

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 6 JANUARY 2004 AT
4.00 PM

PRESENT: Councillor M G Carver (Leader/Chairman).
Councillors H G S Banks, M R Alexander,
A P Jackson, R L Parker, N C Poulton.

ALSO IN ATTENDANCE:

Councillors W Ashley, A L Burlton, Mrs J Demonti,
A D Dodd, G Francis, R Gilbert, M P A McMullen,
J O Ranger, D Richards, M Wood.

OFFICERS IN ATTENDANCE:

John Nowell	- Executive Director (Resources)
Miranda Steward	- Executive Director (Operations)
Rachel Stopard	- Executive Director (Marketing)
Bernard Perry	- Assistant Director (Human Resources)
Shirley Clark	- Assistant Director (Direct and Contract Services)
Simon Drinkwater	- Assistant Director (Law and Control)
Paul Harris	- Head of Direct Services
Jeff Hughes	- Head of Democratic Services
Lois Prior	- Head of Communications
David Tweedie	- Assistant Director (Financial Services)

525 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members and Officers to the first meeting of The Executive to be held in 2004. He wished all present a Happy New Year and commented that 2004 was likely to be a very busy year for The Executive.

The Leader advised that he considered the item of business at Minute 549 below to be of sufficient urgency to warrant consideration at this meeting in order to prevent undue delay in updating Members on the Government's plans for the expansion of UK airports as outlined in its White Paper "The Future of Air Transport".

526 DECLARATIONS OF INTEREST

The following Members declared personal interests, as indicated, in the matter referred to at Minute 542 - National Non Domestic Rate - Discretionary Rate Relief:

Councillor D Richards - Hailey Day Care Centre.

Councillor M P A McMullen - Grants to Citizens Advice Bureaux.

Councillor A D Dodd - SNAP and local Youth Club.

Councillor N C Poulton - Trustee of Hertford Museum and Watton-at-Stone Village Hall.

Councillor H G S Banks - Thundridge Village Hall.

Councillor N C Poulton further advised that his interest in Hertford Museum was as a Trustee and therefore it was a personal and prejudicial interest, and if it was the subject of separate debate, he would leave the Chamber during consideration thereof.

Councillor A D Dodd left the Chamber during consideration of this item.

Councillor D Richards declared a personal interest in the matter referred to at Minute 536 below - Markets Plan and Policy.

527 EXCLUSION OF PRESS AND PUBLIC

The Executive passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minutes 535 and 550 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMS

ACTION

528 FIRST YEAR REVIEW OF THREE YEAR ECONOMIC DEVELOPMENT STRATEGY

The Executive considered a report by the Chairman of the Policy Development Scrutiny Committee upon that body's deliberations on a progress report reviewing the first year of the Authority's Three Year Economic Development Strategy.

The Policy Development Scrutiny Committee had noted the extent the Council and its partners had achieved previously set economic development objectives.

The Policy Development Scrutiny Committee had noted that the Authority was no longer required to make a separate Economic Development Strategy as economic development was included in the wider Community Strategy that had recently been launched. Accordingly, it had agreed to invite the Executive to approve a suggestion that, at the end of the three year period of the current strategy, it should be included

ACTION

within the Community Strategy and not continue as a separate strategy. Further, the Committee had suggested that actions arising from the Economic Strategy which were not included in the overarching Community Strategy should be included in the Economic Development and other Service Plans.

The Executive supported the suggestions now detailed by the Policy Development Scrutiny. The Executive also supported that Committee's suggestions in relation to tourism and the use of emerging and adopted local plans to fulfil the Economic Development Strategy. It also agreed to recommend that the Development Control Committee should be advised that it was concerned that the discretion to support economic development afforded to Members of that Committee under existing policy did not seem to be being used to the full extent possible.

The Executive also agreed to recommend that a report on the longer term aspects of economic strategy should be brought to a future meeting.

