Term Financial Strategy

**D) Treasury Management Strategy**

VII. Approve the Treasury Management Strategy

**E) Capital Strategy**

VIII. Approve the Capital Strategy

IX. Approve the Minimum Revenue Provision (MRP) Policy.

**F) Capital Programme**

X. Approve the 5 year Capital Programme

**G) Housing Revenue Account (HRA)**

XI. Approve the Housing Revenue Account

## **H) General Fund Revenue and Council Tax**

- XII. Approve the General Fund Council Tax requirement of £6,158,684.
- XIII. Approve the use of reserves
- XIV. Approve the schedule of fees and charges as set out in Annex H6.
- XV. that delegated authority is given to the Director of Public Services to amend the S106 monitoring fee, Port Health fees and trade waste fees.

## **I) Council Tax Resolution**

- XVI. Approve the Council Tax Resolution for 2021/22.

Councillor Driscoll proposed adjournment of the meeting until Thursday, 25 February at 7pm.

Councillor Freeman duly seconded.

*The meeting was adjourned at 10.05pm.*

## **C82 PAY POLICY STATEMENT**

*The meeting was reconvened at 7.00pm on 25 February. Business was resumed at Item 11 – Pay Policy Statement. Councillor Criscione gave his apologies as he had prior commitments.*

The Chair reconvened the meeting and a register of those present was taken. The Chair then read an apology to Dr Ghosh, a public speaker on 23 February, for interrupting her statement. He asked Members to refrain from revealing confidential information at a public meeting.

Councillor Hargreaves summarised the report to Council and proposed the recommendation set put in the report.

Councillor Armstrong seconded the proposal.

The proposal was carried unanimously.

**RESOLVED to**

- I. Approve the Pay Policy Statement
- II. Give delegated authority to the Assistant Director – Corporate Services to update the Pay Policy Statement and associated documents with pay multiple and average salary figures as at 31 March 2021 and with revised salary information once the 2021/22 national pay award is agreed.

## **C83 UTTLESFORD CLIMATE CHANGE STRATEGY**

Councillor Pepper summarised the report relating to the Uttlesford Climate Change Strategy and thanked Members and officers for their help in preparing

the document. She said an Action Plan would follow, which would provide measures of success and add further detail to the Strategy, and this had been delayed due to the welcomed news that £1 million had been allocated to fight climate change over the next three years. She proposed approval of the Strategy.

Councillor Pavitt seconded the proposal and said he had worked closely with Councillor Pepper and he admired her dedication to the task at hand. This was a complicated and fast changing subject and this Strategy was a great beginning.

In response to a question from Councillor Barker relating to the cost of a dedicated Climate Change officer, the Director – Finance and Corporate Resources said the role was currently being evaluated and details could be shared once the cost was known.

In response to a question from Councillor Barker relating to the reduction in the Council's carbon footprint since staff were working from home, Councillor Pepper said she would respond in writing.

Members discussed the Strategy and there was broad support for the proposal.

Councillor Gregory said he looked forward to receiving the action plan at Scrutiny; he said clear objectives and measurements of success were essential.

Councillor Khan said the carbon reduction figures were contained in the document.

In response to a comment from Councillor Armstrong regarding potholes, Councillor Barker raised a point of clarification and said tarmac and concrete were not environmentally friendly materials but such materials were required to endure heavy use and resist the weather.

Councillor Pepper made her concluding statement; she said this had been a huge undertaking and said she was proud of the cross party working practices that had led to the Strategy. She said expert advice would be sought in terms of how best to spend money to combat climate change, and asked Members to support the proposal.

The proposal was carried unanimously.

RESOLVED to approve the draft Climate Change Strategy set out in Appendix 1.

## C84 **SCHEDULE OF MEETINGS 2021-22**

In response to comments from Councillors Freeman and Driscoll, the Leader said an additional 'budget only' Council meeting would be scheduled in future years, to ensure adequate time was given to the budget.

The schedule was noted.

C85

## **APPOINTMENT OF MONITORING OFFICER AND DELEGATION OF POWERS**

Councillor Asker presented the report and proposed approval of the recommendation.

Councillor Oliver duly seconded.

The proposal was carried unanimously.

RESOLVED that:

- I. Council appoints Ms Jane Reynolds as Monitoring Officer for the council and gives her delegated power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests;
- II. the powers delegated to the Assistant Director Governance and Legal, by the council's Scheme of Delegation be delegated to Ms Reynolds.

C86

## **APPOINTMENTS TO THE STANDARDS COMMITTEE**

Councillor Dean had been nominated to the Liberal Democrat vacancy on the Standards Committee; Councillor Loughlin had been nominated to the substitute vacancy.

