

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 25
MARCH 2009 AT 7.30 PM

PRESENT: Councillor Mrs D L E Hollebon (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, R Beeching, S A Bull, M G Carver,
Mrs R Cheswright, D Clark, N Clark,
R N Copping, J Demonti, A D Dodd, R Gilbert,
Mrs M H Goldspink, P Grethe, L O Haysey,
J Hedley, Mrs D M Hone, A P Jackson,
M P A McMullen, J Mayes, T Milner, R L Parker,
D A A Peek, M Pope, N C Poulton, W Quince,
R Radford, P A Ruffles, G D Scrivener, J J Taylor,
R I Taylor, M J Tindale, A L Warman, J P Warren,
N Wilson, M Wood, C Woodward, B Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Caroline Goss	- Communications Officer
Philip Hamberger	- Programme Director of Change
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services
George Robertson	- Legal Services Manager

ACTION656 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised of the various events she had attended since the previous meeting. In particular, she highlighted the various civic receptions at which she had represented the Authority.

She referred to her Civic Dinner held on 21 March 2009, at which her guests had enjoyed good food and music. She detailed the civic awards winners and advised that, to date, £5,551 had been raised in support of Isobel Hospice. She thanked everyone for their support.

Councillor N C Poulton, on behalf of Isobel Hospice, thanked the Chairman for the continued support.

The Chairman advised Members of a forthcoming and exciting event at Paradise Wildlife Park on 9 May 2009, of which further details would follow in due course.

The Chairman referred to the recent "Red Nose" day and congratulated the staff on their efforts in raising over £400 through various events.

Finally, the Chairman advised Members that the item relating to the Appointment of Members to the Independent Remuneration Panel, as detailed at Agenda Item 9, had been withdrawn from the agenda, in order that further interviews could take place.

657 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 4 March 2009, be approved as a correct record and signed by the Chairman.

ACTION658 DECLARATIONS OF INTEREST

Councillor P A Ruffles declared a personal and prejudicial interest in the matters referred at Minute 659 – Public Question, Minute 660 – Members’ Questions and Minute 649 – Implications of the Changing the Way We Work Programme (Options for The Causeway Offices Site), in that these related to Hendersons, in which he had a financial investment. He left the Chamber whilst these matters were considered.

Councillor N Clark declared a personal interest in Minute 647 – Corporate Strategic Plan 2009-12, in that any discussion in respect of the Local Development Framework might include reference to the Stop Harlow North Campaign, of which he was the Secretary.

659 PUBLIC QUESTION

Michael Hurford, Bishop’s Stortford, submitted the following question to the Leader of the Council, in respect of Minute 649 - Implications of The Changing The Way We Work Programme (Options for The Causeway Offices Site):

Why has there been no consultation on this matter when it foreshadows a large development not in the District Plan and certain to cause increased traffic congestion; fails to reveal to the public its full costs and leaves unresolved whether the freehold, given to the old U.D.C. in 1929, can be sold by the District Council?

The Leader referred the question to the Executive Member for Resources and Internal Services. The Executive Member stated that a letter had been sent to various interested partners, including the Civic Federation. However, the Council’s property arrangements were not a matter for public consultation as front line services would not be affected, but instead, would be enhanced. He commented that public consultation would become more

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relevant at the time of specific development proposals being submitted.

In respect of the costs, the Executive Member stated that outline costs had been included in the report submitted to the Executive, although the more commercially sensitive elements had been exempt from publication. Finally, he commented that he was not aware of any outstanding issues that needed resolving in respect of the lease.

In response to a supplementary question, the Executive Member reiterated that the future use of the car parks on the site would be subject to public consultation once development proposals came forward. He also clarified that there were no outstanding issues on the freehold to resolve.

660 MEMBERS' QUESTIONS

Councillor D Clark stated that the Council had been told that the proposal to dispose of the Causeway site was the culmination of four years work, yet there had been no consultation with residents, the Civic Federation, the Chamber of Commerce or even Bishop's Stortford 2020 and that the related paper, released to Members only two weeks ago, was being rushed through Council tonight. She asked the Leader of the Council if he was worried that this was a lousy deal for Bishop's Stortford and for the council taxpayer and that it would not stand up to scrutiny.

The Leader referred the question to the Executive Member for Resources and Internal Services. The Executive Member stated that in respect of the consultation issue, he had already answered this and referred the questioner to Minute 659 above. As for the remainder of the question, he commented that he was not worried.

As a supplementary question, Councillor D Clark stated that the original question had been addressed to the Leader and asked him to reply. In reply, the Leader stated that he did not disagree with the comments of the Executive Member.

