

# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 12th December, 2012 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 29th day of November 2012

Jeff Hughes  
Head of Democratic and  
Legal Support Services

*Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion*

### **AGENDA**

1. Chairman's Announcements

*To receive any announcements.*

2. Minutes (Pages 7 - 16)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 26 September 2012.*

3. Declarations of Disclosable Pecuniary Interests

*To receive any Members' declarations of Disclosable Pecuniary Interests.*

4. Petitions

*To receive any petitions.*

5. Public Questions

*To receive any public questions.*

6. Members' questions

*To receive any Members' questions.*

7. Executive Report - 6 November 2012 (Pages 17 - 22)

*To receive a report from the Leader of the Council.*

8. Executive Report - 4 December 2012

*To receive a report from the Leader of the Council (to follow)*

9. Development Control Committee: Minutes - 25 September 2012 (Pages 23 - 34)

*Chairman: Councillor S Rutland-Barsby*

10. Development Control Committee: Minutes - 10 October 2012 (Pages 35 - 54)

*Chairman: Councillor S Rutland-Barsby*

11. Human Resources Committee: Minutes - 17 October 2012 (Pages 55 - 62)

*Chairman: Councillor C Woodward*

12. Licensing Committee: Minutes - 1 November 2012 (Pages 63 - 68)

*Chairman: Councillor Mrs R Cheswright*

*To consider recommendations on the matter below:*

(A) Gambling Act 2005: Statement of Licensing Principles: Response to Public Consultation

*Minute 373 refers.*

13. Development Control Committee: Minutes - 7 November 2012 (Pages 69 - 96)

*Chairman: Councillor S Rutland-Barsby*

14. Environment Scrutiny Committee: Minutes - 13 November 2012 (Pages 97 - 106)

*Chairman: Councillor D Abbott*

15. Community Scrutiny Committee: Minutes - 20 November 2012 (Pages 107 - 118)

*Chairman: Councillor G McAndrew*

16. Audit Committee: Minutes - 21 November 2012 (Pages 119 - 128)

*Chairman: Councillor J Ranger*

17. Corporate Business Scrutiny Committee: Minutes - 27 November 2012

*Chairman: Councillor D Andrews*  
*To follow*

18. Development Control Committee: Minutes - 5 December 2012

*Chairman: Councillor S Rutland-Barsby*  
*To follow*

19. Motions on Notice

*To receive any motions on notice.*

## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
  
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
  
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 26 SEPTEMBER 2012, AT  
7.00 PM

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PRESENT: Councillor J Taylor (Chairman)  
Councillors D Abbott, M Alexander,  
D Andrews, W Ashley, P Ballam, E Bedford,  
R Beeching, E Buckmaster, M Carver,  
Mrs R Cheswright, K Crofton, A Dearman,  
L Haysey, T Herbert, Mrs D Hollebbon,  
Mrs D Hone, A Jackson, G Jones, J Mayes,  
G McAndrew, M McMullen, P Moore,  
M Newman, P Phillips, M Pope, R Radford,  
J Ranger, C Rowley, P Ruffles, S Rutland-  
Barsby, N Symonds, M Tindale, A Warman,  
G Williamson, N Wilson, J Wing, M Wood  
and C Woodward.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Democratic Services Team Leader
Alan Madin	- Director of Internal Services
George A Robertson	- Chief Executive and Director of Customer and Community Services

### 329 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the public to the meeting and reminded everyone that the meeting was being webcast.

The Chairman updated Members on the latest position regarding Councillors G Lawrence and N Poulton's state of health. She was sure she spoke for all Members in wishing them both a speedy recovery.

The Chairman outlined her duties since the previous meeting and highlighted her attendance at the 125<sup>th</sup> anniversary celebrations of Haileybury College. She also referred to the positive feedback she had received regarding the Civic Service and thanked those who had attended. The Chairman reminded those Members who had yet to respond to her invitation to the Civic Dinner to do so as a matter of urgency and requested donations of raffle prizes.

Finally, the Chairman advised of the arrangements for this year's staff "thank yous" at each of the Council's offices on 11 – 13 December 2012, and invited Members to join her.

### 330 MINUTES

RESOLVED – that the Minutes of the meeting held on 7 August 2012, be approved as a correct record and signed by the Chairman.

### 331 DECLARATIONS OF INTEREST

In respect of Minute 335 – Action Plan to Support the East Herts Housing Strategy, Councillors M Alexander and P Moore disclosed pecuniary interests, in that they were both board members of Riversmead Housing Association.

In respect of Minute 335 – Action Plan to Support the East Herts Housing Strategy, Councillor D Andrews disclosed a pecuniary interest in that he was a board member of South Anglia Housing Association.



All three Members left the chamber whilst this matter was determined.

332 MEMBERS' QUESTION

Question 1

Councillor P Ruffles referred to East Herts Council's partnership with two other District Councils and Hertfordshire County Council in seeking to develop local good practice in connection with the 'Ageing Well' agenda. He had been pleased that some key initiatives had been taking place at the heart of the community he represented as a County Councillor at Horns Mill Hertford. Given that successful Local Authority 'Ageing-Well' initiatives benefited not only individuals, but society as a whole, and also in the longer term, would be able to ease otherwise inevitable pressures on the public purse, he asked the Executive Member for Health, Housing and Community Support, what further 'place' initiatives she had. Also, he asked whether she had plans to develop 'Ageing-Well' in the countryside as well as in towns and for those in the community with a different ethnic and cultural background.

In reply, the Executive Member for Health, Housing and Community Support reminded Members that the 'Ageing Well' agenda related to anyone aged 50 or over, which represented 34% of the East Herts population. She referred to the Council's duties and its vision as expressed in the Corporate Strategic Plan. In terms of activities, a small working party of Members was looking at a number of issues. Letters had been sent to parish and town councils and the working party was talking to a number of older residents. The Executive Member highlighted the relationship with the CVS and detailed the important role that ward councillors could play.

In respect of the Council's own policies and strategies, the Executive Member advised that Officers were required to ensure that they were 'age-proofing' any proposals coming forward. In this regard, she commented that scrutiny committees would have a very important role to play when

considering service plans. The Community Scrutiny Committee would be considering such a report at its meeting on 20 November 2012.

Finally, the Executive Member referred to the ongoing work with other partners through the Local Strategic Partnership and highlighted an example of an intergenerational project where older residents were being taught IT skills by younger people.

### 333 EXECUTIVE REPORT - 4 SEPTEMBER 2012

The Leader referred to the long awaited decision of the Secretary of State regarding the Bishop's Stortford schools appeals. In view of the significant delay in receiving the decision, it had been necessary to revise the District Plan timetable again, resulting in the public consultation being put back from January 2013 until April 2013. The consultation period would still run for 12 weeks. He urged all Members to attend the next District Plan Panel meeting on 28 November 2012, at which training would be provided.

The Leader also referred to various Government announcements and the need for the Council to consider economic development initiatives. To this end, Officers were looking at the issue of how to unblock various approved housing developments.

Finally, the Leader commented that this was the last meeting that Alan Madin would be attending before his retirement at the end of the month. He paid tribute to his financial stewardship, which had placed the Council in a better position than most, and spoke of his sense of humour. He wished him well in his retirement.

The Chairman and Councillors E Buckmaster and J Wing all added their own best wishes. Councillor J Wing referred to Mr Madin's even-handed advice and Councillor E Buckmaster spoke of the help he had given to newer Members.

The Leader also welcomed Adele Taylor, the new Director of

Finance and Support Services, who would be joining the Authority on 19 November 2012.

RESOLVED – that the Minutes of the Executive meeting held on 4 September 2012, be received.

(see also Minutes 334 - 337 below)

334 4 YEAR CORPORATE STRATEGIC PLAN (2013/14 TO 2016/17)

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RESOLVED – that (A) the comments of the Corporate Business Scrutiny Committee be received; and

(B) the 2013/14 – 2016/17 Corporate Strategic Plan be approved, as now submitted.

(see also Minute 333 above)

335 ACTION PLAN TO SUPPORT THE EAST HERTS HOUSING STRATEGY

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Councillor M Newman referred to the map within the Strategy and asked the Executive Member for Health, Housing and Community Support whether she acknowledged his concern that it inferred major housing development in the area north of Harlow. In reply, the Executive Member undertook to clarify this with Officers.

The Executive Member for Health, Housing and Community Support referred to the Leader's earlier comments regarding the need to look at potential economic development initiatives and to this end, proposed an additional recommendation, which was seconded by Councillor A Jackson, as follows:

“Officers be asked to submit a report to the Executive meeting on 6 November 2012, giving options which facilitate growth in house building, whilst being mindful of the Council's priority to provide affordable housing and the importance of stimulating economic growth.”

After being put to the meeting, this additional recommendation was agreed.

RESOLVED – that (A) the comments of the Community Scrutiny Committee be received;

(B) the Housing Strategy 2012 - 15 be adopted;

(C) an annual report to monitor progress of the action plan be submitted to Community Scrutiny Committee; and

(D) Officers be asked to submit a report to the Executive meeting on 6 November 2012, giving options which facilitate growth in house building, whilst being mindful of the Council's priority to provide affordable housing and the importance of stimulating economic growth.

(see also Minute 333 above)

336 MEDIUM TERM FINANCIAL STRATEGY (2013/14 TO 2016/17)

RESOLVED – that (A) the comments of the Corporate Business Scrutiny Committee be received;

(B) the proposed Financial Strategy, as now submitted, be adopted; and

(C) the planning assumptions, as now submitted, be adopted as the basis for framing the 2013/14 budget and Medium Term Financial Plan to 2016/17.

(see also Minute 333 above)

337 MONTHLY CORPORATE HEALTHCHECK - JUNE AND JULY 2012

RESOLVED – that (A) the budgetary variances set out in paragraph 2.1 of the report submitted be noted;

(B) Investment Income in excess of the budgeted sum, to the extent that it is not needed to offset adverse budget variances during 2012/13, be transferred to the Interest Equalisation Reserve at 31 March 2013, as detailed at paragraph 2.2 of the report submitted;

(C) a Supplementary Revenue Estimate of £120,000 in respect of increased workloads in the Revenues and Benefits Service, as outlined in paragraph 2.4 of the report submitted, be approved; and

(D) spend of £358,000 for the provision of rent accommodation from the monies held by Uttlesford Council who act as banker for these funds, be approved, as detailed at paragraph 2.6 of the report.

(see also Minute 333 above)

338 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 15 AUGUST 2012

RESOLVED – that the Minutes of the Development Control Committee meeting held on 15 August 2012, be received.

339 CORPORATE BUSINESS SCRUTINY COMMITTEE: MINUTES - 21 AUGUST 2012

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 21 August 2012, be received.

340 COMMUNITY SCRUTINY COMMITTEE: MINUTES - 28 AUGUST 2012

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 28 August 2012, be received.

341 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES - 11  
SEPTEMBER 2012

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RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 11 September 2012, be received.

342 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 12  
SEPTEMBER 2012

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RESOLVED – that the Minutes of the Development Control Committee meeting held on 12 September 2012, be received.

343 AUDIT COMMITTEE: MINUTES - 19 SEPTEMBER 2012

RESOLVED – that the Minutes of the Audit Committee meeting held on 19 September 2012, be received.

344 APPOINTMENT OF SECTION 151 OFFICER

Council noted its requirement to appoint formally the statutory position of the Chief Financial Officer (Section 151 Officer) under Section 151 of the Local Government Act 1972. Alan Madin, the current appointee was retiring at the end of September 2012. Council noted that Adele Taylor, the new Director of Finance and Support Services, would commence her appointment on 19 November 2012. Therefore, Council agreed interim and future arrangements to meet the Council's statutory requirements.

RESOLVED – that (A) Simon Chancellor be appointed as the Council's Section 151 Officer with immediate effect until the Director of Finance and Support Services takes up her post; and

(B) Adele Taylor be appointed as the Council's Section 151 Officer from 19 November 2012.

345 IMPLICATIONS OF THE LOCAL AUTHORITIES  
(EXECUTIVE ARRANGEMENTS) (MEETINGS AND  
ACCESS TO INFORMATION) (ENGLAND) REGULATIONS  
2012

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Council considered a report outlining the new provisions introduced by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, governing Executive meetings. The Monitoring Officer summarised the changes from the previous Regulations and explained their impact on East Herts in the report now submitted. The necessary changes to the Constitution were also set out in the Essential Reference Papers to the report now submitted.

Council approved the proposed amendments as now submitted.

RESOLVED – that (A) the implications of the new Regulations be noted; and

(B) the proposed amendments to current practice be approved and the Monitoring Officer be authorised to make appropriate changes to the Constitution.

346 APPOINTMENT OF THE INDEPENDENT PERSON

Council considered a report seeking appointments to be made for the roles of Independent Person and reserve Independent Persons for the new Standards regime under the Localism Act 2011. Council recalled that, at its meeting held on 16 May 2012, Officers were authorised to seek an arrangement with other Authorities for a pool of Independent Persons to be established. The Monitoring Officer advised that this had not proved possible and so applications for the position of Independent Person were advertised. He detailed the recruitment process undertaken in the report now submitted.

In response to a question from Councillor J Wing, the Monitoring Officer confirmed that the proposed appointees were resident in East Herts.

Council approved the appointments now detailed.

RESOLVED – that (A) Philip Copland be appointed as Independent Person; and

(B) Katherine Dumovic and Hazel Howitt be appointed as reserve Independent Persons.

The meeting closed at 7.39 pm

Chairman	.....
Date	.....



MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 6 NOVEMBER 2012, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)  
Councillors M Alexander, M Carver,  
L Haysey and P Phillips

ALSO PRESENT:

Councillors S Bull, Mrs R Cheswright,  
M McMullen, M Newman, T Page, J Ranger,  
P Ruffles, S Rutland-Barsby and J Wing

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services

382 APOLOGIES

An apology for absence was submitted on behalf of Councillor M Tindale.

383 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 4 September 2012, be confirmed as a correct record and signed by the Leader.

384 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press to the meeting. He also thanked non-Executive Members for their attendance at Executive meetings, stating that their input was greatly appreciated.

385 AGEING WELL - REVIEW OF PROGRESS

The Executive Member for Health, Housing and Community Support submitted a report on the progress made in developing the Ageing Well agenda. The Community Scrutiny Committee, at its meeting held on 28 August 2012, had also considered the progress made since making its original three recommendations.

The Executive Member referred to the ambitions detailed at paragraph 2.9 of the report submitted and sought the Executive's support for integrating these into the Council's strategic policy making. She advised that Community Scrutiny Committee would be receiving a further report on this at its next meeting.

In response to various Members' comments and questions, the Executive noted that the developing District Plan would need to take account of the changing demographics of the District. The Executive Member commented that the Ageing Well agenda would need to be developed in partnership with other agencies and that funding could be considered if specific projects were identified. Reference was also made to the work of the Buntingford Youth Council as an example of intergenerational links.

The Executive supported the recommendations as now detailed.

RESOLVED - that (A) the progress made by Members and Officers against the three recommendations made at the Community Scrutiny Committee meeting on 28 February 2012 be noted and supported;

(B) the ambitions set out in paragraph 2.9 of the report now submitted, be supported and are integrated into the strategic policy making of the Council via the Equalities Impact Assessment; and

(C) the Ageing Well agenda be developed within the context of the Council's corporate priority to enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.

386 MONTHLY CORPORATE HEALTHCHECK -  
AUGUST/SEPTEMBER 2012

The Leader submitted an exception report on the finance, performance and risk monitoring for August and September 2012.