Councillor Dean proposed approval of the nominations; Councillor Sell seconded.

Councillor Driscoll requested that each appointment was taken separately.

Councillor Sell this was against protocol; the appointment was reserved to the Liberal Democrats and it was for the Group Leader to put forward nominations. The convention was for such appointments to go ahead unopposed.

Councillor Asker said she respected the convention but she objected to the appointment on the grounds the members had recently resigned and now had decided to return to the Committee.

There was dissent to Councillor Dean's nomination.

The vote was carried 24 for, 12 abstentions.

Councillor Loughlin's appointment was carried unanimously. However, she resigned as a substitute of the Committee immediately, due to the treatment of Councillor Dean's appointment.

RESOLVED to appoint Councillor Dean to the Liberal Democrat vacancy on the Standards Committee.

## C87 **MEMBER MOTION: NOLAN PRINCIPLES**

Councillor Pavitt presented his motion on the Nolan Principles. He proposed as follows:

*Whereas it is noted that there has been some ambiguity over institutional and personal commitment to the Nolan principles as a result of conflation with other matters,*

*We, the undersigned, note that the Nolan Principles underpin all actions of this Council and our actions, in the public interest, as individuals. This Council reaffirms its commitment to the seven Nolan Principles of Public Life - Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.*

He said the motion was simple and clear, and urged members to support this proposal rather than the amendment.

Councillor Tayler seconded the motion and said he was doing so to build respect and trust between groups and to reaffirm Council's commitment to the Nolan principles. He said the previous motion, considered at Council on 8 December, that had been rejected at Council, which some had purported was a rejection of the Nolan Principles, had been rejected due to the crux of the motion itself, which related to a specific matter.

Councillor Khan said he was surprised by the "Damascene Conversion" in the Members support for the Nolan Principles.

Councillor Pavitt raised a point of personal clarification; he said he had not voted against the Nolan Principles.

Councillor Khan asked Members to show integrity and vote for the amendment.

Councillor Isham said it was strange to reaffirm principles to which all councillors were duty bound; all members were in support of the Nolan Principles.

Councillor Asker said this situation could have been avoided if the previous motion's clauses had been taken as a separate vote and this guidance should have been provided to the Chair.

Councillor Sell had given notice of an amendment and proposed as follows:

Whereas it is noted that there has been some ambiguity over institutional and personal commitment to the Nolan principles as a result of conflation with other matters.

*We, the undersigned, note that the Nolan Principles underpin all actions of this Council and our actions, in the public interest, as individuals.*

*This Council therefore reaffirms its commitment to the seven Nolan Principles of Public Life – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.*

*We therefore acknowledge and recognise our obligations in terms of these principles to hold ourselves to full and open scrutiny, and to stand up to and report all actions or omissions by our colleagues and elements of our council that appear reasonably to contradict these principles.*

Councillor Sell said he was looking to build a consensus with his amendment, and it was by no means opportunistic.

Councillor Dean seconded the amendment.

Councillor Hargreaves asked members to vote down the amendment. He said it was looking to amend the Code of Conduct to incorporate the Principles. This had been discussed in 2017 by the Standards Committee and they had decided against incorporating the principles, as they lacked definition and could lead to a political mechanism which could be used against Members in a potentially vexatious way. Furthermore, he said that Councillor Dean had abstained from voting for this very reason at the meeting in 2017. He used the example of 'leadership' to demonstrate the subjective nature of the principles and to warn of the dangers of incorporating them into the Code of Conduct.

Councillor Gregory agreed and said this would open the door to vexatious complaints. He would not support the amendment. He added that the issue with the previous motion was that it compounded the Nolan Principles with a procedural motion which he could not have supported as a whole.

Councillor Barker said she tried to live her life well, and adhered to the Nolan Principles regardless of her role as councillor. She said she had signed up the amendment as she did not understand the introduction to the substantive motion. She said there was no ambiguity in relation to the Nolan principles.

Councillor Freeman said he could not support the amendment as it would open the door to vexatious complaints, which would be anti-democratic.

Councillor Light said councillors had failed to understand that action speaks louder than words and urged members to vote for the amendment and to act in accordance with the Nolan Principles.

Councillor Caton said he was appalled by the behaviour of Council and said he would vote against the proposals.

Councillor Fairhurst said the motion itself was an amendment and that all would affirm their commitment to the Nolan Principles. The difference between Members were down to different interpretations of the principles. He said the motion on 8 December had called for action in relation to matters that directly related to the principles; he said the motion was not conflated, it was about following up commitments to the principles with actual deeds.

