

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 23 MAY 2023 at 7.00 pm

Present: Councillor H Asker (Chair - Outgoing)
Councillors M Ahmed, A Armstrong, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, B Donald, G Driscoll (Chair), J Emanuel, J Evans, C Fiddy, M Foley, R Freeman, R Gooding, N Gregory, N Hargreaves, R Haynes, P Lees, M Lemon, J Loughlin, T Loveday, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler.

Officers in attendance: P Holt (Chief Executive), N Coombe (Deputy Monitoring Officer) and Ben Ferguson (Democratic Services Manager).

Also present: G Smith (Public Speaker).

C1 REMARKS OF THE OUTGOING CHAIR

In welcoming members from all parties, Councillor Asker said she had experienced an interesting year in the Chair. She thanked the Chief Executive and officers for their support during her tenure and provided a summary of the numerous events she had attended. She said the loss of Her Majesty the Queen had cast a shadow but she had hope the new King would bring enjoyment to the country.

The Chief Executive formally thanked Councillor Asker as she received flowers and a portrait to mark her year in the Chair.

C2 PUBLIC SPEAKING

Former Councillor George Smith had registered to speak in regards to Item 18. His statement has been appended to these minutes.

C3 ELECTION OF THE CHAIR

The Chair called for nominations for the position of Chair of the Council. Councillor Driscoll was proposed by Councillor Coote and seconded by Councillor Freeman.

RESOLVED to elect Councillor Driscoll as Chair of the Council for 2023/24.

C4 CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE

Councillor Driscoll made the statutory declaration as Chair of the Council for 2023/24.

He said he had not yet chosen his charity but it would operate throughout the district and would likely relate to supporting people with dementia.

C5 ELECTION OF THE VICE CHAIR

The Chair called for nominations for the post of Vice-Chair. Councillor Foley was proposed by Councillor Lees and seconded by Councillor Tayler.

RESOLVED to appoint Councillor Foley as Vice-Chair of the Council for 2023/24.

C6 VICE CHAIR'S STATUTORY DECLARATION OF ACCEPTANCE OF OFFICE

Councillor Foley made his declaration of acceptance of office.

C7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Bagnall, Luck, Dean and Martin. Councillor Gregory sent apologies for lateness.

Councillor Barker said Councillor Martin's employment prevented him from attending this evening but he would make every effort to attend in future.

There were no declarations of interest.

C8 MINUTES OF THE PREVIOUS MEETING

The minutes of the ordinary and extraordinary meetings held on 21 March 2023 were approved as correct records.

C9 RETURNING OFFICER'S REPORT

The report of the Returning Officer relating to the outcome of the election of district councillors on 4 May 2023 was received and noted.

C10 ELECTION OF A LEADER

Councillor Gregory arrived at 7.15pm.

Councillor Foley proposed Councillor Lees for the position of Leader of the Council and the nomination was seconded by Councillor Coote.

RESOLVED to elect Councillor Lees as Leader of the Council

C11 **LEADER'S ANNOUNCEMENTS**

Councillor Lees said she wanted to start by noting that the Council had won an exemplar award for address data reaching 'gold standard' and thanked Sampson Adamah and Richard Ebberson of the Planning Directorate for their work.

The Leader moved on to congratulate members for their election to Council. She said she wanted to work together and avoid tribal politics, and hoped this council could be an example to others who wanted to be non-political.

Councillor Lees announced her Cabinet as follows:

- Councillor Hargreaves – Deputy Leader and Portfolio Holder for Finance and the Economy
- Councillor Reeve – Portfolio Holder for the Environment and Climate Change
- Councillor Evans – Portfolio Holder for Planning
- Councillor Sutton – Portfolio Holder for Communities and Local Partnerships
- Councillor Coote – Portfolio Holder for Housing and Equalities

Councillor Barker, Leader of the Conservative Group and main opposition, said the Council would be poorer for the loss of former Councillors Smith, Isham, Khan, Fairhurst and Light at the election. She said their passion would be missed. She asked the Leader to re-think the responsibilities listed under the new Cabinet structure as important functions, such as waste collection, social housing, heritage, army liaison, rural affairs were missing from the list.

