

MINUTES OF THE ANNUAL MEETING
 OF EAST HERTS COUNCIL HELD IN
 THE COUNCIL CHAMBER,
 WALLFIELDS, HERTFORD, ON
 WEDNESDAY 14 MAY 2008 AT
 7.30 PM

PRESENT: Councillor Mrs D L E Hollebon (Chairman).
 Councillors M R Alexander, D Andrews,
 W Ashley, P R Ballam, K A Barnes, R Beeching,
 S A Bull, A L Burlton (Chairman – part),
 M G Carver, R Cheswright, D Clark, N Clark,
 R N Copping, K Darby, A F Dearman, J Demonti,
 A D Dodd, R Gilbert, Mrs M H Goldspink,
 A M Graham, P Grethe, L O Haysey, J Hedley,
 Mrs D M Hone, A P Jackson, G Lawrence,
 G McAndrew, M P A McMullen, J Mayes,
 T Milner, D A A Peek, M Pope, N C Poulton,
 W Quince, R Radford, J O Ranger, P A Ruffles,
 S Rutland-Barsby, G D Scrivener, J J Taylor,
 R I Taylor, M J Tindale, A L Warman, J P Warren,
 N Wilson, M Wood, C B Woodward,
 B M Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Director of Internal Services
Jeff Hughes	- Head of Democratic and Legal Services
Martin Ibrahim	- Senior Democratic Services Officer
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager
George A Robertson	- Director of Customer and Community Services

ACTION1 CHAIRMAN'S REMARKS

The Chairman (Councillor Burlton) referred to this being his last duty as Chairman of the Authority. He expressed his thanks to the people of East Herts and their splendid efforts in raising over £10k for the Isobel Hospice.

He thanked Officers for their support, help and advice, in particular, staff in the Executive team, Democratic Services, Communications and Desktop Publishing. He referred to the work of Officers off site, such as the East Herts Youth Games and urged Members to support such events whenever invited.

Also, he thanked Members for their support and advice, especially Councillor R N Copping and his sister and Councillor P A Ruffles. Finally, he expressed gratitude to his consort, his wife Wendy, for her efforts throughout his term as Chairman.

Councillors A P Jackson, M Wood and K A Barnes each paid tribute to the Chairman.

Councillor A P Jackson referred to the Chairman's even-handedness and the fairness he had shown towards all points of view in the chamber. He mentioned the success of the civic awards and the civic dinner, which everybody he had spoken to had enjoyed.

He believed that the Chairman would be remembered for two reasons. Firstly, as a figure of stability, as he had presided over a period of extensive change in the Council. Secondly, for the loyalty and integrity he had brought to the position of Chairman. He believed that East Herts was held in regard by outside organisations as a result of the Chairman's work.

The Leader concluded by referring to the role played by the Chairman's wife, Wendy. He paid tribute to her efforts and presented her with a bouquet of flowers.

ACTION

Councillor M Wood spoke of the Chairman and his consort being an excellent team. He believed that they had been great ambassadors for the Council on their many visits throughout the District and beyond, enhancing the reputation of East Herts.

Councillor K A Barnes spoke of the Chairman's neutral stance on issues debated in the chamber and of his achievements in working on behalf of the District.

2 ELECTION OF CHAIRMAN OF THE COUNCIL

It was moved by Councillor J Hedley and seconded by Councillor T Milner that Councillor Mrs D L E Hollebon be elected Chairman of the Council to hold office for the civic year 2008/09.

It was moved by Councillor A M Graham and seconded by Councillor M Wood that Councillor Mrs M H Goldspink be elected Chairman of the Council to hold office for the civic year 2008/09.

After being put to the meeting and a vote taken, Councillor Mrs D L E Hollebon was elected Chairman of the Council for the civic year 2008/09.

RESOLVED - that Councillor Mrs D L E Hollebon be elected Chairman of the Council and hold office for the civic year 2008/09.

The Chairman made the statutory Declaration of Acceptance of Office, and took the Chair.

3 APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL

It was moved by Councillor W Quince and seconded by Councillor G McAndrew that Councillor S A Bull be appointed Vice-Chairman of the Council to hold office for the civic year 2008/09.