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Councillor N Clark referred to the Conservatives Policy Green Paper, "Control Shift - Returning power to Local Communities", which stated that they will "require councils to regularly make basic information about their spending available to the public online. Councils will be required to list all items of expenditure above a certain level..." This strategy had already been adopted in London by the Conservative Mayor, Boris Johnson, for all items above £1,000 and by the Royal Borough of Windsor and Maidenhead, for all items above £500. He asked the Leader of the Council when East Herts Council would adopt this Conservative policy.

In reply, the Leader expressed his hope that a Conservative Government was little more than a year away at most. He read an extract from the Green Paper and expressed his support for the proposals contained within. However, he raised a slight concern in respect of the potential additional workload that would ensue in dealing with queries. He believed that the experience of the Greater London Authority and the Royal Borough of Windsor and Maidenhead would need to be evaluated.

Councillor N Clark asked a supplementary question as to whether the Leader agreed with the assertion within the policy document that the proposals would help reduce wasteful expenditure.

In reply, the Leader believed that it was too early to say and that the experience of others was needed.

661 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meeting held on 17 March 2009.

The Leader commented that as this was the last Council meeting of the civic year, he wished to place on record his recognition of the energy, commitment and focus shown by

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the scrutiny committees, the Health Engagement Panel and the various task and finish groups throughout the year. He believed that through their scrutiny, they had added value to the recommendations and decisions of the Executive.

In respect of Minute 649 – Implications of the Changing the Way We Work Programme (Options for The Causeway Offices Site), Councillor M Wood reiterated the concerns he had raised at the Executive meeting on these proposals.

Councillor M Wood queried where the promised savings that would be diverted to front line services were. He questioned the need for such a decision in the current economic climate and cast doubt on the financial basis for the proposals. In particular, he expressed concern at the proposed sale of the two car parks and the costs of staff “home working”, which had not been identified. Furthermore, he stated his concern for the impact on staff with the additional travelling that would be required.

Councillor M Wood reminded Members that Bishop’s Stortford was the largest town in the District and that these proposals would cause much angst with residents. He referred to a number of major offices and centres, such as the Magistrates court, the County court, the Job Centre, Social Services, Business Link, HM Revenues and the Herts and Essex hospital, which had been lost in Bishop’s Stortford. He believed that it would be no surprise if residents felt they would be better off if Bishop’s Stortford was part of Essex.

Councillor M Wood questioned why the reception area had been refurbished recently. He also referred to the public question at Minute 659 above and posed the question as to whether the Council had the authority to sell the freehold of the land as proposed. He asked whether residents would be consulted perhaps by way of a special Community Voice meeting. He also referred to the Council being one of the two largest employers in Bishop’s Stortford and raised concerns as to the impact on the town centre economy of staff moving to Hertford.

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Finally, Councillor M Wood suggested that the Council should refurbish The Causeway offices, seek a partner to share the lease costs and retain the car parks income.

Councillor D Clark expressed her concerns that there had been no external consultation or scrutiny of the proposals. She believed that a number of questions remained unanswered and listed these in a tabled document copies of which were provided to the Chairman and the Leader.

Councillor D Clark's questions covered a range of issues on:

- the lack of the financial or property appraisal that had been agreed previously and the lack of staffing, legal and infrastructure costs;
- the assumptions around rental values at Charringtons House and The Causeway offices and land values in the town centre over the next fifteen years;
- the impact of the recession on the timing of the proposals and why the possibility of alternative sites had not been revisited;
- the lack of an assessment of buying the lease without selling the car parks and whether the Landlord was prepared to consider alternatives; and
- whether Grant Thornton had appraised the recommended course of action and the need for due diligence.

Councillor Mrs M H Goldspink expressed her opposition to the proposals. She believed there was no justification for selling assets, such as the two car parks, which would result in the loss of car parking spaces in the town centre. She referred to potential future development of the site and questioned whether residents wanted this. There had been no consultation and she questioned the level of influence the

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Council might have in the future.

Councillor Mrs M H Goldspink also expressed concern for staff and whether they had been fully consulted. She remained unconvinced on hot-desking and home working. She summarised her opposition to the proposals as being wrong in principle to sell off assets and to lose control of an important town centre site. She referred to the projected revenue deficit of £88,000 and the need for the Council to exercise “a duty of care”.

Councillor N Clark proposed, and Councillor D Clark seconded, an amendment as follows:

Delete recommendations (A) – (C) and replace with

(A) the report be noted;

(B) the report be referred to Corporate Business Scrutiny Committee;

(C) as part of the scrutiny process, interested parties, including, but not limited to, residents, the Bishops Stortford Civic Federation, the Chamber of Commerce, members of Bishops Stortford 2020, Henderson and Grant Thornton, the External Auditors, be invited to give evidence to the Committee; and

(D) matters arising from this scrutiny be referred to Full Council before any decision is made on the future of the Causeway or Wallfield sites.