In respect of the proposal to vire the £10,000 capital budget for the ventilation improvements to the Café kitchen at Hertford Theatre to replacing the roof at the Castle Gardens bungalow, the Executive Member for Health, Housing and Community Support sought assurance that this item would be reconsidered if the catering situation at Hertford Theatre changed. The Chief Executive and Director of Customer and Community Services confirmed that whilst the ventilation item was not needed now, it would be resubmitted with a business case for consideration if necessary as the programme developed.

In respect of the The Bourne, Ware play development scheme, the Executive noted that this item had not been implemented as the anticipated match funding had not been realised. The Executive Member for Health, Housing and Community Support confirmed that alternatives were being sought.

In response to a question from Councillor J Ranger on the training budget figures and those reported to Human Resources Committee, the Chief Executive and Director of Customer and Community Services undertook to provide a

written response.

The Executive supported the recommendations as now detailed.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.1 of the report be noted;

(B) £20,000 of the IT Network, Servers and Storage capital budget is re-profiled from 2012/13 into 2013/14, as detailed at paragraph 2.34 of the report;

(C) £30,000 of the Hardware Funding capital budget is re-profiled from 2012/13 into 2013/14 as detailed at paragraph 2.35 of the report;

(D) £40,000 of The Bourne Ware play development area capital budget is re-profiled from 2012/13 into 2013/14 as detailed at paragraph 2.36 of the report;

(E) £25,000 of the Hartham Common parks development plan project capital budget is re-profiled from 2012/13 into 2013/14 as detailed at paragraph 2.37 of the report;

(F) the £10,000 capital budget for the Ventilation improvements to the Café kitchen at Hertford Theatre is vired to replacing the roof at the Castle Gardens bungalow as detailed at paragraph 2.38 of the report;

(G) action taken to control strategic risks during the period July to September 2012, be noted; and

(H) the list of 2011/12 Unit Cost performance indicators as detailed in paragraph 2.42 and Essential Reference Paper 'G' of the report submitted, be noted.

387 CAR PARKS PAY BY PHONE SERVICE (RINGGO)

The Leader had agreed to accept this item onto the agenda as an urgent matter in order that an extension of an economic

development initiative could be considered without delay.

The Executive Member for Economic Development submitted a report seeking to extend the pilot “pay be phone” service for the Council’s car parks. He proposed that the current arrangement with Cobalt Telephone Technologies be extended until the end of 2012/13 and that the 20p transaction charge is absorbed by the Council. The Executive Member detailed the scheme and commented that this would extend choice for the motorist as stated in the Parking and Transport Strategy agreed earlier in the year.

In response to Members’ questions and comments, the Executive Member stated that signage would be improved and that greater publicity for the scheme would be needed.

The Executive supported the recommendations as now detailed.

RESOLVED - that (A) the current agreement with Cobalt Telephone Technologies be extended until the end of 2012/13, and

(B) a change to the current operating terms whereby the service will be offered free to the user, with the transaction costs absorbed by East Herts Council, be approved, by use of New Homes Bonus as set out in the report submitted.

The meeting closed at 7.38 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE MAIN HALL, CHARIS  
CENTRE, WATER LANE, BISHOP'S  
STORTFORD ON TUESDAY 25  
SEPTEMBER 2012, AT 7.00 PM

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PRESENT: Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, D Andrews,  
E Bedford, A Burlton, Mrs R Cheswright,  
G Jones, P Moore, M Newman, N Symonds  
and G Williamson.

ALSO PRESENT:

Councillors W Ashley, E Buckmaster,  
P Gray, G McAndrew and C Woodward.

OFFICERS IN ATTENDANCE:

- |                  |  |
|------------------|--|
| Liz Aston        | - Development Control Team Leader                |
| Fiona Brown      | - Planning Technician                            |
| Glyn Day         | - Principal Planning Enforcement Officer         |
| Simon Drinkwater | - Director of Neighbourhood Services             |
| Annie Freestone  | - Senior Planning Technician                     |
| Martin Plummer   | - Assistant Planning Officer                     |
| Kevin Steptoe    | - Head of Planning and Building Control Services |
| Alison Young     | - Development Control Manager                    |

325 APOLOGIES

Apologies for absence were submitted on behalf of Councillors S Bull, G Lawrence and T Page. It was noted that Councillors N Symonds and G Williamson were in attendance as substitutes for Councillors T Page and S Bull respectively.

326 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. She stated that the meeting was being videoed and the subsequent recording would be posted on the Council's website in due course.

327 3/12/0448/FP - DEVELOPMENT OF LAND TO PROVIDE A THREE STOREY HEALTH CENTRE AND ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND AT SILVER LEYS, HADHAM ROAD, BISHOP'S STORTFORD, CM23 2QE FOR CARE CAPITAL GROUP LTD

The following people addressed the Committee in objection to the application:

- Alan Brierley
- Richard Browne
- Ann Brereton
- Brian Edwards, on behalf of the Bishop's Stortford Civic Federation

The following people addressed the Committee in support of the application:

- Helen Cuthbert
- David Sciberras

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application



3/12/0554/OP, planning permission be granted subject to the conditions now detailed.

The Director referred to the additional representation schedule for the representations received since the publication of the Committee report. He stated that the public speakers had made reference to many of the relevant issues, such as the highways and amenity impact and accessibility. Members must now judge whether the perceived harm that would result from this application was outweighed by the beneficial impacts.

Members were advised that the general theme of the National Planning Policy Framework (NPPF) was that significant weight should be applied to the provision of new community infrastructure projects and Officers had weighed such policies against the likely harmful impacts of the application.

Councillor G McAndrew, as the local ward Member, addressed the Committee in support of the application. He welcomed the opportunity for additional medical facilities that would benefit the heart of the sporting community of Bishop's Stortford. Councillor G McAndrew stressed that the new surgery would have disabled parking and was fully DDA compliant.

Councillor G McAndrew stated that there would be no significant increase in traffic and any increase would likely be covered by public transport and the private car. He commented that the existing South Street surgery had no parking and there was no dedicated parking for the medical facilities at Thorley Park.

Councillor G McAndrew commented that blood test services only currently available at the Herts and Essex Community Hospital would become available at Silverleys, as well as a variety of other services not currently available at the South Street Surgery. He stated that the South Street Surgery would remain open for 4 years after the new surgery had opened.

Councillor G McAndrew concluded that the proposed facility would offer a substantially enhanced working environment for patients and for the doctors and other staff. He stated that the building had been designed for maximum possible privacy, tree planting would reduce noise and there was no danger of harm to protected species.

Councillor G Jones, as the other local ward Member, stated that parking was a major concern as the Silverleys site was busy, particularly at weekends with sporting events. He commented that there was no suggestion that the proposed medical centre would be closed at weekends, thereby further adding to parking pressures on the site.

Councillor G Jones referred to the accessibility issue and stated that, although some dwellings were within walking distance of the site, a majority would use cars as public transport to the site was limited. He stressed that there would undoubtedly be some residential impact and policy ENV1 of the East Herts Local Plan Second Review April 2007 stated that all development must respect residential amenity.

Councillor G Jones emphasised that Bishop's Stortford had insufficient sports fields, as some local clubs currently played home games in Essex. He stated that policy LRC1 was particularly relevant regarding the loss of outdoor playing facilities.

Councillor G Jones concluded that the surface drainage solution was not the most sustainable method and planning policy stipulated that applications should be refused unless the most sustainable solution was applied. He stated that the application should be refused as there were too many issues of concern regarding a medical centre on land at Silverleys.

Councillor A Burlton stated that £30,000 for the provision

of bus stops on Hadham Road was insufficient and public transport was poor in respect of accessing this site. He commented that many prospective patients were unable to drive. Councillor A Burlton commented that those who were statistically ill most often would not be able to walk up the substantial incline of Hadham Road to the Silverleys site.

Councillor N Symonds stated that there was no bus service from the Havers Estate to the site and there were many senior citizen social housing and disability homes, whose residents would struggle to access the Silverleys site. She commented that the NPPF required that all sectors of society should have access to community facilities.

Councillor N Symonds emphasised that about a quarter of residents of her ward did not have access to a car. She also stated that Bishop's Stortford Town Council had objected in relation to policies LRC1, ENV1, TR1 and SD1 of the East Herts Local Plan Second Review April 2007. Councillor N Symonds believed that the application did not conform to the settlement plan and she was not supportive of the application.

Councillor M Newman commented that despite recent heavy rain, he was of the opinion that the sports pitches remained perfectly playable and the assertion that they were unusable was a dubious statement. He stated that he remained open minded regarding this application.

Councillor M Newman commented on whether the pressing need for medical facilities overruled concerns relating to policy LRC1. He stated that the site was not located in a high density residential area.

Councillor M Newman concluded that the visual impact would be minimal as the proposed development sat below the tree line. He acknowledged that there would be an audible impact for neighbouring residents.

The Director stated that the proposed D1 use would not change the permitted development (PD) rights for other users of the site and, as such, where uses were other than ancillary, they could not take place without the need for an additional planning consent. Members were advised that Officers could apply a condition regarding ancillary uses of the site.

The Director stated that the NPPF was a more recent planning document than the East Herts Local Plan Second Review April 2007. Members were reminded that the NPPF was a more strategic document that applied to the country as a whole. Considering the accessibility issue, the Director stated that Health Facilities had not been included in the NPPF in the category of main town centre uses. This indicated that sequential type assessments were not required.

Members were advised that the guidance in the NPPF indicated that sites that were within a town boundary should be considered more favourably for development purposes than sites that were not.

The Director stated that the Committee must reach a judgement as to whether the Silverleys site performed so poorly as to justify a refusal of planning permission in this respect, whilst balancing up the positive impacts of the proposals.

The Director advised that Members should consider that although the proposed drainage solution was not the best practice approach in terms of land surface drainage, the best practice approach would cause a substantial loss of land currently used for sports.

The Director concluded that Members must weigh up the benefits of a quality new facility that was well supported by NPPF policies regarding community infrastructure. Members must judge whether the application was sufficiently harmful to justify a refusal of planning permission.

The Director stressed that Officers remained of the view that the benefits of the scheme outweighed the impacts of the application. Members were reminded that the issue of community infrastructure should be given significant weight.

Councillor M Alexander commented that the existing South Street premises was significantly less DDA compliant than the proposed medical centre at Silverleys, Hadham Road, particularly once a patient had arrived at the proposed new medical centre.

Councillor G Jones stated that the pharmacy use was class A1 retail and could not be viewed as an ancillary use to the proposed medical facility. He stated that some residents in the Silverleys area would clearly find access easier to the site in what was a sparsely populated edge of town location.

Councillor G Jones expressed a concern that town centre residents would lose out and from the point of view of the whole town, many people would find a doctor's surgery difficult to access at the Silverleys site.

The Director reiterated that the policies of the East Herts Local Plan Second Review April 2007 were 5 years older than the policy requirements of the NPPF, as such any decision maker should consider whether to give more weight to the NPPF policies.

In response to a comment from Councillor A Burlton regarding the fact that a pharmacy use was a wide area of retail provision, the Director stated the Committee must ultimately come to a view over whether the possible levels of harm meant that Members could not support the application. Members were advised that harm caused by virtue of the introduction of an A1 use could be controlled by the application of conditions.

Councillor P Moore stated that this application provided a

sound opportunity to secure a medical centre that would provide access to recent advances in medical care for East Herts residents.

In response to a request from Councillor M Alexander, the Director confirmed that use class D1 covered a wide range of uses. Members were advised that a condition could be added to control the amount of ancillary use in square metres with the remainder being the general GP medical use.

The Director advised that Members must be mindful of what any planning conditions sought to achieve and the Committee should take care not to impose conditions that failed to meet the standard tests and could be judged as unreasonable.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/12/0448/FP be refused on the grounds that the proposed development, by virtue of its location, was poorly served by sustainable modes of transport and, as a result, would have poor accessibility, particularly for elderly and frail members of society. The development would therefore be unsustainable in transport terms and would result in an important community facility which would not have an appropriate level of accessibility. The proposal would also be contrary to section 4 of the National Planning Policy Framework.

After being put to the meeting, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/12/0448/FP, planning permission be refused for the following reason:

1. The proposed development by virtue of its location is poorly served by sustainable

modes of transport and, as a result, it will have poor accessibility particularly for elderly and frail members of society. The development therefore would be unsustainable in transport terms and would result in an important community facility which does not have an appropriate level of accessibility. The proposal would thereby be contrary to section 4 of the National Planning Policy Framework.

328 3/12/0873/FP - CHANGE OF USE FROM OFFICE (B1) TO MEDICAL CENTRE (D1) AT BUILDING 1, MARRIOTT COURT, 101 LONDON ROAD, BISHOP'S STORTFORD, CM23 3DU FOR TANNERS WHARF LTD

Ann Brereton addressed the Committee against the application. Richard Coke spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0873/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the late representations schedule that had been circulated to Members. Councillor N Symonds stated that this site was Brownfield land and she was keen to see this site brought into use as soon as possible.

Councillor N Symonds, as the local ward Member, commented that this site would allow local residents, including those in nearby social housing, as well as those at the Havers Estate, to walk to a doctor's surgery. She referred to an easier situation in terms of public transport, in particular the two bus routes that served this location.

Councillor N Symonds referred to the route from St Michael's Mead and the Hail and Ride Bus that also served the Herts and Essex Community Hospital. She stated that this bus had wheelchair access and a carer often travelled on the bus to assist disabled users.

Councillor G Williamson referred to the comments of the Highways Officer in that, given the high staff numbers and relatively limited parking, a robust Green Travel Plan would be essential to ensure that sustainable modes of transport were used, to ensure that patients had access to an appropriate level of parking.

The Director stated that Officers had recommended an additional condition stipulating that, prior to the first occupation of any part of the development, a Green Travel Plan should be submitted to and approved in writing by the Local Planning Authority.

In response to a query from Councillor A Burlton, the Director advised that Officers had submitted a report to the meeting of the Committee on 12 September 2012, to ask that, if application 3/11/2137/SV had been determined, a variation of the Section 106 agreement to remove a £125,000 financial contribution towards the Bishop's Stortford Transportation Plan, would have been approved.

However, the Committee had resolved not to waive that Section 106 contribution and the expectation was that this Section 106 funding would be available. The Director advised however, that there had been an appeal against non determination of this application and the issue of the Section 106 agreement was on hold pending the outcome of that appeal.

In response to a further query from Councillor A Burlton, the Director gave further details of the proposals comprised in this application when compared to those of the application previously under consideration.

Members were advised that application 3/12/0873/FP would provide reception and waiting rooms, approximately 15 consulting rooms, 5 treatment rooms, a minor operating theatre, sports injury clinic, physiotherapy unit, staff accommodation, meeting rooms, administration



office and a pharmacy. The applicant had also indicated that the total number of permanent staff likely to be employed was 55.

The Director referred to the public transport links and stated that this application site was physically closer to the town centre of Bishop's Stortford than the Silverleys site. Members were advised that the Council's Parking SPD allowed for a reduction in parking of between 75-100%, which equated to a maximum requirement for around 75 spaces.

The Director stated that Officers had been of the view that the proposed provision of 60 spaces was acceptable in light of the information provided by the applicant in respect of the likely demand for parking.

Officers had also been mindful of the guidance in the NPPF, which stated that when setting local parking standards for non-residential development, local planning authorities should take into account the accessibility and type of development, as well as the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles.

