

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL CHAMBER -
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on
MONDAY, 28 JUNE 2021 at 6.30 pm**

Present: Councillor A Coote (Chair)
Councillors A Armstrong, G Bagnall, S Barker, M Caton,
C Criscione, C Day, A Dean, G Driscoll, J Emanuel, J Evans,
R Freeman, N Gregory, N Hargreaves, V Isham, R Jones,
A Khan, 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, G Smith and M Tayler

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

Public
Speakers: Councillor Paul Fairhurst

C22 PUBLIC SPEAKING

A public statement was made by Councillor Fairhurst, who was unable to attend the Chamber. A summary of his statement has been appended to these minutes.

C23 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Asker, Eke, de Vries, Foley, Sutton and Fairhurst.

Councillor Hargreaves declared a non-pecuniary interest in relation to the Newport, Quendon and Rickling Neighbourhood Plan item as he was Chair of the Newport, Quendon and Rickling Neighbourhood Plan Steering Group. He would take no part in the debate and would abstain from voting.

Councillor Emmanuel declared a non-pecuniary interest in relation to the Newport, Quendon and Rickling Neighbourhood Plan item as she was a member of the Newport, Quendon and Rickling Neighbourhood Plan Steering Group. She would take no part in the debate and would abstain from voting.

Councillors Light, Freeman and Coote declared non-pecuniary interests as members of Saffron Walden Town Council.

C24 NEWPORT, QUENDON AND RICKLING NEIGHBOURHOOD PLAN

Councillor Evans presented the report on the Newport, Quendon and Rickling Neighbourhood Plan. He said Neighbourhood Plans represented a means by which community members could be involved in development in their locality.

Once made, neighbourhood plans became part of the statutory development plan, therefore falling directly below a Local Plan. He said the Council were obliged to make the Plan following an overwhelming vote in favour of the Plan at referendum in May. He asked Members to support the proposal.

RESOLVED that the Newport Quendon & Rickling Neighbourhood Plan be formally 'made' as part of the statutory development plan for the District

C25 **EXCLUSION OF PUBLIC AND PRESS**

The Chair proposed to move into Part 2 in order for the motion of no confidence to be debated in full. He said the reasons for this were that councillors would be discussing legally privileged information and information relating to an ongoing investigation. He read the following formal motion as stated on the agenda:

Consideration of an item containing exempt information within the meaning of section 100I and paragraphs 5, 7 part 1 Schedule 12A Local Government Act 1972

Councillor Khan raised a point of clarification; for the purposes of good governance, should the motion not be debated in public if Members spoke in general terms?

The Chair responded to the point of clarification and said Council had a recommendation from the Monitoring Officer which would be voted upon.

Councillor Loughlin requested a recorded vote.

The Leader proposed the motion to move into Part 2. He said he would have been happy to have had the debate in public as it would have shown the motion to be nothing more than a political stunt. However, the Monitoring Officer had provided her advice, as well as Counsel's advice, and he said Council had to respect their views.

Councillor Dean said Members should be trusted to conduct a debate in public. He had read his speech to the Monitoring Officer and there was nothing that could not have been said in the public domain. He found this offensive and challenged the proposal.

Councillor Lees asked Members to stop criticising officers in public meetings.

Councillor Khan raised a point of personal clarification and said it was about governance, not officers.

Councillor Lees disagreed and said Members had explicitly questioned the legal advice of the Monitoring Officer.

Councillor Dean was granted a right of reply; he said it was for officers to advise, and members to decide. Members were not obliged to accept that advice. Councillor Sell said he had seen other motions of no confidence and they were held in public. He added that the Monitoring Officer had checked and given two speeches the “all clear”. He said it was a shame that the good sense of members was not trusted.

Councillor Merifield said the whole situation was saddening; a written record of the meeting would be available and councillors had been told that they needed to debate the matter in private due to legal privilege.

The Chair said he knew of three motions of no confidence that were taken in Part 2.

Councillor Pavitt raised a point of clarification and said, contrary to the reports in the press, the Uttlesford Independents’ Group were not signatories to this motion.

Councillor Isham said the issue of his membership had now been clarified and he apologised for any confusion caused.

The Chair moved to a vote.