RECOMMENDED - that in light of comments made by the Policy Development Scrutiny Committee, the following matters be approved in relation to the Economic Development Strategy:

(A) at the end of the three year period of the Economic Strategy it should be included in the Community Strategy and not continue as a separate strategy; **APP**

(B) actions arising from the Economic Strategy which are not included in the overarching Community Strategy should be included in the Economic Development and other Service Plans; **APP**

ACTION

(C) encouragement of tourism should be given a higher priority and better signage should be provided for tourist attractions and tourist information points;

ADCS

(D) both the adopted and emerging Local Plans should be used to fulfil the Economic Development Strategy with support from the document in particular with regard to diversification for farming;

APP

(E) the Development Control Committee be advised that the Executive is concerned that the discretion to support economic development afforded to Members of that Committee under existing policy does not seem to be being used to the full extent possible; and

APP/ALC

(F) a report on longer term aspects of economic strategy be brought to a future meeting.

APP/ALC

529 COMMERCIAL WASTE AND DEPOT BUSINESS PLAN

The Executive Member for Environment submitted a report reminding the Executive that, in April 2002, the Council had approved the building of a new depot at Buntingford, funded by savings afforded by improved purchasing power and trading surplus from a newly created commercial waste business.

The Executive noted that the original timescale for providing the depot had slipped due to delays in obtaining planning consent for its construction.

The Executive Member outlined a budget prediction for the next four years based on current figures (and not allowing for inflation or tax increases) in relation to the Authority's commercial waste business. The four year business plan envisaged securing approximately 2,000

ACTION

commercial customers at the end of its life. The first year of the plan assumed the Council would attract approximately 1,000 customers.

The Executive noted that whilst new customers would be sought as quickly as possible following the appointment of a dedicated officer, it was envisaged that the process would be slow at the start and gather momentum as publicity and “word of mouth” took effect. It was anticipated that during April to June 2004 a mail shot would be undertaken to all 4,000 commercial premises within the district. This would comprise an introductory letter and a leaflet advising of legal responsibility with regard to waste.

The Executive supported a suggestion that, to assist in obtaining new customers, a finders fee be paid to the contractor’s staff. The finders fee would be a one off payment equivalent to the weekly cost of the service sold.

The Executive noted that following the grant of planning consent for the new depot in August 2003, construction works were progressing well and were on target for completion by Spring 2004.

The Executive Member advised that the majority of the accommodation at the depot would be allocated to three contractors.

The Executive Member further advised that the cost of the depot provision remained self financing as indicated in the appendices to the report now submitted. The trade refuse service had the potential to provide additional income in future years. However, legislation required that charges for this service must only be set at a “reasonable” level, although all relevant costs could be offset.

The Executive noted that there would be a three to six months delay in the introduction of the trade waste

ACTION

service for the reasons now detailed. It would not be possible to delay the date of the handover of the depot or the movement to this location of the contractors. There was therefore a risk of a gap in budget provision of up to £100,000 in 2004/05.

The Executive supported a number of capital schemes relating to the new depot at Buntingford and the commercial waste service. The Committee further supported the use of direct debits in relation to the Authority's commercial waste service. The Executive agreed to recommend that one commercial waste officer and one administrative officer be recruited.

<u>RECOMMENDED</u> - that (A) the recruitment of one Commercial Waste Officer and one Administrative Officer be approved;	ADCS
(B) the payment of a 'finders fee' (as set out at paragraph 4.8 of the report submitted) be approved;	ADCS
(C) the use of Direct Debits (as set out at paragraph 4.8 of the report submitted) be approved; and	ADCS AFS
(D) the Capital schemes as outlined at paragraph 7.2 of the report submitted be approved.	ADCS AFS

530 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 4 – (GREEN BELT AND COUNTRYSIDE) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 4 (GREEN BELT AND COUNTRYSIDE)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on the 25 November 2003 in relation to the East Hertfordshire Local Plan - Second

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Review - Chapter 4 - (Green Belt and Countryside).

RECOMMENDED - that (A) the representations submitted in respect of Chapter 4 (Green Belt and Countryside) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'C' to the report now submitted, be received and considered;

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(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix 'C' to the report now submitted, be agreed; and

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(C) the draft Revised Deposit Version of Chapter 4 (Green Belt and Countryside), as detailed at Appendix 'D' to the report now submitted, be agreed as a basis for inclusion in the Revised Deposit Local Plan, with the content being finalised when the consolidated Revised Deposit Local Plan is agreed in Spring 2004, subject to the renumbering of Policy GBC14 as GBC14A.

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531 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 6 – (ECONOMIC DEVELOPMENT AND EMPLOYMENT) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 6 – (ECONOMIC DEVELOPMENT AND EMPLOYMENT)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on the 25 November 2003 in relation to the East Hertfordshire Local Plan - Second Review - Chapter 6 - (Economic Development and Employment).