Councillor M Newman commented that the design and access statement had been quite short when compared to the lengthy document submitted with application 3/12/0448/FP. He queried whether Members had enough information to determine this application.

The Director confirmed that, as this was a change of use application, information had been submitted in earlier applications with regard to the scale and size of the proposed development. As such, Officers were of the view that Members had sufficient information to reach a decision.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director

of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0873/FP, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following additional condition:

1. Prior to first occupation of any part of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To promote the use of non car modes of transport in accordance with the National Planning Policy Framework and policy TR4 of the East Herts Local Plan Second Review April 2007.

The meeting closed at 8.50 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 10 OCTOBER 2012, AT 7.00  
PM

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PRESENT: Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, D Andrews,  
E Bedford, S Bull, A Burlton,  
Mrs R Cheswright, G Jones, G Lawrence,  
P Moore, M Newman and T Page.

ALSO PRESENT:

Councillors W Ashley, G McAndrew and  
N Symonds.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Brian Simmonds	- Head of Community Safety and Health Services
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

347 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the

meeting and those who were watching the live webcast. The Chairman advised that applications 3/12/0977/FP and 3/12/1207/OP had been withdrawn.

The Chairman reminded Members of the briefing due to be held on 17 October 2012 in respect of the Sainsburys site in Buntingford, at the Community Centre on the Bovis Estate and directions were available from Councillor S Bull.

The Chairman reminded the Committee that a training session had been arranged prior to the 7 November 2012 meeting of the Committee. The likely topic was the National Planning Policy Framework (NPPF) and how this document was bedding in with existing policies. Officers would e-mail Members with more details nearer the time.

Finally, the Chairman advised that application 3/12/1278/FO might be moved down the agenda as the local ward Member wished to address the Committee but was at another meeting in Bishop's Stortford until 7 pm.

348 MINUTES – 12 SEPTEMBER 2012 AND 25 SEPTEMBER 2012

RESOLVED – that the Minutes of the meetings held on 12 and 25 September 2012 be confirmed as correct records and signed by the Chairman.

349 3/12/1235/FP – PROVISION OF 1 NO. POLYTUNNEL AT LAND AT THE OLD COACH ROAD, BIRCH GREEN FOR JOSEPH ROCHFORD GARDENS LIMITED

Paul Rochford addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1235/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1235/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 350 3/12/1242/FP – NEW SPORTS/ASSEMBLY/ACTIVITY HALL AND CLASSROOM WITH ASSOCIATED CHANGING ROOMS, TOILETS, SMALL KITCHEN/SERVERY AND STORAGE SPACE AT HERTINGFORDBURY COWPER JMI SCHOOL , BIRCH GREEN, HERTS, SG14 2LR FOR ALISON RICHARDS
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Caroline Brown addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1242/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1242/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 351 (A) 3/12/1097/FO AND (B) 3/12/1103/LB – VARIATION OF CONDITION 3 (APPROVED PLANS) OF LPA REF. 3/11/1365/FP TO ALLOW CHANGES TO FENESTRATION TO MAIN BARN, PIGGERY AND EXTENSION, PROVISION OF EMERGENCY ESCAPE, RAISING OF EAVES/RIDGE AND ROOF TILES ON MAIN BARN AND BRICK FINISH ON EXTENSION AT WIDBURY HILL FARM, WIDBURY HILL, WARE, SG12 7QE FOR MR N BUXTON
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The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1097/FO and 3/12/1103/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of applications 3/12/1097/FP and 3/12/1103/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

352 3/12/0424/FP – CLOSURE OF RAILWAY FOOT-CROSSING AND CONSTRUCTION OF A NEW FOOTBRIDGE WITH RAMPED ACCESS AT JOHNSONS RAILWAY CROSSING, BISHOP'S STORTFORD FOR NETWORK RAIL

Nigel Giles addressed the Committee against the application. Richard Tew spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0424/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule. Members were reminded that the Committee had previously indicated an unwillingness to pursue enforcement action, which the Director emphasised, did not constitute an approval of planning permission.

The Director advised that the only permission that had been in place was the authority granted to Network Rail to use the Council's land when installing the footbridge. Members were reminded of the important distinction

between planning issues and management issues relating to the new footbridge.

In response to a query from Councillor D Andrews, the Director stated that the most relevant issue for Members was the making good of the site. Officers had suggested a landscaping condition to encourage appropriate treatment for the area surrounding the footbridge. Officers had anticipated this might very likely involve the planting of grass.

The Director advised that any views regarding the use of the land around the footbridge was only speculation and was not a valid planning issue. Members were advised that the various services that surrounded the bridge had resulted in a wider span for the bridge due to where foundations could be adequately installed on the site.

In response to a comment from Councillor S Rutland–Barsby, the Director stated that any intention to use the padlocked area of land for storage or any other use would require planning permission.

Councillor A Burlton commented on what steps could be taken to prevent the hazard of water collecting on the flat sections of the bridge. Councillor T Page commended the applicant for installing the bridge quickly to address the issue of pedestrian safety. However, he criticised the applicant for vacating the site without restoring it to a tidy state.

Councillor T Page stated that a planting scheme for trees and shrubs would take away some of the starkness of the new footbridge. He also stated that he was concerned that the width of the ramps would allow for other uses that could endanger pedestrians.

Councillor T Page queried whether pinch points should be installed, given that there was a skate park close to the bridge. Councillor S Rutland–Barsby stressed that the width of the ramps was probably necessary to

accommodate wheelchair users.

The Director referred to the extent of the site and stated that the Council did own land adjacent to the footbridge so land could be made available for further landscaping if the Council was supportive of that approach.

The Director reminded Members that Officers would have to consult with colleagues in other service areas. Officers were mindful of the adjacent public open space at Grange Paddocks and the importance of not compromising other users of that open space.

The Director confirmed that installing barriers or pinch points on the ramped areas of the bridge to avoid inappropriate uses could in turn act as a barrier to legitimate users of the bridge. Members were reminded that the bridge met all modern standards and introducing barriers would be inappropriate.

Councillor G Jones referred to the importance of wildlife and archaeological surveys, as well as other steps normally undertaken prior to the granting of a planning permission. He stated that he was pleased the applicant's representative was present to hear his concerns. He referred to the potential for accidents involving cyclists as he had observed an example of a cyclist arriving at the bridge at considerable speed.

Councillor G Jones stated that the green colour used for the bridge helped to mask the structure. However, the yellow handrails were inappropriate and additional landscaping plus a more appropriate shade of green for the whole bridge would make the structure less visible from a distance.

The Director confirmed that a condition regarding the colour treatment of the bridge could be applied and Officers could amend the wording of the landscaping condition. Officers could also have a dialogue with colleagues regarding the planting of vegetation on other



land adjacent to the bridge. Members were supportive of Officers carrying out these tasks.

In response to a query from Councillor M Alexander in respect of condition 4, the Director confirmed that, as far as officers were aware, no lighting had been fixed to the bridge.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0424/FP, planning permission be granted subject to the following amended conditions:

1. Within two months of the date of this decision, full details of soft landscaping to replace that which was removed from the site, and the adjoining public open space to the west of the site, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

2. Landscape works implementation (4P13).
3. The measures set out in the Habitat

Management Plan - Reptiles (Appendix D JBA Consulting Bespoke Ecological Report, Draft Report dated July 2012), or such other measures as may be submitted to and agreed in writing by the Local Planning Authority shall be implemented in accordance with a timetable that shall be agreed by the Local Planning Authority. That timetable shall be submitted within six months of the date of this permission.

Reason: To protect the habitats of protected species in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007

4. No external lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

5. Within two months of the date of this decision, details of the colour to be applied to the handrails of the footbridge and ramps hereby permitted shall be submitted to and approved in writing by the local planning authority. Once agreed, those details shall be implemented within a further period of one month.

Reason: In the interests of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. Approved Plans (2E10) insert:- "Site Location Plan, 1NR/121979/FAR/DRG/1AB/0021 A01, 1004-UA004342/01, 2003-UA004342/01,

2004-UA004342/01, 2005-UA004342/01 and 2006-UA004342/01.”

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, in particular policies GBC1, ENV1, ENV2, ENV11, ENV14, ENV16, ENV17, ENV18, ENV21, ENV23, BH1, BH6 and LRC9). The balance of the considerations having regard to those policies and the National Planning Policy Framework is that permission should be granted.

353 3/12/1278/FO – REMOVAL OF CONDITION OF PLANNING REFERENCE 3/97/1447/FO TO ALLOW THE PETROL FILLING STATION TO OPERATE 24 HOURS A DAY, 7 DAYS A WEEK AT TESCO STORES LTD, LANCASTER WAY, BISHOP'S STORTFORD, CM23 4DD FOR TESCO STORES LTD

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John Ivens addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1278/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to a statement from the applicant, which had been summarised in the additional representations schedule. Members were advised that the applicant's speaker, Paul Manning, had declined to

attend and speak as his views had been submitted in writing to Officers.

Councillor G McAndrew, as the local ward Member, strongly objected to Tesco's application on behalf of a number of local residents. He stated that the Tesco store was located in a residential area and should not be open for any period of 24 hours because of noise disturbance to residents and the inevitable anti-social behaviour.

Councillor G McAndrew stated that this application would result in increased noise and disturbance from additional vehicles visiting the petrol station at unsociable hours. He stated that some motorists were not very considerate and were often rowdy and played music loud in their cars late at night.

Councillor G McAndrew commented that young adults and youths were likely to visit the site at unsociable hours when the main store was closed at weekends, thereby leading to further anti-social behaviour. He was also concerned in respect of parking and litter problems on estate roads close to the site.

Councillor G McAndrew concluded that the application should be refused in order to safeguard the quality of life for residents of the surrounding area, as well as generally helping to encourage more respectful and responsible citizens and to reduce the already proven noise and anti-social behaviour problems caused by the existing unsociable trading hours at this site.

Councillor D Andrews sought clarification regarding the operating hours of the store and petrol station in relation to hours applied for as part of this application for a removal of a planning condition. He commented that a 24 hour filling station was unnecessary in this location due to the facilities at the nearby M11 junction.

Councillor P Moore commented that, as the approach roads were all in complete darkness, approaching traffic

would have full lights on. She stated that this, along with the banging of car doors, would cause significant disruption for residents and she could not support the application.

Councillor T Page stated that there were a number of planning reasons why the application should be refused, such as noise and lack of security for the site. Councillor M Alexander referred to the additional fuel tanker movements should this application be approved.

The Director advised Members of the existing hours of the supermarket and the petrol station. Members were advised that it was not Members' role to regulate business and the Committee should focus solely on the proposal's potential to cause harm. Members should also give no weight to comments relating to the character of an applicant.

The Director referred to issues raised by Members regarding noise and disturbance and stressed that Environmental Health Officers had considered these issues at some length and had concluded that there would be no significant disturbance for residents.

The Director stated that Lancaster Drive was a public access road and traffic would use this road in any event. Residents would not be able to differentiate any additional noise or lighting disturbance as vehicles could be travelling to or from private dwellings.

The Director advised that issues relating to disruption from refuelling tankers could be controlled by reasonable conditions. Members were advised that any additional information held by the police regarding anti-social behaviour would have to be presented to the applicant so that the planning process was transparent and open. The Director stated that allowing the applicant time to see such information would mean that the application would have to be deferred.

The Director advised caution in that many of the issues of concern were impacts that would already be experienced by residents, such as vehicle noise and light disturbance. Councillor G Jones, as the other local Member, stated that the application constituted a 60% increase in operating hours and there would be an impact in terms of vehicle noise, car doors closing and the occasional raised voice.

In response to comments from Councillor T Page, the Director stated that if this was a fresh application for new housing, then good principles of crime prevention would be applied, i.e. avoiding blind alleys and undercroft areas.

The Director advised caution in that the reasons for refusing the application referred to by Members had not been highlighted as significant issues for concern by the Councils own Environmental Health Officers.

Councillor G Jones proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/1278/FO be refused on the grounds that the application was contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007 and national planning policy contained in the NPPF and would result in additional noise and disturbance to nearby residential properties and would also be likely to result in an increased opportunity for crime and/or anti-social behaviour in the area during unsociable hours.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1278/FO, planning permission be refused for the following reason:

1. The site lies adjacent to a residential area and

the proposed increased opening hours of the petrol filling station would be likely to result in additional noise and disturbance to nearby residents. It would also be likely to result in an increased opportunity for crime and/or anti-social behaviour in the area during unsociable hours. The proposal is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007 and national planning policy contained in the NPPF.

354 3/12/0868/AD – PROPOSED TWO EXTERNALLY ILLUMINATED FASCIA SIGNS, TWO EXTERNALLY ILLUMINATED PANEL SIGNS AND FIVE NON-ILLUMINATED PANEL SIGNS AT POST OFFICE, BALDOCK ROAD, BUNTINGFORD, SG9 9BL FOR MR BASRA

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0868/AD, planning permission be granted for fascia signs 1, 2, 3, 4, 8 and 9 subject to the conditions detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/0868/AD, planning permission be refused for fascia signs 5, 6 and 7 for the reasons detailed in the report now submitted.

Councillor S Bull praised Officers for safeguarding the conservation area. He referred to paragraph 4.1 of the report now submitted and queried whether it was correct that the illuminated advertisements were already in place and the only change was the name of the Post Office.

Councillor D Andrews stated that the existing signs detracted from the existing street scene and commented on whether these signs would be removed so that the façade was more in keeping with the street scene.

The Director advised that Officers were unsure as to how long signs 5, 6 and 7 had been in situ and these signs did

not currently have advertisement consent. Members were advised that this application was for all of the signs on the site.

The Director stated that Officers felt that the clutter created by all of the signs was unacceptable in this location. Officers were of the view that negotiation for more appropriate signage should take place before there was any formal enforcement action. Members could however authorise enforcement action if they felt particularly strongly about signs 5, 6 and 7.

After being put to the meeting and a vote taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/0868/AD, planning permission be granted for fascia signs 1, 2, 3, 4, 8 and 9 subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/12/0868/AD, planning permission be refused for fascia signs 5, 6 and 7 for the reasons detailed in the report now submitted.

355 3/12/1214/FP – ERECTION OF DETACHED DOUBLE GARAGE AT 12 THORNFIELD ROAD, BISHOP'S STORTFORD, CM23 2RB FOR MR W. PARRY

Wyn Parry addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1214/FP, planning permission be refused for the reasons now detailed.

Councillor T Page commented that Bishop's Stortford Town Council had not objected to the application. He stated that the proposed garage was well set back from



the road and the applicant had made an effort to overcome the objections to the application.

Councillor T Page referred to paragraph 7.10 of the report submitted, in that Officers felt that the height and roof form of the proposed building was such that the proposal would not, in Officers' opinion, result in significant harm to the amenity of No 10a Thornfield Road. He stated that refusing the application would be wrong in this location.

Councillor P Moore commented that the proposed garage did not comply with policy ENV1 (l)(b) of the East Herts Local Plan Second Review April 2007. She stated that the application did not sit well with the surrounding area and the garage would be in a prominent location in the front garden of the application site.

Councillor G Jones stated that the street scene had already been compromised by a nearby extension and the proposed garage would not exacerbate the situation or adversely affect the neighbouring property. He commented however that he would like to see some additional planting, which would go some way to screening the proposed development.

In response to a query from Councillor A Burlton, the Director advised that a condition stating that the use must be restricted to a garage would not meet the standard tests for conditions. Members were reminded that the applicant would have to apply for a change of use in any event. The Committee was also reminded to focus solely on this application site and to weigh up the impacts of this application on the street scene.

