

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 11 OCTOBER 2022 at 7.00 pm

Present: Councillor H Asker (Chair)
Councillors A Armstrong, G Bagnall, S Barker, M Caton, A Coote, A Dean, G Driscoll, D Eke, J Emanuel, J Evans, P Fairhurst, M Foley, 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, M Sutton, M Tayler and J De Vries

Officers in attendance: P Holt (Chief Executive), N Coombe (Locum Senior Lawyer & Deputy Monitoring Officer), B Ferguson (Democratic Services Manager), D Hermitage (Director of Planning), J Reynolds (Assistant Director of Governance and Legal & Monitoring Officer) and A Webb (Director of Finance and Corporate Services)

Also present: Ray Woodcock (Public Speaker)

C36 PUBLIC SPEAKING

Mr Woodcock addressed Council. A summary of his statement is appended to these minutes.

C37 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Criscione, Day, Luck and Freeman.

Councillor de Vries declared a non-pecuniary interest as a member of Saffron Walden Town Council in respect of Item 8.

C38 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings on 19 July 2022 were approved and signed by the Chair as a correct record of the meeting.

In respect of C34, Councillor Sell asked whether the statement made by the Chief Executive was correct and whether all group leaders had been consulted on alternative speaking arrangements for the meeting.

In respect of C25, it was confirmed that Councillor Freeman had been in contact with Little Canfield Parish Council regarding parking issues in Prior Green. Councillor Lees confirmed that he had.

C39 CHAIR'S ANNOUNCEMENTS

The Chair provided a brief update on appointments she had attended since the previous meeting including events to mark the passing of HM Queen Elizabeth II and a celebratory event in Great Dunmow.

C40 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

Three reports from the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan, the Portfolio Holder for Environment and Green Issues; Equalities and the Portfolio Holder for Sports, Leisure and the Arts were noted.

Councillor Sell said he was concerned by the paucity of Cabinet Member reports and asked that each portfolio submit a regular update to each Full Council meeting.

In response, the Leader said that there was eighteen pages of questions and answers to the executive and there was a large amount of information on the website.

C41 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)

Councillor Khan asked, in reference to Question One, if the Leader of the Council still had confidence in Councillor Evans leading the Planning Portfolio, and whether it was appropriate for him to continue to draw the special allowance for that role, given his failure to oversee the work.

Councillor Lees responded that the Cabinet worked incredibly hard and diligently, and that she stood behind her Portfolio Holder.

In reference to Question Two, Councillor Barker noted that there was more work to be done in regards to improving the Energy Performance Certificate ratings of the Council's housing. She looked forward to seeing the plans on how Uttlesford Norse intended to do this.

In reference to Question Three, Councillor Sell agreed that marking the 50th anniversary of the first elections to Uttlesford District Council was a matter for the new Administration. He suggested that officers noted the date, and if deemed appropriate, looked to mark the occasion in 2024.

Councillor Caton asked, in reference to Question Four, what was the interest rate chargeable on the recent loan from the Public Works Loan Board and what

would the resulting reduction in income to the Council be because of the increase in interest rates, if all £170million was borrowed at that rate.

Councillor Hargreaves responded that the interest rate from the Public Works Loan Board was about 4% and the Director of Finance and Corporate Services would confirm the precise figure.

He explained that it was difficult to predict where interest rates would go in the current political climate, but it would be considered as part of the budget planning as payments on some of the existing loans were scheduled to go into the next financial year. He offered no further predictions.

Councillor Smith asked, in reference to Question Five, for a breakdown of the figure provided of £5.9million which covered the last three withdrawn Local Plans. He asked how much of this was for the most recent withdrawn Local Plan in 2020.

Councillor Hargreaves responded that he would forward this information to Councillor Smith. He noted that the information is organised as year-by-year spending so the member would have to look at which years the plans were withdrawn to work out the costings.

Councillor Light asked, in reference to Question Seven, for the reopening date of the Garden Room Community Centre.

Councillor Lees said that they expected the centre to reopen around November, however the Council were still negotiating to 10-year lease with Saffron Walden Town Council. She suggested that Councillor Light contact Councillor Gadd on the Town Council and the Town Clerk for more information on their timeframes.

Councillor Light also asked, in reference to Question Eight, if Councillor Sutton could provide a progress update on the Youth Council and if re-establishing a working group would be of value.