Councillor N Clark expressed the concerns of Councillor K A Barnes, who had not been able to attend the meeting.

Councillor N Clark believed that many issues of concern had been raised, but had not been answered adequately by the Executive. He commented that Members had been advised that the proposals were about property transactions only and yet, the first recommendation sought approval for moving to

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Wallfields without any rationale.

He referred to advice given in the summer 2008 that Wallfields needed some £900,000 in capital refurbishment and that the travel and disturbance costs would be nearly £250,000. These sums had not been included in these proposals despite previous decisions that final details would be submitted for approval. Therefore, it would be irrational to approve the move to Wallfields without this information.

Councillor N Clark questioned the square footage costs within the proposals as they indicated a 50% rise by leasing Charringtons House instead of The Causeway offices. He did not believe that this represented a good use of council taxpayers' money. Furthermore, he believed that the proposals involved a rushed decision based on flimsy information and cast doubt on many of the assumptions within the report.

Finally, he questioned the timing of the decision, especially as it would result in an annual revenue cost of £88,000. Councillor N Clark asked where the savings that would be directed to frontline services were. He referred to the Leader's earlier comments about scrutiny "adding value" and therefore suggested that the proposals should be scrutinised.

Councillor R I Taylor also expressed his opposition to the proposals. He referred to the value of the Council's town centre assets and questioned whether sufficient car parking spaces were available at present, let alone whilst a development was taking place. He believed that the issue should be referred to scrutiny.

The Executive Member for Resources and Internal Support responded to the many comments made. He commented that the proposals before Council had been the result of an enormous amount of work over a long period of time. He believed that the majority of Members trusted the advice of Grant Thornton, Lambert Smith Hampton (LSH) and the

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Council's Officers.

The Executive Member referred to the projected cost of the Charringtons House lease and explained that the square footage cost was higher because the term of the lease was much shorter at fifteen years. He commented that The Causeway offices were four times larger than the Council's need and that Charringtons House would be refurbished to suit the Council's specific needs.

In respect of the revenue costs, the Executive Member stated that the figure of £88,000 had been based on what was known now about interest rates. If interest rates rose then this figure would be reduced. In any event, £88,000 appeared to be a price worth paying for the certainty that would be provided about future accommodation needs. The Executive Member refuted the suggestion that the Council should allocate expenditure on refurbishing The Causeway offices.

The Executive Member reminded Council of the different roles of the Council's advisers. Lambert Smith Hampton had been engaged to look after the overall deal, whilst Grant Thornton had been asked to examine the assumptions made by LSH and the accounting treatment of the sums involved. In respect of Councillor D Clark's specific questions, he suggested that a written response could be provided.

The Leader also responded to the comments made. He understood some of the concerns raised and reiterated that public consultation would ensue whenever development proposals came forward. However, these proposals did not concern any development. He believed that if and when development proposals came forward, alternative car parking could be provided elsewhere for the duration of the works, as was the case with the recent Jackson Square redevelopment.

The Leader commented that the proposals would provide more certainty over accommodation costs in the longer term. He reiterated the Executive Member's comment that the

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existing premises were greater than was needed.

Councillor D A A Peek commented on the current lease arrangements on The Causeway offices site, which he believed were onerous. He referred to the proposals involving an extremely complicated deal and believed that the professional advice given should be heeded. He reminded Members that the current accommodation was of poor standard and that staff deserved better.

Councillor D Clark seconded the proposed amendment by taking issue with the Executive Member's comments regarding the potential impact of interest rate movements. She commented that interest rate changes would also impact on asset values and yet this had not been scrutinised. She disputed the need for selling any assets and entering a more expensive lease.

Councillor D Clark questioned whether Members had been given all the information needed and referred to Grant Thornton's advice that more due diligence was needed. She commented that the Executive Member had not provided any certainty and that there was no reason why the proposals should not be scrutinised.

Following a request for a recorded vote on the proposed amendment, the results of the vote were:

FOR:

Councillors D Clark, N Clark, Mrs M H Goldspink, R I Taylor, M Wood.

AGAINST:

Councillors M R Alexander, D Andrews, W Ashley, R Beeching, S A Bull, M G Carver, Mrs R Cheswright, R N Copping, J Demonti, A D Dodd, R Gilbert, P Grethe, L O Haysey, J Hedley, Mrs D L E Hollebon, Mrs D M Hone, A P Jackson, M P A McMullen, J Mayes, T Milner, R L Parker, D A A Peek, M Pope, N C Poulton, W Quince,

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R Radford, G D Scrivener, J J Taylor, M J Tindale,
A L Warman, J P Warren, N Wilson, C Woodward,
B Wrangles.