Councillor G Jones proposed and Councillor D Andrews seconded, a motion that application 3/12/1241/FP be granted as the application was not detrimental to the street scene, subject to a condition relating to planting to screen the proposed detached garage.

After being put to the meeting and a vote taken, this

motion was declared LOST. After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1214/FP, planning permission be refused for the reason detailed in the report now submitted.

356 E/11/0046/B – UNTIDY CONDITION OF LAND AT 17 PAGET COTTAGES, DANE END, WARE, SG12 0NL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0046/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0046/B on the basis now detailed.

RESOLVED – that in respect of E/11/0046/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

357 E/12/0048/A – UNAUTHORISED DISPLAY OF VERTICAL BANNERS AND A FASCIA ADVERTISEMENT, AT GRILL 55, FIRST FLOOR, 55 - 61 SOUTH STREET, BISHOP'S STORTFORD, CM23 3AL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0048/A, legal proceedings be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the

Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/12/0048/A on the basis now detailed.

RESOLVED – that in respect of E/12/0048/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings on the basis now detailed.

358 E/11/0058/B – UNAUTHORISED ADVERTISEMENT BY CHANGING COLOURED LIGHTING TO THE FRONT ELEVATIONS OF THE NAVIGATOR PUBLIC HOUSE, BRIDGE FOOT, WARE, SG12 9DW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0058/B, legal proceedings be authorised on the basis now detailed.

Councillor D Andrews commented that the Committee had previously approved enforcement action for the removal of two lights opposite this site, which was in a conservation area. He stated his unhappiness with the unauthorised changing coloured lighting.

Councillor E Bedford agreed that the unauthorised development was very prominent and was wholly inappropriate in a conservation area.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/11/0058/B on the basis now detailed.

RESOLVED – that in respect of E/11/0058/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings on the basis now detailed.

- 359 E/12/0270/A – THE UNAUTHORISED REMOVAL OF HISTORIC ARCHITECTURAL FEATURES OF A GRADE II LISTED BUILDING AT ST ANNE'S CHURCH, SLOUGH ROAD, ALLENS GREEN, SAWBRIDGEWORTH, HERTS, CM21 0LR
- 

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0270/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0270/A on the basis now detailed.

RESOLVED – that in respect of E/12/0270/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

- 360 E/11/0306/A – UNAUTHORISED ERECTION OF A MARQUEE IN THE REAR GARDEN OF THE CATHERINE WHEEL PUBLIC HOUSE, GRAVESEND, ALBURY, SG11 2LW
- 

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0306/A, enforcement action be authorised on the basis now detailed.

Councillor S Bull commented that the unauthorised development had been in place since May 2011 and the appellant had been given ample time to remove the marquee.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0306/A on the basis now detailed.

RESOLVED – that in respect of E/11/0306/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

361 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 8.53 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 17 OCTOBER 2012, AT 3.00  
PM

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PRESENT: Councillor C Woodward (Chairman)  
Councillors P Ballam, G McAndrew,  
J Ranger and P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People, ICT and Property Services
Jaleh Nahvi	- Human Resources Officer

362 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Mrs D Hone, A Warman and N Wilson. It was noted that Councillor G McAndrew was substituting for Councillor Mrs D Hone.

363 MINUTES

RESOLVED – that the Minutes of the meeting held on 11 July 2012 be confirmed as a correct record and signed by the Chairman.

364 DECLARATIONS OF INTEREST

Notwithstanding changes arising from the Localism Act 2011 with regard to Declarations of Interest, Councillor P Ruffles queried whether he should declare an interest in the matter referred to at Minute 365, by virtue of the fact that he was a

Member of Hertfordshire County Council. Further clarification would be sought from the Council's Monitoring Officer.

365 RECRUITMENT REVIEW

The Head of People, ICT and Property Services submitted a report on the recruitment service following a decision by Hertfordshire County Council, not to renew the contract with Manpower which is due to expire on 7 April 2013. As a result of this and decisions which the Council still needed to make regarding Shared Services, the Head of People, ICT and Property Services was proposing an interim arrangement concerning recruitment. She explained what options were available in relation to temporary and permanent staff recruitment.

The Head of People, ICT and Property emphasised that it was necessary for the Council to have these arrangements in place until the Council had made a decision on Shared Services, which would be considered by the Executive on 28 November 2012. She explained that following a review of recruitment volumes, the HR service was confident that permanent recruitment could be handled in-house and that a full review of permanent recruitment be carried out as part of Shared Services.

Councillor J Ranger explained the software difficulties being experienced by East of England Local Government Association (EELGA) and their Regional Recruitment Portal. He stressed the need to ensure that decisions around advertising companies and agencies should consider what service they provided. Councillor J Ranger suggested that the Council should look for those who provided a "full service" such as acknowledging applications and providing timeframes to those applicants who were unsuccessful.

Councillor J Ranger supported the use of local suppliers in relation to temporary recruitment. Officers explained the Council's arrangements in relation to the use of temporary staff and Manpower's billing rates.



Members supported the recommendations as now detailed.

RESOLVED – that (A) the recruitment service for both permanent and temporary staff be managed in-house by the Human Resource services from 8 April 2013 including the exploration of partnership working with Stevenage and North Herts Councils;

(B) low cost advertising be explored, including the use of the HCC bulletin, Link and arrangements with other Councils and free websites;

(C) Officers research further the timeframe and use of the EELGA portal given its software problems and if this was not feasible, then Officers explore the use of jobsgopublic.com, network group and bulk purchasing of advertisements; and

(D) Officers establish supplier agreements with local suppliers but that no contracts be entered into for temporary recruitment until decisions have been made on Shared Services and a review of temporary recruitment undertaken.

366 ANNUAL EMPLOYMENT, EQUALITIES AND DIVERSITY REPORT

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The Head of People, ICT and Property Services submitted a report summarising the recommendations from the 2011/12 Employment Equality and Diversity report and making a number of recommendations for 2012/13.

Councillor P Ruffles supported the production of the report commenting on the need for the Council to be sensitive to a culture of those whose characteristics were protected and queried whether the Council was doing as much as it could. Officers explained the Council's ongoing schemes to support equality and diversity and what reasonable adjustments had been made as a result of the positive responses received. The Head of People, ICT and Property Services explained

that the Council was proactive in addressing the “softer” side of cultural awareness and those with “protected characteristics”.

Councillor J Ranger commented that although he could not recommend anything for further inclusion, the Council must not become complacent. He appreciated the content of the report but expressed concern about the value of the extensive information produced.

Councillor G McAndrew queried the Council’s duty of care to those members of staff who chose not to declare that they had a disability. The Council’s position was clarified, in that as soon as a disability had been declared, then adjustments could be made.

Members approved the Annual Equalities and Diversity Report and supported the recommendations for 2012/13.

RESOLVED – that (A) the Annual Equalities and Diversity Report be supported;

(B) Officers review the Council’s equalities monitoring targets for disability and ethnicity when the Census 2011 data became available;

(C) the data cleanse be refreshed as part of the HR and Payroll system upgrade and following on from this, the disability status be refreshed every two years to ensure accuracy of information held;

(D) arrangements for recruitment (in-house or external) be reviewed to ensure that relevant checks are in place for recruitment monitoring and which also supports the Council’s commitment under the Jobcentre Plus Disability “Two Ticks” Scheme; and

(E) staff who undertake training via the Council’s Professional and Vocational Training Policy be monitored so that this information could be

incorporated into the 2012/13 equalities report.

367 EMPLOYEE ENGAGEMENT ACTION PLAN

The Head of People, ICT and Property Services submitted a report following the results of a staff survey undertaken in November 2011 and an Investors in People (IIP) award which had highlighted some areas for improvement. Corporate Management Team had subsequently supported the development of an Employee Engagement Action Plan to address issues of concern.

The Head of People, ICT and Property Services explained that some of the values in the “status” column of the Action Plan attached to the report now submitted, had been completed. Updates were provided.

Councillor J Ranger expressed concern regarding the generally low rates of completion for PDRs. He urged Corporate Management Team to take a more forceful approach with those Managers who did not follow through the process, suggesting that the Managers responsible should be negatively appraised one level on their own PDR assessments. Councillor J Ranger stated that jobs were continually evolving and that PDRs gave staff an opportunity to raise concerns. The Head of People ICT and Property Services explained that PDR returns now stood at 72% and how the process operated.

Members approved the Employee Engagement Action Plan as amended and supported the concerns regarding a more forceful approach to be taken against Managers who did not follow the PDR process.

RESOLVED – that the Employee Engagement Action Plan as amended, be approved.

368 UPDATE ON 2011 EQUAL PAY AUDIT ACTIONS

The Head of People, ICT and Property Services submitted a report updating Members on the actions identified in the 2011

Equal Pay Audit.

In response to a query by Councillor J Ranger regarding the use of HAY to quality assure a selection of recent job evaluations, the Head of People, ICT and Property Services provided an update.

Members noted the report and the updates.

RESOLVED – that the report be noted.

369 HUMAN RESOURCES MANAGEMENT STATISTICS: APRIL - SEPTEMBER 2012

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The Head of People, ICT and Property Services submitted a report detailing performance indicators for the period 1 April to 30 September 2012, the detail of which was set out in the report now submitted.

Councillor J Ranger expressed concern regarding the corporate training statistics of 4.74% against a target of 48.28% and suggested that staff should be encouraged to take up “E” learning. The Head of People, ICT and Property Services explained that that this figure did not include recent web based training centred on Data Protection. Officers advised that HR had introduced regular emails to all staff on what training was available. This was welcomed.

The Committee Chairman reminded Officers that Members had previously supported the suggestion of mandatory “E” learning and of its application particularly in relation to health and safety matters.

Members were very concerned regarding the PDR statistics and the important role of Managers and Heads of Service in ensuring that they should meet the Council’s target of 100%. It currently stood at 72%. In the circumstances, Members supported a suggestion that those Managers who failed to follow through the process, should be negatively appraised one level on their own PDR assessments.

Members noted the quarterly performance statistics.

RESOLVED – that (A) the quarterly performance statistics be noted;

(B) the introduction of the training bulletin be welcomed;

(C) those Managers who failed to reach a PDR completion target of 100% should be negatively appraised one level on their own PDR assessment and that this issue be referred to Corporate Management Team with the results reported back to Human Resources Committee; and

(D) Officers consider the use of “E” learning for mandatory matters.

370 HUMAN RESOURCES - QUARTERLY PERFORMANCE UPDATE

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The Head of People, ICT and Property Services submitted a report summarising people management statistics and human resource delivery for the quarter up to October 2012, the detail of which was set out in the report now submitted.

The Head of People, ICT and Property Services drew attention to the fact that the Inland Revenue had increased the home worker allowance from £156 to £216 and that this would be backdated from 1 April 2012 for the 40 home workers who currently received this tax free allowance.

Members were reminded that a meeting of the Executive had been scheduled for 28 November 2012 to consider the business case for the Shared Services Programme.

Members noted the report and supported the increase in the Home Working allowance to £216 with effect from 1 April 2012.

RESOLVED – that (A) the quarterly performance

report be noted; and

(B) the increase in the Home Working allowance to £216 per annum effect from 1 April 2012 be approved.

The meeting closed at 4.40 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 1 NOVEMBER  
2012, AT 4.30 PM

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PRESENT: Councillor Mrs R Cheswright (Chairman)  
Councillors W Ashley, P Ballam, E Bedford,  
R Beeching, E Buckmaster, K Crofton,  
J Demonti, Mrs D Hone, M McMullen,  
P Moore, J Taylor and B Wrangles.

ALSO PRESENT:

Councillors G Jones and P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager

371 APOLOGIES

Apologies for absence were received from Councillors P Philips and N Poulton.

372 CHAIRMAN'S ANNOUNCEMENTS

The Committee Chairman reminded Members that Councillor N Poulton was still ill, but that he was now in hospital in the UK. On behalf of Members, the Chairman wished him well.

The Chairman drew Members' attention to the email sent by Officers regarding the corrected Membership on the front page of the agenda.

373 **GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES: RESPONSE TO PUBLIC CONSULTATION**

The Director of Neighbourhood Services submitted a report following the conclusion of an eight week consultation on the proposed changes to the Statement of Licensing Principles under the Gambling Act 2005, the detail of which was set out in Essential Reference Paper “B” of the report now submitted. Officers reported that no comments had been received during the consultation period.

Members noted that there had been no responses to the public consultation and requested that the draft Statement of Licensing Principles 2013 - 2016 be recommended to Council for approval.

**RECOMMENDED** – that (A) the report be received; and

**(B) the Statement of Licensing Principles 2013 – 2016, as now submitted, be approved.**

374 **MINUTES - 12 JULY 2012**

Councillor E Buckmaster stated that, in relation to Minute 187, Gambling Act 2005: Statement of Licensing Principles, it was Councillor N Poulton who had seconded the motion regarding the wording in respect of Casinos on page 74 of the report.

**RESOLVED** – that the Minutes of the meeting held on 12 July 2012, as now amended, be approved as a correct record and signed by the Chairman.

375 **LICENSING SUB-COMMITTEE**

**RESOLVED** – that the Minutes of the Licensing Sub-Committee meetings held on 26 June, 1 August, 20 August and 2 October 2012, be received.



376 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Neighbourhood Services submitted a report detailing Members' attendance at Licensing Sub-Committees including those attending as observers.

RESOLVED – that the report be received.

377 IMPLEMENTATION OF THE LIVE MUSIC ACT 2012

The Director of Neighbourhood Services submitted a report concerning the implementation of the Live Music Act 2012, the detail of which was set out in Essential Reference Paper "B" the report now submitted.

In response to a query from Councillor R Beeching concerning how this would affect the Performing Rights Organisation, the Licensing Manager advised that it would not make affect the Performing Rights situation. He advised how the new Act would impact on organisations with and without premises licences.

In response to a query from Councillor E Buckmaster, regarding a review of licences, the Licensing Manager advised that the Council, acting as a responsible authority, could seek a review of a licence following noise complaints.

In response to a query from Councillor K Crofton regarding busking, the Licensing Manager explained that busking could not be controlled because it was an activity which could not be licensed.

Members received the report.

RESOLVED – that the report be received.

378 PROPOSED INCREASE TO TAXI FEES AND CHARGES

The Director of Neighbourhood Services submitted a report regarding the need to increase all discretionary fees and charges by 2.5% and of the impact this would have on taxi

fees and charges, the detail of which was set out in Essential Reference "B" of the report now submitted. The Licensing Manager advised that Taxi drivers were already unhappy that the fees are considered to be too high. The Licensing Manager explained that the shortfall was £43,000 and that the Council was already subsidising fees and charges to approximately £32,000. The increase in fees and charges would recover approximately £11,000 of the shortfall.

Councillor R Beeching referred to the need to make savings in other ways, and suggested that there be more officer delegation.

Councillor K Crofton was unhappy about the proposed increase in fees and charges and suggested that not having legal representation at Licensing Sub-Committees might be a way of making savings. The Committee Chairman opposed this view stating that a legal presence at Sub-Committees was absolutely necessary given that some cases were very controversial and applicants frequently brought along legal support to argue their case. This view was supported by Councillors Mrs P Ballam and M McMullen.

The Licensing Manager explained the staffing levels within the licensing section and the demands on the team.

Councillor E Buckmaster explained that there was a need to continue to give good service and move towards reducing the level of subsidy that the Council now provided in terms of fees and charges.