ACTION

It was moved by Councillor A M Graham and seconded by Councillor Mrs M H Goldspink that Councillor M Wood be elected Vice-Chairman of the Council to hold office for the civic year 2008/09.

After being put to the meeting and a vote taken, Councillor S A Bull was elected Vice-Chairman of the Council for the civic year 2008/09.

RESOLVED - that Councillor S A Bull be appointed Vice-Chairman of the Council and hold office for the civic year 2008/09.

The Vice-Chairman made the statutory Declaration of Acceptance of Office. He spoke of his pride in being elected Vice-Chairman and undertook to do his best in being an ambassador for East Herts.

4 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 18 April 2008 be approved as a correct record and signed by the Chairman.

5 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their support and for electing her as Chairman. She undertook to promote the District in a positive way and that she would continue to support the Isobel Hospice. She gave notice that special refreshments to mark her election, would be provided at the next Council meeting on 25 June 2008.

The Chairman commented on those Members who did not appear to have returned their Related Party Transactions form for 2007/08. She reminded those Members to complete and return the form to Officers as soon as possible.

ACTION6 DECLARATION OF INTEREST

Councillor N Clark declared a personal interest in the matter referred to at Minute 7 below, in that three of the questions submitted by Members, were likely to include reference to Harlow North and that he was Secretary of the Stop Harlow North campaign.

7 MEMBERS' QUESTIONS

Councillor N Clark referred to the Government's announcement of considerable regional significance earlier that week. He asked the Executive Member for Planning Policy and Transport to outline the implications of this announcement for East Herts.

In response, the Executive Member expressed his disappointment with the final adoption of the East of England Plan. He referred to the length of time taken by the Government to publish the final Plan and yet, few changes had been made from the original draft. Despite the representations made by the people of Hertfordshire, little account had been taken of these views in publishing the final document. Despite the evidence-based arguments on infrastructure and the scarcity of resources, nothing new had been included about the funding required to sustain such development.

The Executive Member referred to the housing target of 12,000 dwellings by 2021, as set out in the East Herts Local Plan. Under the requirements of the East of England Plan, the Council would need to produce another plan for the area designated as Harlow North, as part of the total allocation of housing development for Harlow. Thus, the Council would be required to run two local plan processes at the same time.

The Council would also be required to carry out a green belt review, in order to accommodate the revision of the Regional Plan up to 2031, which would provide as many as 30,000

ACTION

additional dwellings north of Harlow.

The Executive Member referred to the images cast in the Council's original pamphlets that had been produced in response to the draft Plan, in which the implications for road congestion, housing development, jobs, water resources and sewerage implications had been highlighted. The proposals in the Plan would have a detrimental impact on the quality of life in East Herts.

Councillor N Clark expressed his gratitude to the Executive Member for his robust answer and to the Planning Policy team for their efforts. He referred to the launch of the East of England Plan and the Minister's reference to it as a "cunning plan". The Executive Member agreed that the Plan was unsound and confused.

Councillor W Ashley asked the Executive Member for Planning Policy and Transport what action this Council should now be considering, given the announcement by Her Majesty's Government about the adoption of the East of England Plan.

In reply, the Executive Member for Planning Policy and Transport referred to the Council's clear vision endorsed by the people of East Herts in 2007 and Members' duty to protect and improve the quality of residents' lives. He referred to a meeting with all the other Hertfordshire Authorities to consider what further challenge to the Plan could be undertaken.

The Council would continue to progress its own Local Plan and seek to meet the challenging target of 12,000 dwellings. The Council would continue to defend the recently adopted Local Plan as this provided the mandate of the local community to deliver what they wanted.

Finally, he commented that the Council would seek to work in more influential partnerships that recognised the unique heritage, beauty and quality of life in East Herts. The Council would need to meet with partners in Harlow and

ACTION

Epping Forest and he assured Members that the well being and quality of life of East Herts residents would be paramount.