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RECOMMENDED - that (A) the representations submitted in respect of Chapter 6 (Economic Development and Employment) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'E' to this report, be received and considered;

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(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix 'E' to this report, be agreed; and

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(C) the draft Revised Deposit Version of Chapter 6 (Economic Development and Employment) as detailed at Appendix 'F' to this report, be agreed as a basis for inclusion in the Revised Deposit Local Plan, with the content being finalised when the consolidated Revised Deposit Local Plan is agreed in Spring 2004, subject to the renumbering of Objective 2 as 2A.

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532 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 9 – (BUILT HERITAGE) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 9 (BUILT HERITAGE)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on the 25 November 2003 in relation to the East Hertfordshire Local Plan - Second Review - Chapter 9 - (Built Heritage).

RECOMMENDED - that (A) the representations submitted in respect of Chapter 9 (Built Heritage) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'G' of the report submitted, be received and considered;

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(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix 'G' of the report now submitted, be agreed; and

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(C) the draft Revised Deposit Version of Chapter 9 (Built Heritage), as detailed at Appendix 'H' of the report now submitted, be agreed as a basis for inclusion in the Revised Deposit Local Plan, with the content being finalised when the consolidated Revised Deposit Local Plan is agreed in Spring 2004.

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533 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 10 – (LEISURE, RECREATION AND COMMUNITY FACILITIES) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 10 (LEISURE, RECREATION AND COMMUNITY FACILITIES)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on the 25 November 2003 in relation to the East Hertfordshire Local Plan - Second Review - Chapter 10 - (Leisure, Recreation and Community Facilities).

RECOMMENDED - that (A) the representations submitted in respect of Chapter 10 (Leisure, Recreation and Community Facilities) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'I' of the report now submitted, be received and considered;

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(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix 'I' of the report now submitted, be agreed, subject to the amendment of the response to D1/03566/LRC/002/O, by

APP

ACTION

deleting the word 'style' and inserting instead the word 'stile', and the amendment of the response to D1/01665/LRC/239/O, by accepting the proposed replacement of the word 'most' with the word 'some', in relation to Paragraph 10.7.2.; and

(C) the draft Revised Deposit Version of Chapter 10 (Leisure, Recreation and Community Facilities), as detailed at Appendix 'J' of the report now submitted, be agreed as a basis for inclusion in the Revised Deposit Local Plan, with the content being finalised when the consolidated Revised Deposit Local Plan is agreed in Spring 2004, subject to the amendment of Paragraph 10.7.2, by inserting the word 'some' instead of the word 'most'.

APP

534 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – APPENDIX V (GLOSSARY) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT APPENDIX V (GLOSSARY)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on the 25 November 2003 in relation to the East Hertfordshire Local Plan - Second Review - Appendix V (Glossary).

RECOMMENDED - that (A) the representations submitted in respect of Appendix V (Glossary) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'K' of the report now submitted, be received and considered;

APP

(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix 'K' of the report now submitted, be agreed; and

APP

ACTION

(C) the draft Revised Deposit Version of Appendix V (Glossary), as detailed at Appendix 'L' to the report now submitted, be agreed as a basis for inclusion in the Revised Deposit Local Plan, with the content being finalised when the consolidated Revised Deposit Local Plan is agreed in Spring 2004, subject to the insertion of the term 'Housing Needs Survey' instead of the term 'Housing Needs Study/Assessment'.

APP

**535 FUND MANAGEMENT PERFORMANCE TO
30 NOVEMBER 2003**

The Executive Member for Finance and Economy submitted a report on the performance to 30 November 2003 of the Council's external fund managers (Scottish Widows and Investec).

The Executive Member advised the Executive that the Council, until it was debt free, was only able to invest in prescribed forms of lending. These were basically approved bonds and deposits: any non prescribed investments were classed as capital receipts on the return with consequent set aside implications.

The Executive recalled that following the Large Scale Voluntary Transfer of the Authority's housing stock, a decision had been taken by the Council to appoint two external fund managers. One of these managers was given a £25 million fund operating on cash benchmarked parameters. The second fund of approximately £20 million would operated on more volatile parameters and be judged on a gilt index. The former fund had been awarded to Scottish Widows and the latter to Investec.