Councillor Sutton said that schools had previously found it very difficult to involve their students in anything but their education due to the Covid-19 pandemic. However, they were now in a position where they wanted to become involved again. She also confirmed that efforts would be made to re-establish the Youth Council membership.

Councillor Fairhurst asked, in reference to Question Nine, if anybody was responsible and accountable for any of the issues raised in his initial question. He said he had asked simple questions and expected answers.

Councillor Lees said that the Administration was responsible but all Councillors had to work towards what was best for their residents. She said the Administration was responsible for implementing the manifesto it was elected on.

In response to further comments from Councillor Fairhurst regarding the absence of member accountability, Councillor Lees said that she took responsibility as Leader of the Council.

C42 MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

To consider any reports received from the Cabinet

C43 REPORT REFERRED FROM STANDARDS COMMITTEE: CODE OF CONDUCT COMPLAINTS SUMMARY

Councillor LeCount, Chair of the Standards Committee, presented the report regarding Code of Conduct Complaints.

In response to a question from Councillor Sell, Councillor LeCount said he would provide an answer in writing regarding the support available to the three parish councils referred to in paragraph 9.2 of the report.

The report was noted.

C44 REPORT REFERRED FROM THE STANDARDS COMMITTEE: ADOPTION OF LOCAL GOVERNMENT ASSOCIATION NEW MODEL CODE OF CONDUCT

Councillor LeCount presented the report and proposed adoption of the Local Government Association's New Model Code of Conduct. He said the new Model Code factored in modern ways of working, such as the use of social media, and thanked the Assistant Director of Governance and Legal, Deputy Monitoring Officer and the Independent Persons for their work.

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

Councillor Dean said he had abstained from voting at the Standards Committee meeting on the New Model Code as he felt insufficient time had been spent developing members understanding of the new Code and further work was required before adoption.

Councillor Hargreaves said the Nolan principles could not be incorporated wholesale into the Code as they were subjective, such as the principle of leadership.

Councillor Gregory said training and diligence would be required but it was incorrect to say that this should occur before the Code was adopted.

Councillor Jones said anything that strengthened the current Code was a positive development and endorsed adoption of the new Model Code of Conduct.

RESOLVED to adopt the Model Code (Appendix 1) and associated LGA Guidance.

C45 **REPORT REFERRED FROM THE GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE: SCHEME OF DELEGATION**

Councillor Oliver, the Chair of the Governance, Audit and Performance Committee, presented the report. He said that amendments were required to the scheme due to changes to personnel and staffing structures.

He proposed that members adopt the revised Scheme of Delegation and commended the report.

Councillor Barker seconded the proposal. She asked that the £3000 figure relating to New Homes' Bonus was corrected to reflect the £2000 agreed in the Budget.

In response to a question from Councillor Caton regarding the delegated authority of the Director of Planning to manage "all appeal activity", the Chief Executive said the constitutional changes before members needed to be agreed first before further amendments were applied in line with the recommendations of the Stansted Airport Scrutiny Review.

RESOLVED to adopt the revised Scheme of Delegation (Appendix A)

C46 **REPORT REFERRED FROM THE GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE: PROCUREMENT STRATEGY 2022-2026**

Councillor Hargreaves presented the report regarding the Procurement Strategy 2022-26. He said the new strategy would enshrine national principles into the Council's working practices and a manager would be employed to monitor contract procurement.

He proposed that members approve the Procurement Strategy 2022 – 2026.

Councillor Evans seconded the proposal.

Councillor Khan commended the report and was pleased to see a strong theme of project management running through the proposed Strategy.

RESOLVED to approve the Procurement Strategy 2022-2026, as attached at Appendix A.

C47 **MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

There were no matters to report.

C48 **SAFFRON WALDEN NEIGHBOURHOOD PLAN**

Councillor Evans, the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan, presented the report on the Saffron Walden Neighbourhood Plan, which had been approved at referendum on 15 September 2022.

He endorsed the report and proposed that the Saffron Walden Neighbourhood Plan be formally made as part of the statutory development plan for the District.

Councillor de Vries seconded the proposal and reserved his right to speak.

In response to a question from Councillor Isham, Councillor Evans said locations had not been allocated for housing in the Plan but it had met the necessary criteria and the Examiner's modifications had been included.

In response to a question from Councillor Light, Councillors Evans and Merifield both said that this neighbourhood plan would carry "weight" in planning terms.

