

MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 18 OCTOBER 2017, AT 7.00
PM

PRESENT: Councillor J Jones (Chairman).
Councillors A Alder, M Allen, D Andrews,
P Ballam, P Boylan, R Brunton,
E Buckmaster, S Bull, M Casey,
Mrs R Cheswright, G Cutting, B Deering,
I Devonshire, H Drake, M Freeman,
J Goodeve, B Harris-Quinney, L Haysey,
R Henson, P Kenealy, G McAndrew,
M McMullen, W Mortimer, T Page, M Pope,
L Radford, S Reed, P Ruffles, S Rutland-
Barsby, C Snowdon, S Stainsby,
M Stevenson, T Stowe, N Symonds,
J Taylor, K Warnell, G Williamson,
C Woodward and J Wyllie.

OFFICERS IN ATTENDANCE:

David Allen	-	Waste Services Manager
Isabel Brittain	-	Head of Strategic Finance and Property
Jonathan Geall	-	Head of Housing and Health
Martin Ibrahim	-	Democratic Services Team Leader
Jess Khanom	-	Head of Operations
Helen Standen	-	Director
Alison Stuart	-	Head of Legal and Democratic Services
Liz Watts	-	Chief Executive

ALSO IN ATTENDANCE:

Duncan Jones - Hertfordshire
Waste
Partnership

215 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, the press and public to the meeting and reminded everyone that the meeting was being webcast. He also welcomed, in particular, Councillor J Taylor to the meeting after her recent illness.

He reminded Members of the recent sad news relating to former Councillor and Honorary Alderman Clive Hodson-Smith, who had passed away in August. Clive had represented Datchworth & Aston ward from 1975 until 1999 and had the title of Honorary Alderman conferred on him in 2007. He invited Councillor T Stowe to say a few words.

Councillor T Stowe paid tribute to Clive Hodson-Smith's dedicated service and recalled his extensive interest in local residents in welcoming them to Datchworth. He had taken enormous pride in completing his law degree after he had retired as he believed this would help him in his role as a magistrate. He also referred to his role in setting up the Datchworth Museum, which Members had seen on the recent ward walk. Finally, on behalf of his family, he thanked all those Members who had attended his funeral.

The Chairman also referred to the recent sad news that Robert Gordon, Leader of Hertfordshire County Council had passed away after having lived with cancer for some time. Robert Gordon had been first elected to the Council in 1989 and had held cabinet posts for education, children's services and resources and performance before becoming the Council's leader in 2007.

He had been a Member of Watford Borough Council from 1982 to 1990, and again from 2002 to 2006. He had also

been the first Chairman of the Hertfordshire Police Authority between 1995 and 1997, and had served as an NHS non-executive director. Robert had represented Goffs Oak and Bury Green wards as a County Councillor since 2009. He had received a CBE from the Queen in 2012 for his services to local government. Formerly, he had been a deputy lieutenant of Hertfordshire and until recently, a governor of the University of Hertfordshire.

The Chairman commented that Rob had been a wonderful colleague, hugely respected locally and nationally and a public servant in the truest sense of the word. Robert had made Hertfordshire the County of Opportunity and had worked relentlessly to achieve this.

The Prime Minister, Theresa May, had paid tribute to Rob in a letter to the Deputy Leader of the Council. She had said that Robert had made a huge contribution to the Conservative Party and to the country during his many years of tireless work as a local councillor. His service as Leader of the Council had been widely admired, and his leadership would be missed. The strength of the tributes that had been paid to him from across the political spectrum was a testament to how respected he had been.

The Chairman detailed the funeral arrangements and stated that his thoughts were with his wife Susie, their three daughters and all at County Hall who had worked with him. As a mark of respect, everyone present stood and observed a minute's silence in memory of both Clive Hodson-Smith and Robert Gordon.