The Executive Member highlighted the performance of each of the Authority's external fund managers as detailed in the report now submitted. Members noted that, as measured by the Council's advisers, Scottish

ACTION

Widows was the top performing fund manager in 2003/04.

The Executive noted the performance of the external fund managers and also various economic data that affected each particular fund.

The Executive Member stated the Authority's contract with Scottish Widows would expire in March 2004. On the basis of its recent performance, it was suggested that their mandate be extended for three years on identical terms to those operating for the period of the current agreement. This would obviate the need for an expensive retendering arrangement.

The Executive supported the suggestion.

RECOMMENDED - that (A) the report be received, and

(B) Scottish Widows Investment Partnership Ltd be reappointed as fund managers for a three year period commencing 1 April 2004 on identical terms to those currently applying.

AFS

536 **MARKETS POLICY AND PLAN**

The Executive considered a report by the Chairman of the Policy Development Scrutiny Committee detailing the recommendations made by his Committee in relation to the Authority's Markets Policy and Plan.

The Chairman outlined the work undertaken by the Policy Development Scrutiny Committee on this matter, particularly in relation to consultation with interested parties.

The Executive noted that ancient charters enacted by Parliament only provided for a limited number of markets within the District of East Hertfordshire. Recently, some villages had organised their own

ACTION

farmers' markets in contravention of these charters. Such action had precipitated a debate on the best means of regulating markets within the district.

The Chairman stated that the Council had developed a policy for the regulation of markets for consultation. This consultation did not resolve the issue of using charters to regulate markets. Therefore, the Policy Development Scrutiny Committee had further reviewed the policy in order to present to the Executive a draft Markets Policy and Plan.

The Executive recognised the need for the Council to move to provide a means to licence farmers markets within the district in order to permit them notwithstanding the existing charters. To do this, the Authority needed to resolve to implement the provisions of the Food Act 1984. These provisions would make for better management of markets through the adoption of a Markets Policy and Plan. The Council did not currently operate markets to a specific policy and plan and these would represent an important new addition to the Council's management of markets.

Appended to the Chairman's report was a copy of the draft Markets Policy. The Executive supported the suggestion that Council should be recommended to adopt the policy for further work and public consultation subject to the amendments as now detailed. Further, it was felt Council should be recommended to adopt the licensing criteria for Farmers' Markets as attached to the draft Markets Policy for immediate public consultation and agreement by February 2004.

The Executive also agreed to recommend that the Council should resolve to adopt the provisions of the Food Act 1984 as the legal means for managing the provision of markets in the district.

ACTION

The Executive thanked the Policy Development Panel - Market Issues for its work in developing the draft Markets Policy and Plan and agreed, as its work had now been completed, to recommend that it be disbanded.

RECOMMENDED - that (A) the draft Markets Policy (as set out at Appendix 'A9') be adopted for further work and public consultation by February 2004 subject to the following amendments:

ADCS

i) Paragraph 6.2 – to read:

“The Council discuss with Town Councils, Town Centre management Boards, local producers and market organizers creating more opportunities for local producers to sell their wares at existing licensed and chartered markets”

ii) Paragraph 7.1 – last sentence to read:

“However, where a market organiser can demonstrate community benefit, such as farmers’ markets, fees will be reduced from £80 per day to a nominal rate of up to £10 per market to be collected annually in rural areas in accordance with the rural economic development policy;

(B) the Licensing Criteria for Farmers’ Markets attached to the draft Markets’ Policy (as set out at Appendix ‘A9’) be adopted for immediate public consultation and agreement by February 2004;

ADCS

(C) the provisions of the Food Act 1984 be adopted as the legal means for managing the provision of markets in the District; and

ADCS
ALC

ACTION

(D) the Policy Development Panel – Market Issues be thanked for its work and disbanded.

RESOLVED ITEMS537 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 2 December 2003 be confirmed as a correct record and signed by the Chairman.

538 BISHOP'S STORTFORD AND SAWBRIDGEWORTH COMMUNITY PLANS

The Leader of the Council submitted a report upon the community plans produced for Bishop's Stortford and Sawbridgeworth.

The Executive noted that the Local Government Act 2000 introduced a statutory duty on local authorities to produce community strategies/plans to "promote the social, economic and environmental wellbeing of the area". Such plans should identify local needs and priorities in consultation with local people.