Councillor:	For, Against or Abstain
Armstrong	For
Bagnall	For
Barker	Against
Caton	Against
Coote	For
Criscione	Against
Day	For
Dean	Against
Driscoll	For
Emanuel	For
Evans	For
Freeman	For
Gregory	Abstain
Hargreaves	For
Isham	Against
Jones	For
Khan	Against
LeCount	For
Lees	For
Lemon	Against
Light	Against
Lodge	For
Loughlin	Against
Luck	For
Merifield	For
Oliver	Against

Pavitt	Abstain
Pepper	For
Reeve	For
Sell	Against
Smith	Against
Taylor	For

The proposal to exclude the public and press was carried 18 for, 12 against with 2 abstentions.

RESOLVED that under section 100I of the Local Government Act 1972 the press and public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 7, part 1 of Schedule 12A of the Act.

C26 **MEMBER MOTION: VOTE OF NO CONFIDENCE**

Councillors Isham and Light left the meeting at 7.05pm.

Councillor Caton proposed a motion of no confidence in the Leader and Cabinet. He said the current Leader and Cabinet had failed on a number of fronts, including:

- The failure to defend the Stansted Airport application appeal and to uphold the Committee's decision
- The failure to run the Council in a proper manner, and no respect for the democratic process
- The failure to be transparent and accountable, as demonstrated by the vote of no confidence being held in Part 2

Councillor Caton said such failures were caused by the lack of good governance surrounding this Administration and it was clear that the Leader and Cabinet had failed in giving sufficient oversight to the governance of the organisation. He urged members to support the motion so the Council could start afresh.

Councillor Criscione seconded the motion. He reserved his right to speak.

Councillor Lees said she was disappointed with the motion. She said the motion, specifically the Stansted Airport planning appeal point, was a veiled attack on officers, as the Leader and Cabinet had no role in the planning appeal process. It was not for Cabinet to interfere in this process or to advise the legal team. She asked Members to address only those functions that were in the remit of the Leader and Cabinet, and to not criticise the work of officers, who had no right of reply in the public domain. She would not be supporting the motion.

Councillor Pavitt said he did not believe that Westminster politics had a place in local government, and that the established Westminster parties had a history of opposing resident led groups in different parts of the country, such as in the case of Frome Town Council. He said this Council had faced huge challenges since its election in 2019, including a collapsed Local Plan and a global pandemic, and

he doubted that any party would have fared any differently. Furthermore, the Administration had also achieved notable achievements in its time in office. For these reasons he felt a vote of no confidence was not the best way to address the issues facing the Council.

Councillor Khan said the motion was not about officers; it was about the Leader and Cabinet. He asked why R4U had not taken disciplinary action against any persons subject to a police investigation.

Councillor Gregory said motions of no confidence were rare and should be treated with deference and respect. He said he could not support a motion of no confidence as he did not believe the necessary threshold had been met. However, he would have supported a motion of criticism; whilst there was much the Administration could be commended for, there were also areas for improvement that required addressing. He said the motion had not been well thought through and pointed to the Task and Finish Group that had been established to scrutinise the Stansted Airport application process. In terms of accountability, he urged Members to demand more from the Administration with the mechanisms available to them; calling on the Cabinet to step down was not an effective challenge. On the final point of the motion relating to the police investigation, he said due process was being followed, and that he was surprised that the rule of law and the presumption of innocence until proven guilty had been disregarded. He asked that due process be respected.

Councillor Sell said officers could not be used as “body shield” to deflect from criticism; the Leader and Cabinet should show leadership and not hide behind officers. He said Westminster parties were transparent and members would be asked to stand aside if they were subject to a police investigation. He said the culture at the Council was obviously not working, as demonstrated by the number of complaints submitted by and against Members. He said the Council needed to recognise the problem.

The Leader raised a point of clarification; he said all of the code of conduct complaints submitted against members of the Administration had been dismissed.

Councillor Sell was granted a right of reply; he said the number of complaints that had been submitted, regardless of whether they were dismissed or not, were an indication of ill-health within the organisation.

Councillor Evans said the suggestion that Cabinet had not upheld the democratic decision of the Planning Committee was fallacious; Portfolio Holders had no right to interfere with the appeals process, as laid down in law and the Constitution. He felt this was a politically motivated attack and an indirect way to criticise officers. In terms of competence, he pointed to the Scrutiny Committee’s praise for the progress made in the Local Plan process. He urged Members to reject the motion.

Councillor Barker said she was surprised that the Leader had proposed the move into Part 2, despite claiming he would be happy for the debate to be held in public. She said she had raised a complaint herself against the Leader for

disrespectful language at a Council meeting. She questioned the progress of the Local Plan and asked whether details relating to the Local Plan's 'call for sites' were on the website, and if the sites remained the same as before. Furthermore, she said councillors should have been forewarned about the next steps in the appeal process, rather than learning about the matter in the local press. She concluded by saying that some Portfolio Holders had been assiduous in their roles but there was silence from others and frequent updates should be provided.