The Chairman expressed his delight to be joined by a resident of East Herts who had been honoured by the Queen in her Birthday Honours list for 2017. Sir John Low CBE, Chief Executive of the Charities Aid Foundation (CAF), had been awarded a knighthood for charitable services. He was a highly respected figure in British life and it was a great privilege that he and his wife, Lady Low, were present at the meeting. CAF worked with thousands of donors, helping them give hundreds of pounds to charities around the world. CAF

also provided banking, investment and payroll-giving services to charities, conducted research and lobbied government to promote charitable giving.

Sir John had served as its CEO for the last decade. During that time, he had overseen a significant increase in the funds raised from donors and amounts distributed to charities. He had also developed a social investment vehicle to provide charities with early stage capital. He had restructured and recapitalised the Charity Bank; created an extensive research wing; and, made the Foundation the core co-ordinating voice for the charity sector as a whole.

He had also served as chairman of the Association of Chief Executives of Voluntary Organisations (ACEVO). He had been appointed a Commander of the Order of the British Empire in the Queen's Birthday Honours 2008 for services to the voluntary sector and to deaf people. He had previously been CEO of the Royal National Institute for Deaf People, served on the House of Lords Appointment Commission and continued as a member of Council at City University of London. The Chairman invited Sir John Low to receive a certificate in recognition of his achievement.

Sir John Low thanked the Council and expressed his honour at the recognition he had received. He told Members that he had lived in the District since the 1980s and had found East Hertfordshire to be a generous place with a rich community life. He referred to the numerous charitable activities and their contribution to civic life, particularly those in the voluntary sector. He encouraged the Council to continue its fundraising and partnership activities and to take pride in its selfless efforts in serving the people of East Hertfordshire.

The Chairman was pleased to advise Members that the Council had been recognised in the Gold Stray Dog Footprint achieved in the RSPCA's Community Animal Welfare Footprint awards 2017. This was run by the RSPCA to recognise organisations that went above and beyond basic requirements to ensure higher welfare standards for animals in the services they provided. The RSPCA had received a

great number of entries at a higher standard than ever. The Chairman paid tribute to Linda Last, the Dog Warden, and to everyone in her team involved in this achievement.

The Chairman referred to his golf day at which had been outstanding success, raising £1900 for the Herts Air Ambulance. He had provided a trophy for the winning team, which was on display in the chamber. He expressed his hope that this would become an annual event. The Chairman also referred to other future fundraising events, such as the pantomime, Rapunzel, on 2 December 2017 and a Christmas Jumper Day for Officers and Members. Further details would be circulated in due course.

As far as tonight's agenda was concerned, the Chairman advised that he had agreed changes to the running order of the agenda. In view of the public attendance for the Leisure Strategy item, this would be considered immediately after the Public Question. Also, he welcomed Duncan Jones from the Hertfordshire Waste Partnership, who was attending for the item relating to Chargeable Green Waste. Therefore, to avoid detaining him longer than necessary, this item would be considered immediately after the Executive Report.

216 MINUTES

RESOLVED – that the Minutes of the Council meeting held on 18 July 2017, be approved as a correct record and signed by the Chairman.

217 PUBLIC QUESTIONS

Question 1

Patrick Milne, on behalf of Ware Swimming Club, asked the Executive Member for Health and Wellbeing, whether, given that his report before Council tonight stated that the Council remained open to meeting lead petitioners, the Council would commit to deferring any final decisions on future funding until such meetings with all stakeholders had taken place, in advance of which, whether full details of who was paying what

at the moment, what income was being generated and what capital investment was thought to be necessary, will be provided.

In reply, the Executive Member for Health and Wellbeing stated that the Council was open to working with stakeholders to explore all options for the future operation of joint use leisure facilities, in liaison with the two schools. The Council was happy to provide information on the Council's contribution to the operational management of the facilities and would check with each of the schools whether they would be happy to disclose information on their finances for the facilities. The Council would be able to provide information about essential capital works and the level of funding estimated to carry these out.

In terms of current levels of income, the Executive Member commented that this information was commercially sensitive and could face challenges from the current service provider ahead of a tendering process. However, the Council could provide interested parties with information on participation levels and pricing information in the public domain, for example, the cost of a membership or swimming lesson. He referred to his report on the agenda, which focussed on continuing discussions with the schools, community and local businesses to explore the future operation of the facilities.

