

MINUTES OF A MEETING OF EAST
 HERTFORDSHIRE DISTRICT COUNCIL
 HELD IN THE COUNCIL CHAMBER,
 WALLFIELDS, HERTFORD ON
 WEDNESDAY, 17 DECEMBER 2003 AT
 7.30 PM

PRESENT: Councillor D E Mayes (in the Chair).
 Councillors M R Alexander, W Ashley, D R Atkins,
 P R Ballam, H G S Banks, K A Barnes, S A Bull,
 N Burdett, A L Burlton, E J Cain, M G Carver,
 A F Dearman, J Demonti, A D Dodd, G L Francis,
 R Gilbert, Mrs M H Goldspink, A M Graham,
 J Hedley, Mrs D M Hone, A P Jackson,
 M P A McMullen, T Milner, R L Parker,
 D A A Peek, H Penson, L R Pinnell, N C Poulton,
 J O Ranger, D Richards, T K H Robertson,
 P A Ruffles, S Rutland-Barsby, B W J Sapsford,
 J J Taylor, J P Warren, N Wilson, M Wood.

OFFICERS IN ATTENDANCE:

John Nowell	- Executive Director (Resources)
Rachel Stopard	- Executive Director (Marketing)
Alison Brown	- Communications Officer
Simon Drinkwater	- Assistant Director (Law and Control)
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
David Tweedie	- Assistant Director (Financial Services)

513 MINUTES

In respect of Minute 437 – Declarations of Interest, Council noted that the nature of Councillor A M Graham's

declaration of a personal and prejudicial interest was that he was a contractor of SNAP and not an employee.

RESOLVED – that the Minutes of the meeting held on 17 November 2003 be approved as a correct record and signed by the Chairman, subject to the amendment of Minute 437 indicating that the nature of Councillor A M Graham’s declaration of a personal and prejudicial interest was that he was a contractor of SNAP and not an employee.

514 CHAIRMAN’S ANNOUNCEMENTS

The Vice-Chairman referred to the absence of the Chairman from tonight’s meeting, and informed Members that the Chairman had managed to attend the staff drinks at Wallfields earlier that day. The Vice-Chairman stated that the Chairman hoped all Members would have a merry Christmas and wished to give a poinsettia plant to all Members to collect at the end of the meeting. The Vice-Chairman invited all Members to join him for a Christmas drink at the end of the meeting.

515 DECLARATIONS OF INTEREST

Members made the following declarations of interest:-

- Councillor L Pinnell declared a personal and prejudicial interest in the matter referred to at Minute 458 – East Hertfordshire District Council (Parking Places) (Consolidation) Order No 1 2003, in that he was Secretary of the Bishop’s Stortford Chamber of Commerce, and left the Chamber whilst this matter was considered.
- Councillor M P A McMullen declared a personal and prejudicial interest in the matter referred to at Minute 459 – Hertfordshire County Council Minerals Local Plan Review 2002-2016, Second Deposit Draft 2003, as he lived in the vicinity and had been involved in lobbying against the proposals, and left the Chamber

whilst this matter was considered.

- Councillors A D Dodd, D A A Peek and P A Ruffles declared a personal and prejudicial interest in the matter referred to a Minute 459 – Hertfordshire County Council Minerals Local Plan Review 2002-2016, Second Deposit Draft 2003, as they were County Council Members.
- Councillor P A Ruffles declared a personal interest in the matter referred to at Minute 451 – East Herts Charitable Trust, in that this matter had been referred to in the manifesto for the local elections.
- Councillor N C Poulton declared a personal and prejudicial interest in the matter referred to at Minute 499 – National Non Domestic Discretionary Rate Relief, in that he was Chairman of the Watton-at-Stone Community Hall.
- Councillor J P Warren declared a personal interest in the matter referred to at Minute 499 – National Non Domestic Discretionary Rate Relief, as he was a member of the Town Centre Management Board.

516 PETITION – ST. MICHAEL’S MEAD

The Vice-Chairman reported that a petition containing 525 signatures had been received as follows:

“As a resident of St. Michael’s Mead I request East Herts District Council to resist the pressure to modify the Section 106 agreement that would allow the developer to exceed the number of dwellings originally defined for the development.

I urge the Council to secure the half acre and ensure that any development of the Neighbourhood Centre (including the Dental Surgery and Doctor’s surgery) is sympathetic with the Nursery and Community Hall already constructed and avoids the density of the

current design.”

The Chairman invited the lead petitioner, Malcolm Carter, who was present at the meeting, to address the Council.

