

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL CHAMBER -
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on
WEDNESDAY, 15 JUNE 2022 at 7.00 pm**

Present: Councillor G Driscoll (Vice-Chair)
Councillors A Armstrong, S Barker, M Caton, A Coote, D Eke,
J Evans, M Foley, R Freeman, N Gregory, N Hargreaves,
V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, B
Light, J Lodge, J Loughlin, S Luck, S Merifield, R Pavitt, L
Pepper, G Sell, G Smith, M Tayler and J De Vries

Officers in attendance: P Holt (Chief Executive), B Ferguson (Democratic Services
Manager), J Reynolds (Monitoring Officer) and A Webb (Director
- Finance and Corporate Services)

C16 VICE-CHAIR'S INTRODUCTORY REMARKS

Councillor Driscoll, the Vice-Chair, chaired the meeting in the absence of Councillor Asker. He welcomed those present to the meeting.

He asked Members to acknowledge the achievements of all those in the district who had been recognised in the Queen's Honours List. He commended Jan Menell, local resident, parish councillor and Honorary Alderwoman of Uttlesford District Council and Annie Roberts, another local resident and long standing parish councillor who were both awarded the British Empire Medal. He thanked them both for their wonderful contributions to the local and wider community.

C17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Bagnall, Criscione, Day, Dean, Emmanuel, Fairhurst, Lemon, Oliver, Reeve and Sutton.

The Vice-Chair welcomed back Councillor Eke to Full Council.

Councillor Isham declared a non-pecuniary interest as a member of the Stansted Airport Watch group.

C18 ACQUISITION OF SECTION 106 PROPERTIES BY THE HOUSING REVENUE ACCOUNT

The Vice-Chair reminded Members that details pertaining to cost were commercially sensitive and the meeting would need to be moved into Part Two if such details were to be discussed. He said that the debate could remain open to the public if Members were content to only discuss the general principles of the purchase.

Members agreed that they were content to discuss the general principles in the first instance.

Councillor Coote spoke to the report and urged Members to accept the recommendations.

Councillor Hargreaves seconded the proposal.

Members welcomed the initiative.

Following questions from Members, the Leader of the Council confirmed:

- Following on from the pandemic the council house target was currently only short by forty seven properties.
- The right to buy option would be available after three years as per current government policy and this could not be changed by the District Council.
- Appropriate energy efficiency standards would be implemented following government guidance.
- The former depot site in Great Dunmow could not be internally transferred from the general fund to the Housing Revenue Account without evidence. The viability of the site would be considered. She noted that there were currently three parties potentially interested in the site.

Councillor Hargreaves confirmed that the proposal would be funded by the Housing Revenue Account.

Councillor Khan requested that the proposal be amended to ensure that the housing be built to adequate quality and be ring-fenced for social rent only.

Councillor Coote confirmed that the Housing Board had agreed to ask the Housing Revenue accountant to model social and affordable rent systems for comparison.

The Chief Executive clarified that no amendment was required as the recommendation before Members was to secure the purchase and did not bind them to either rent type.

Councillor Merifield confirmed that Housing Board had agreed to consider the rent and subsequently make a recommendation to Cabinet and then Full Council. She confirmed that affordable rent in Uttlesford is 25% below Housing Association rent.

Councillor Freeman said that the Council could ensure build quality of the affordable housing by requiring inspection by Building Control officers.

In response to a request from Councillor Light, the Vice-Chair recommended that the press and public be excluded from the meeting in order to facilitate discussion on the cost of the properties.

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 paragraph 3, part 1 of Schedule 12A of the Act.

In response to a series of questions, Council was informed:

- Borrowing would be sourced from the Public Loans Board on a fixed rate. As the Board set rates twice daily, a definitive rate could not be provided at this stage. The Public Loans Board was an appropriate lender as, ideally, the Council would retain these properties for up to 50 years.
- Land was included in the total purchase price outlined in the report.
- The purchase was cost effective due to the hard work of housing officers who had proactively pursued the opportunity.

Councillor Coote summarised the debate. He said it was vitally important that the Council continued to provide council housing.

The Vice-Chair moved to a vote. The proposal was carried unanimously.

RESOLVED:

- I. To note approval of the purchase by the HRA of 18 x 1 bed flats and 1 x 2 bed flat from Barratts Homes as per the details outlined in the restricted report.
- II. To endorse the acquisition and to authorise the required borrowing.

C19

STANSTED AIRPORT APPEAL COSTS

Councillor Gregory, Chair of the Scrutiny Committee, was invited to comment before Councillor Evans presented the report.

Councillor Gregory reminded Members that the overall principle of the handling of the Stansted Airport application appeal was the subject of a nearly concluded Scrutiny review led by Councillor LeCount. His report would be considered by Scrutiny on 14 July 2022 and then by Full Council on 19 July 2022. He asked Members to focus their comments on the matter of the appeal cost award only.

Councillor Evans commended the report drafted by the Chief Executive in consultation with external legal advisors and the Monitoring Officer. He proposed approval of the recommendation set out in the report.