The Leader confirmed that the two community plans now submitted for the Executive's information had been produced through a process that involved local people identifying their key issues and priorities and creating action points that they felt would address the priority themes identified. Each document included a vision for the area that outlined the key characteristics that local people wished for their area in the future.

The Executive noted the local priorities and actions identified within each community plan.

The Leader stressed that these documents had been produced by the local communities and it was not for the Executive to consider any proposed alterations to local

ACTION

priorities and actions.

RESOLVED - that the Bishop's Stortford and Sawbridgeworth Community Plans be received.

539 EAST HERTFORDSHIRE DISTRICT COUNCIL - UPDATE ON PARKING PROPOSALS

The Executive Member for Community submitted a report updating the Executive on key issues relating to moving forward the previous decision to seek powers to decriminalise parking enforcement within the District of East Hertfordshire.

The Executive recalled that, at its meeting held on the 15 July 2003, it had agreed a car parking strategy that required a number of wide ranging actions to be undertaken to deliver proposals on this matter. Since that date, matters relating to a new parking places order governing management and enforcement of off-street parking provision had been approved. Additionally, a planning application for a park and ride facility in the Dunmow Road area of Bishop's Stortford had been granted planning permission.

The Executive Member outlined a timetable of critical issues to be resolved to ensure the Authority was best placed to address the gap in enforcement of parking within towns arising from the police decision to withdraw from the traffic warden service. Issues that needed to be addressed related to decisions to advertise externally for the provision of the service and to bring forward the establishment of a new post of Car Parks Manager.

The Executive Member detailed progress being made in respect of the park and ride scheme, the purchase of car park machines, an agency agreement with Hertfordshire County Council for decriminalised parking enforcement, a traffic regulation order review, the appointment of a Car Parks Manager and methods of service provision/delivery.

ACTION

In relation to the methods of service delivery, the Executive Member invited the Executive to consider three options namely:

- Retain the whole enforcement and notice processing operation in-house.
- Contract out enforcement aspects but retain notice processing in-house.
- Contract out the whole service.

The Executive Member outlined the advantages and disadvantages of external provision of the service. He recommended that, based on best practice models observed at other local authorities, the provision and control of enforcement duties should be externalised but notice processing be retained in-house.

The Executive supported the Executive Member's suggestion and also the recommendation that the contracts should run for a period of five years with an option for the Council to extend them by a further two years. The Executive further supported the details of the proposed contracts as outlined in the report now submitted.

The Executive Member advised that the police had still indicated a willingness to provide some form of parking enforcement service after April 2004 to those authorities that had commenced the process to adopt the powers to decriminalise parking. A letter had been sent to the police requesting their support in continuing to provide some form of parking enforcement cover during the likely seven month gap between April 2004 and October 2004 when the Authority envisaged taking over responsibility for on-street parking enforcement.

The Executive agreed to instruct officers to undertake a tendering exercise for the provision of on and off-street parking enforcement on the basis detailed in the report

ACTION

now submitted and that notice processing in relation to on-street and off-street parking enforcement should be retained in-house.

RESOLVED - that (A) officers be instructed to undertake a tendering exercise for the provision of on and off street parking enforcement, and

ADCS

(B) further to (A) above, notice processing in relation to on-street and off-street parking enforcement be retained in-house.

ADCS

540 BRAUGHING PARISH DESIGN STATEMENT - CONSULTATION DRAFT DECEMBER 2003

The Leader of the Council submitted a report inviting the Executive to authorise a public consultation exercise on the Braughing Parish Design Statement - Consultation Draft December 2003.

The Leader advised that the Braughing Parish Design Statement Steering Committee, established in September 2000, had produced a design statement for its village. It had invited the District Council to endorse the statement and to adopt the guidelines contained in Chapter 12 therein as supplementary planning guidance. In this way, the statement would support the Local Plan as it affected Braughing and would assist in the work of the Parish Council.

The Executive noted the content of the statement and the consultation that had taken place leading to its production.

The Executive agreed that the Braughing Parish Design Statement should be agreed for the purpose of public consultation for a four week period. Further, prior to the Authority's endorsement of the statement and adoption of the guidelines contained in Chapter 12 as supplementary planning guidance, it was felt that the responses received to the public consultation, along with any proposed changes to the draft statement, should be the subject of a

ACTION

further report to the Executive.