Mr Carter outlined the reasons for the petition. He referred to the Council’s expressed desire in 1997 for the neighbourhood centre to be built. Residents had grown increasingly alarmed that the Planning Inspector had taken the Developer’s side in his plan development of the neighbourhood centre, and his attempts to change the original section 106 Agreement.

Mr Carter urged the Council to resist the developer’s attempts to change the section 106 Agreement, in order to secure the best possible design for the estate. The residents needed a layout that was sympathetic to their needs and related to the size of the buildings approved in outline in 1997.

The Leader of the Council thanked the petitioner and stated that it was the Council’s intention to review the situation, and that a report on this matter would be submitted to the Development Control Committee.

517 PETITION – CAR PARKING IN BISHOP’S STORTFORD

The Vice-Chairman reported that a petition containing 52 signatures had been received as follows:

‘We the undersigned call upon East Hertfordshire District Council to modify the car parking proposals and to retain the amount of long stay spaces until alternative sites can be found.’

The Chairman invited the lead petitioner, Terry Jackson, who was present at the meeting, to address the Council.

Mr Jackson outlined the reasons for the petition. He referred to a recent public meeting held in Bishop’s Stortford, at which many aspects of the proposed Parking Order were discussed. The petitioners were sympathetic

to what the Council was trying to achieve, but the timing was not right. Although planning permission for the park and ride scheme had been given, it would be many months before the scheme would be implemented, in order to meet the various planning conditions. Mr Jackson suggested delaying the changes in designation of car parks in Bishop's Stortford until the park and ride scheme was up and running.

Mr Jackson suggested that a detailed study of parking was needed, as the main problem was commuter parking and not town centre workers. He stated that some lateral thinking was needed in order to encourage car sharing by reducing parking fees for cars that contained three or four people. Mr Jackson concluded by asking Members to vote against the Parking Places Order.

The Executive Member for Community thanked the petitioner and reminded the meeting that the Council had spent the previous two years consulting the public and that the re-designation of car parks was part of an overall package. He stated that he would be making a fuller statement later on in the meeting, when the Parking Places Order would be considered.

518 MEMBERS' QUESTIONS

Councillor A D Dodd asked the Executive Member for Finance and Economy, if he would give an assurance that, as Sawbridgeworth had now developed its own Community Plan, in future, the town would enjoy a fair proportion of funding available towards developing their specific projects, as Sawbridgeworth was the only major Town in East Hertfordshire which did not have a Town Centre Management Board and as a result, in his opinion, had not in recent years benefited from financial support given to the four other major towns in the District?

In reply, the Executive Member for Finance and Economy stated that at the outset of the community planning process, the Council had decided on a 'bottom-up' approach. Council Officers had worked in an enabling role

to assist local area committees to identify their own priorities and develop their own local community strategies.

This approach was now paying dividends. The launch last month of the new Community Voice forums was successful, with attendances of 40 – 60 people at each of the meetings. Community Voice would act as a steering mechanism for the delivery and further development of the Local Area Plans.

The Executive Member stated that the community in Sawbridgeworth had been enthusiastic in its participation in the process of developing its Community Plan. This had been agreed locally, and would be presented to the Executive on 6 January 2004. The Executive looked forward to working with local people in Sawbridgeworth to help them implement their plan.

Already, the Executive had taken steps to ensure that resources were made available to assist local communities and enable them to further their ambitions. A new capital fund of £20,000 per year had been made available to deliver projects within the five area community plans, with a maximum of £10,000 being made available for any single project. Sawbridgeworth had yet to propose any projects for this grant scheme, and was invited to do so.

The Executive Member was pleased that the Council had also been able to assist Sawbridgeworth in several ways recently. The Council had just spent £8,500 in purchasing wetlands off Springhall Lane to safeguard that site's future as open space and natural habitat – one of the key priorities within the local community plan for Sawbridgeworth.

Also, within the past few days, the Council had been successful in winning a grant of £35,000 from the East of England Development Agency for 'Market Town Health Checks'. This funding would be used to employ a development worker to support both Sawbridgeworth and Ware, with a particular brief to identify and deliver projects that safeguarded the economic life and small business

community of these two towns.

These were only some of the initiatives that community planning had brought to Sawbridgeworth. The Executive was confident that over the coming months and years, the town, and indeed all the towns and villages in the District, would continue to benefit from many different initiatives and funding streams, as the Local Plans progressed from the consultation stage to delivery.