Councillor de Vries said the referendum result clearly demonstrated that this was the wish of the community. He urged members to support the proposal.

RESOLVED that the Saffron Walden Neighbourhood Plan (Appendix 1) be formally made as part of the statutory development plan for the District.

C49 **EXCLUSION OF PUBLIC AND PRESS**

The Chair reordered proceedings to deal with time constraints. The meeting agreed to take Items 11 and 12 next, and would reconvene on Thursday, 13 October at 7.00pm to allow a full debate on Items 9 and 10.

The Chair moved to exclude the public and press to allow members to receive a confidential report.

RESOLVED to exclude the public and press due to consideration of reports containing exempt information within the meaning of section 100I and paragraphs 1, 3 and 5 part 1 Schedule 12A Local Government Act 1972.

C50 **COMPLAINT UPHELD BY THE LOCAL GOVERNMENT OMBUDSMAN**

The Chief Executive presented the report for information.

He took questions on the matter and recommended that members note the actions taken by officers in response to the findings of the Local Government and Social Care Ombudsman, both directly related to the individual complainant, but also to the neighbouring homes.

The report was noted.

The meeting was adjourned at 8.50pm and would reconvene at 7.00pm on 13 October 2022.

C51 MEETING RECONVENED - APOLOGIES AND DECLARATIONS OF INTEREST

The meeting was reconvened at 7.00pm on Thursday, 13 October 2022.

Councillor Driscoll, Vice-Chair of the Council, took the Chair in Councillor Asker's absence. He welcomed those present to the meeting and said he would be abstaining from voting this evening unless a casting vote was required.

Apologies were received for the reconvened session from Councillors Asker, Barker, Day, Lemon, Luck, de Vries, Criscione, Foley and Freeman.

Councillor Pepper declared a non-pecuniary interest as a former member of Stop Easton Park.

Councillors Isham and Dean declared non-pecuniary interests as members of Stansted Airport Watch (SAW).

Councillor Merifield declared a non-pecuniary interest as a former member of Save our Stebbing Group.

Councillor Sutton declared a non-pecuniary interest as a former member of Stop Stansted Expansion (now known as Stansted Airport Watch).

C52 STANSTED AIRPORT COSTS

The Chair asked members whether they were content to discuss the general principles of the report in public session, or whether there was any need to exclude the public and press in order to debate the legally privileged information contained in the Part 2 report.

The meeting was content to remain in public session.

Councillor Evans presented the report. He said the purpose of the proposal was to reach a settlement with Stansted Airport Ltd (STAL) regarding the appeal costs, which the authority has been ordered to pay, and included a recommendation that further offers, including a Part 36 Offer under the Civil Procedure Rules, be made by the authority to STAL in full and final settlement of those planning appeal costs.

Councillor Hargreaves seconded the proposal. He commended the Chief Executive, Assistant Director of Governance and Legal and the Costs Lawyer for reducing the cost of the settlement. He said it was time to move on and make peace with the Airport, the district's largest employer.

Councillor Fairhurst said the Council had behaved unreasonably at the appeal hearing by changing the Planning Committee's decision from 'refusal' to 'approval with conditions'. He said the Resident's administration had paid the price for losing control of the process.

Councillor Reeve said he regretted the lost appeal but not for taking a stand against the Airport's expansion, which was in line with what the majority of residents wanted.

Councillor Isham said the Council had acted unreasonably in legal terms, as demonstrated by the Inspector's unhappiness with the Council's approach to the appeal, and punishment was to be expected. The defence strategy should have been in line with that of SAW and someone needed to take responsibility for this bungle.

Councillor Sell said the outcome of the appeal was not inevitable and the money could have been put to better use elsewhere. He said that responsibility could not be delegated and this was a failure of oversight.

Councillor Jones said this was a serious situation but the Council needed to learn from the process.

Councillor Smith said the Council had been misguided to overturn the original decision of the Planning Committee regarding Stansted Airport. In response to a question regarding total costs, he was informed that the final figure would be £2.1 million.

Councillor Pepper said central Government's stance on climate change and aviation had let residents down. She said climate change was already here and economic growth had to be sustainable.

Councillor Merifield said there was a risk of costs being awarded against the council on all planning appeals as part of due process, although such costs would not normally be brought to Council for approval.

Councillor Loughlin said it was not the Planning Committee's decision to refuse the application that was taken to appeal, but rather approval with "Condition 15". This was a mistake in the Council's defence strategy.