In response to a supplementary question, the Executive Member confirmed that the Council would commit to facilitating a meeting of stakeholders and providing a venue.

218 LEISURE STRATEGY: DIRECTION OF TRAVEL FOR FANSHAWE AND LEVENTHORPE POOL AND GYM

The Executive Member for Health and Wellbeing submitted a report on the direction of travel for Fanshawe and Leventhorpe pools and gyms, which considered the views expressed from the public consultation and petition responses. He also invited Council to consider the options of delivery for the two schools who owned their leisure facilities.

He reminded Members of the report considered by Council at its previous meeting on 18 July 2017, and reiterated that the Strategy did not refer to the closure of any pools. He detailed the consultation responses and the work that had been ongoing in continuing to explore options with schools, the community and the market for the future operation of the leisure centres. The Council recognised that variant bids from the market was a viable option but that the uncertainty of Education Funding Agency funding remained a risk until a new contract that was commercially viable had been established.

The Executive Member for Health and Wellbeing moved, and Councillor M Freeman seconded, the recommendations as detailed in the report submitted.

Council approved the recommendations now detailed.

RESOLVED – that (A) the Council commits to acting as a facilitator to help Chauncy School and Leventhorpe School explore alternative ways to maintain their leisure facilities;

(B) bidders being invited to submit variant bids for the new leisure contract to include options for the future operation of Fanshawe and Leventhorpe Pools and Gyms should long term Council funding be unviable, be noted;

(C) the operational delivery of Fanshawe and Leventhorpe Pools and Gyms being included in the new leisure contract specification for up to 5 years, subject to each School's ability to contribute 40% of all costs, be noted; and

(D) subject to the outcome of (A) and (B), the decisions on capital funding for Leventhorpe and Fanshawe Pools and Gyms be considered post tender evaluation.

219 EXECUTIVE REPORT - 5 SEPTEMBER 2017

RESOLVED – that the Minutes of the meeting held on 5 September 2017 be received.

(see also Minute 220)

220 BUSINESS RATES REVALUATION SUPPORT SCHEME 2017/18 – 2020/21

RESOLVED – that the Business Rates Revaluation Support Scheme 2017/18 – 2020/21, as now submitted, be approved.

(see also Minute 219)

221 EXECUTIVE REPORT - 16 OCTOBER 2017

RESOLVED – that the Minutes of the meeting held on 16 October 2017 be received.

(see also Minutes 222 - 229)

222 BISHOP'S STORTFORD NEIGHBOURHOOD PLAN FOR ALL SAINTS, CENTRAL, SOUTH AND PART OF THORLEY, 2016-2032

The Leader advised of a typographical correction to paragraph 4.10.1.10 of the Plan which would be made as follows:

Insert "...removed for development..." instead of "...removed from development..."

The Vice-Chairman expressed his pleasure at the outcome and thanked all those involved for their dedicated efforts in achieving the Plan.

RESOLVED – that the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley wards, as detailed at Essential

Reference Paper 'B' to the report submitted, be formally 'made' and used as part of the Development Plan.

(see also Minute 221)

223 QUARTERLY CORPORATE HEALTHCHECK (APRIL - JUNE 2017)

RESOLVED – that the schedule of taxi licencing charges presented in section 2.10 of the report submitted be approved.

(see also Minute 221)

224 OPEN SPACES AND SPORTS FACILITIES ASSESSMENT TECHNICAL STUDY (SEPTEMBER 2017)

RESOLVED – that (A) Parts 1 to 3 of the Open Spaces and Sports Facilities Assessment Technical Study (September 2017), be approved as part of the evidence base to inform and support the East Herts District Plan;

(B) Parts 1 to 3 of the Open Spaces and Sports Facilities Assessment Technical Study (September 2017), be approved to inform Development Management decisions;

(C) the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to agree Part 4 of the Open Spaces and Sports Facilities Assessment Technical Study (September 2017), as part of the evidence base to inform and support the East Herts District Plan; and

(D) the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to agree Part 4 of the Open Spaces and Sports Facilities Assessment Technical Study (September 2017), to inform Development Management decisions.