*The Chair adjourned the meeting for a comfort break at 9.10pm.*

*The meeting was reconvened at 9.15pm.*

Councillor Dean said the amendment set out Members' individual obligations; if Members voted this down, they would be dismissing their obligations. He said he had re-joined the Standards Committee as commitments had been made to regularise the standards process. He said he hoped Members supported the amendment as it set out what the Council would do.

Councillor Reeve proposed that the question now be put.

Councillor Freeman seconded.

There was no dissent.

Councillor Pavitt summarised following comments made on the amendment. He said it was clear that no one was arguing against the Nolan Principles but he was worried about the amendment as it proposed to introduce a change in how the Council approached Standards matters. He said you could not decide to change the rules on the spur of the moment; if there was a real desire for change, proposals should be considered by the Standards Committee before being brought back to Council. He asked members to vote against the amendment.

Councillor Light requested a recorded vote on the amendment.

The Chair moved to a vote on the amendment.

Councillor:	For, Against or Abstain
Armstrong	Against
Asker	Against
Bagnall	Against
Barker	For
Caton	For
Coote	Against
Day	Against
De Vries	Against
Dean	For
Driscoll	Against
Eke	Against
Evans	Against
Fairhurst	For

Foley	Abstain
Freeman	Against
Gregory	Against
Hargreaves	Against
Isham	For
Jones	Against
Khan	For
Lavelle	Against
LeCount	Against
Lees	Against
Lemon	For
Light	For
Lodge	Against
Loughlin	For
Luck	Against
Merifield	Against
Oliver	For
Pavitt	Against
Pepper	Against
Reeve	Against
Sell	For
Sutton	Against
Taylor	Against

The amendment fell, 11 for, 24 against and 1 abstention.

In response to a question from Councillor Light, the Chief Executive clarified the rule relating to the 12.9.2 that gave the mover of the motion the right of reply at the end of the debate.

Councillor Barker raised a point of order relating to Councillor Coote's comments. She asked that the protocol be adhered to.

The debate returned to the substantive motion.

The Chair asked the Democratic Services Manager to read out Councillor Criscione's statement, as he had been unable to attend the reconvened meeting.

The Democratic Services Manager said he had received an email from Councillor Criscione stating his points had been adequately made at the meeting and that the statement did not need to be read.

Councillor Lees proposed that the substantive motion now be put to vote.

Councillor Driscoll seconded.

The Chair moved to a vote that the question now be put. The proposal was carried 18 for, 16 against and 2 abstentions.

Councillor Fairhurst asked Members to vote in support of the substantive motion, regardless of whether they had previously supported the amendment.

Councillor Pavitt said he could not let Councillor Khan's comments stand regarding a Damascene Conversion; he had always supported and abided by the Nolan Principles and requested that his comments were retracted. He said there had not previously been a straight vote on the Nolan Principles, and this was an opportunity to do so and remove any ambiguity. He asked Members to support the motion.

The Chair moved to a vote. The substantive motion was approved, with 34 for, none against and 2 abstentions.

Council is RESOLVED that:

Whereas it is noted that there has been some ambiguity over institutional and personal commitment to the Nolan principles as a result of conflation with other matters,

We, the undersigned, note that the Nolan Principles underpin all actions of this Council and our actions, in the public interest, as individuals. This Council reaffirms its commitment to the seven Nolan Principles of Public Life - Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

C88

#### **MEMBER MOTION: ETHICAL INVESTMENT PROTOCOL.**

Councillor Fairhurst presented his motion relating to an ethical investment protocol. He said he had questioned the governance process surrounding investments for three years, and had asked for a number of measures to be put in place, including the appropriate training for Members who sit on the Investment Board. He said it was essential that an ethical protocol was put in place, and that Council listened to residents, regardless of whether dissenting voices were in the majority. He said it was right that a protocol was put in place now, even if there were no plans to add to the investment portfolio, as it would give a clear message that the Council was committed to integrity and good governance. He proposed the motion as follows:

*Recent controversy surrounding a particular investment has once again raised the issue of ethical investments considered by the Council.*

*It is unfortunate that these parameters were not agreed when the Investment Board was established, but the Council recognises that it has a public mandate and is using public money which warrants a higher degree of ethical selectivity than a private investment portfolio.*

*This Council therefore resolves to establish and agree an Investment Protocol and process which reflect the highest ethical standards and values and will exclude all investments that compromise or do not meet or exceed these values. This Council will demonstrate its commitment to ethical integrity by requiring its investment strategy not to include the purchase of any commercial assets which*

*are directly or indirectly associated with issues of human rights, environmental or social harms.*

Councillor Khan seconded the proposal and reserved his right to speak.