The Committee agreed that the proposed increase of fees and charges be supported for progression through the budget process.

RESOLVED – that the proposed fees and charges as now submitted, be supported.

379 REVENUE FORECAST IF THE LATE NIGHT LEVY WERE TO BE INTRODUCED IN EAST HERTS

The Director of Neighbourhood Services submitted a report regarding the possibility of generating additional revenue by implementing a Late Night Levy. A breakdown of the potential revenue streams which might be generated, were set out in Essential Reference Paper "B" of the report now submitted.

The Licensing Manager explained that 70% of the revenue generated by the levy would be paid to the Police with the remaining paid to the Council to be spent on local matters. The Licensing Manager explained how the levy would work and that some of the 102 licensed premises might want to take advantage of the additional hour from opening their premises after midnight, after 1am and after 2am. There was the possibility of generating approximately £11,000 in revenue to the Council.

Councillor Mrs P Ballam commented that she was under the impression that all of the monies generated would be paid to the Police to help with policing the "night time economy". The Licensing Manager explained how the night time levy worked.

The Licensing Manager explained that Members did not have to agree to implement the levy, adding that the Police preferred early morning restrictions which would help with their shift patterns.

Members did not support the principle of implementing a late night levy.

RESOLVED – that the principle of implementing a late night levy not be supported.

380 REPORT ON LICENSING ACTIVITY QUARTER 2 OF 2012

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 2, the detail of which was set out in Essential Reference

Paper “B” of the report now submitted.

In response to a query from Councillor Mrs P Ballam regarding Taxi Driver monitoring, the Licensing Manager explained that with a full complement of staff, more enforcement action could be taken. He updated Members on current department staffing levels and their demands. The Licensing Manager urged Members to contact him where any possible breaches occurred.

Members received the report.

RESOLVED – that the report be received.

381 REPORT ON LICENSING ACTIVITY QUARTER 3 OF 2012

The Director of Neighbourhood Services submitted a report on licensing activity for Quarter 3 of 2012 in relation to processing licences, enforcement activity and the implementation of the Service Plan, the detail of which was set out in Essential Reference Paper “B” of the report now submitted.

Members received the report.

RESOLVED – that the report be received.

The meeting closed at 5.20 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 7 NOVEMBER 2012, AT 7.00  
PM

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PRESENT: Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, D Andrews,  
E Bedford, S Bull, A Burlton,  
Mrs R Cheswright, G Jones, G Lawrence,  
P Moore, M Newman and T Page.

ALSO PRESENT:

Councillors W Ashley, P Ballam,  
E Buckmaster, M Carver, L Haysey,  
J Ranger, P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

388 CHAIRMAN'S ANNOUNCEMENTS

The Chairman urged Members to attend an important

District Plan training session on 8 November 2012, as well as the District Plan Executive Panel meeting on 28 November 2012.

389 DECLARATIONS OF INTEREST

Councillors M Alexander and P Moore declared disclosable pecuniary interests in application 3/12/1150/FP, in that they were Board Members for Riversmead Housing Association. They left the room whilst this matter was considered.

390 MINUTES – 10 OCTOBER 2012

RESOLVED – that the Minutes of the meeting held on 10 October 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 352 – 3/12/0424/FP – Closure of Railway Foot Crossing and Construction of a New Footbridge with Ramped Access at Johnsons Railway Crossing, Bishop's Stortford for Network Rail:

Insert as 18<sup>th</sup> paragraph – Councillor T Page confirmed that he would be happy to liaise with the Landscape Officer on behalf of the Committee.

391 3/12/1150/FP – DEMOLITION OF GARAGES AND CLEARANCE OF ASSOCIATED LAND, CONSTRUCTION OF AFFORDABLE HOUSING, 1X4 BED DETACHED HOUSE, 4 X3 BED SEMI-DETACHED HOUSES AND 3 X 2 BED BUNGALOWS ON GARAGE SITE TO THE REAR OF 17-28 GRASS WARREN, TEWIN, HERTS, AL6 0JJ FOR RIVERSMEAD HOUSING ASSOCIATION

Keith St Pier, Stuart Kirkham and Dean Goodman addressed the Committee against the application. Simon Camp spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1150/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, stated that she had found that striking the right balance had been difficult in respect of this application. She commented that there were a number of defects in the application that were relatively easy to address. She referred in particular to the quality of design and the impact on the quality of life for the residents of Tewin.

Councillor L Haysey referred to Officer's concerns in respect of the protection of the openness of an English Design Site. She stated however that the building height was low and although this area was not part of the application site, a solution to improve the scheme's design should be explored between the applicant and Officers.

The Director referred Members to the comments detailed in the additional representations schedule, as Officers had suggested an additional condition for Members to consider.

In response to a query from Councillor A Burlton in respect of the access and the land at Grass Warren, which was outside of the application site, the Director confirmed that Members should consider the application as submitted.

Councillor T Page stated that this application was for a small but high density scheme which would harm the character and appearance of the surrounding area. He commented that the application was contrary to the National Planning Policy Framework (NPPF) requirements in respect of good design and sustainable development.

Councillor Mrs R Cheswright invited Officers to respond to

the comments of Hertfordshire Fire and Rescue in respect of access to this site for 18 tonne fire hydrants. She also commented on whether this issue, as well as those raised by Councillor L Haysey, were sufficient to merit a deferral of this application so that Officers could liaise with the applicant to address all of the outstanding concerns.

Councillor M Newman referred to access for cars and emergency vehicles as being the principal issue in respect of this application. He stated that although the proposed access just about met the minimum highways standards in the eyes of Hertfordshire Highways and Hertfordshire Fire and Rescue, the proposed arrangements did not represent a practical access.

The Director advised that condition 7 was designed to ensure that the surfacing of the access road within the application site was capable of catering for all the vehicles that would need to access the application site.

Officers could include the remainder of the access road within this condition as Riversmead Housing Association owned the land referred to by Councillor L Haysey. The result would be a Grampian style condition meaning that no development could take place until the access details were finalised.

The Director stated that the negotiations with Hertfordshire Fire and Rescue had resulted in amendments to the scheme so that fire service vehicles and other service vehicles would be able to leave the site in forward gear. Officers had recommended approval as the application met the minimum standards in terms of design and access.

The Director stressed that seeking to improve the access would inevitably alter the impact of the proposed development in terms of the loss of green space.

Members were reminded that a revised access and the loss of green space would mean that residents would



need to be re-consulted. Some residents who had previously been content with the scheme might now feel compelled to object to the application. A deferral would therefore be necessary if Members wished the matter of access to be considered further.

Councillor Mrs R Cheswright proposed and Councillor D Andrews seconded, a motion that application 3/12/1150/FP be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1150/FP, planning permission be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

- 392 (A) 3/12/1075/FP – RENOVATION/EXTENSION OF 4 EXISTING DWELLINGS, ERECTION OF 4 NEW DWELLINGS, CHANGE OF USE, ALTERATIONS/EXTENSIONS TO EXISTING AGRICULTURAL BUILDINGS TO PROVIDE 7 DWELLINGS, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS, ASSOCIATED PARKING, LANDSCAPING/ACCESSIBLE PARKLAND WITH NATURE AREA; AND (B) 3/12/1076/LB-CHANGE OF USE, RENOVATION, EXTENSION OF EXISTING LISTED/CURTILAGE LISTED BUILDING AND DEMOLITION OF EXISTING LISTED/CURTILAGE LISTED BUILDINGS AT HOME FARM, MOOR PLACE, MUCH HADHAM
- 

Kevin Gregory addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1075/FP, planning

permission be refused for the reasons detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that he hoped that Members had visited this hugely important site to gain an understanding of the complexity of this application. He commented that Home Farm was a grade 1 listed Manor House close to a number of other listed buildings and features set in historic parkland and gardens.

Councillor M Carver emphasised that this was a total composite scheme that protected and enhanced the listed buildings at Home Farm, as well as the parkland within which this development would be located. The viability of the application was based on all of the elements of the scheme, namely the refurbishment and renovation with extension of Home Farm as well as the four new builds.

Councillor M Carver stressed that the refurbishment and sale of Moor Place was dependent on the development of Home Farm. He referred to the volume of work that had been undertaken by Officers and stakeholders in respect of this application. He further commented that all of the issues raised by this application had been satisfactorily addressed.

Councillor M Carver stated that the Parish Council was supportive and the public exhibition had indicated that the wider public was also largely supportive despite the housing element being contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007.

Councillor M Carver urged Members to approve the full planning permission and listed building consent to protect and enhance the grade 1 listed Manor House, the other listed buildings and features as well as the historic parkland and gardens.

Councillor T Page stated that he had had the privilege of visiting Moor Place to observe some fantastic buildings, some of which had fallen into disrepair. He commented that some of the 20<sup>th</sup> century farm buildings were completely out of place and were constructed of materials that would not be used today.

Councillor T Page stressed that the old listed buildings should be offered to the current generation to enjoy, as well as adding to the vitality of the local community by opening up farm land that was no longer required. He concluded that the application complied with policies BH11, BH12 and BH17 and was a sympathetic scheme that brought back into use some very fine old buildings for the enjoyment of the local community of Much Hadham.

In response to comments from Councillors M Newman and A Burlton, the Director confirmed that Officers' main concerns had centred on the new build elements of this application, which Officers had felt could not be justified. Members were advised that Officers were supportive of work being done to the listed buildings to avoid further degradation of these buildings.

The applicant had stated however, that such works were not viable without the approval of application 3/12/1075/FP for the new build properties and Members must come to a view as to whether this application was acceptable in policy terms. The Director concluded by advising Members that policies BH11 and BH12 were not saved policies so should not be taken into account when determining these applications.

Councillor M Newman proposed and Councillor A Burlton seconded, a motion that application 3/12/1075/FP be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. In respect of application 3/12/1075/FP, the Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

After being put to the meeting and a vote taken, in respect of application 3/12/1076/LB, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1075/FP, planning permission be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions;

(B) in respect of application 3/12/1075/FP, authority be delegated to the Director of Neighbourhood Services to formulate the Section 106 agreement and conditions in consultation with the local ward Member and the Chairman of the Development Control Committee; and

(C) in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

393 A) 3/12/1409/FP AND B) 3/12/1410/LB – CHANGE OF USE OF 2 NO. CLASS B1 OFFICE BUILDINGS TO CREATE 12 NO. 1 AND 2 BED RESIDENTIAL DWELLINGS AT 6 AND 7 BLUECOATS AVENUE, HERTFORD FOR BLUECOATS JOINT VENTURE

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The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions now detailed. The Director of

Neighbourhood Services also recommended that, in respect of application 3/12/1410/LB, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman sought and was given clarification as to what was being proposed by this application. The Director confirmed that a condition had been included to ensure that this permission would only be implemented in place of, and not in addition to, the previous proposal approved under reference 3/11/0824/FP.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/12/1410/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

394 3/12/1440/FP – NEW CHAPEL/COMMUNITY FACILITY INCLUDING PARKING AND CHANGE OF USE OF LAND FROM AGRICULTURE TO RECREATION LAND AT GLEBE LAND, ACORN STREET, HUNSDON, SG12 8PA FOR HUNSDON PAROCHIAL CHURCH COUNCIL

David Kitching addressed the Committee against the application. Mark Dunstan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1440/FP, planning permission be refused for the reasons now detailed.

Councillor M Newman, as the local ward Member, stated

that the existing chapel had served as a valuable community facility for 50 years, particularly for elderly residents. He stated however, that the lack of foundations meant that this unusual shaped building's safe use was now beyond question. He commented that there was no way to rebuild this structure which was in need of demolition due to the cracks in the walls.

Councillor M Newman referred to the Glebe Land site as the only viable location for the relocation of the Chapel in Hunsdon, as Officers had pointed out to the applicant that rebuilding the Chapel on the existing site was not a viable proposition.

Councillor M Newman stated that the site was owned by the diocese of St Albans but was leased to Hunsdon Parish Council. He referred to the conflict posed by this application in that some residents felt the site should be retained for the amenity of the village whilst others wanted the site for the amenity of churchgoers.

Councillor M Newman stressed that both views should be respected if the community of Hunsdon was to be truly inclusive. He emphasised that at recent public meetings, there had been opposition to the application. He stated that such public meetings tended to attract those in objection to planning applications.

Councillor M Newman referred to the conflict between the Officer's recommendation and the Council's planning policies in that this application offered compensatory land and a previous application had been withdrawn as Officers had raised concerns about the lack of compensatory land.

Councillor M Newman concluded that there was no mention of the National Planning Policy Framework (NPPF), which was explicit in encouraging community facilities such as places of worship. He also pointed out that a key issue was the balance between the loss of amenity in terms of a new building where there was

currently no form of development versus the loss of any facility for communal worship in Hunsdon.

Councillor P Moore stated that the existing chapel was in no way serviceable as a church. She stressed that churches offered much more than a place of Sunday worship in that they provided many community activities as well as offering emotional and spiritual guidance to residents.

Councillor M Alexander stated that the proposed development offered a church and community function that would have good access in the centre of Hunsdon and there was a bus stop directly opposite the site. He referred to the ageing population with 25% of people being over the age of 60.

Councillor M Alexander commented that recreation came in many forms and the dictionary definition was inclusive of many of the things that could be undertaken should this application be approved.

In response to comments from Councillors A Burlton and T Page, Councillor M Newman commented at some length about the historic use of various plots of land in Hunsdon. The Director advised that Members had identified the key points to consider, namely the community need versus the visual appearance and impact of the application.

The Director also referred to the balance Members should consider in respect of the impact of the application on the value of the space that was available for community usage in Hunsdon.

Members were advised that the Officer's recommendation was based on the quality of the alternative provision of open amenity land and that the scale of the proposed development was excessive in this location.

Councillor P Moore proposed and Councillor M Alexander

seconded, a motion that application 3/12/1440/FP be granted subject to appropriate conditions and authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1440/FP, planning permission be granted subject to appropriate conditions; and

(B) in respect of application 3/12/1440/FP, authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

- 395 A) 3/12/1325/FP – ERECTION OF 5NO. DWELLING HOUSES, GARAGES AND CHANGE OF USE AND ALTERATION OF WORKSHOP TO FORM A SINGLE DWELLING AND DEMOLITION OF A SMALL STORE BUILDING, DEMOLITION OF AGRICULTURAL BARN AND ALTERATIONS TO ACCESS AND LANDSCAPING WORKS AND B) 3/12/1324/LB - CHANGE OF USE AND ALTERATION OF BARN TO FORM A SINGLE RESIDENTIAL DWELLING HOUSE AND DEMOLITION OF SMALL STORE AND AGRICULTURAL BARN AT PRIORY FARM, HUNSDON ROAD, WIDFORD, SG12 8RA FOR MRS SJ RICHARDSON AND MR SC FINDLAY
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Frances Luck addressed the Committee against the application. Patrick Downes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1325/FP and



3/12/1324/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull sought and was given clarification that the Council's Landscape Officer had no concerns relating to the protection of trees subject to appropriate conditions. The Director referred in particular to conditions 7 to 11 in respect of trees and landscaping matters on the site.