(see also Minute 221)

225 DRAFT AFFORDABLE HOUSING SUPPLEMENTARY
PLANNING DOCUMENT (SPD)

RESOLVED – that a new draft Affordable Housing Supplementary Planning Document (SPD) be produced, with the content to be agreed in due course prior to public consultation.

(see also Minute 221)

226 AGREEMENT FOR THE PRINCIPLE OF USING THE
COUNCIL'S COMPULSORY PURCHASE POWERS IN
RESPECT OF LAND REQUIRED TO SUPPORT
DEVELOPMENT OF THE GILSTON AREA

RESOLVED – that it is agreed in principle that the use of the Council's Compulsory Purchase Order powers under Section 226 of the Town and Country Planning Act 1990 in respect of the land identified in the report submitted be authorised, subject to a further report seeking authorisation to commence the process dealing with the detailed procedural and legal requirements and relevant considerations.

(see also Minute 221)

227 HARLOW AND GILSTON GARDEN TOWN UPDATE

RESOLVED – that the ongoing work in relation to the Harlow and Gilston Garden Town be noted.

(see also Minute 221)

228 LOCAL DEVELOPMENT SCHEME (LDS) SEPTEMBER 2017

RESOLVED – that the Local Development Scheme (LDS) September 2017, attached at Essential Reference Paper 'B' of the report submitted, be agreed

to take effect from September 2017.

(see also Minute 221)

229 EAST HERTS APPROACH TO MASTERPLANNING

RESOLVED – that the approach to master planning set out in the report submitted, be endorsed as the approach to be followed in relation to the development of significant development sites in East Herts.

(see also Minute 221)

230 CHARGEABLE GREEN WASTE SERVICES

The Chairman reminded Members that Essential Reference Paper “C” of this report contained exempt information as defined by paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, and advised that, if any Member wished to refer to any detail in this, then Council would need to pass a resolution to exclude the press and public.

The Executive Member for Environment and the Public Space submitted a report considering the option of introducing a chargeable green waste service alongside a separate weekly food collection service. He referred to the Executive’s decision of 16 October 2017 to award a joint waste collection and street cleansing contract based on the Most Economically Advantageous Tender (MEAT). He also referred to the Overview and Scrutiny Committee’s consideration of the chargeable green waste option at its meeting held on 12 September 2017 and advised that the additional information requested had been included in the report now submitted.

He reminded Members that collecting green waste was a discretionary service and that the Council’s financial position required Members to consider and make difficult choices to bridge the funding gap. He acknowledged the difficulties that some people might have in meeting the proposed charge of £40 and that Officers would look at possible concessions as part of the budget cycle. In respect of concerns expressed

about the potential for additional fly-tipping or visits to waste centres, the Executive Member suggested that there was insufficient data to support these contentions. Finally, he advised that North Herts Council had taken a decision to introduce a £40 charge for collecting green waste.

The Executive Member for Environment and the Public Space moved, and the Executive Member for Finance and Support Services seconded, the recommendations as detailed in the report submitted.

The Executive Member for Finance and Support Services referred to the Council's financial plight and suggested that savings were needed to support other priorities. Councillor M Freeman supported the recommendations and commented that the projected income was needed in order to avoid making hard choices in other important services. Councillor D Andrews believed that most residents did not use this service and so were subsidising those that did.

Various Members spoke against the recommendations. Councillor J Wyllie referred to his comments made at the Executive meeting on 16 October 2017 and believed charging would be a backward step for recycling. Councillor N Symonds referred to the affordability issue for more vulnerable sections of the community. Councillor Mrs R Cheswright believed charges would increase instances of fly-tipping. Councillor H Drake described the proposal as a cut in service. Councillor I Devonshire referred to his opposition to the proposals at the Overview and Scrutiny Committee. Councillor T Page referenced the general economic situation and the cumulative impact this would have on residents' household budgets. Councillor P Kenealy reminded Members that the outcome of the public consultation had been overwhelmingly against charging.

