

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 7 DECEMBER 2021 at 7.00 pm

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

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

C60 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Eke, Reeve, Day, Dean, Loughlin, Khan, Caton, Isham, Light and Fairhurst.

Councillors Barker and Foley declared non-pecuniary interests in relation to Item 12 - Local Council Tax Support Scheme as members of Essex County Council.

C61 RETIREMENT OF THE DIRECTOR OF PUBLIC SERVICES

The Chair asked the Leader to address Council in light of the retirement of Roger Harborough – Director of Public Services who had retired after nearly 44 years of public service to the Council.

The Leader thanked Mr. Harborough for his exceptional service to the Council and said he was grateful that he had not departed earlier as his leadership and expertise had been invaluable in many areas during the past few years, and commended him for his work throughout the Covid-19 pandemic. He said Mr. Harborough had been a “tower of strength” to the Council for so long and he wished him all the very best for the future.

Councillors Sell, Criscione and Barker all commended Mr. Harborough as an exemplary officer who had been a great credit to the Council for many years. He was wished a happy retirement by all.

Mr. Harborough thanked members for their comments and said he would have departed the Council earlier if it had not been for Covid-19 but he had wanted to see the contingency plans through the critical stage of the pandemic. He said his belief in public service had sustained him through the years, and he was pleased to have followed such a path.

C62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5 October 2021 were approved as a correct record.

C63 CHAIR'S ANNOUNCEMENTS

The Chair provided a brief update on events he had attended since the previous meeting. He thanked those who had bought tickets to the charity dance for East Anglia Children's Hospice, and highlighted his trip to Thaxted Primary School.

C64 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader highlighted a number of workstreams in relation to Planning and Development Control and said progress was being made in regards to the implementation of the recommendations arising from the East of England Local Government Association of Planning review. He said the post of Director of Planning had been raised a level and an extremely competent interim Director had been appointed. He said it had been gratifying to see that the Royal Town Planning Institute (RTPI) had presented the Council with an award regarding the Council's approach to consultation on the Local Plan, demonstrating that the administration had listened to residents.

C65 COUNCIL PROCEDURE RULES: TIME PERMITTED FOR QUESTIONS TO THE EXECUTIVE AND COMMITTEE CHAIRS

The Chair invited Councillor Oliver to summarise the report regarding the pilot scheme pertaining to Rule 2.4: Time permitted for questions to the Executive and Committee Chairs. He highlighted the amendment to the pilot scheme regarding the mechanism by which written responses to questions that could not be answered at the meeting should be provided within 5 working days where possible. He proposed adoption of the new wording and the protocol attached with the report.

Councillor Driscoll seconded the recommendation.

Councillor Sell said he welcomed some aspects of the report, such as receiving responses to questions at the meeting itself, but was more concerned with the issue of clarification questions. He said he felt that too much discretion was given to the Chair in regards to defining, and therefore permitting, clarification questions. He agreed that such supplementary questions should be tied to the answer given but was disappointed that some of the spontaneity and theatre was being taken out of these question and answer sessions.

Councillor Driscoll, who had led the Task and Finish Group, said he had found the previous approach tedious as he felt that the same questions and arguments

were being raised repeatedly. He said if Members required advice regarding whether a question would be permitted as a clarification question, they should contact Democratic Services for assistance. He said the past two question and answer sessions had been conducted better than previously and that he would like the new approach to lead to less terse meetings.

In response to a question from Councillor Jones, the Chair confirmed that the amended rule would allow supplementary questions if permitted by the meeting's Chair.

Councillor Foley said the previous protocol had led to questions, which had been responded to previously, being asked again in a slightly different way. He said this did not help anyone and asked that the new system be given a chance and for Members to reflect on the process after a period of time.

RESOLVED that the Constitution be amended in regards to Rule 2.4 of the Council Procedure Rules and the associated protocol as set out in Appendix A to the report.

C66 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)

In response to an urgent question from Councillor Barker regarding a dedicated budget line for the Council's contribution to the Local Highways Panel, Councillor Hargreaves said this would be done in future budget reports.

In response to a clarification question from Councillor Smith regarding objectives for the next eighteen months, Councillor Armstrong said there would be additional projects regarding his portfolio but much would depend on the budget.

In response to a clarification question from Councillor Barker regarding private landlords choosing not to upgrade to EPC Level C and the potential impact this could have on the rental housing market, Councillor Lees said Housing Officers were looking at these scenarios but it was difficult to assess the numbers at this point in time.

C67 APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

Council noted the decision regarding the appointments of the Returning Officer and Electoral Registration Officer (ERO) and deputy EROs.

Councillor Freeman highlighted a mistake relating to the title of 'Returning Officer' which would require correction.

C68 PUBLIC SECTOR AUDIT APPOINTMENTS 2022/23

The Chair moved to Item 11 on the agenda due to technical issues experienced by the Chair of the Independent Remuneration Panel.

