

COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER on TUESDAY, 17 JULY 2018 at 7.30 pm

Present: Councillor L Wells (Chairman)

Councillors K Artus, G Barker, S Barker, R Chambers, A Dean, T Farthing, M Felton, M Foley, R Freeman, A Gerard, T Goddard, N Hargreaves, S Harris, S Howell, D Jones, P Lees, M Lemon, B Light, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, H Rolfe and G Sell

Officers in attendance: Dawn French (Chief Executive), Rebecca Dobson (Democratic and Electoral Services Manager), Roger Harborough (Director - Public Services), Simon Pugh (Director - Governance and Legal), Adrian Webb (Director of Finance and Corporate Services)

C18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anjum, Asker, Davey, Davies, Gordon, Hicks, Knight, LeCount, Lodge, Redfern and Ryles.

C19 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 May 2018 were received and signed by the Chairman as a correct record.

The minutes of the meeting held on 19 June 2018 were received and signed by the Chairman as a correct record. Several members commented as to whether they were a sufficiently full record of the meeting.

Councillor Sell objected to the omission from the record of the names of those members who had contributed to the debate.

Councillor Gerard objected to the fact that the full statements made by some members had not been fully summarised, and that in view of the significance of the debate regarding the local plan, that it was important to give more detail of speeches made. He asked that a statement of what he had said be included in the record.

The Chairman said the minutes were a summary of the meeting. In answer to Councillor Gerard's response that the minutes were an inaccurate reflection of the meeting if members' speeches were not more fully summarised, the Chairman said the question would be considered as to whether summaries of what members had said could be submitted.

Councillor Chambers said he would speak to the Chairman and officers after the meeting regarding a means by which a satisfactory solution could be reached.

C20 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported on her recent attendances at civic events, which included attending at Langley Church, Thaxted Music festival and the Uttlesford Business Awards.

C21 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

Councillor Ranger reported on matters relating to his portfolio, including the Crucial Crew event at which a presentation from Gangsline had been given which had made a strong impression. Funding for two new Police Community Safety Officers had been confirmed.

The Leader reported on his attendance at the Local Government Association conference.

C22 QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN

Councillor Dean raised his continuing concern at blocked gutters on streets in Stansted, and as a general point said it would be helpful if an action plan could be prepared on addressed problems in street services.

The Leader said cleansing of drains and gutters was the responsibility of the County Council. He said the street services operated by the District Council had had recent problems in that the lifting mechanism on some vehicles was overheating. In order not to fall behind, the teams had done double shifts. The decision had been taken to continue to offer to collect trade waste. The manager of street services had recently resigned, and recruitment was underway to appoint a successor to her position. Procurement of new refuse vehicles was taking place. Verge litter-picking had improved.

Councillor Dean said the issue in Stansted was where the edges of the pavements in Cambridge Road and Chapel Hill had accumulated debris which street sweepers would normally clear except that parked vehicles were usually on those sites. A way to address this issue should be found.

Councillor S Barker said if there were any specific areas which could be addressed she would investigate. She said Essex County Council had not yet completed its Spring verge cutting in the district. She was looking at ways to delegate some tasks to the Highways Rangers.

Councillor R Freeman said he was often asked why bins were not collected, in relation to the new estates, and that measures could be taken to prepare for new rounds such as advance ordering of new vehicles.

The Leader said the statistics of 99.4% collection of bins demonstrated only very few bins were missed, and that any which were missed were followed up. New vehicles had been ordered in good time.

Councillor S Barker said all vehicles were fitted with technology that enabled the crews to log whether bins were not put out in time for collection. Whilst there were some problems with delivery of new bins to housing estates, measures to improve their delivery were being taken.

Councillor Loughlin asked whether flight paths at Stansted Airport had changed, as she had recently received a number of complaints about this issue.

Councillor S Barker said she was not aware of any changes to flight paths but that information could be sought from Councillor Artus or the Planning Policy Officer.

Councillor Sell thanked the Cabinet for the provision recently made for two PCSOs. He asked for an update on Carver Barracks.

Councillor Rolfe said a meeting with the new senior personnel in post at the Barracks would take place in August.

Councillor Sell referred to the minutes of the meeting of 8 December 2016 in which reference was made to the strategy the Council intended to pursue. He questioned whether the project represented value for money, particularly as time had passed, making the lifetime of the proposed investment shorter than originally envisaged. He suggested it might be better to curtail this project, as there were other sports facilities in need of investment. A health and wellbeing fund could be established to provide match funding.

Councillor Rolfe said it was important to fund sports facilities, and he would look carefully at whether such a fund could be set up. There were many ways to raise money and the Council had its own capital fund, to which people could apply. It was important that people were able to find out how to apply, and he would further consider this point.

Regarding Carver Barracks, Councillor Rolfe said the proposed investment was a good deal and he stood by what he had said. The new Garden Communities structure would also deliver excellent facilities.

Councillor Artus said the original deal was that if the Barracks closed before 2031 the Council would reclaim the grant money. The personnel structure at the Barracks had changed, so the project was in limbo. It was still a good deal, but not if the whole period was not available.