Councillor R Gilbert asked the Executive Member for Planning Policy and Transport if he agreed that the “Local” had now disappeared out of the phrase “Local Plan” and that the work Officers and Members were putting into the new Local Plan system was a sham and would hold little or no value within the community in the future.

In response, the Executive Member commented that he thought that many residents would have concluded this, given that many of them had responded to the undemocratic and ill thought out nature of the draft East of England Plan. The Government had repeatedly talked about community engagement. He believed there was now an opportunity to demonstrate the cynical nature of the new planning process.

The Executive Member stated that the Council would need to continue to engage with residents in order to ensure that its challenge was evidence based. The Council would need to ensure that the new, tortuous and expensive planning process was progressed, so that the Local Plan reflected the views and aspirations of residents.

Finally, the Executive Member urged Members to encourage residents to engage in the Local Plan process as the Council, unlike the Government, would do its best to listen.

Councillor N Clark referred to the Executive Member for Resources and Internal Support chairing the Asset Management Sub Group meeting on 28 January 2008, when it had been agreed that a report be submitted, seeking further funding in relation to the new St Andrews Street car park pedestrian bridge because tenders had doubled. At Council on 16 April 2008, Councillor N Clark had asked the Executive Member whether he had been aware of the potential for an increase in the cost of this project at the time he had presented the capital budget in February 2008. The Executive Member had answered that he had not been

ACTION

aware and that it seemed as though Councillor Tindale had, once again, given the wrong information to Council. Councillor Clark had written to the Leader on 17 April 2008, to ask what action he, as Leader of the Council, would be taking over this matter but had received no response. He asked the Leader what action he had taken or would be taking over this matter.

The Leader referred the question to the Executive Member for Resources and Internal Support. The Executive Member stated that he had been aware of the need for additional funding at the time the capital budget had been agreed. However, he did not wish to predetermine an Executive decision, as he was aware that a report on this matter had been scheduled for the Executive meeting on 1 April 2008.

The Executive Member referred to Capital Strategy papers that had been made available to Councillor N Clark on request and refuted any suggestion that the matter had been swept under the carpet. In respect of his answer to Councillor N Clark's question at the previous meeting, he queried whether anyone could remember where they were on a given day some weeks before.

Finally, the Executive Member commented that the Leader did not need to take any action as he along with his Executive colleagues, was getting on with the real business of the Council.

Councillor N Clark reminded the Leader that his question had been directed at him and concerned the behaviour of an Executive Member. He had asked the Leader what action he would be taking as a result of the incorrect statement given by the Executive Member at Council on 16 April 2008. He asked a supplementary question seeking the Leader's categorical assurance that this would not be repeated and that, if the Executive Member did not have an adequate grasp of his portfolio, could he not find anyone willing and able to replace him.

ACTION

In reply, the Leader stated that he was glad to have Councillor Tindale on the Executive team rather than any Members of the Independent Group.

Councillor D Clark asked the Executive Member for Community Safety and Protection if he could explain, in his own words, the meaning of paragraph 7.3 regarding site visits of the Members' Planning Code of Good Practice in the Constitution.

In response, the Executive Member for Community Safety and Protection expressed his belief that the meaning was clear and concerned the value of site visits in the planning process.

Councillor D Clark quoted the paragraph and as the portfolio holder for Development Control issues and a member of the Development Control Committee, stated that it was important for the Executive Member to set a good example. She asked a supplementary question on whether the Executive Member could assure Council that he had not heard any representations from applicants or interested third parties during site visits in the past year, without an Officer being present.

In reply, the Executive Member stated that his memory was not that good.

Councillor D Clark referred to the latest report from the Audit Commission which showed that the Council's rate of improvement had slowed for the second consecutive year. Improvement was well below that of other Councils - only 26 out of 388 Councils had improved more slowly than East Herts Council. Members had often been told that East Herts Council aimed to be a learning Council. On 20 February 2008, she had asked when this would happen and how long the Council needed. The Leader had replied that he had embarked on the learning process several years ago. She asked the Leader whether this was a case of slow learning or whether the approach was simply not working.

ACTION

In reply, the Leader stated that neither was the case.