The Executive Member was confident that with the underlying enthusiasm shown by those involved in compiling the Community Plan in Sawbridgeworth, the town should attract a fair proportion of funding to enable specific projects to come to fruition.

Councillor M Wood asked the Leader of the Council if he agreed with him that the press release dated 11 November 2003 concerning public consultation on the redevelopment of the Bishop's Stortford Goods Yard site, was seriously flawed in so much as it omitted the Bishop's Stortford Chamber of Commerce from the list of consultees?

In reply, the Leader disagreed with the assertion that the press release was inadequate, since it accurately reported the list of statutory consultees as indicated in the Executive report. Whilst the Chamber of Commerce was not a statutory consultee, it was in fact, alerted to the consultation by the Council via a letter dated 13 November 2003, at exactly the same time as all other interested parties.

Although the development brief had been on the website for some weeks, the Council had now also made it available to the Chamber in hard copy format. Additionally, in the spirit of openness and cooperation, the timescale for the Chamber's response had now been extended until mid January, in line with its request.

The Leader hoped that this would allay any concerns that might have existed about the Council's intentions. The Council would continue to work positively with all the

Chambers in the District.

519 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 18 November and 2 December 2003.

The Leader referred to the recent Government announcement on the future of airports. He stated that the Government's intentions would be doubly damaging for the District, as the expansion plans for both Stansted and Luton Airports would impact on both sides of East Herts. He assured Members that the Executive would continue to fight against these proposals strongly, with existing partners, and as part of new alliances that would emerge.

The Leader linked this matter to the draft Regional Planning Guidance (RPG) 14, which was the subject of a briefing paper that had been tabled at the meeting. The Leader stated that the key driver of RPG14 was the shortage of housing within the East of England Region generally, and particularly, within the identified growth areas. One of the main outcomes from the RPG process would be a decision on the numbers of new houses to be built within each District and County in the region up to 2021. That figure, when it was finalised, would be a key driver, both of planning policy and of the approach taken in determining individual development control decisions.

The Leader outlined the deliberations and processes involved at regional level in considering housing capacity, and referred to the RPG timetable. He stated that it was possible that a special meeting of Council might need to be convened to debate the issue of housing numbers fully.

Councillor M Wood stated his Group's support for the sentiments expressed by the Leader in opposing the airports expansion programme announced by the Government.

In respect of Minute 458 – East Hertfordshire District Council (Parking Places) (Consolidation) Order No 1 2003

Council (Parking Places) (Consolidation) Order No 1 2003, the Executive Member for Community made a number of comments. He referred to various meetings he had attended with business representatives in Sawbridgeworth and Bishop's Stortford, and reminded Members of the objections and petitions submitted. He stated that the Executive had listened to the consultation, as evidenced by the need for a second Order.

He stated that there were two reasons for the Executive's recommendations, as now submitted. Firstly, car park charges had not been increased for over three years, and existing charges were less than many other car parks in towns around the country. Secondly, the Council had previously agreed to take on Decriminalised Parking Enforcement, as the Police were withdrawing the traffic warden service from April 2004.

The Executive Member referred to the proposed park and ride scheme, which would provide a significant number of additional long stay parking spaces, when implemented. He doubted whether the scheme would be up and running before the Parking Places Order was due to be implemented on 1 February 2004. Therefore, he was looking at plans that would allow the Council to go ahead with the increased charges but to allow the long stay spaces to remain until this particular issue could be resolved.

The Executive Member referred to the ongoing work around Residents Parking Zones (RPZs) and the forthcoming trials in Bishop's Stortford and Hertford. He stated that not all areas could benefit from RPZs. The Executive Member undertook to keep Ward Members informed of progress on this matter.

The Executive Member wished to place on record his appreciation of the efforts of the Officers involved in the car parking proposals. He concluded by asking Council to accept an amendment to recommendation (B) that would include the removal of charges from Bell Street car park on Saturdays. This was accepted by Council.

Councillor Mrs M H Goldspink moved, and Councillor A M Graham seconded, an amendment to recommendation (B), which provided for a fourth bullet point to be added as follows:

‘allowing more varied usage at Crown Terrace and Northgate End car parks, so that some of the allocated spaces could be preserved.’

Councillors Mrs M H Goldspink and A M Graham stated that there was much concern within the business community in Bishop’s Stortford over the reduction in the allocated spaces. Although the proposed park and ride scheme would assist, this would not work for all businesses. Reference was also made to the impact of future developments in the town centre.

After being put to the meeting, and a vote taken the amendment was declared LOST.