For: 5

Against: 34

Abstentions: 0

Following a request for a recorded vote on the Executive's proposals, the results of the vote were:

FOR:

Councillors M R Alexander, D Andrews, W Ashley,
R Beeching, S A Bull, M G Carver, Mrs R Cheswright,
R N Copping, A D Dodd, R Gilbert, P Grethe, L O Haysey,
J Hedley, Mrs D L E Hollebbon, Mrs D M Hone, A P Jackson,
M P A McMullen, J Mayes, T Milner, R L Parker,
D A A Peek, M Pope, N C Poulton, W Quince, R Radford,
G D Scrivener, M J Tindale, A L Warman, J P Warren,
N Wilson, C Woodward, B Wrangles.

AGAINST:

Councillors D Clark, N Clark, Mrs M H Goldspink, R I Taylor,
M Wood.

ABSTENTIONS:

Councillors J Demonti, J J Taylor.

For: 32

Against: 5

Abstentions: 2

ACTION

The Executive's recommendations in respect of Minute 649 - Implications of the Changing the Way We Work Programme (Options for The Causeway Offices Site) were declared CARRIED.

RESOLVED – that the Minutes of the Executive meeting held on 17 March 2009, be received, and the recommendations contained therein, be adopted.

662 MINUTES OF COMMITTEES(A) DEVELOPMENT CONTROL COMMITTEE
– 18 FEBRUARY 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 18 February 2009, be received.

(B) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 24 FEBRUARY 2009

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 24 February 2009, be received.

(C) ENVIRONMENT SCRUTINY COMMITTEE
– 3 MARCH 2009

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 3 March 2009, be received.

(D) LICENSING COMMITTEE – 10 MARCH 2009

RESOLVED – that the Minutes of the Licensing Committee meeting held on 10 March 2009, be received.

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(E) DEVELOPMENT CONTROL COMMITTEE
– 11 MARCH 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 11 March 2009, be received.

663 APPOINTMENT OF MEMBERS TO THE
INDEPENDENT REMUNERATION PANEL

Council noted that this item had been withdrawn from the Agenda.

RESOLVED – that the withdrawal of this item from the Agenda be noted.

664 MOTION ON NOTICE – PARTY WHIP ARRANGEMENTS

Councillor N Clark moved, and Councillor D Clark seconded, the following motion:

"This Council agrees that Members should not be required to follow a party whip on issues concerning matters of conscience or matters specific to their ward."

Councillor N Clark commented that Members were elected by residents to represent them. He believed that overuse of the party whip could damage local democracy and make it difficult for the electorate to understand who was taking decisions. It could also make it difficult for Members to represent the views of their residents. He believed this was one of the reasons why there was public disillusionment with local democracy.

He suggested that his motion would demonstrate that on matters of conscience or matters specific to their wards, such as Council's earlier decision on The Causeway offices, Members were not bound by a party whip. Although political parties might wish to maintain discipline in order to deliver

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their manifestos, he did not believe that this should be at the expense of transparency and accountability in decision-making.

Councillor N Clark suggested that the Council should incorporate in its standing orders, a requirement that where whipping was applied at full Council, it should be declared at the commencement of the relevant discussions and recorded for public information and record. He suggested that Members who supported his motion must have voted according to their conscience in the earlier debate on The Causeway offices. Members who were minded to vote against his motion must agree that they were prepared to toe the party line even to the detriment of the residents they represented.

Various Members pointed out that the two abstentions in the recorded vote held earlier, demonstrated that no party whip had operated and that Members had voted according to their conscience.

The Leader of the Council supported the motion and the comments of other Members that the earlier recorded vote demonstrated that even on significant issues, Members were free to vote according their conscience. He expressed his pride in being Leader of the Conservative group.

Councillor M Wood supported the motion and commented that ward issues should be a matter of individual conscience.

Councillor D Clark seconded the motion and referred to one of the key Nolan principles of personal judgement. She believed that Members, whilst taking account of the views of others, including their political groups, should always reach their own conclusions on issues. She questioned the purpose of ward Members if they were prevented from representing residents by party whip arrangements.

After being put to the meeting, and a vote taken, the motion was declared CARRIED.

ACTION

RESOLVED – that the following motion be approved:

"This Council agrees that Members should not be required to follow a party whip on issues concerning matters of conscience or matters specific to their ward."

The meeting closed at 9.01 pm

Chairman
Date

Nps\Council\25 March 2009\Minutes 25 Mar 2009