RESOLVED - that (A) the Braughing Parish Design Statement - Consultation Draft December 2003 be agreed for the purpose of public consultation for a four week period, and

APP

(B) prior to the District Council's endorsement of the Statement, and adoption of the Guidelines contained in Chapter 12 as Supplementary Planning Guidance, the responses received to the public consultation, along with any proposed changes to the Draft Parish Design Statement, be the subject of a further report to the Executive.

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541 VULNERABLE ADULTS PROTECTION PROCEDURE

The Executive Member for Corporate Facilities submitted a report on a proposed Council procedure for protecting vulnerable adults.

The Executive Member reminded the Executive that it had previously agreed a child protection policy at the end of last year. The policy included a commitment to carry out criminal records bureau checks on new recruits whose posts may require them to have regular contact with children.

When the child protection policy was adopted, it was noted at the time that a procedure to protect vulnerable adults would be produced with support from the Hertfordshire Vulnerable Adults Unit.

The Executive Member presented a draft Vulnerable Adult Procedure for the Authority to adopt.

The Executive noted details of the procedure and the consultation that had been undertaken thereon.

ACTION

The Executive agreed that the procedure now detailed should be approved.

RESOLVED - that the Vulnerable Adults Protection Procedure, as detailed in the report now submitted, be approved.

AHR

542 NATIONAL NON-DOMESTIC RATE - DISCRETIONARY RATE RELIEF

The Executive Member for Finance and Economy submitted a report inviting the Executive to agree guidelines that would allow the Assistant Director (Financial Services) to grant Discretionary Rate Relief.

The Executive Member advised that, under the provisions of the Local Government Finance Act 1988, “charging authorities” must give:

- 80% relief to a registered charity in respect of any hereditaments occupied by the charity or trustees of a charity and which were wholly or mainly used for charitable purposes.
- 50% relief to a post office, village store or food shop (with a rateable value up to £6,000) in a designated rural area.
- 50% relief to former agricultural premises with a rateable value up to £6,000 which had previously been exempt from rate for 183 days for a maximum of five years with effect from the 15 August 2001.

The provisions of the Act also provided charging authorities with discretionary powers to grant up to 100% rate relief where one or more of the conditions now detailed apply. The Executive Member outlined suggested guidelines in relation to the application of the Authority’s discretionary powers.

ACTION

The Executive Member stated that the guidelines had been developed over a number of years and were the ones currently used by the Authority.

The Executive noted that the only types of sports organisation that had been specifically refused discretionary relief had been golf clubs. The Executive Member stated that if the Council wished to change any existing guidelines, a period of twelve months notice must be given to any ratepayer affected by any change before the 1 April 2004. The approval of the proposed guidelines would not prevent the Council giving one year's notice of withdrawal of discretionary relief at any time.

The Executive Member outlined a number of "exceptions" which had been granted discretionary relief.

The Executive noted the financial implications of granting mandatory and discretionary rate relief. During the current financial year, the direct cost that fell on the Council taxpayers as a result of the existing policy in relation to relief was approximately £88,000.

The Executive noted that this matter had been considered by the Policy Development Scrutiny Committee at its meeting held on 9 December 2003. That Committee had supported the recommendations now submitted by the Executive Member.

The Executive supported the recommendations made on this matter by the Executive Member.

RESOLVED - that the guidelines for Discretionary Rate Relief under Section 47 of the Local Government Finance Act 1988 as set out at (A) to (F) below be adopted for the period 1 April 2005 to 31 March 2010:

AFS

ACTION

(A) the Assistant Director (Financial Services) be authorized to determine all applications for Discretionary rate relief under Section 47 of the Local Government Finance Act 1988 within the guidelines set out (B) to (F) below for the period 1 April 2005 to 31 March 2010.

(B) 20% discretionary relief be granted where mandatory relief is applicable to:

- (i) Citizens Advice Bureaux
- (ii) The Samaritans
- (iii) Aged persons organisations
- (iv) Disabled persons organisations
- (v) Youth organisations
- (vi) Village Halls
- (vii) Museums (regularly open to public)

(C) 50% discretionary relief be granted where mandatory relief is applicable to:

- (i) Village Post Offices, Post Offices/Stores in a designated rural area with a Rateable Value up to £6000;
- (ii) Food shops in a designated rural area with a rateable value up to £6000;
- (iii) Sole Public House or Petrol Filling Station in a designated rural area with a Rateable Value up to £9000.