Councillor Hargreaves questioned the lack of evidence accompanying the motion of no confidence. He said there was no evidence that substantial financial damage had been caused by the Administration, and highlighted the budget surplus in the previous two years. He said Opposition Groups had challenged the Council's Investment Strategy previously and had criticised the officers involved; they had been proven incorrect and the investment strategy had contributed to the Council's sound finances. He felt this motion had been tabled for political gain and the publishing of falsehoods should be investigated.

Councillor Dean said the Council had been "cut a drift" and "was heading for the rocks". He said the R4U Group had used opportunist and populist messages during the election period which had been turned out to be disingenuous. The Local Plan was a case in point and he said that the Administration had avoided taking difficult decisions, and should have persevered with the previous Local Plan rather than starting anew. He said everything that happened at the Council was the responsibility of a politician and that the Leader and Cabinet had to go without delay.

Councillor Bagnall said the separate elements of the motion had now been dealt with. He said it would have been helpful if evidence had been brought forward supporting the points made, as he had not seen any instances of dishonesty.

Councillor Smith said there was a culture of bullying and intimidation that peaked during the Full Council meeting in February. He hoped that a culture change could be implemented which fostered respect between Members.

Councillor Reeve said he was proud to be a member of the Administration and thought there was no point in the motion; he said this was demonstrated by the fact that two signatories of the motion had left the meeting before the debate had begun. He countered the three clauses of the motion; firstly, that the Leader and Cabinet had no role in the planning appeal process; secondly, that due process was being followed in respect of the police investigation and it was for not Members to speed up proceedings; thirdly, that there was no evidence in relation to a culture of bullying. He said the motion was not credible and he was disappointed in the Westminster groups attempt to waste time. He highlighted the Administration's successes, including the Council's response to the pandemic and the healthy state of the Council's finances.

Councillor Lemon said the Council had become anti-democratic and he should be able to speak on matters such as Stansted Airport, regardless of legal privilege. He would be voting for the motion.

Councillor Criscione said the matter was not party political; it was about leadership and accountability. He said Cabinet members were not performing to the same level as previous Portfolio Holders and were avoiding responsibility. He accepted that Residents for Uttlesford had a mandate but he would hold leading members to account; he added that there were other members within the Group who could carry out leading roles effectively.

The Leader said the Administration had received a resounding vote of confidence during the elections in May. He said the comments in the Chamber tonight echoed the negative campaign conducted by Westminster parties during the election. He was proud of the Administration's achievements, such as getting the Local Plan on track, the pandemic response and the Investment Programme, and these were remarkable achievements during two very challenging years. He said the Opposition had not added value to the political process.

Councillor Caton said the Liberal Democrats had supported the Administration at times during the past two years, such as with budget setting and working group collaboration, and the opposition did contribute to the betterment of the District. He said it was the nature of politics to share opposing views but every councillor worked for the benefit of their residents.

Councillor Dean requested a recorded vote.

Councillor Criscione requested that the press and public be readmitted and the vote be taken in public.

The Chair agreed and asked for Members to remain seated whilst the press re-entered the Chamber.

The Chair moved to a vote.

Councillor:	For, Against or Abstain
Armstrong	Against
Bagnall	Against
Barker	For
Caton	For
Coote	Against
Criscione	For
Day	Against
Dean	For
Driscoll	Against
Emanuel	Against
Evans	Against
Freeman	Against
Gregory	Against
Hargreaves	Against
Jones	Against
Khan	For
LeCount	Against
Lees	Against

Lemon	For
Lodge	Against
Loughlin	For
Luck	Against
Merifield	Against
Oliver	For
Pavitt	Against
Pepper	Against
Reeve	Against
Sell	For
Smith	For
Taylor	Against

The motion of no confidence was defeated 10 for, 20 against.

The Chair closed the meeting at 8.30pm.

Public Statement – Extraordinary Council, 28 June 2021

Councillor Paul Fairhurst

Councillor Fairhurst said Residents for Uttlesford had made many promises to do things differently which had not been fulfilled since the election in 2019, including wasting time on the previous Local Plan, failing to defend the Stansted Airport decision and not doing away with the Cabinet system. Councillors were not focused on collaborating positively in the interests of the District. He said the real threat was secrecy and that it was absurd that a debate about governance was being held in Part 2. This was a failure of leadership.