After being put to the meeting and a vote taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of applications 3/12/1325/FP and 3/12/1324/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

396 3/12/1318/FP – CHANGE OF USE OF 2NO. BARNs TO WORKSHOPS (B1(C) – LIGHT INDUSTRIAL) AND EXTENSION TO THE SOUTHERN BARN AT WARRENGATE FARM, MONEY HOLE LANE, TEWIN, AL6 0JD FOR MR HOWARD JONES

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Keith St Pier and Holly Cook addressed the Committee against the application. Ant Anstead spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1318/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, stated that the "you tube" video submitted to Members by e-mail showed a vehicle movement that was not the intended norm and she had been assured by the applicant's agent that this should not happen again.

Councillor L Haysey stated her support for the comments of Tewin Parish Council and local residents. She stressed that the proposed use was inappropriate for agricultural land and the subsequent noise would be unacceptable for residents.

Councillor L Haysey commented that should Members be minded to approve this application, there should be some stringent conditions regarding the hours of use and the size of vehicles used in relation to the operation on the site. She emphasised that East Herts Council was supportive of local businesses but only in the right location.

Councillor S Bull stated that he was very impressed with the applicant's proposals, especially in respect of the workforce opportunities, particularly for young people. He appreciated the residents' concerns in respect of the narrow road access but felt that he could support the Officer's recommendation for approval.

Councillor A Burlton was also supportive of the application, particularly as the number of vehicles accessing the site was likely to be very low. He stated that the job of restoring the old cars was a very skilled activity and he applauded the applicant for finding the staff to carry out this work in this country.

Councillor M Newman commented on the situation regarding how deliveries of the completed cars from the site were to be carried out, given that the applicant had confirmed that articulated lorry movements would not occur in future.

The Director reminded Members that this application was for a change of use of the barns to a B1(c) use, meaning that any B1(c) use would be permitted to use the site should this application be approved. Members must come to a judgment as to whether a B1 use was acceptable on this site.

In terms of the access and the vehicle movements, the Director confirmed that the expectation was that only one vehicle would enter or leave the site at any one time due to the low volumes planned for the site in terms of production.

Members were advised that the likely vehicles using the site would be low loader-style lorries capable of transporting a single car.

In response to a query from the Committee Chairman, the Director confirmed that a condition restricting the size of vehicles entering or leaving the site would not be unreasonable under the circumstances.

In response to a query from Councillor M Newman regarding noise and smells close to the site, Councillor M Alexander reminded Members of the excellent Environmental Health service provided by East Herts Council. The Director confirmed that an application for a B1 use would not ordinarily require conditions in respect of noise or odour control.

The Director reminded Members that the control the Authority had in this respect was provided by the Environmental Health Officers and the Planning Enforcement team.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1318/FP, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10): 11747/TM/1, 11747/TM/2, 11747/TM/3, 11747/TM/4,

11747/TM/5, HD10041/01, HD10041/02,  
HD10041/03, HD10041/04.

3. Matching materials (2E13)
4. Refuse disposal facilities (2E24)
5. No external lighting (2E26)
6. No external storage (5U07)
7. No external working (6N06)
8. No building shall be occupied for the use hereby permitted until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - include a timetable for its implementation; and
  - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

9. Hours of working - plant and machinery (6N05) – amend 18:00 to 18:30
10. No vehicle over 7.5 tonnes shall access the site in connection with the use hereby permitted.

Reason: In the interests of the highway safety and the amenity of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. You are advised that works should proceed with caution. In the event of bats being found, work must stop immediately and ecological advice taken on how to proceed lawfully.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC9, GBC10, TR7, ENV1, ENV2, ENV16, ENV21 and ENV24 and the National Planning Policy Framework. The balance of the considerations

having regard to those policies that permission should be granted.

- 397 A) 3/11/1093/FP – ALTERATIONS TO AGRICULTURAL BUILDING FOR USE AS AN INDOOR CRICKET SCHOOL AND B) 3/11/1094/LB – ADAPTATION, ALTERATIONS AND EXTENSION OF REDUNDANT AGRICULTURAL BUILDINGS FOR USE AS AN INDOOR CRICKET SCHOOL AT THARBIES FARM, ROOK END, HIGH WYCH, CM21 0LL FOR MR AND MRS B HUMPHREY
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Mr Barker addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1093/FP, planning permission be granted subject to the conditions detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1094/LB, listed building consent be granted subject to the conditions now detailed.

Councillor M Carver, as the local ward Member, expressed his hope that Members had visited the site to view what would be an excellent facility for local schools and also for users from further afield. He referred to the complex negotiations with Officers in relation to survey work, in particular the bat survey.

Councillor M Carver stated that the facilities could have significant economic benefits for the local shops and hotels in the area, as well as the benefits of a splendid cricket facility for East Herts.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/11/1093/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1094/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

398 3/12/1485/SV – MODIFY THE S106 AGREEMENT ATTACHED TO PLANNING PERMISSION 3/06/0314/FP TO REMOVE THE ELDERLY PERSONS AGE RESTRICTION (DEFINED AS BEING OVER 50 YEARS OF AGE) AT LAND AT STOCKING HILL LANE, COTTERED FOR DARLING HOMES LLP

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Richard Murdock addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1485/SV, the removal of Clause 4.1 of the Section 106 Legal Agreement signed on 23 August 2007 under planning reference 3/06/0314/FP be granted.

Councillor J Ranger referred to the importance of the “Ageing Well” agenda in terms of protecting the needs of the significant proportion of the East Herts population classed as elderly. He stressed that the new District Plan should be given due weight even though the document did not currently reflect the needs of the elderly.

Councillor J Ranger confirmed that all of the houses on this site had a similar age restriction condition, in contrast to another application in Walkern where only one house had a condition attached. Councillor J Ranger stated that the elderly residents enjoyed the quiet amenity of the site where there was limited traffic. He urged the Committee

to refuse the application on amenity grounds as removing this condition would result in an increase in traffic movements on the site.

Councillor S Bull stated that he supported the views of the local Member and would be voting to refuse this application.

In response to a query from Councillor M Newman, the Director confirmed that the site had been completed in two phases and he was aware that the northern part of the site had been constructed to lifetime home standards. Officers could not however confirm whether or not the units in the southern part of the site had also been.

The Director advised caution in that there was no policy position on which to refuse this application and a refusal may very likely be challenged on the basis that the Authority had acted unreasonably with no policy basis to justify such a decision. In response to a query from Councillor M Alexander, the Solicitor confirmed that the policy basis on which the Section 106 agreement had been signed no longer existed.

The Director stated that there was no perceived harm linked to this application, as a removal of the age restriction would give rise to a residential situation that was common place throughout the majority of East Herts, i.e. where a range of ages lived in harmony in any given housing development in the District.

In response to a comment from Councillor J Ranger and a number of other Members' comments, the Chairman confirmed that Throcking and Cottered Parish Council had objected to the application, as detailed in the additional representations schedule. The Director confirmed that the Committee must base any decision purely on relevant planning grounds. He stated that the fact that existing residents were not supportive was not a relevant planning issue.



Councillor S Bull proposed and Councillor M Alexander seconded, a motion that application 3/12/1485/SV be refused on the grounds that the Council was of the view that removing the restriction could lead to a harmful impact on the residential amenity of existing and adjacent properties contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1485/SV, the removal of Clause 4.1 of the Section 106 Legal Agreement signed on 23 August 2007 under planning reference 3/06/0314/FP be refused for the following reason:

1. The Council was of the view that removing the restriction could lead to a harmful impact on the residential amenity of existing and adjacent properties contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

399     3/12/1323/FP – SINGLE AND TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, RAISING OF ROOF AND CONSTRUCTION OF DETACHED GARAGE AND CARPORT FOLLOWING DEMOLITION OF EXISTING GARAGE AT THE SLOUGH, SLOUGH ROAD, ALLENS GREEN, CM21 0LR FOR MR AND MRS HOLBROOK

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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1323/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that the current structure at The Slough was an ugly building that was out of keeping with the other properties

along Slough Road, Allens Green.

Councillor M Carver commented that Officers had been in lengthy discussions with the applicant to secure a proposition for an attractive dwelling that was very much in keeping with the existing street scene. He urged Members to support the Officer's recommendation for approval.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1323/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

400 3/12/1290/FP – CHANGE OF USE FROM BLASS B8 PURPOSES TO PROPOSED 'PHYSICAL ACTIVITY AND REHABILITATION CENTRE' AT PART OF GROUND FLOOR, UNIT 2, CRANE MEAD BUSINESS PARK, CRANE MEAD, WARE, SG12 9PY FOR R BIRD AND TIMBER CONNECTION LTD

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Rob Bird addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1290/FP, planning permission be refused for the reasons now detailed.

Councillor P Ballam, on behalf of the local ward Member, addressed the Committee in support of the application. She stated that both Councillor M Pope and her were Members of Ware Town Council, which was also supportive of the scheme.

Councillor P Ballam stated that she had been surprised that the site's location in a designated employment area had been cited as a reason for refusal in the report, as

there was no suggestion that employment opportunities would cease at the unit that was the subject of this application.

Councillor P Ballam commented that this application, if approved, would give rise to 3 full time equivalent positions. She further stated that the application would support the obligations contained in the Health and Social Care Bill and the Ageing Well agenda.

Councillor P Ballam also referred to the local support of a GP, as detailed in the additional representations summary. She urged Members to support the application in line with the policies of the District Plan and to support the health and wellbeing of East Herts residents.

Councillor M Alexander proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/1290/FP be granted on the grounds that the application would bring much needed employment to the area and would provide a service to the people in need of the type of health care proposed by the applicant.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1290/FP, planning permission be granted;  
and

(B) in respect of application 3/12/1290/FP, authority be delegated to the Director of Neighbourhood Services to formulate appropriate conditions in consultation with the local ward Member and the Chairman of the Development Control Committee.

401 E/12/0105/A – UNAUTHORISED BUILDING OPERATIONS TO ENCLOSE AN OPEN GROUND FLOOR AREA, THE INSTALLATION OF WINDOWS AND DOORS AND THE UNTIDY CONDITION OF THE LAND AT VALLEYFIELDS, WESTLAND GREEN, LITTLE HADHAM, SG11 2AE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0105/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0105/A on the basis now detailed.

RESOLVED – that in respect of E/12/0105/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

402 E/11/0137/B – UNAUTHORISED USE OF BARN FOR RESIDENTIAL PURPOSES AT PUNCHLEY, LEVENS GREEN, WARE, HERTS, SG11 1HD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0137/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0137/B on the basis now detailed.

RESOLVED – that in respect of E/11/0137/B, the Director of Neighbourhood Services, in conjunction

with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

403 E/12/0257/A – UNAUTHORISED REMOVAL OF INTERNAL CHIMNEY BREAST IN THE KITCHEN AND INSERTION OF A ROLLED STEEL JOIST AT 36 ERMINE STREET, THUNDRIDGE, WARE, HERTS, SG12 0SY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0257/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0257/A on the basis now detailed.

RESOLVED – that in respect of E/12/0257/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

404 E/11/0392/A – UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL GRAIN STORE TO COMMERCIAL STORAGE AND DISTRIBUTION AT UNIT 8 STOCKING PELHAM HALL, STOCKING PELHAM, SG9 0HT

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0392/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0392/A on the basis now detailed.

RESOLVED – that in respect of E/11/0392/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

405 E/11/0397/B – DETERIORATION OF A GRADE II LISTED BUILDING AND THE NEED FOR URGENT REMEDIAL WORKS AT MUSLEY HILL INFANTS' SCHOOL, MUSLEY HILL, WARE, SG12 7NB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0397/B, enforcement action be authorised on the basis now detailed.

Councillor M Alexander commented that this was a grade II listed building at a very high focal point in Ware. He requested that the lightning conductor be prioritised in the schedule of works. The Director responded that Officers would ensure the lightning conductor was prioritised.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0397/B on the basis now detailed.

RESOLVED – that in respect of E/11/0397/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

406 PLANNING APPEAL AND DECISION MAKING PERFORMANCE: MARCH – SEPTEMBER 2012

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering March to September 2012.

The Director advised that performance in respect of appeals had been generally good. Members were advised that, in the first six months of 2012, 39 appeal decisions relating to planning applications had been released. Of these, 12 appeals had been allowed.

The Director stated that, in 30.8% of cases, the original decision made by the Council had not been upheld at appeal. Members were referred to the national performance of 34% in respect of appeals.

The Director referred to paragraph 3.1 of the report now submitted in respect of decision making timescales. He stated that, whilst performance in relation to major application decisions was currently below target levels, performance was good in relation to minor and other application types in that both local and national targets were being exceeded.

Members were advised that major applications were often complex and significant in nature and often comprised multiple rounds of consultation with complex legal agreements. These elements of the process often resulted in the target time being exceeded.

The Director referred to recent government announcements relating to the performance of planning authorities and decision making timescales. He stated that Officers would report back once more was known about the expected levels of performance. Members were advised that Officers had no immediate cause for concern in respect of the Council's decision making performance on planning applications.

The Committee noted the report as now detailed.

RESOLVED – that performance in relation to planning appeal decisions and decision making timescales be noted.

407 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.43 pm

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
ENVIRONMENT SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
13 NOVEMBER 2012, AT 7.00 PM

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PRESENT: Councillor D Abbott (Chairman).  
Councillors W Ashley, S Basra, R Beeching,  
E Buckmaster, M Pope, B Wrangles and  
J Wyllie.

ALSO PRESENT:

Councillors G McAndrew and P Ruffles.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Andrew Pulham	- Parking Manager
George A Robertson	- Chief Executive and Director of Customer and Community Services
Neil Sloper	- Head of Customer Services and Parking
Ian Sharratt	- Environmental Manager
Trevor Watkins	- Waste Services Manager

408 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors P Gray, N Poulton and C Rowley. It was

noted that Councillor M Pope was in attendance as substitute for Councillor C Rowley.

409 MINUTES – 11 SEPTEMBER 2012

RESOLVED – that the Minutes of the meeting held on 11 September 2012 be confirmed as a correct record and signed by the Chairman.

410 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred Members to replacement papers in respect of Minute 416 – Environment Scrutiny Health Check for July to August 2012, as the original papers had contained a minor error.

411 MOBILE (ANPR BASED) PARKING ENFORCEMENT

The Executive Member for Economic Development submitted a report in respect of establishing a policy framework and priorities for the operation of a mobile Automatic Number Plate Recognition (ANPR) based parking enforcement service in East Herts.

Members were advised that, since the adoption of Civil Parking Enforcement, the guidelines for enforcement had been revised. East Herts Council also had a Parking and Transport Strategy and most residents valued the traffic management and safety benefits of Civil Parking Enforcement.

The Parking Manager stated that use of a mobile ANPR vehicle had already been approved by the Council and would be used in line with Secretary of State guidelines, as well as taking account of best practice and relevant statutes.

Members were advised that this vehicle would not be a substitute for Civil Enforcement Officers (CEOs), which often acted as a deterrent to illegal parking. Members were further advised that the main function of the ANPR

vehicle would be to target difficult to reach areas such as school zig zag markings and dangerous junctions.

In response to a query from Councillor B Wrangles, the Parking Manager advised that the Authority was licensed to retain DVLA data for the purposes of mobile ANPR enforcement. Officers were able to trace a vehicle's registered keeper and send them a parking contravention notice in the post. The DVLA data would only be held for as long as was necessary for the purposes of Civil Parking Enforcement.

Councillor B Wrangles commented on whether ANPR would be useful in tackling on-street or pavement parking where this caused an obstruction. The Parking Manager stated that it was not an offence to park on the footway unless there were single or double yellow lines. The Police could however enforce under criminal law if a vehicle was obstructing the footway.