Councillor Sell, Leader of the Liberal Democrat Group, congratulated the new Chair and Leader, and said that Councillor Lees was both the first female and non-Conservative Leader to return an administration at Uttlesford District Council. Further to Councillor Barker's earlier comments, he said he also wanted to remember Councillor Caton's contribution to Council. He said his Group would not criticise the Administration for the sake of it but, equally, Council was not a political "big tent".

C12 **NOMINATIONS OF HONORARY ALDERMEN AND ALDERWOMEN**

Four nominations for Alderpersons had been brought to Council; former Councillors Cheetham, Morson, Godwin and Cant. The Chair invited proposals for each nomination.

Councillor Barker proposed and spoke to former Councillor Cheetham's nomination, who had been an extremely well respected and long standing Chair

of the Planning Committee, as well as deputy leader. Councillor Lemon seconded the proposal.

Councillor Sell proposed and spoke to former Councillor Morson's nomination. He said former Councillor Morson had worked tirelessly in the community and had represented his Ward of Henham and Elsenham with distinction. Councillor Loughlin seconded the proposal.

Councillor Driscoll proposed and spoke to the nomination of former Councillor Godwin. He said she had served the former Ward of Birchanger for fifteen years and had chaired the Scrutiny Committee between 2011-2015. Councillor Lemon seconded the proposal.

Councillor Driscoll proposed the nomination of former Councillor Cant. Councillor Evans spoke to the nomination and praised her for the work she had undertaken in her Ward and local community. Councillor Sell seconded the proposal.

The Chair asked whether there were any objections to taking all four nominations en bloc to one vote. The meeting consented and the nominations were carried unanimously.

RESOLVED to approve the nominations of former Councillors Cheetham, Godwin, Cant and Morson as Alderwomen and Alderman of Uttlesford District Council.

C13 **SCHEME OF DELEGATION**

Members received for approval the scheme of delegation in relation to Council functions as set out in part 3 of the Constitution. The merger of the Governance, Audit and Performance and Standards Committee was highlighted.

Councillor Evans proposed approval of the Scheme. This was duly seconded by Councillor Coote.

RESOLVED to

- i. That the Council approves the Scheme of Delegation in respect of Council functions as set out at Appendix A, including the formal merger of the Standards and GAP Committees, to be known as the 'Audit and Standards Committee'.
- ii. That the Council approves the transfer of the functions of performance and corporate risk monitoring from the former GAP Committee to Cabinet, within the knowledge that Scrutiny Committee will be able to scrutinise said matters.
- iii. To authorise the Monitoring Officer under delegated powers to update the Constitution as necessary in respect of the two recommendations above.

POLITICAL BALANCE

The Council received the report on the allocation of seats to the Council's committees in accordance with the political balance provisions of the Local Government and Housing Act 1989. The recommendation outlined in the report for a 58 seat scheme was proposed by Councillor Lees and seconded by Councillor Evans.

Notice of an amendment had been submitted by Councillor Barker. Councillor Barker proposed a 60 seat scheme, which would provide an additional seat to both the Residents for Uttlesford and Conservative Groups on the Planning Committee. This was seconded by Councillor Loveday.

Councillor Criscione said both schemes were valid but the 60 seat scheme created no problems for the majority group.

Councillor Hargreaves said he had conducted research and smaller committees of 8 members, were the optimal size.

Councillor Moran said more members would equate to more experience on committee.