Councillor Bagnall said he agreed that the Council needed to be clear on its defence strategy but it was time to finalise this process in the most cost effective way possible and move on.

Councillor Light said there were warnings that the defence strategy would fail and those with a clear conscience should abstain from voting.

Councillor Dean said he was disappointed that the decision of the Planning Committee to refuse the application was manipulated at appeal to become "approval with conditions". He said the Portfolio Holder or Chair for Planning had to accept responsibility for this mistake.

In response to a question regarding the role of members during appeals, the Assistant Director of Governance and Legal said members were not to instruct officers on appeal matters per se but there was scope in bringing major issues back to members for decision. The Chief Executive added that this was covered during the Scrutiny Review and measures were already in place to bring such issues back to members if this was to arise again in future.

Councillor Lodge said he took responsibility for fighting back against the airport in line with residents' wishes and that it was the Conservative Government that was to blame.

Councillor Lees said the Council had been let down by the Government's lack of commitment to Climate Change and her members had a clear conscience.

Councillor Evans read out the proposal stated in the report.

Councillor Light called for a recorded vote.

Councillor:	For, Against or Abstain:
Armstrong	For
Bagnall	For
Caton	Abstain
Coote	For
Dean	Abstain
Driscoll	Abstain
Eke	For
Emanuel	For
Evans	For
Fairhurst	Abstain
Gregory	For
Hargreaves	For
Isham	Abstain
Jones	For
Khan	Abstain
LeCount	For
Lees	For
Light	Abstain
Lodge	For
Loughlin	Abstain
Merifield	For
Oliver	Abstain
Pavitt	For
Pepper	For
Reeve	For
Sell	Abstain
Smith	For
Sutton	For
Tayler	For

The proposal was approved with nineteen votes for and ten abstentions.

RESOLVED:

- I. That Council approve that the Chief Executive be given authority to make a revised CPR Part 36 offer (“the Part 36 offer”) to STAL in respect of the planning appeal costs in the sum of £2,050,000 in full and final settlement (being comprised of £2,000,000 in respect of the claim for costs itself, £0 in respect of VAT and £50,000 in respect of interest).
- II. That Council approve that the Chief Executive be given further authority to simultaneously make a second offer (“the all-in offer”) to STAL in respect of the planning appeal costs in the sum of £2,100,000, including all interest and costs incurred by STAL in negotiating this settlement.
- III. That Council agrees that, should STAL reject the offers in paragraphs 3 and 4 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 sums authorised in paragraphs 3 and 4 above would be subject to fresh approval by Council).
- IV. That Council approves the use of Reserves as set out in paragraph 7.

C53

MEMBER MOTION: MISHANDLING OF THE LOCAL PLAN

Councillor Isham presented his motion regarding the mishandling of the Local Plan process. He said there had been a lack of leadership and good governance at the Council and the administration had to be held to account. A further delay to the emerging Local Plan was not an acceptable outcome for the district and yet still no one would take responsibility He urged members to support his censure motion in light of this failure.

Councillor Caton seconded the proposal. He reserved his right to speak.

Councillor Loughlin criticised the process and said it had been shrouded in secrecy.

Councillor Coote said the Local Plan was not really a local process as the Council was constrained by national legislation and guidance. He said the

Administration were doing their utmost to produce a sound plan and local members needed to stick together.

Councillor Fairhurst questioned the governance surrounding the Local Plan and why it had been deemed “unfit” and delayed at such short notice. He said he trusted the Chairs of LPLG and Scrutiny; the failure was of the Administration as “no one had been at the wheel”.

Councillor Reeve said he was disappointed with the pause although it would allow time to develop policies in respect of infrastructure and the local economy.

Councillor Smith said it was hypocritical of the Residents’ Administration to not take responsibility for the failures of this process, considering their criticism of previous Local Plans. He said the district was exposed to development without a Plan in place and the Government would intervene if appropriate progress was not being made.

Councillor Pepper said the new Local Plan faced huge challenges in terms of infrastructure and sustainable economic development. However, she had faith that the new planning team would deliver a sound Local Plan.

Councillor Sell asked whether Scrutiny Committee had been misled as the reality of the situation did not mirror reports given at Committee. He also said that he felt “more in the dark” than he had during previous Local Plans. The Council did a lot right but this issue was also demonstrating a lack of leadership from the Administration.