Councillor J Wyllie commented on whether the ANPR vehicle could differentiate between a parked vehicle and one which was stationary in a queue of traffic. The Parking Manager stressed that there was no reason to believe this would become a problem in East Herts.

Councillor R Beeching queried whether the ANPR vehicle and associated technology and running costs would prove to be cost effective. The Parking Manager stressed that cost effectiveness could be measured as much in safety as in financial figures. Members were advised that the vehicle would be leased and would address issues residents found particularly offensive and dangerous, such as parking on school zig zag markings.

In response to a concern from Councillor R Beeching, the Parking Manager advised that the vehicle's ANPR technology would not be used to assist the activities of the police.

Councillor B Wrangles commented on whether the ANPR

data could be used to target taxi drivers blocking the footway. The Parking Manager emphasised that enforcement could only happen if a contravention had occurred.

In response to a query from Councillor M Pope, the Parking Manager stated that making footway parking a contravention would involve enacting a Traffic Regulation Order following a systematic District wide audit. Officers could then consider a District wide ban with exemptions or localised bans based on a systematic priority list of sites.

The Committee received the report.

RESOLVED – that (A) the report be received: and

(B) the policy framework and priorities for the operation of a mobile ANPR based enforcement service in East Herts be recommended to the Executive for adoption.

#### 412 VEHICLE REMOVALS – TRAFFIC MANAGEMENT ACT 2004

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The Executive Member for Economic Development submitted a report confirming the policy framework and priorities for the operation of a vehicle removal service in East Herts and also to confirm the mechanism by which the associated charges would be set.

Members were advised that the purpose of this report was to set out the policy framework for the clamping and removal of vehicles parked in apparent contravention of the rules in East Herts. The Parking Manager reiterated that such powers would not be used lightly as removing a vehicle was a draconian measure to take.

In response to a query from Councillor R Beeching, the Parking Manager stated that vehicles would very likely be claimed and in the unlikely event that a vehicle was

unclaimed an auction sale would be the subsequent course of action. Hertfordshire Police would be notified in a timely manner of any instance of vehicle removal in case the vehicle was subsequently reported stolen.

In respect of further queries from Councillor R Beeching, Members were advised that all the charges were such that the authority would not be expected to make a surplus whilst operating a vehicle removal service.

In terms of removing automatic vehicles, the Parking Manager stressed that all aspects of safe vehicle removal was entrusted to NSL as the successful tenderer.

The Committee received the report.

RESOLVED – that (A) the report be received: and

(B) the policy framework and priorities for the operation of the East Herts vehicle removal service be recommended to the Executive for adoption.

#### 413 INCREASING DRY RECYCLING CAPTURE

The Head of Environmental Services submitted a report updating Members in respect of the progress made in improving recycling performance.

The Head of Environmental Services stated that, at the Environmental Scrutiny Committee meeting held on 26 June 2012, Members had been informed that the five lowest performing recycling areas had been identified and that bin hangers had been sent out advising residents that they were in one of these areas. Residents had been reminded of the range of materials they could recycle and how to contact the Authority if they required new or additional containers.

Members were advised that, to date, there had been a significant increase in recycling levels in all but one of the targeted areas.

The Waste Services Manager stated that dry recycling capture was being continually monitored. Officers would be continuing to spread the message in respect of increasing dry recycling capture across the District in 2013.

In response to comments from Councillor R Beeching, the Waste Services Manager confirmed that paper recycling was down 8.7% as more people were reading newspapers online, glass recycling levels were holding steady and plastics and cans recycling was steadily increasing.

The Committee received the report.

RESOLVED – that (A) the report be received; and

(B) the Executive be advised that Environment Scrutiny Committee supported the roll-out to the next group of rounds.

414 GROUNDS MAINTENANCE CONTRACT REVIEW  
RECOMMENDATIONS FROM THE TASK AND FINISH  
GROUP

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The Chairman of the Grounds Maintenance Contract Review Task and Finish Group submitted a report advising the Environment Scrutiny Committee of the results of the review of the contract by the Task and Finish Group. The Committee Chairman thanked Officers for their support of the work of the Task and Finish Group.

Members were advised that the Task and Finish Group had assessed whether the existing contract represented good value for money. Members were referred to paragraph 2.11 of the report now submitted for the contractor's final offer in the event of an extension. Councillor G McAndrew referred to the positive comments that had been received from Riversmead and South Anglia Housing Associations.

Members were referred to paragraph 2.17 for the improvements brought about by the contractor as part of the effective working relationship with East Herts Council. The Committee Chairman also referred Members to page 50 of the report now submitted for the options open to the Committee when making recommendations to the Executive.

In response to a comment from Councillor E Buckmaster regarding the savings from any extension to the contract, the Head of Environmental Services confirmed that there would be a reduction in the annual contract charge.

Councillor R Beeching proposed and Councillor B Wrangles seconded, a motion that the Executive be advised that the preference of the Environment Scrutiny Committee would be for a 5 year extension to the Grounds Maintenance Contract.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee received the report.

RESOLVED – that (A) the report be received;

(B) the approach and findings of the Grounds Maintenance Contract Task and Finish Group be endorsed;

(C) the Executive be advised that the current Grounds Maintenance Contract represented good value for money and an extension to this contract was the option most likely to deliver best value to the Council; and

(D) the Executive be advised that the preference of the Environment Scrutiny Committee would be for a 5 year extension to the Grounds Maintenance Contract.

415 2012 – 13 SERVICE PLANS: SUMMARY OF PROGRESS AND EXCEPTIONS REPORT

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The Chief Executive and Director of Customer and Community Services submitted a report in respect of a mid-year summary of the Council's achievements against its priorities for 2012/13 and details of service plan actions that required a revised completion date or had been suspended. The report also monitored the outstanding four service plan actions from 2011/12, which were detailed in Essential Reference Paper "D" of the report submitted.

Members were referred to paragraph 2.1 of the report for the 30 actions covered by the 2012/13 service plans, of which 13% (4) had been achieved, 60% (18) were on target, 13% (4) had revised completion dates, 3% (1) had been suspended and 10% (3) had been deleted as they were no longer appropriate.

Members were referred to Essential Reference Paper "B" for an overview of Service Plan Actions by Corporate Priority. This also detailed the actions taken by the Authority in relation to the outcomes that had been achieved.

The Committee received the report.

RESOLVED – that the progress against the Council's priorities and the revised completion dates, suspensions and deletions against the 2012/13 Service Plan Actions be received.

416 ENVIRONMENT HEALTH CHECK JULY TO AUGUST 2012

The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators relating to Environment Scrutiny Committee from July to August 2012, the detail of which was set out in the report now submitted.



In response to a concern from Councillor J Wyllie in respect of EHPI 2.1e – Planning Enforcement: Service of Formal Notices, the Chief Executive and Director of Customer and Community Services undertook to provide a written response after the meeting.

The Committee received the report.

RESOLVED – that the reported performance for the period July to August 2012 be received.

417 WORK PROGRAMME 2012/13

The Chairman submitted a report setting out the Committee’s future work programme for 2012/13, the detail of which had been set out in Essential Reference Paper ‘B’ to the report now submitted.

The Chairman referred to a vacancy on the Agenda for the 26 February 2013 meeting of the Committee. He invited Members to e-mail him or the Scrutiny Officer with ideas for this vacancy.

The Committee approved the report.

RESOLVED – that the work programme be approved.

The meeting closed at 8.00 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
COMMUNITY SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
20 NOVEMBER 2012, AT 7.00 PM

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PRESENT: Councillor G McAndrew (Chairman)  
Councillors R Beeching, T Herbert, J Mayes,  
N Symonds and M Wood.

ALSO PRESENT:

Councillors L Haysey and P Ruffles.

OFFICERS IN ATTENDANCE:

Claire Bennett	- Manager of Housing Services
Lorraine Blackburn	- Democratic Services Officer
Simon Drinkwater	- Director of Neighbourhood Services
Marian Langley	- Scrutiny Officer
Paul Newman	- Licensing Manager
Will O'Neill	- Head of Communications, Engagement and Cultural Services
Claire Pullen	- Engagement and Partnership Officer
Mekhola Ray	- Community Projects Team Manager

418 APOLOGIES

Apologies for absence were received from Councillors S Bull, Mrs D Hone, Mrs D Hollebon and C Woodward. It was noted that Councillor C Rowley was substituting for Councillor Mrs D Hollebon.

419 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to agenda pages which had been mis-printed and asked if Members had received replacement pages.

420 MINUTES

The Chairman referred to Minute 275 (Annual Performance Report from Riversmead and South Anglia Housing Associations 2011/12), and stated that the "Bedroom Tax" would be effective from April 2013 and not "October 2012" as stated.

RESOLVED – that the Minutes of the meeting held on 28 August 2012 as amended, be confirmed as a correct record and signed by the Chairman.

421 HEALTH AND WELLBEING PANEL

Councillor N Symonds, the Chairman of the Health and Wellbeing Panel provided Members with an update on the work of the Panel and of health related activities which she had agreed to undertake. Councillor N Symonds referred to the last meeting of the Health and Wellbeing Panel and stated that the feedback from that meeting had been very positive.

It was noted that the next meeting of Hertfordshire County Council's Health Scrutiny had been cancelled and notification of a revised date was awaited.

RESOLVED – (A) that the report be received; and

(B) the Minutes of the Health and Wellbeing Panel meeting held on 16 October 2012, be noted.

422 CONSULTATION ON POSSIBLE REVISIONS TO EAST HERTS HOUSING REGISTER POLICY

The Executive Member for Health, Housing and Community

Support submitted a report seeking comments on potential revisions to the East Herts Housing Register Policy, which had been prompted by the introduction of the Localism Act 2011, the detail of which was set out in the report now submitted. It was noted that, as a result of the Act, the Council had more discretion in how it could frame the Housing Register Policy. The Manager of Housing Services sought comments from Members on what they might wish to see included in the Register and how applicants' priority for social housing might be assessed for inclusion in the Register, as a basis for consultation.

The Manager of Housing Services explained that Essential Reference Paper "B" summarised the position in terms of how the Council might frame the Register Policy.

Councillor N Symonds thanked the Officers for the report. She expressed concern about Anti-Social Behaviour (including drug dealing) by one or two tenants which caused problems for many others. She cited two locations where she knew this was occurring. The Manager of Housing Services explained the difficulty in terms of the burden of proof and of the need to frame tenancy agreements in a more robust manner.

Councillor N Symonds referred to ex-servicemen and of the need to ensure that this category of people were not penalised. She referred to the needs of the elderly suggesting that more bungalows be built. The Manager of Housing Services explained that with regard to ex-service personnel, future legislation would allow the Council to give additional preference "points" to Armed Forces Service personnel leaving the Service where they already fell into one or more "preference category" for housing, e.g. medical need. Councillor R Beeching supported this approach. He also agreed that firm action be taken against those tenants acting antisocially.

The Manager of Housing Services explained the Council's role in housing those who were found to be intentionally homeless if they had lost a previous home due to anti-social

behaviour and of the possible benefits of “starter tenancies” especially regarding known perpetrators of anti-social behaviour. The Manager of Housing Services explained that it was about “managing expectations of behaviour” once they had a tenancy and the role of the housing associations. The Young Persons Project in Baker Street, Hertford and the role of the YMCA in Bishop’s Stortford were discussed in terms of the provision of more suitable housing for young people in East Herts and the training that would be mandatory on budgeting, how to manage a tenancy and expectations of behaviour.

Councillor T Herbert suggested that reasonable preference and additional points might be given to those who had benefitted the community in some way. The Manager of the Housing Services agreed that this could be considered but that some Community Benefit was easier to quantify for the award of additional points than others, for example fostering and potential adopters.

The Manager of Housing Services explained that from a developer perspective, building bungalows was not economically viable. Councillor S Bull suggested that developers should be encouraged to ensure a good “mix” of properties and commented on the role of Parishes in letting the Council know what properties were needed in their areas. The Manager of Housing Services advised that there has been a large number of 4 bedroom private properties being built in the District compared to previous years and that from an affordable home perspective, this was not the highest need accommodation size. The Housing Service therefore, often had discussions regarding the best mix of affordable homes with developers and housing associations on these sites. The impact of the “Bedroom Tax” was discussed in relation to the larger properties.

The Committee Chairman referred to a letter which Councillor J Ranger had submitted to him regarding choice based lettings, of people choosing to move to more rural areas then wanting to move back to areas where there were more amenities. He queried whether extra points could be

allocated on a locality basis for people wishing to stay in villages. The Manager of Housing Services explained the fundamentals of the Choice Based Scheme and how points were allocated. She agreed that this could be reviewed but needed to be robust to make it fair and transparent. The Manager of Housing Services also emphasised the need for the Policy to be robust as this was open to judicial review challenge.

Members agreed the report and supported the future options detailed in Essential Reference Paper “B” of the report now submitted and that the essence of Members’ comments detailed above be taken on board and included within the Draft East Herts Housing Register and Allocations Policy

RESOLVED - that the future options detailed in Essential Reference Paper “B” of the report now submitted be approved, and that the essence of Members’ comments now detailed, be taken on board and included within the Draft East Herts Housing Register and Allocations Policy.

#### 423 HOUSING STRATEGIC TENANCY STRATEGY 2012 - 2015

The Executive Member for Health, Housing and Community Support submitted a report on the Council’s first draft Strategic Tenancy Strategy, the detail of which was set out in Essential Reference Paper “B” of the report now submitted. The Manager for Housing Services explained the difficulty in co-ordinating with 10 – 12 other registered providers each developing their own Tenancy Policies to manage their tenancies to dovetail with the Council.

Councillor R Beeching queried the rent level of affordable rents. The Manager for Housing Services stated that the new affordable rents being implemented by registered providers were set at 80% of local market rents and that registered providers of housing were obliged to “plough back” a percentage of the additional rent into new developments. However, this did not need to be within this District. This was managed by the Homes and Communities Agency who had

contracts with the registered providers to build additional affordable homes.

Members reviewed the draft Tenancy Strategy and agreed that the document be circulated for consultation with stakeholders and that their comments be included within the Strategy, for approval by the Executive.

RESOLVED – that (A) the draft Tenancy Strategy be agreed and circulated for the purpose of consultation with stakeholders; and

(B) comments from stakeholders be incorporated within the Draft Tenancy Strategy submitted for approval by the Executive.

#### 424 REVIEW OF TAXI LICENSING POLICY AND PROCESSES (TASK AND FINISH REPORT)

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Councillor R Beeching, as the Chairman of the Task and Finish Group, submitted a report summarising the findings following a review of the Taxi Licensing process in East Herts, the detail of which was set out in the report now submitted and the revised Essential Reference Paper “B”. Councillor R Beeching thanked the Scrutiny Officer and Licensing Manager for their help managing and bringing clarity to the process.

In response to a query from Councillor T Herbert concerning the introduction of a “uniform”, the Chairman explained that it was not a uniform as such. Rather, it was about introducing uniformity of clothing, e.g. a standard polo shirt which, it was felt, could give clients a feeling of confidence and professionalism of their taxi drivers.

The Executive Member for Health, Housing and Community Support stated that drivers needed to be aware of the needs of the elderly and those with physical difficulties. The Licensing Manager suggested that several drivers had already undertaken a NVQ Level 2, which addressed such issues and that funding was provided by the Government. He also suggested that holding the NVQ award taken alongside the



authorities own 'penalty point' scheme, could be used as the basis of a Gold Standard status amongst East Herts drivers.

Members endorsed the approach and the findings of the Task and Finish Group and agreed the recommendations as set out in the report now submitted.