Councillor Oliver presented the report regarding Public Sector audit appointments for 2022/23, which stated that the current appointment would end in March 2023. He proposed 'opting-in' to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

RESOLVED that the Council approve the option to 'opt in' to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

C69

LOCAL COUNCIL TAX SUPPORT SCHEME 2022/23

Councillor Hargreaves presented the report regarding the Local Council Tax Support (LCTS) Scheme 2022/23, which stated that there was a requirement to annually review the LCTS Scheme and propose changes to the scheme for the following financial year. He said that the Scheme was the most generous in Essex but referenced Councillor Gregory's comments at Cabinet regarding a more radical scheme and highlighted the Exceptional Hardship Fund as another measure to support residents. A consultation has been carried out during the summer on the scheme proposals to retain the contribution rate at 12.5%, which had been in place since 2014/15, and to continue to protect Vulnerable and Disabled residents and Carers on a low income. He highlighted the fact that the number of claimants had gone down in recent years although this trend had been reversed due to the impact of Covid-19. He proposed the recommendation set out in the report.

In response to a question from Councillor Barker regarding the number of LCTS claimants going up, Councillor Hargreaves agreed and said it had gone up due to the impact of Covid-19.

Councillor Criscione said he supported the Scheme but asked whether clarity could be provided on the 12.5% contribution rate for those who could apply. He said there was some confusion whether the Scheme was a 12.5% discount rather than a 12.5% overall contribution rate.

Councillor Smith asked whether the consultation rate could be improved further, particularly following the ceased circulation of the Uttlesford Life magazine.

Councillor Sell said better use could be made of local town and parish publications to further increase the response rate to the consultation.

RESOLVED to approve the Local Council Tax Support Scheme for 2022/23 on the same basis as 2021/22:

- I. The contribution rate is frozen for the eight consecutive year at 12.5%.

- II. The Council continues to protect Vulnerable and Disabled Residents and Carer's on a low income.

C70 **MEMBERS' SCHEME OF ALLOWANCES 2022-23**

Diane Drury, the Chair of the Independent Remuneration Panel (IRP), presented the report regarding the Members' Scheme of allowances for 2022/23. She thanked Members who had contributed to the review process this year. A range of factors had been included in the Panel's deliberations, such as the economic climate, the public sector pay freeze and that elections would be held in 2023. The Panel had proposed a 1.75% increase this year as they felt a freeze for a second subsequent year would result in a higher increase in future years to keep pace with the rate of inflation. The Panel had also considered the Special Responsibility Allowances (SRA) for Portfolio Holders and Opposition Group Leaders; no changes would come into effect this year, although the Portfolio Holder SRA was earmarked for amendment during the next review. She also thanked Melissa Challinor, who would be departing the IRP after four years of service, for her fantastic contributions to the Panel's work. Further thanks were given to Democratic Services for their assistance during the review.

The Chair thanked Mrs. Drury and the entire Panel for their work.

Councillor Lodge proposed the recommendation set out in the report; Councillor Evans duly seconded.

RESOLVED to:

- I. Adopt the recommended scheme of allowances for the year 2022/23 as set out in Appendix A to the report, effectively increasing the current level of basic allowance and all existing special responsibility allowances (SRAs) by 1.75%.
- II. Note the Panel's recommendation to introduce a collective Special Responsibility Allowance for Portfolio Holders in 2023/24. Details of the amended SRA will be presented to Council in December 2022.

C71 **ETHICAL INVESTMENT POLICY**

Councillor de Vries presented the report regarding the Ethical Investment Policy. He said the topic of ethical investment had been a point of conversation at every Investment Board meeting, and he was pleased that a strong investment portfolio was being paired with an equally strong ethical investment policy. He proposed adoption of the Ethical Investment Policy.

Councillor LeCount seconded the proposal.

RESOLVED that the Council formally adopts the revised Ethical Investment Policy (Appendix 1).

C72

ESTABLISHMENT OF PLANNING COMMITTEE WORKING GROUP

Councillor Merifield presented the report regarding the establishment of the Planning Committee Working Group. The report referenced the EELGA Peer Review and the two specific pathways that related to members; Member Development and Planning Committee. Therefore, Planning Committee resolved at the meeting on 24 November 2021 to recommend to Full Council the formal establishment of a Planning Committee Working Group. The Working Group would provide the necessary focus to take responsibility for progressing the timetable and actions required by the EELGA Peer Review as they related to the member Development Implementation Pathway and Planning Committee. She proposed the recommendation set out in the report.

Councillor Lemon said the working group was required and seconded the proposal.

RESOLVED to:

- I. Formally establish a Planning Committee Working Group based on the proposed Terms of Reference (attached as Appendix A).
- II. Appoint Councillors Merifield, Lemon, Fairhurst, Freeman, Pavitt and Loughlin to the Planning Committee Working Group.

C73

APPOINTMENT TO THE ESSEX POLICE, FIRE AND CRIME PANEL

Councillor Evans proposed Councillor Sutton's appointment to the Essex Police, Fire and Crime Panel. This was duly seconded by Councillor Jones.

RESOLVED to appoint Councillor Sutton to the Essex Police, Fire and Crime Panel.