Councillor Evans said no one wanted to see a delay in the process but he had been informed by the recently appointed Local Plan and New Communities Manager that the draft Plan was not ready for the Regulation 18 Consultation stage and therefore the timetable had been paused. He refuted criticism that this represented a failure of governance as he met with officers bi-weekly and had been told that the Plan was on track. The Local Plan process was extremely technical and it was for professional planning officers to quality check proposals. He thanked the Local Plan and New Communities Manager for bringing the issue to the Council’s attention.

Councillor Khan said it was a failure of the Portfolio Holder for Planning and the Local Plan as the delay was due to a lack of strategy and forward planning. He said no one wanted to take responsibility for this failure, which was costing residents dearly.

Councillor Gregory thanked those who had brought this censure motion to Council as there was a need to debate this issue. He said Councillor Evans was a good man but this was about the need for a Local Plan and there had been a failure of governance and due process. In order to make things right, he said LPLG and Scrutiny Committee would work more closely in future, and Cabinet would need to listen to Scrutiny Committee for there to be value in the process. He said he had confidence that Councillor Evans would turn the situation around.

Councillor Caton said a new Local Plan would protect the district against speculative development and another delay to the Regulation 18 Consultation was a failure of governance and leadership.

Councillor Isham was invited to conclude the debate. He said the motion was proportionate and not overly aggressive. There was a need to work together on the Local Plan and constructive criticism was a necessary part of the democratic process.

Councillor Light requested a recorded vote.

Councillor:	For, Against or Abstain:
Armstrong	Against
Bagnall	For
Caton	For
Coote	Against
Dean	For
Driscoll	Abstain
Eke	Against
Emanuel	Against
Evans	Against
Fairhurst	For
Gregory	For
Hargreaves	Against
Isham	For
Jones	For
Khan	For
LeCount	Against
Lees	Against
Light	For
Lodge	Against
Loughlin	For
Merifield	Against
Oliver	For
Pavitt	Abstain
Pepper	Against
Reeve	Against
Sell	For
Smith	For
Sutton	Abstain
Taylor	Abstain

The motion of censure was approved with 13 votes for, 12 against and 4 abstentions.

RESOLVED: In response to the Residents for Uttlesford (R4U) Administration's mishandling of the Uttlesford Local Plan over that past forty-one (41) months since the May 2019 local elections, at which R4U

took responsibility for delivering an Uttlesford Local Plan, Council resolves to censure the Administration for its failure to deliver a draft Regulation 18 Local Plan for consultation with the public of the district by an already revised deadline of November 2022. Council calls upon the Leader of Council and the Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan to:

1. Explain comprehensively why the Regulation 18 Plan will not be published by the previously committed date in November 2022, and whether there have been internal disagreements about the proposed spatial strategy within the ruling R4U Administration Group.
2. Explain why the public announcement about this delay in the Regulation 18 Local Plan's public consultation was made through a statement in the press on September 13th and was not formally agreed via a constitutionally proper, democratic decision-making route in public at a special meeting of the Cabinet, and why the Local Plan Leadership Group was side-lined by the press announcement and the cancellation of its own scheduled meeting.
3. Explain objectively whether the recently announced delay in the start of the Regulation 18 consultation risks yet further delay beyond February 2023 and until after the May 2023 District Council Elections, owing to the statutory pre-election purdah requirements.
4. Declare what steps will be taken by themselves to restore trust and confidence in this Council's handling of the Local Plan delivery between now and the May 4th 2023 Local Elections to minimise the development free-for-all in our towns, villages and countryside and to allay growing public concern that R4U has lost control of the district's future.

The meeting was closed at 8.55pm.

Summary of Public Statement(s)

Ray Woodcock

Mr Woodcock addressed Council on the subject of Essex County Council's (ECC) Health and Wellbeing Draft Pharmaceutical Needs Assessment (PNA). He said ECC had asked him to promote the public consultation, which took place during January, although he questioned whether it was appropriate for a member of the public to be promoting such an issue. He asked whether UDC had responded to the survey. Mr Woodcock also spoke on the need for a licensed community pharmacy in Stansted Mountfitchet by Stansted Surgery and questioned the conclusions of the published PNA, which stated there were no gaps in pharmaceutical services in the locality. He said there was no recognition of the access issues that would prevent vulnerable members of the community from reaching existing pharmacies in Stansted. He asked for assistance on behalf of the local community.