Councillor Barker requested a recorded vote.

| COUNCILLOR | For/Against/Abstain |
|-------------------|----------------------------|
| Cllr Ahmed | Against |
| Cllr Armstrong | Against |
| Cllr Asker | Against |
| Cllr Bagnall | Absent |
| Cllr Barker | For |
| Cllr Church | For |
| Cllr Coletta | Against |
| Cllr Coote | Against |
| Cllr Criscione | For |
| Cllr Davey | For |
| Cllr Dean | Absent |
| Cllr Donald | Against |

| | |
|-----------------|---------|
| Cllr Emanuel | Against |
| Cllr Evans | Against |
| Cllr Fiddy | Against |
| Cllr Foley | Against |
| Cllr Freeman | Against |
| Cllr Gooding | For |
| Cllr Gregory | Abstain |
| Cllr Hargreaves | Against |
| Cllr Haynes | Against |
| Cllr Lees | Against |
| Cllr Lemon | For |
| Cllr Loughlin | Abstain |
| Cllr Loveday | For |
| Cllr Luck | Absent |
| Cllr Martin | Absent |
| Cllr McBirnie | Against |
| Cllr Moran | For |
| Cllr Oliver | For |
| Cllr Pavitt | Abstain |
| Cllr Alex Reeve | Abstain |
| Cllr Neil Reeve | Against |
| Cllr Regan | For |
| Cllr Sell | Abstain |
| Cllr Silcock | Abstain |

| | |
|-----------------------|---------|
| Cllr Sutton | Against |
| Cllr Tayler | Against |
| Chair (Cllr Driscoll) | Abstain |

The amendment fell with ten votes for, eighteen against and seven abstentions.

Councillor Evans said the rationale behind the scheme was that a smaller Planning Committee would manage its business more effectively.

The Chair took the substantive proposal to a vote.

RESOLVED to approve the political balance of the Council and the allocation of seats set out in the report.

C15 APPOINTMENT OF COMMITTEES 2023-24

Councillor Foley proposed approval of the appointment of Committees as set out in the report. Councillor Asker duly seconded.

RESOLVED to approve the Council Committee appointments as set out in the report.

C16 CALENDAR OF MEETINGS 2023/24

Councillor Sutton proposed approval of the revised calendar of meetings as set out in the agenda papers. This was seconded by Councillor Asker.

In response to a question from Councillor Criscione regarding the frequency of Scrutiny meetings in light of the Executive adopting the performance function, Councillor Gregory said the number of meetings would be kept under review but there would be fewer Local plan Scrutiny meetings and there would be routine items on performance indicators.

RESOLVED to approve the calendar of meetings 2023/24

C17 APPOINTMENT OF COUNCIL WORKING GROUPS 2023-24

Councillor Lees proposed approval of the Working Group appointments set out in the report. This was seconded by Councillor Foley.

RESOLVED to approve the Working Group appointments set-out in the report.

C18 **APPOINTMENT OF A MEMBER TO THE ESSEX POLICE, FIRE AND CRIME PANEL**

Councillor Lees proposed Councillor Sutton to serve as the Council's representative on the Essex Police, Fire and Crime Panel, and Councillor Coletta to serve as the reserve member.

RESOLVED to appoint Councillor Sutton as the substantive and Councillor Coletta as the reserve representative on the Essex Police, Fire and Crime Panel

C19 **CONSIDERATION OF AN INDIVIDUAL STANDARDS COMPLAINT AGAINST A [FORMER] MEMBER**

The Chair opened the item for comment.

Councillor Gregory said the report was clear and he supported the Chief Executive's view. However, he had real concerns regarding process, particularly in regard to the length of time it took to establish a hearing and the Panel selection process. In terms of substance, he felt the complaint was politically motivated as the breach of the Code was of a technical nature, principally that the information had been entered on the incorrect section of the form. He questioned whether the complaint had been in the public interest and value for money, and said underhand tactics had been used, including stalking and harassment, and that the complaints had originated from members of a national party in order to discredit the former member.

Councillor Barker said the former member was an intelligent businessman and could have completed the form correctly. She said she was pleased that the matter had finally been resolved and if breaches of the Code occurred in her own Group, members would be suspended.

Councillor Asker highlighted the swift actions of officers following the hearing, in order to address the failings identified in the Standards hearing report.

Councillor Sell said national political groups would suspend members if they were found to be in breach of the Code. He said the previous Council had been toxic and the annual accounts had still not been signed off.

The report was noted.