RESOLVED – that (A) the findings of the Task and Finish Group be endorsed;

(B) Licensing Committee be recommended to agree that a robust "Convictions Policy" be introduced, the detail of which was set out in Essential Reference Paper "B" of the report now submitted;

(C) Licensing Committee be recommended to agree that some decision making relating to taxi licensing could be devolved to designated officers in line with the terms set out in any agreed "Convictions Policy" along the lines of the assessment grid detailed in Essential Reference Paper "B"; and

(D) Licensing Committee be recommended to agree that they receive a progress report on the suggested actions set in the report now submitted when actions have been evaluated.

#### 425 EAST HERTS AGEING WELL - REVIEW OF PROGRESS

The Executive Member for Health, Housing and Community Support submitted a report on the progress made against earlier recommendations made by Members at their meetings on 28 February and 28 August 2012, the detail of which was set out in the report now submitted.

Members noted and supported the progress being made by Members and Officers.

RESOLVED – that the progress made by Members and Officers against the three recommendations made at Community Scrutiny Committee on 28 February and 28

August 2012, be noted and supported.

426 COMMUNITY GRANTS REVIEW OF APPLICATIONS  
QUARTER 1 AND QUARTER 2 ALLOCATION

The Executive Member for Health, Housing and Community Support submitted a progress report on the Community Grants programme following policy amendments made by the Executive on 10 January 2012, which included the establishment of a one-off Jubilee and Olympic Fund; a general community capital pot; and a simpler application process for projects costing less than £2,000, the detail of which was set out in the report now submitted.

The Community Engagement and Partnerships Officer provided a breakdown of those organisations which had received grants. The grants had been classified into Summer Activities; Olympic / Jubilee; Community capital (large and small 1<sup>st</sup> round (rural); Councillor Engagement; and Performance for Excellence (Arts and Sport). It was noted that the total community capital budget for 2012/13 was £198,600 and the total revenue budget for the same period stood at £49,390. The Community Engagement and Partnerships Officer drew attention to the huge difference even small grants could make to a community / organisation and drew Members' attention to comments received following successful grant applications, the detail of which was set out in the report now submitted.

The Chairman referred to the fact that more people were approaching the Council for assistance from a diminishing pot. He referred to the New Homes Bonus which would benefit the towns more than rural areas. The Executive Member for Health, Housing and Community Support explained how the grant process now worked and said that Officers attempted to allocate funds fairly and geographically. It was noted that priority for our own funding pots was usually given to rural areas. The Head of Communications, Community Engagement and Cultural Services explained that Officers had contacted Towns and asked them to make the District Council aware of their local town allocation policy for use of

this new money and what help could be provided from the towns' portion of the New Homes Bonus for applicants in the town.

Members praised Officers for their work and the success of events. Councillor M Wood referred to the former Councillor Grants which he said, helped Members engage with their community. He queried whether this could be reintroduced. The Executive Member for Health, Housing and Community agreed that there were issues within the grants scheme which needed to be reviewed and agreed to discuss this issue with other Executive Members at the appropriate budget time. Members supported this approach.

RESOLVED – that (A) the progress made in allocating grants according to the new policies be noted; and

(B) the Executive be requested to review community grants and specifically, the allocation of grant monies formerly distributed by Members in order to allow grants to be used in the most flexible and appropriate way possible.

427 2012/2013 SERVICE PLANS - SUMMARY OF PROGRESS AND EXCEPTIONS REPORT

The Chief Executive and Director of Customer and Community Services submitted a report which provided a mid-year summary of the Council's achievement against its priorities for 2012/13 and sets out those service plan actions which were off target and which had a revised completion date, the detail of which was set out in the report now submitted. The report also monitored the outstanding service actions from 2011/12, the detail of which is set out in Essential Reference Paper "D".

Members noted the progress against the Council's priorities, the revised completion dates against the 2012/13 Service Plan actions and agreed that the 2011/12 Service Plan actions be received.

RESOLVED – that (A) the progress against the Council's priorities and the revised completion dates against the 2012/13 Service Plan be noted; and

(B) the 2011/12 Service Plan actions be received.

428 COMMUNITY SCRUTINY CORPORATE HEALTH CHECK  
JULY - SEPTEMBER 2012

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The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators relating to Community Scrutiny Committee for the period July – September 2012.

The Chairman drew attention to EHPI 3a (Usage: number of swims Under 16) and confirmed that Sports Leisure Management (SLM) would be asked to provide an update when they next presented their annual report on contract performance. This was supported.

RESOLVED – that (A) the performance for the period July to September 2012 be noted;

(B) SLM be requested to provide an update on the issue of Under 16 swims when presenting their annual report on contract performance.

429 WORK PROGRAMME

The Scrutiny Officer submitted a report outlining the future work of Community Scrutiny Committee. She referred to the recent Police Commissioner Election and the Council's responsibility to receive an annual Crime and Disorder report. In the circumstances, it was suggested that the new Police Commissioner be invited to the next meeting to give Members a 15 minute presentation and that Councillor M Alexander be also invited to attend in his role as this authority's representative on the new Police and Crime Panel. This was supported.

Members also supported the suggestion that SLM be

requested to address the issue of Under 16 swimming and meeting the needs of older residents when they report on the Leisure Contract performance. This was supported.

The Committee supported the updates.

RESOLVED – that the work programme, as amended, be approved.

The meeting closed at 8.45 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
AUDIT COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 21  
NOVEMBER 2012, AT 7.00 PM

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PRESENT: Councillor J Ranger (Chairman)  
Councillors W Mortimer, M Pope, N Wilson  
and J Wing.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Simon Chancellor	- Head of Finance and Performance
Chris Gibson	- Manager of Corporate Risk
Paul Mitchell	- Principal Accountant
George A Robertson	- Chief Executive and Director of Customer and Community Services
Kevin Steptoe	- Head of Planning and Building Control Services
Adele Taylor	- Director of Finance and Support Services

ALSO IN ATTENDANCE:

Nick Taylor - Grant Thornton

430 TREASURY MANAGEMENT - TRAINING PRESENTATION

Following an earlier request by Members in developing the work programme for Audit Committee, a training presentation

was provided by SECTOR on the Council's Treasury Management strategy. SECTOR summarised the key variables influencing UK interest rates; SECTOR's interest rate forecast and those of Capital Economics/UBS; the credit environment; a review of the balance sheet; the current investment position and Fund Manager performance.

In response to a query by the Chairman concerning what the Council could invest in, SECTOR explained the key parameters for Councils' investment, as recommended by the Secretary of State. These included security, liquidity and yield. He explained investments for security usually meant lower levels of interest. The Chairman referred to some Councils which had invested in property. SECTOR explained that the Council could invest in property but that a different set of accounting rules and principles would need to be applied in terms of revenue and capital streams.

The Committee Chairman sought SECTOR's view concerning the optimum period of investment. SECTOR advised that the suggested duration with UK banks would be one year. In response to a query concerning investment in Gilts, SECTOR advised that there was no value in investing in Gilts but that Corporate Bonds would give a better return if the Council was moving away from security.

The Chairman referred to the Council's treasury meeting in January 2013. He thanked the Director of SECTOR for attending and giving his presentation to Members

RESOLVED – that the presentation be received.

431 APOLOGIES

An apology for absence was received from Councillor R Radford.

432 MINUTES

RESOLVED – that the Minutes of the meeting held on 19 September 2012 be confirmed as a correct record



and signed by the Chairman.

433 CHAIRMAN'S ANNOUNCEMENTS

The Chairman, on behalf of Members welcomed Adele Taylor, Director of Finance and Support Services to the meeting.

The Chairman stated that, with Members consent, he intended to change the order of the agenda and take the urgent item of business first. This related to the Shared Internal Audit Services' report on Section 106 Agreements. This was supported.

434 URGENT BUSINESS

The Chairman explained that he had agreed that this item be included on the agenda for the meeting as an urgent item of business following the publication of the Shared Internal Audit Service report which had made a number of high priority recommendations.

435 SHARED INTERNAL AUDIT SERVICES - SECTION 106 AGREEMENTS

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The Chairman referred to the fact that nearly £1Million had not been spent with the possibility that some of this might be clawed back.

The Head of Planning and Building Control explained the general approach to planning legal agreements. He explained that the area where services had been less effective was the process after the agreement had been signed, i.e. the implementation process. This might require the involvement of a number of service areas and which could take a number of years to see through.

The Head of Planning and Building Control explained that as a result of the audit, there had been rigorous monitoring of the long term process and an appropriate management response developed to each of the internal audit recommendations.

The Head of Planning and Building Control explained that there was some flexibility with regard to the use of income secured through the Section 106 process and that a lot depended on the wording of the Section 106 agreement and how general or specific the wording was. By way of an example he explained that play and open spaces could be fairly focussed, but that housing provision would be more generalised as provision was district wide.

The Chairman suggested that planning agreements should be widely termed in order for the Council to retain flexibility. The Head of Planning and Building Control acknowledged this and explained the Council was obliged to observe and apply certain regulations in framing the Section 106 agreements.

In response to a query from the Chairman concerning the monetary split between the County Council and East Herts, the Head of Planning and Building Control explained that this was generally formulaic, with the County Council receiving a significant element. The Head of Planning and Building Control referred to the new Community Infrastructure Levy (CIL) which would be introduced in 2014 and what this would mean for the District Council.

In response to a query from Councillor J Wing, the Head of Planning and Building Control explained the “triggers” which alerted the Council that monies were owed to the Council, e.g. on signature of agreement, on occupation reaching 50% of housing.

The Head of Planning and Building Control guided Members through each of the Internal Audit recommendations and the appropriate Management Response.

In response to a query from Councillor J Wing, the Head of Planning and Building Control explained that approximately 20 Section 106 agreements were generated annually and their value ranged from £5,000 to more significant amounts running into several hundred thousand pounds.

Councillor J Wing suggested that there might be some merit in

having a separate Section 106 Unit to ensure monies were spent. The Head of Planning and Building Control explained that, historically, the income from Section 106 agreements was between £50,000 to £100,000 per annum and that up until the mid 1990s, the Council rarely had an agreement which had any financial arrangements or implications. Now there was a wider remit, this had changed matters, however, the overall element of workload remained modest given the overall numbers. The Head of Planning and Building Control explained that legal advice would have to be sought on a suggestion of the potential use of Consultants to use and manage the income. The issue of “ring fencing” certain projects was explained.

The Head of Planning and Building Control assured Members that the Shared Internal Audit Services recommendations were now being implemented. Council officers already undertook negotiations with developers on sites where Section 106 agreements were seen to be an excessive cost to the development. It was noted that reports on Section 106 agreements would be reported to Corporate Management Team quarterly. Members asked that the Head of Planning and Building Control report back in a year.

Members noted that the recommendations were being implemented and received the report.

RESOLVED – that the report be received.

436 EXTERNAL AUDIT REPORT ANNUAL AUDIT LETTER  
2011/12

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The External Auditor, Grant Thornton submitted their Annual Audit Letter for the year ended 31 March 2012. In summary, the main audit conclusions for the year were that the accounts gave a true and fair view of the Council’s financial affairs and of the income and expenditure recorded by the Council. Secondly, that the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2012.

The External Auditor advised that the public challenge of the accounts was still in process as legal advice was still awaited. This issue would be reported back to the next meeting.

In response to a query from Councillor M Pope about grants, the External Auditor advised that there was nothing of significance and that any changes would be included within next year's timeframe.

The issue of internal borrowing was explained in terms of "disinvesting" and the loss of interest.

The Chairman, on behalf of Members, thanked the External Auditor for the Audit Letter. He also thanked Officers for supporting the audit process.

Members received the report.

RESOLVED – that the report be received.

437 COUNCIL'S RESPONSE TO ANNUAL AUDIT LETTER  
2011/12

The Director of Finance and Support Services submitted a report responding to the issues raised in the Annual Audit letter 2011/12. The Head of Finance and Performance advised that action plans relating to the ISA 260 and arrangements for securing financial resilience were also addressed and set out in the report now submitted and supporting Essential Reference Paper "B".

The Head of Finance and Performance advised that he was content with the Auditor's recommendations and that Essential Reference Paper "B" of the report now submitted, set out the approach to be taken. It was anticipated that these actions would be in place within the next six months.

A typographical error was noted in the date for recommendation (1) in that it should show as "April 2013".

Members endorsed the response to the Annual Audit Letter

and the action plans relating to the ISA 260 report and on the arrangements for securing financial resilience.

RESOLVED – that the response to the Annual Audit Letter and actions plans relation to the ISA 260 report and the report on arrangements for securing financial resilience be approved.

438 EXTERNAL AUDIT REPORT - PLANNED AUDIT FEE  
2012/13

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The External Auditor had submitted a letter setting out the Planned Audit Fee for 2012/13. It was noted that for 2012/13 the Audit Commission had independently set the scale of fee. The fee for East Herts was £68,875 which was a 40% reduction on last year's fee.

The Chairman hoped that the Officers' support in the audit process had positively affected the fee process. The External Auditor was unable to say what next year's fee would be, but that it would be determined by the Audit Commission whose contract would end in 2017. The External Auditor explained that Paul Dossett had been "rotated off" the audit following his completion of seven years service.

Members noted the content of the letter.

RESOLVED – that the contents of the letter be noted.

439 UPDATE ON IMPLEMENTATION OF THE ANNUAL  
GOVERNANCE ACTION PLAN

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The Director of Finance and Support Services submitted a report in relation to 2011/12 Annual Governance Statement and the nine measures recommended to enhance East Herts Council's internal control framework during 2012/13, the detail of which was set out in the report now submitted.

The Manager of Corporate Risk updated Members on the two areas which had significantly changed since the last meeting of Audit Committee.

The Chairman expressed concern about IT and shared services and the need to spend a lot of money on new systems. The Chief Executive and Director of Customer and Community Services explained that North Herts had decided not to recommend the business case for shared services but that Stevenage Council was keen to work with East Herts. He advised that Officers were in discussions with Stevenage.

Members noted the progress made against implementing the action plan contained in the 2011/12 Annual Governance statement and asked Officers to record Members' concerns around IT arrangements.

RESOLVED – that (A) the progress made against implementing the action plan contained in the 2011/12 Annual Governance statement be noted; and

(B) Members' concerns around IT arrangements be recorded.

440 RISK MANAGEMENT MONITORING REPORT 1 JULY TO 30 SEPTEMBER 2012

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The Leader of the Council submitted a report setting out what action had been taken to mitigate and control strategic risks during the July to September 2012 period.

The Manager of Corporate Risk updated Members on changes to SR4 (Risk that investment and effort does not deliver benefits and returns in Shared Services) that will be made following the decision by North Herts not to share services. Secondly, SR7 (availability and performance of IT systems and resources impacting on service delivery) continued to be allocated a high risk rating.

The Manager of Corporate Risk explained that the Risk Management Strategy was currently being reviewed and that it was hoped to bring this to the next meeting.

Members noted the report and the action taken to mitigate

and control strategic risks.

RESOLVED – that the action taken to mitigate and control strategic risks be approved.

441 WORK PROGRAMME

The Director of Finance and Support Services submitted a report detailing the proposed work programme for Audit Committee. Members did not feel it necessary for any training to be delivered at the next meeting of Audit Committee but requested that Asset Management training be included on the agenda for the meeting on 13 March 2013.

RESOLVED – that the work programme, as amended, be approved.

The meeting closed at 8.45 pm

Chairman .....
Date .....

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