In response to a supplementary question on why the Council could not improve as fast as other Authorities and whether the Leader had learned anything from the Direction of Travel statement, the Leader commented that rates of improvement depended on where the measure started from. The Council had received a “good” rating at its last CPA assessment, whilst many other Authorities had their improvement rate measured from a lower base. Therefore, the Direction of Travel statement should be seen in the wider context and not in the selective way that the Independent Group was presenting.

The Leader sought to provide some balance and referred to the Council’s achievements in the provision of affordable housing, Benefits claims and complaints, street cleansing, dealing with minor planning applications and the various partnership arrangements in place. He accepted that he had been selective in quoting these examples, but these impacted directly on residents. The Direction of Travel statement had referred to the new policy framework enabling the Council to be better placed to meet future challenges.

Councillor Mrs M H Goldspink asked the Executive Member for Environment and Conservation whether East Herts District Council had a policy on the use of bottled water at its meetings and in its offices, and if so, what that policy was.

In reply, the Executive Member for Environment and Conservation referred to the task and finish group’s work on climate change issues. This group would be looking at how the Council could reduce its carbon footprint and how to encourage others as well. He stated that the Council had no formal policy on the use of bottled water, although it sought to utilise mains water wherever possible. At Wallfields, six out of ten water coolers ran from the mains, although in the older part of the building, this was not possible.

ACTION

Councillor Mrs M H Goldspink commented that Bishop's Stortford Town Council had removed its water coolers and asked a supplementary question on why it seemed to take so long for the Council to do such simple things.

In reply, the Executive Member commented that he could not pre judge what the task and finish group might conclude and that the provision of bottled water was only one element.

8 ANNUAL REPORT OF THE SCRUTINY CHAIRMEN

Councillor J O Ranger presented the Annual report of the Scrutiny Chairmen. He commented that 39 Members had participated in some aspect of scrutiny work, which demonstrated a real interest. He referred to training for Members which was being organised.

In response to a question from Councillor N Clark, in respect of paragraph 4.5 on the three joint use swimming pools, Councillor J O Ranger accepted that the word "agreed" should be replaced with the words "agreed to recommend".

Council agreed to receive the report as amended.

RESOLVED – that, subject to the amendment of paragraph 4.5 as now detailed, the Annual report of the Scrutiny Chairmen be received.

9 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE – 9 APRIL 2008

RESOLVED – that the Minutes of the Development Control Committee meeting held on 9 April 2008, be received.

ACTION(B) AUDIT COMMITTEE – 21 APRIL 2008

RESOLVED – that the Minutes of the Audit Committee meeting held on 21 April 2008, be received.

(C) COMMUNITY SCRUTINY COMMITTEE –
22 APRIL 2008

In respect of Minute 649 – Citizens Advice Bureau Presentation, Councillor D Clark gave notice that she would be raising an issue of accuracy at the next meeting.

In respect of Minute 653 – Joint Provision Weekend Casual Swimming Review, in response to a question from Councillor D Clark, the Chairman advised that this matter would be submitted to the next Executive meeting on 27 May 2008.

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 22 April 2008, be received.

(D) LICENSING COMMITTEE – 23 APRIL 2008

RESOLVED – that the Minutes of the Licensing Committee meeting held on 23 April 2008, be received.

(E) HUMAN RESOURCES COMMITTEE –
24 APRIL 2008

Council noted that Councillor M Wood had been present at this meeting.

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 24 April 2008, be received.

ACTION(F) STANDARDS COMMITTEE – 6 MAY 2008

Councillor J P Warren referred to the new regulations which had required Standards Committees to be chaired by independent members and expressed his pride to have been Chairman of the Committee for the previous five years.

RESOLVED – that the Minutes of the Standards Committee meeting held on 6 May 2008, be received.

(G) DEVELOPMENT CONTROL COMMITTEE –
7 MAY 2008

RESOLVED – that the Minutes of the Development Control Committee meeting held on 7 May 2008, be received.

10 REVIEW OF THE COUNCIL'S DECISION-MAKING
STRUCTURE

The Head of Democratic and Legal Support Services submitted a report reviewing the Council's decision-making structure.