Councillor Luck said he had been impressed by Councillor Reeve and his account on Investment Opportunity 12.

Councillor Lodge raised a point of order and said the amendment should be taken at this point.

In response, the Chief Executive explained that the amendment had yet to be proposed and a number of Members had raised their hands indicating that they wanted to speak on the substantive motion first. The correct procedure was being followed.

Councillor Light said she was in mourning as children were dying in Yemen every 10 minutes. She said investments had to be ethical and asked whether councillors could make such investments in good conscience. She said the first draft of the motion had been deemed too prescriptive by officers, and now the amendment was reducing the scope of the motion even further. She supported the motion.

Councillor Freeman said he supported an ethical policy but he said the reason the Council were making commercial investments was in order to protect finances and fund services in light of the reduction in central Government funding.

Councillor Reeve proposed an amendment to the motion as follows:

*To strike out the substantive motion and replace with the following wording*

*This Council commends the commitment to ethical integrity as set out in paragraphs 36 and 37 of the Commercial Strategy 2021 – 2025, and the requirement therein to formulate an Investment Protocol to include ethical and environmental considerations.*

He said the Administration had already proposed an ethical investment protocol within its Commercial Strategy and that had been approved by Council. He said all councillors had a say on investments and deliberated on all elements of an investment, including ethical considerations. He declared a non-pecuniary interest as his son worked for Oxfam.

Councillor Hargreaves seconded the amendment.

Councillor Khan said the amendment was weak. It did not set out what assets the Council would invest in, and what type of assets they would not. He said it did not acknowledge the fact that there was no ethical policy in place. He asked Members to consider what type of message this sent out to the wider public.

Councillor LeCount said he was offended by the comment that the Investment Board members were untrained. He questioned the ethics of purchasing goods from Amazon and China.

Councillor Fairhurst raised a point of clarification; he said it was the officers report that stated that Members of the Board were untrained. Furthermore, he had requested training for all Board members before it was established.

Councillor Lodge said he supported an ethical investment policy, and the amendment spelt out the Administration's commitment to one. He said the Chesterford Research Park investment had been determined before any governance had been in place, in contrast to this Administration, which had established an Investment Board, including independent members with the necessary expertise. He said the previous Administration had left a hole in the Medium Term Financial Strategy (MTFS).

Councillor Barker raised a point of clarification and said the previous Administration had not left a hole in the finances. She said she was now leaving the meeting but supported an ethical investment policy.

*Councillor Barker left the meeting at 10.26pm.*

In response, Councillor Lodge said in the fourth year of the MFTS, as handed by the previous Administration, had a £3.5 million "gap" that would have led to a cut in services if it were not for the success of the Councils investment portfolio. This money was being spent on a range of services and several schemes across the district.

Councillor Lavelle said a number of points had been misunderstood. The Administration as not investing in companies; they were purchasing land with leasers. Secondly, decisions that had come to the Investment Board had been considered in an ethical light. He said this was not easy as many companies were involved in multiple activities, but such considerations were given time at meetings of the Board. He believed all investment decisions made by this Council were justifiable.

Councillor Driscoll said Councillor Khan had agreed at the Investment Board meeting on 22 December to assist with the drafting of an ethical protocol.

Councillor Isham said there was broad agreement that the Council required an ethical investment policy. He did not understand why an amendment had been tabled and wanted an end to the political point scoring.

Councillor Sell said there was often unanimity at the Investment Board, but not at its previous meeting. Furthermore, it was not Councillor Khan's role to draft policies on behalf of the Administration. He cited an article in The Independent and said the Council's reputation was being damaged.

Councillor Lees took issue with an earlier comment regarding children dying in Yemen as it was offensive to bring such an issue into a political debate. She said

all Members wanted an ethical investment policy and she asked Members to agree on a way forward.

Councillor Gregory said the substantive motion did not reflect the complexities of the world we live in and was based on a number of assumptions. He used the Oxfam scandal, an organisation which purportedly was held to the highest ethical standards, as an example to demonstrate these complexities. Furthermore, technological advancements often went in hand in hand with the defence industry. He said disparaging the defence industry per se, which had largely kept the peace in the West, was to misunderstand the history of the second half of the 20<sup>th</sup> century. He said the amendment was robust and urged Members to support it.

Councillor Dean said although the Council was investing in land, it was wrong to say that it was not investing in the companies leasing the land, as the Council was freeing up capital which the company would use to invest in its activities.