This was seconded by Councillor Armstrong.

Councillor Isham said that residents deserved to know how this situation had evolved. He took issue with the barrister's defence strategy and the limited input of Members outside of the Administration. He said Members who had questioned Condition 15 were ignored and were told that it was not legally possible for a councillor to have an active role in the defence. He said this situation could have been avoided if the Administration had demonstrated strong leadership.

Councillor Sell said this was a sorry day for the Council as the money could have been spent far better elsewhere. He said the decision to reject the application was the right one; it was the defence of the decision that had led the Council to this situation.

Councillor Smith said he found it ironic that Members were being asked to follow the officer's recommendation at this stage. He said he would not be able to vote due to the lack of information available on four of the nineteen valuation categories.

Councillor Hargreaves said that the costs would be funded from the Council's reserves and the expenditure would not impact on services. He said that Government restrictions imposed on the Council in relation to commercial investment expenditure were far more significant to the Council finances.

Councillor Caton said he was instinctively uneasy with the proposal as a lifelong objector to the Airport's expansion. Whilst there was logic to the recommendation, he would abstain from voting in line with his conscience.

Councillor Coote said that the Council had done what residents and the barristers had asked of them. He said that the Council had lost the appeal and that Members were obliged to approve the recommendations.

Councillor Pepper read out an email to the MP Minister for Aviation and Maritime by campaigning groups regarding concerns relating to the decarbonisation of aviation that had been circulated during the week. It urged the Government to halt airport expansions in the south east of England. She said the Council had been unlikely to win in the courts due to Government legislation.

Councillor Loughlin said she had been involved in both Planning decisions relating to the Stansted Airport application. She said she had originally been reluctant to overturn the decision but had felt it was correct to consider the application again in light of considerations relating to climate change. She spoke on Condition 15 and the judgement relating to the rejected Judicial Review. It was not right that Planning Committee members were not involved at the appeal stage.

Councillor Isham said it had been the Council's responsibility to brief the barrister so that he could represent the Council's wishes. He said that the Inspector would have been fully justified to close the hearing on day one after hearing the Council's opening statement.

Councillor Light requested clarification on the financial elements and requested that this was undertaken in Part Two. She said that she would not vote to give away public money to the airport.

Councillor LeCount said Member comments should be limited to the matter of award costs; the appeal procedure had been reviewed and a report would be considered at Scrutiny Committee on 14 July.

Councillor Foley said that a Member's first responsibility was to residents. He asked Members to participate in the vote.

Councillor Khan said that the political leadership responsible for the costs award lacked integrity and humility and had effectively excluded all Councillors other than Councillor Evans from involvement in the process, disregarding the Nolan Principles along the way.

The Leader of the Council said she took issue with comments regarding her integrity. She said that the Scrutiny Review would provide evidence in regards to the appeal process but the subject of this evening's debate was the legal obligation to resolve the appeal costs award as set out in the report.

In order to debate legally privileged details, the Vice-Chair recommended that the press and public be excluded from the meeting.

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 paragraph 5, part 1 of Schedule 12A of the Act.

Members discussed elements of the report in relation to total cost, the particulars of the valuation costings set out at paragraph 18.4 and next steps.

The Vice-Chair requested that the meeting move back into Part One in order for the vote to be taken in public.

Councillor Evans concluded that the proposal enabled Members to discharge their legal obligations and he urged Members to approve the Chief Executive's recommendations.

Councillor Light requested a recorded vote.

The Vice-Chair moved to a recorded vote. This result was as follows:

Councillor:	For/Against/Abstain:
Armstrong	For
Barker	Abstain
Caton	Abstain
Coote	For
De Vries	For
Driscoll	For
Eke	For
Evans	For
Foley	For
Freeman	For
Gregory	For
Hargreaves	For
Isham	Abstain

Jones	For
Khan	Abstain
Lavelle	For
LeCount	For
Lees	For
Light	Abstain
Lodge	For
Loughlin	Abstain
Luck	For
Merifield	For
Pavitt	For
Pepper	For
Sell	Abstain
Smith	Abstain
Taylor	For

The proposal was carried with 20 votes for and 8 abstentions.

RESOLVED:

- I. To approve that the Chief Executive be given authority to make a CPR Part 36 offer (“the offer”) to STAL in respect of the planning appeal costs in the sum of £1,400,000 in full and final settlement (being comprised of £1,362,500 in respect of the claim for costs itself, £0 in respect of VAT and £37,500 in respect of interest).
- II. The Council agrees that the Chief Executive be given authority to make a payment on account of the offer in the sum of £1,000,000 direct to STAL.
- III. That Council agrees that, should STAL reject the offer in paragraph 2 above, the Chief Executive is authorised to propose to STAL that the matter is dealt with via mediation. Likewise, if STAL offer to resolve the matter by mediation then the Chief Executive is authorised to instruct external expert advice as needed and to enter directly into such mediation with STAL (noting that any settlement potentially arising from mediation over and above the sum authorised in paragraph 2 above would be subject to fresh approval by Council).

The meeting ended at 20:57.