Councillor Artus said he had attended the funeral of former Councillor Bob Merrion, who had been his predecessor at Hatfield Broad Oak, and who had shown immense commitment in representing his ward. Councillor Artus requested the Council send condolences to his widow. Councillor Rolfe said he supported this suggestion. Councillor Chambers added that he had recruited

Bob Merrion and that he had been an excellent councillor. He asked that there should be a minute's silence in his memory.

At the request of the Chairman, Members observed a minute's silence.

Councillor Foley asked that a letter of thanks be sent to the recycling crews, who had worked very hard in difficult conditions. He asked whether the recycling vehicles being obtained were new or secondhand. Regarding Carver Barracks, he suggested if the dates during which the site was available were to change, it could become a brownfield site.

Councillor S Barker said she had asked the head of service to write to the crews to thank them for their recent hard work. She invited the Director – Public Services to answer in respect of procurement of additional vehicles.

The Director – Public Services gave a brief update.

Councillor Chambers said the refuse service at this Council was one of the best in the country.

C23 PROCEDURE FOR MOVING AMENDMENTS AT COUNCIL MEETINGS

Councillor Oliver presented a report proposing changes to the Council's procedure rules for moving amendments. The report had been considered by Governance, Audit and Performance Committee on 8 February and 17 May 2018. After consideration at the meeting on 17 May, the Committee had recommended the changes proposed in the report for adoption by the Council. Councillor Oliver therefore proposed the recommendation, which was seconded by Councillor Jones.

Members discussed the report in detail. Points were raised in relation to various aspects.

Councillor Artus said he agreed with the recommendation, but considered there was a need for an omission to be clarified. Whilst the report stated there was also the safeguard that, if the Council was of the view that it made sense to consider an amendment despite these rules, it could do so by majority agreement, this provision was not stated in the appendix.

The Chairman said the Council could suspend standing orders.

Councillor S Barker asked what would happen if immediately before the proposed deadline the legal officer decided the motion was not fit.

The Assistant Director - Governance and Legal said he would encourage members to talk to him in advance if considering an amendment, to avoid the issue of submitting suitable wording at the moment before a deadline. Members could speak either to him or to the Democratic Services Manager to avoid encountering procedural issues.

Councillor R Freeman said he had served on the Council when its governance had been the committee system. He had found the committee system to be more inclusive, although not so efficient. He was concerned that this proposal further degraded the democratic practice at the Council. Politicians engaged in debate, and last time a debate had taken place was on the motion regarding balloons. In contrast, major decisions were not debated, but were taken by small groups. He cited the decision on the local plan as an example, which he said had been taken by three executive members. He said the Cabinet system was problematic and that his views had not influenced the executive. The Cabinet system could be changed if enough people requested it by referendum.

Councillor Hargreaves made a number of comments. He said the recommendation was wider than that which had been considered by the Governance, Audit and Performance Committee, as recommendations followed different rules to motions. The Committee had twice considered the proposal, and on the second occasion he had supported its adoption, but he had not appreciated the distinction regarding recommendations.

The Assistant Director – Governance and Legal said the recommendations in the report to the Council were exactly those which the Governance, Audit and Performance Committee had approved for recommendation to Council.

Councillor Hargreaves apologised.

Councillor Ranger responded to a point Councillor R Freeman had made. He said that it was incorrect to state that the decision to submit the local plan to the regulation 19 stage had been taken by three executive members. The Cabinet had ratified the recommendation from the Planning Policy Working Group that it should proceed.

Councillor Dean said there had been two recent occasions at Council meetings when there had been late efforts to put together the wording for an amendment, which had resulted in meetings appearing amateurish. The recommendations before the Council this evening were to agree in principle an orderly approach. If the time between the publication of an agenda and the meeting of Council was found to be too short, timings for an earlier publication date for agendas could be considered. It was right there should be early dialogue with officers regarding the wording of amendments.

Councillor Chambers refuted suggestions this council was undemocratic. The Planning Policy Working Group was cross-party, and its meetings were open to all members. He welcomed debate at meetings of the Council but it was important to make sure members could put forward amendments to motions or recommendations, but officers had to have sufficient time to ensure it was also circulated beforehand.

Councillor Sell said holding group meetings earlier than the day of the meeting would give more time to consider agenda items, to enable members to consider any amendments and then to allow time for these to be circulated. He did not agree that, if the Council was of the view that it made sense to consider an amendment despite these rules, it could do so by majority agreement, as this

favoured the majority, and amendments might not be heard. Members of the Council should hold the executive to account. It was important, however, to get the facts right, and to talk to the relevant officer.

Councillor Light requested a recorded vote. She said the views of members other than executive members were ignored, and it was despicable to remove the only way in which other councillors had a voice.

Councillor Artus said the Chairman had discretion to allow an amendment on the night. He proposed the question now be put.

A vote was taken as to whether to move to the vote on the recommendation in the report, and rejected by 14 votes in favour to 8 against.