C20 **PAY POLICY UPDATE**

Councillor Hargreaves presented the report on an updated Pay Policy. He said the report proposed a minor in-year amendment to the Pay Policy, so as to provide for a supplementary payment for any Statutory Officers (Head of Paid Service, Section 151 Officer or Monitoring Officer) or Deputy Statutory Officers whose substantive grade was below grade 13 (Assistant Director). This was to

allow for greater flexibility in seeking to attract candidates to hard to recruit functions and associated roles.

Councillor Lees seconded the proposal.

RESOLVED:

- i. To introduce a Statutory Officers Allowance of £10,000 per annum, to be paid only to Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- ii. To introduce a Deputy Statutory Officers Allowance of £3,000 per annum, to be paid only to Deputy Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Deputy Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.

C21

UPDATE ON HANDLING OF SUDAN EVACUATION

Councillor Lees updated Council on the handling of the Sudan Evacuation effort at Stansted Airport in the district, which received evacuees from Sudan in late April/early May 2023. She proposed suspending Council Procedure Rule 10.1 (Motions on Notice) in order to put forward a motion of thanks to all those involved. Councillor Foley seconded the proposal.

The motion to suspend Rule 10.1 was carried unanimously.

Councillor Lees said she was incredibly proud of the response and proposed a motion of thanks.

Councillor Hargreaves duly seconded.

The proposal was carried unanimously.

RESOLVED: To officially thank all the volunteers and staff who worked all hours of the day and night on the Sudanese evacuation response at Stansted from 24th April 2023, and all the way through the Bank Holiday weekend – to UCAN who set up the initial Humanitarian Assistance Centre and all the other volunteer agencies including RE:ACT Emergency Response, Citizens Advice, the Red Cross and St John's; to the other Councils providing staff from Harlow, Epping, Braintree, Maldon, Tendring, Colchester, Castle Point, Essex County, and beyond into

Stevenage, South Cambridgeshire, Herts and Cambridgeshire Counties; to the Police, Fire and Rescue Service, Ambulance Service, the NHS, Border Force and Government departments; to Stansted Airport and the Radisson Blu Hotel; and to all of our own staff in housing, communities and all the other departments whose staff answered the call and ran to help; and to anyone else not specifically mentioned.

The meeting was closed at 8.25pm.

Statement from George Smith to Full Council, Uttlesford District Council
23/05/2023

Dear Chair, Members and Officers

Thank you for allowing me to address you this evening. I am going to be talking to Agenda Item 18 as the complainant in this matter.

It is far too easy for politicians to dismiss complaints from colleagues as being politically motivated, and by doing so you risk condoning behaviours that are wrong. It is not a defence who the complainant is, if there is merit to the complaint. Now, being a member of this Council is a privilege. But with that privilege comes a responsibility to uphold the highest standards of office. This complaint was never about a political attack on Councillor Lodge, it stemmed from what I saw as his failure to declare his involvement in a residential development that took place in his ward.

I am aware that this case has a wider story linked to it, including defections and other allegations. However, I did not include those issues in my complaint as I wanted to focus on the circumstances for which I had evidence.

I remain deeply concerned how long this matter took to be resolved. The original complaint was submitted last August, taking 8 months to come to a Panel hearing. I had reasonably expected the matter to be concluded well before the Council entered the election period.

The report in front of you instructs members to not re-hear the case itself but I do wish to talk about the one item in my complaint that was not upheld which I would urge should be an area for consideration in the future.

The failure to declare a financial interest in a planning application whilst sitting on the planning committee is itself an offence, which is why I felt this matter so important to raise through the Council's internal procedures.

Whilst I understand the argument put forward by the Investigating Officer, that because the property deal at Thaxted Road was financed through a Limited Company, there is no financial interest to declare. However, that argument says to the public that any member of this Council can finance development in the District, whilst sitting on the Planning Committee, and they do not have to declare this involvement providing they do so via a limited company.

I do not believe the public would consider this to be in accordance with the Nolan Principles, nor this administrations pledge to be open and transparent. This cannot be in the public interest and as we have seen precisely this happen in Uttlesford, I strongly urge members to tighten up the Code of Conduct to explicitly require such instances to be declarable.