He advised that the position in respect of Committees and political groups had not changed since the previous review. As a consequence, Council was invited to approve the recommendations in respect of the allocation of seats on main committees, as detailed in the report now submitted.

The Head of Democratic and Legal Support Services advised of an error in recommendation (G), in that two parish members should be appointed to the Standards Committee.

Council noted the nominations of each political group to the seats on main committees as detailed in the papers tabled at the meeting and advised at the meeting.

ACTION

RESOLVED - that (A) the following Scrutiny Committees, Regulatory Committees and Joint Member Panel be appointed, with the number of voting Members stated:

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10
Development Control	16
Licensing	15
Human Resources	7
Audit	7
Highways Joint Member Panel (6 from Hertfordshire County Council 6 from East Herts Council)	12

(B) the allocation of seats on the Committees and Panel in (A) above, be as follows:

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dems</u>	<u>Ind</u>	<u>JW</u>	<u>Total</u>
Community Scrutiny	10	8	1	1	0	10
Corporate Business Scrutiny	10	8	1	0	1	10
Environment Scrutiny	10	8	1	1	0	10
Development Control	16	14	1	1	0	16

ACTION

Licensing	15	13	1	1	0	15
Human Resources	7	6	1	0	0	7
Audit	7	6	0	0	1	7
Total	75	63	6	4	2	75

(C) the allocation of seats on the Highways Joint Member Panel (6) to political groups be as follows:

Cons 5

Lib Dem 1

(D) the membership of Scrutiny Committees, Regulatory Committees and the Highways Joint Member Panel be as set out in the papers tabled at the meeting, with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated;

(E) the number of Executive Members to be appointed to the Executive be 6, plus the Leader;

(F) the Council's Standards Committee be appointed for the ensuing civic year consisting of three independent members, four District Councillors (of whom one should be from each political party with four or more Members), one Town Council Member, two Parish Council Members and the following individuals be appointed:

District Council

Councillors N C Poulton, P A Ruffles, J P Warren and M Wood

ACTIONTown/Parish

Mrs E Woods (town) and Mr R Taylor (parish) plus one vacancy

Independents

Mr J Mophew and two vacancies (all appointed for term expiring at the Annual meeting in May 2011)

(G) the programme of Council meetings, as detailed at paragraph 9.1 of the report submitted, be approved;

(H) the Director of Internal Services be authorised to make changes in the standing membership of committees and panels in (A) above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated, and also amend, as necessary, the Constitution to take account of the decision at (F) above; and

DIS

(I) the action to be taken by the Director of Internal Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted.

11 REVIEW OF CONSTITUTION

The Monitoring Officer submitted a report reviewing the Constitution. He referred to suggested changes detailed at Appendix 'A13' of the report now submitted.

He also referred to the requirements of the Local Government and Public Involvement in Health Act 2007 for Councils to choose between a "new style" Leader and Cabinet model and an elected Mayor and Cabinet model. The new Act also had implications for the Council's scrutiny arrangements which were detailed in the report now submitted. Various changes to the Standards Committee

ACTION

were also required and these had been set out in a separate report (see Minute 10 above).

Councillor N Clark sought clarification in respect of the proposed delegation on consultation documents that were non-significant matters. The Monitoring Officer commented that the Council was sent numerous consultation documents and that a proportionate response was needed. Portfolio holders were consulted and that a full list of consultation documents was included within the legislative bulletin.

Councillor D Clark referred to the requirement for Executive Members to report to Council on their portfolio areas on a regular basis. She asked the Leader why there had been no such reports since the election and when such reports could be expected. In response, the Leader queried the relevance of this question and stated that this could be looked at when the Constitution would be reviewed again in due course.

Council approved the recommendations as now detailed.

RESOLVED - that (A) the Leader and Executive decision making model as set out in the report now submitted, be adopted from the date of this meeting; and

(B) the amendments to the Constitution, as detailed in the report now submitted, be approved and the Monitoring Officer be authorised to make the necessary amendments.

DNS

The meeting closed at 8.47 pm

Chairman
Date