In respect of Minute 468 – Maidenhead Yard, Hertford, Council noted an error in the recommendation, in that the word ‘independent’ had been omitted before the word ‘marriage’.

In respect of Minute 469 – Provisional Revenue Support Grant Settlement 2004/05, the Executive Member for Finance and Economy provided further details on the provisional settlement.

RESOLVED – that (A) the Minutes of the Executive meeting held on 18 November 2003, be received,

(B) in respect of Minute 458 – East Hertfordshire District Council (Parking Places) (Consolidation) Order No 1 2003, recommendation (B) be amended to include the removal of charges from Bell Street car park on Saturdays, and

(C) the Minutes of the Executive meeting held on 2 December 2003, be received, and the

ACTION

recommendations contained therein, be adopted.

(Councillors D R Atkins, K A Barnes, G L Francis, Mrs M H Goldspink, A M Graham, B W J Sapsford and M Wood asked that their dissent to the decision relating to Minute 458 – East Hertfordshire District Council (Parking Places) (Consolidation) Order No 1 2003, be recorded.)

520 MINUTES OF COMMITTEES(A) POLICY DEVELOPMENT SCRUTINY COMMITTEE
– 26 NOVEMBER 2003

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 26 November 2003 be received.

(B) CALL-IN SCRUTINY COMMITTEE – 2 DECEMBER
2003

In respect of Minute 475 – Disposal of Former Depot at Mill Road, Hertford, Council noted that this issue would be considered by the Executive on 6 January 2004.

RESOLVED – that (A) the Minutes of the Call-in Scrutiny Committee meeting held on 2 December 2003 be received.

(C) DEVELOPMENT CONTROL COMMITTEE – 3
DECEMBER 2003

RESOLVED – that the Minutes of the Development Control Committee meeting held on 3 December 2003 be received.

(D) POLICY DEVELOPMENT SCRUTINY COMMITTEE
– 9 DECEMBER 2003

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting

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Development Scrutiny Committee meeting held on 9 December 2003 be received.

521 MOTION – MINOR INJURY SERVICE AT BISHOP'S STORTFORD

Councillor G L Francis moved, and Councillor M Wood seconded, a motion as follows:

‘This Council calls on the Royston, Buntingford and Bishop’s Stortford Primary Care Trust to honour its much delayed promise to provide a much needed and widely supported Minor Injury service at Bishop’s Stortford.

This Council also calls on the PCT not to delay any longer than the target date of February 2004.’

Supporters of the motion stated that this had been a long running issue over many years, and the Primary Care Trust had delayed its implementation for too long.

Councillor D Richards moved, and Councillor A D Dodd seconded, an amendment to the motion as follows:

Delete all and replace with:

‘This Council welcomes the fact that the Minor Injury service at Bishop’s Stortford provided by the Royston, Buntingford and Bishop’s Stortford Primary Care Trust is to open in February 2004 thus providing a much needed and valuable support service for the area.’

After some discussion, Councillor D Richards accepted an amendment to her amendment as follows:

Insert at the beginning, ‘whilst regretting the delay,...’

ACTION

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

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

RESOLVED – that the following motion be adopted: ED(M)

‘Whilst regretting the delay, this Council welcomes the fact that the Minor Injury service at Bishop’s Stortford provided by the Royston, Buntingford and Bishop’s Stortford Primary Care Trust is to open in February 2004 thus providing a much needed and valuable support service for the area.’

522 MEMBER/OFFICER PROTOCOL AND PROTOCOLS FOR THE STATUTORY OFFICERS

Council received a report of the Leader of the Council on a Member/Officer Protocol and Protocols for the Head of the Paid Service, Chief Finance Officer and Monitoring Officer.

Council agreed that the Protocols be considered in detail by the Standards Committee and the Policy Development Scrutiny Committee at their meetings in January 2004.

RESOLVED – that the Protocols be considered in detail by the Standards Committee and the Policy Development Scrutiny Committee at their next meetings. ALC

523 SCRUTINY OF THE HEALTH SERVICE – APPOINTMENTS TO JOINT PRIMARY CARE TRUST SCRUTINY COMMITTEES

The Executive Director (Resources) submitted a report detailing the health scrutiny arrangements in Hertfordshire.