Councillor Howell said these were not radical suggestions. The recommendations sought the opportunity to anticipate what members would say at a meeting, to enable the Council to work effectively. He refuted any suggestion that in listening to non-executive members he did so only out of courtesy.

Councillor Loughlin said she had not supported the Council's move to a Cabinet system of governance, as she considered it disenfranchised councillors. She agreed that the Planning Policy Working Group was democratic, but it only made recommendations to the Cabinet. However, she would support the recommendations on the rules of procedure in relation to amendments to motions, as it was not professional or democratic to vote on an amendment which had only been seen for the first time a few minutes beforehand.

Councillor Jones said he had originally been opposed to this recommendation, as during his 40 years' experience of debating, he had been happy to consider late amendments. However, from the discussion held at the meetings of the Governance, Audit and Performance Committee he could see the merit of looking at the procedure. The report provided for a review of the effectiveness of the proposals after twelve months, and if there were problems within that period, an earlier review could be undertaken.

Councillor Rolfe said he was proud that this administration listened. This recommendation was not about the Cabinet system. Carefully prepared amendments could enrich the democratic process, and he was fully supportive of the recommendations.

Councillor Foley said he had no problem with asking for 48 hours as a courtesy, which was better for debate. He was concerned, however, that circumstances sometimes might justify a late amendment after the deadline.

Councillor Rolfe said the changes to the procedure rules allowed for such circumstances.

A recorded vote was taken, the outcome being as follows.

For the recommendation to adopt the changes to the Council Procedure Rules set out in the appendix to the report:

Councillors Artus, G Barker, S Barker, Chambers, Dean, Farthing, Felton, Foley, Goddard, Harris, Howell, Jones, Lees, Lemon, Loughlin, Mills, Morris, Oliver, Ranger, Rolfe and Wells.

Against: Councillors R Freeman, Gerard, Hargreaves and Light.

Abstention: Councillor Sell.

The recommendation was therefore carried.

RESOLVED that the Council adopts the changes to the Council Procedure Rules as set out in the appendix to the report (appended to these minutes)

C24 PUBLIC ENGAGEMENT WORKING GROUP - UPDATE

Councillor Lemon gave a verbal report on the Public Engagement Working Group. He said that following the setting up of the Youth Council, the Working Group was looking at further opportunities for public engagement. A presentation had taken place at the February meeting on the Local Government Association's "New Conversations" guide, which had indicated areas of good practice for improving engagement with the public, and outlined trends in social media which it was helpful to understand. The Working Group had identified areas of public engagement which the Council did well, including Housing roadshows, and the interaction of the Customer Service Centre team with the public. However there were areas where the Working Group believed improvement could be made, such as public involvement in all meetings. The Group would reconvene after the Summer to narrow its focus.

Councillor Lemon said attendance at the Working Group had not been good, and officers were therefore exploring the possibility of changes to the dates and times it met.

C25 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the public be excluded from the meeting for the following item of business under Section 100I of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information within the meaning of paragraph 3 of Schedule 12A of the Act.

C26 POTENTIAL LAND ACQUISITION

Members received a presentation from officers regarding a potential land acquisition, and a report was then circulated.

The meeting was adjourned at 9.10pm to permit members time to read the report. The meeting resumed at 9.15pm.

Councillor Howell presented the report, setting out in detail the reasons for bringing the report to Council, and outlining the approach which he recommended, based on those reasons and weighing up all relevant factors. He said this was an opportunity to invest in what would be a community asset. He proposed the recommendation.

Councillor Rolfe seconded the proposal.

Members considered the proposal in detail, and put a number of questions to officers, who provided further clarification.

Councillor Howell spoke at the conclusion of the debate, addressing the various points which had been made.

The Chairman invited members to move to the vote.

Councillor Artus asked a further question. Further clarification having been given, the Chairman said the debate had closed, and the meeting would move to the vote.

Councillor Jones said the Council procedure rule on the debate having closed could be suspended by putting that question to the meeting.

A vote was taken on the amendment, which was not carried.

The vote on the recommendation was then taken, and carried by 22 votes to one, with two abstentions.

The meeting ended at 10.10pm.

Notice of amendments at Council (additional text in bold)

12.6 Amendments to motions and recommendations

12.6.1 An amendment to a motion **or recommendation** must be relevant to the motion **or recommendation** and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words as long as the effect of the amendment is not to negate the motion **or recommendation**.

12.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been

disposed of.

12.6.3 If an amendment is not carried, other amendments to the original motion or recommendation may be moved.

12.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

12.6.5 After an amendment has been carried, the Chairman will read out the amended motion or recommendation before accepting any further amendments, or if there are none, put it to the vote.

12.6.6 Subject to the exceptions in Rule 12.6.7, amendments to motions or recommendations shall only be considered if they have been delivered in writing to the Democratic and Electoral Services Manager or to a Democratic Services Officer by 10 am on the day which is two working days preceding the meeting. Amendments submitted shall then be circulated to all members of the Council.

12.6.7 The exceptions to Rule 12.6.6 are:

1. The Chairman shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chairman should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

2. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.

3. The Chairman may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chairman shall give reasons for permitting such amendments to the meeting.

4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.