C74

ELECTION OF A LEADER OF COUNCIL

The Chair said Councillor Lodge had indicated that he would be stepping down as Leader at this meeting and a new Leader would need to be elected. He called for nominations.

Councillor Lodge proposed Councillor Lees as Leader. He said he had spoken with his family and knew he would not be standing at the next election. Therefore, it was right to plan for his succession and he would be handing over the reigns as Leader, although staying on as a councillor. He said he did not have time to mention all of the Administration's achievements but Planning had been a major issue for years and he was delighted with the improvements being made in the department. Furthermore, he was particularly proud of the recent award granted by the RTPI as an indication that Planning was moving very much in the right direction. He said by handing over to Councillor Lees, the important work of the Administration would continue.

Councillor Lavelle seconded the proposal and said Councillor Lees was an extremely strong candidate to lead the Council.

There were no further nominations for Leader.

RESOLVED to elect Councillor Lees as the Leader of Uttlesford District Council.

The Chair thanked Councillor Lodge for his time, expertise and leadership over the years.

C75 ANNOUNCEMENT BY NEW LEADER OF THEIR DEPUTY AND CABINET

The new Leader, Councillor Lees, addressed Council. She thanked Councillor Lodge for leading the Residents for Uttlesford to a successful election victory in 2019 and for having the expertise and vision, particularly in regards to investment and finance, to lead the Council through the past two and a half years.

The Leader announced that Councillor Hargreaves would be appointed as the Deputy Leader and Councillor Sutton would take on Councillor Day's portfolio as he was stepping down from Cabinet. Councillor Coote would take the Housing Portfolio once he had finished his term as Chair of Council in May 2022. She said she was looking forward to working with all councillors and wanted to engender a more collegiate approach to politics in the Chamber.

Councillor Foley said this was a special moment for Uttlesford District Council as Councillor Lees was the first female to be appointed Leader of Uttlesford District Council.

Councillors Barker, Sell, Smith and Criscione congratulated the new Leader.

Councillor Barker requested that details of the new Portfolio Holders be shared in due course.

C76 MEMBER MOTION: INDEPENDENT TEST PROCESS FOR THE LOCAL PLAN - WITHDRAWN

The Member motion regarding an Independent test Process for the Local Plan had been withdrawn.

C77 MEMBER MOTION: ABUSE OF ELECTED REPRESENTATIVES AND PUBLIC SERVANTS, AND THE COARSENING OF PUBLIC DISCOURSE

The Leader presented her motion regarding abuse of elected representatives and public servants in public life. She said the current political discourse at all

levels of public life had become more toxic, accelerated and exacerbated by social media, as tragically demonstrated by the murder of Sir David Amess MP. She said the Council needed an annual security review in place in order to protect elected members and proposed the motion set out on the agenda.

Councillor Criscione reiterated these comments and said whatever the strength of political feeling members had, there was a line which could not be crossed. He said this would not detract from holding those in power to account, but it was important that members reflected on their own comments or actions, and that they did not feed into a “cycle of intimidation”. He seconded the proposal.

Councillor Freeman said he supported the proposal. He had experience of a public attack and felt that there was no protection for those in public life. The Council needed to do better.

Councillor Pavitt said the behaviour of those in Westminster was a catalyst for leading a small number of people to abuse elected members. Furthermore, social media had exacerbated this trend and he felt “proxies” were being used to spread mistruths on local social media sites. These people needed to be held to account. He was unsure how the Standards Committee could fulfil this role as it was not a court.

Councillor Lees said information relating to abusive comments would be collated by the Police and repeat offenders would be dealt with.

Councillor Sell said Westminster parties were also affected by abuse and pointed to the imminent report regarding the Online Safety Bill to demonstrate that Westminster was taking this seriously. He would be supporting the motion.

Councillor Barker said she had received calls from members of the public outside of her Ward who had been unable to contact their own ward councillors; her contact details would remain in public. She said dealing with disgruntled people would always be part of the role due to the decision making nature of being a councillor. She felt the motion did not go far enough and asked that legal officers look at the Standards process to ensure it was taken seriously.

Councillor Luck said security should not be left to an annual review but be kept “live” and under constant review. Also, Councillor Sutton should be invited to pick this issue up with the Community Safety Partnership.

RESOLVED:

- I. To instruct the chief executive to work with elected members, staff and external partners, particularly Essex Police, to carry out an annual assessment of safety and security of both elected representatives, council staff and the public we serve in the course of our work, and to present that report, with actions taken and recommendations as appropriate, each year to full Council for debate.

- II. To task our Standards Committee, in addition (and separate to) their work considering individual complaints, to consider the standards of discourse in public debate locally focused on the Council, both by members of the public and amongst councillors ourselves, and to report annually with conclusions and recommendations as appropriate for part of the same annual debate.

C78 MEMBER MOTION: HIGHWAYS FUNDING

Councillor Barker said she was happy to withdraw the motion in light of the assurances she had received earlier in the meeting.

The meeting ended at 8.45 pm.