A recorded vote on recommendation (A) of the report submitted, having been requested by five Members, was taken and the result was as follows:

FOR

Councillors M Allen, D Andrews, R Brunton, E Buckmaster, G Cutting, B Deering, M Freeman, J Goodeve, L Haysey, R Henson, G McAndrew, M McMullen, M Pope, L Radford, S Rutland-Barsby, T Stowe, G Williamson.

AGAINST

Councillors A Alder, P Ballam, P Boylan, S Bull, M Casey, Mrs R Cheswright, I Devonshire, H Drake, B Harris-Quinney, J Jones, P Kenealy, W Mortimer, T Page, S Reed, P Ruffles, C Snowdon, S Stainsby, M Stevenson, N Symonds, J Taylor, K Warnell, J Wyllie.

ABSTENTIONS:

Councillor C Woodward.

For: 17

Against: 22

Abstentions: 1

Council rejected the recommendation as now detailed.

RESOLVED – that the introduction of a chargeable green waste collection service alongside a weekly food collection service be rejected.

231 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 24 MAY, 21 JUNE AND 19 JULY 2017

RESOLVED – that the Minutes of the Development Management Committee meetings held on 24 May, 21 June and 19 July 2017, be received.

232 OVERVIEW AND SCRUTINY COMMITTEE: MINUTES - 13 JUNE 2017

RESOLVED – that the Minutes of the Overview and Scrutiny Committee meeting held on 13 June 2017, be received.

233 PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY COMMITTEE: MINUTES - 4 JULY 2017

RESOLVED – that the Minutes of the Performance, Audit and Governance Scrutiny Committee meeting held on 4 July 2017, be received.

234 HUMAN RESOURCES COMMITTEE: MINUTES - 5 JULY 2017

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 5 July 2017, be received.

235 PROPERTY INVESTMENT COMPANY BUSINESS PLAN AND ALLOCATION OF CAPITAL RESOURCES

The Chairman reminded Members that Essential Reference Papers “B” and “C” of this report contained exempt information as defined by paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, and advised that, if any Member wished to refer to any detail in these, then Council would need to pass a resolution to exclude the press and public.

The Executive Member for Finance and Support Services submitted a report presenting the first 30 year business plan for the Council’s Property Investment Company, Millstream Property Investments Limited, which included approval to sell at market value the Council’s five existing residential properties. He also sought approval to make an equity investment in the company which would consist of part of the value of the properties being transferred and not a cash investment. Finally, he sought approval to extend a loan to the company at commercial rates, thus being state aid compliant.

The Executive Member for Finance and Support Services moved, and Councillor M Pope seconded, the recommendations as detailed in the report submitted.

Council approved the recommendations as now detailed.

RESOLVED – that (A) the initial 30 year business plan for the Property Investment Company, to be named Millstream Property Investments Limited, as presented in Essential Reference Paper “B” of the report submitted, be approved;

(B) the four Council-owned properties in Bishop’s Stortford known as 1 Old River Lane, 2 Old River Lane, 3 Old River Lane and Castle Bungalow, Castle Gardens and the Council-owned property in Hertford known as 6 Water Lane be sold to the company at full market value;

(C) the Council makes an equity investment in the company of £424k;

(D) the Council makes a loan on commercial terms to the company of £787k;

(E) authority be delegated to the Head of Finance and Property to increase the equity investment and loan by up to 2.5% should the property valuations at the time of sale be higher than assumed in the business plan, with any increase in excess of 2.5% to be brought back to full Council for consideration;

(F) authority be delegated to the Head of Finance and Property to determine the terms of the loan to the company with due regard to state aid regulations;

(G) a capital allocation of £85,000 is made to carry out essential capital works to 6 Water Lane, Hertford to bring it up to a lettable standard prior to disposal to the company, with these costs reflected in the market valuation; and

(H) the company starts trading once it is incorporated.

The meeting closed at 8.13 pm