Councillor Khan said it was not his role to produce an ethical policy; it was for the Administration and salaried officers to take the issue forward. He asked councillors to support the substantive motion.

Councillor Hargreaves said the reason for the amendment was that it conformed with the Council's approval of the Commercial Strategy. The motion itself was unnecessary as there was already a commitment to an ethical investment protocol.

Councillor Fairhurst said he agreed with Councillors Isham and Lees comments earlier in the meeting; all Members wanted an ethical policy, and it was necessary to establish one. He said Councillor Gregory's statement that the substantive motion was "based on assumptions" and said he had referred to several themes that were not mentioned in the motion.

Councillor Gregory said his point was that the world was complex and nuanced. He asked Councillor Fairhurst to withdraw his comment.

Councillor Fairhurst said he refused on the basis that he felt the comments were irrelevant to the motion before Members.

The Chair moved to a vote on the amendment. The amendment was carried 25 for, 9 against and 1 abstention.

Councillor Dean read a statement outlining the opposition of Liberal Democrat and Green members to Investment Opportunity 12. He said ethical considerations had not been raised in the Investment Board meeting until Councillor Sell had raised the subject, and rejected previous claims that due diligence and good governance had been applied. He said Liberal Democrat and Green members would disassociate themselves from the investment and called on other councillors to do the same, as the failure to produce an ethical investment protocol, combined with a lack of full disclosure at the Investment Board meeting, was a major governance failing.

Councillor Reeve disputed Councillor Dean's statement. He said the nature of the company was discussed at the Investment Board and that there were no objections at this meeting, although there were two abstentions. Furthermore, at the Full Council meeting in January the nature of the company was further discussed, along with wider ethical considerations.

Councillor Sell raised a point of clarification and said details of the company were not disclosed in full at the Investment Board meeting. He agreed that he had abstained, but he and Councillor Khan had advised strongly against the opportunity due to their strong ethical concerns.

Councillor Driscoll asked for an investigation into how the confidential information had entered the public domain.

The Chair moved to a vote on the substantive motion. The motion was approved 32 for, none against and 3 abstentions.

**RESOLVED:**

This Council commends the commitment to ethical integrity as set out in paragraphs 36 and 37 of the Commercial Strategy 2021 – 2025, and the requirement therein to formulate an Investment Protocol to include ethical and environmental considerations.

The meeting was closed at 11.16pm.

## PUBLIC STATEMENTS

### L Thomas

Ms Thomas spoke on the Ethical Investment Protocol and said it would be sensible to implement one and said the Council could look at other local authorities, such as Norwich City Council, for guidance. She highlighted the lack of expertise of councillors in the matter of commercial investments, and that this should be treated as a matter of urgency in light of the reduction in central Government funding. She urged councillors to introduce an ethical investment policy.

### T Roberts

Ms Roberts also spoke on the Ethical investment protocol. She said the motion on the agenda had stripped away the specifics that should be enshrined in an ethical investment policy, and questioned the length of time that it would take if the amendment was successful. She said if an ethical policy had been in place, the Council could have avoided the embarrassment caused by the most recent investment. Furthermore, millions of pounds had been spent in the interim and an ethical policy needed to be put in place immediately.

### Dr Ghosh

Dr Ghosh said she was a local resident with twenty years' experience in campaigning on human rights issues. She expressed disgust at the recent news of Investment Opportunity 12 due to her ethical concerns relating to the company in question.

The Chair took a point of order from Councillor Coote, who said details relating to the investment were still confidential, and he asked the speaker to refrain from revealing further confidential information.

Dr Ghosh highlighted Oxfam's and the Campaign Against the Arms Trade opposition to the investment. She asked the Council to not pursue the investment and to establish an ethical investment protocol that would prevent investment in the defence industry.

### G Darcy

Mr Darcy said his concerns related to the process of the investment and asked whether it had been properly scrutinised, whether elected Members had sight of the investment, whether the financial benefits had been set out and whether there had been local consultation with residents. He said this could lead to additional costs if the investment was located in the district. He had concerns regarding the framework in which the decision was made and urged adoption of an ethical investment policy.

### B Ross (read on his behalf by Democratic Services)

Mr Ross said Stop Stansted Expansion were putting all efforts in defending the Planning Committee's decision to refuse the Stansted Airport application. He said the Committee refused the application despite pressure from officers, and had been mindful of the wider impact on global sustainability and future generations when coming to their decision. He said it was wrong that officers were now putting across an "apologetic defence" and questioned the point of elections if the decision was overturned.