The provisions of the Health and Social Care Act 2001 required County Councils to ensure that one of their

ACTION

Scrutiny Committees had power to scrutinise health services in its area. Hertfordshire County Council had established an Adult Care and Health Scrutiny Committee to undertake this function. However, it had specifically excluded Primary Care Trust (PCT) based services from the Committee's terms of reference. As allowed for in legislation, the County Council had agreed that it, together with its constituent District Councils, should establish joint scrutiny committees to discharge specified scrutiny functions. It proposed to establish joint committees for PCT areas with a remit to scrutinise health services delivered or commissioned by each PCT. The two PCT areas covering the district of East Hertfordshire were South East Herts (basically comprising part of the district of East Herts and the Borough of Broxbourne) and Royston, Buntingford and Bishop's Stortford (comprising part of the district of East Herts and part of the district of North Hertfordshire).

The schedule at Appendix 'C11' of the report now submitted detailed the composition of Herts Joint Primary Care Trust Scrutiny Committees. The number of members of each representative authority on each Scrutiny Committee had been identified following discussions at leader level. The PCT Base Scrutiny Committees were formal joint committees of the constituent local authorities. As such, Council approval for their establishment was required. It was up to this Authority to determine whether or not the rules of proportionality should apply to those seats that fell within its remit. However, it was noted, that Members of the Council's Executive could not be appointed.

Following discussions at officer level, it had been agreed that Broxbourne Borough Council would be the lead authority when administering the South East Herts PCT Joint Scrutiny Committee. This Authority would be the lead authority in terms of the administration of the Royston, Buntingford and Bishop's Stortford PCT Joint Scrutiny Committee. The proposed procedure rules for conducting the business of these Joint Scrutiny Committees was set

ACTION

out at appendix 'A11' of the report now submitted. The terms of reference of the Scrutiny Committees were set out at appendix 'B11' of the report now submitted.

Council approved the proposals as now detailed.

RESOLVED - that (A) the joint arrangements with Hertfordshire County Council for Joint Primary Care Trust Scrutiny Committees for the areas of Royston, Buntingford and Bishop's Stortford and South East Herts be approved,

(B) the procedure rules set out at Appendix 'A11' of the report now submitted, for the Royston, Buntingford and Bishop's Stortford Joint Primary Care Trust Scrutiny Committee be approved,

(C) the joint arrangements set out in Appendix 'B11' of the report now submitted, be incorporated into the Council's scheme of delegations within its constitution, and

ALC

(D) the following Councillors be appointed to serve on the two Joint Scrutiny Committees detailed:

ALC

Royston, Buntingford and Bishop's Stortford

Councillors S A Bull, G L Francis, D Richards and J P Warren.

South East Herts

Councillors P R Ballam and Mrs D M Hone.

524 REVIEW OF MEMBERS' ALLOWANCES 2003

Council considered a report by the Council's Independent Remuneration Panel on Members' Allowances in order to meet statutory requirements to amend the Council's

ACTION

Members' Allowances Scheme to take account of the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003.

Council noted that the regulations provided for each local authority to decide its own Members' Allowances Scheme. Councils were required to establish Independent Remuneration Panels to provide them with advice on their schemes, the amounts to be paid and the pensionability of allowances where relevant. The Council must have regard to the advice submitted by the Independent Remuneration Panel.

Council further noted that the Panel, in making its recommendations, recognised that the Council must include in its scheme of allowances a basic allowance, payable to all Members, and may include provision for the payment for special responsibility allowances and a dependants' carers' allowance. The Panel also recognised that the Council could include travel and subsistence and a co-optees allowance within its scheme. These allowances were discretionary.

The Panel had addressed the issue of the eligibility of Members for pensions under the Local Government Pension Scheme. It was noted that the Authority was only under a duty to have regard to the recommendations made by its Remuneration Panel in respect of all the allowances previously referred to with the exception of the issue of pensions. The Council could only include someone within the Local Government Pension Scheme who had first been recommended by the Independent Remuneration Panel.

The report of the Independent Remuneration Panel provided background to its deliberations and detailed the various types of allowances that could be included within the scheme. Once the Council had determined its Members' Allowances Scheme, it was the intention of officers to circulate both a copy of the scheme, as amended, and guidance on the issue of taxation of Members' Allowances and expenses to all Members early

ACTION

in 2004.

Council accepted the recommendations of the Independent Remuneration Panel on Members' Allowances.

RESOLVED - that (A) the recommendations of the Council's Independent Remuneration Panel on Members' Allowances, as detailed in the appendix to the report now submitted, be adopted, and ALC

(B) the Council's Members' Allowances Scheme be amended to take account of the decision detailed at (A) above. ALC

The meeting closed at 9.06 pm

nps\Council\Minutes 17 December 2003

Chairman
Date