(D) 75% discretionary relief be granted where mandatory relief is not applicable to:

- (i) Aged persons organisations
- (ii) Disabled persons organisations
- (iii) Youth organisations
- (iv) Village Halls
- (v) Museums (regularly open to public)
- (vi) Cultural Societies
- (vii) Sports Clubs and Sports Grounds without a bar

ACTION

(E) 50% discretionary relief be granted where mandatory relief is not applicable to:

- (i) Sports Clubs and Sports Grounds (excluding Golf Clubs) with a bar
- (ii) Schools, Miscellaneous Clubs and other organisations
- (iii) Village stores in a designated Rural Area with a Rateable Value between £6000 and £12000

(F) that the exceptions listed in paragraph 4.3 of the report submitted be reaffirmed.

543 LOCAL GOVERNMENT ACT 2003 - COUNCIL TAX DISCOUNTS

The Executive Member for Finance and Economy submitted a report inviting the Executive to determine a policy in relation to the new discretionary powers under the provisions of the Local Government Act 2003 for local authorities to reduce Council Tax discounts on second homes and long term empty properties. Under the new legislation, local authorities could also determine whether or not to introduce any locally defined discounts.

The Executive noted that, under the provisions of the Local Government Act 2003, billing authorities were able to change the nationally set 50% Council discount for second homes to a minimum 10%. However, the discount could not be reduced where the second home was provided by an employer and the person was required to live in it as a condition of their employment (tied accommodation). Also, billing authorities were able to reduce or remove completely the nationally set 50% Council Tax discount for long term empty properties.

The Executive noted that there were 132 properties within the former category and 550 long term empty properties.

ACTION

Locally defined discounts may reduce the amount of Council Tax payable in respect of a dwelling to such an extent as a Council thought fit, up to 100%. This discretion may be exercised in relation to particular cases or by determining a class of case in which liability was to be reduced to an extent provided by the determination.

The Executive noted that only billing authorities had the discretion to make local discounts. Precepting authorities did not have the discretion.

The Executive Member advised that neighbouring local authorities had been consulted on this matter but none had, to date, made any decisions other than they would not recommend any action different from the status quo.

The Executive noted that the Policy Development Scrutiny Committee had considered the discretionary powers now outlined under the provisions of the Local Government Act 2003 at its meeting held on the 9 December 2003. The Scrutiny Committee had recommended that Council Tax discounts on second homes should not be reduced and that those on long term empty properties be removed after one year. Further, locally defined discounts should be considered by the Executive on an individual basis.

The Executive noted that, subsequently, following legal advice, any change to the empty property discount must be imposed after six months.

The Executive Member outlined the financial implications associated with any proposals relating to second homes, long term empty property and locally determined discounts. He highlighted, in particular, that any locally determined discounts granted must be fully funded by the billing authority and would have to cover the full cost of the discount, including precepts.

The Executive agreed that Council Tax discounts on second homes and on long term empty property should not

ACTION

be reduced and that locally defined discounts should be considered by it on an individual basis. It further agreed that the Council's policy of encouraging the owners of empty properties to bring them back into domestic use should be reaffirmed.

RESOLVED - that (A) Council Tax Discounts on second homes and long term empty property under section 11A of the Local Government Act 2003 be not reduced, AFS

(B) locally defined discounts under section 13A of the Local Government Act 2003 be considered by the Executive on an individual basis, and AFS

(C) notwithstanding (A) above, the Council's policy of encouraging the owners of empty properties to bring them back into domestic use be reaffirmed. AFS

544 LOCAL PLAN EXECUTIVE PANEL MINUTES -
25 NOVEMBER 2003

The Executive agreed to receive the Minutes of the Local Plan Executive Panel meeting held on 25 November 2003.

RESOLVED - that the Minutes of the meeting of the Local Plan Executive Panel held on 25 November 2003 be received.

545 LOCAL GOVERNMENT ACT 2003 AND PRUDENTIAL
CODE - A BRIEFING NOTE

The Executive Member for Finance and Economy submitted a report summarising the provisions of the Local Government Act 2003 and, in particular, the implications of the Prudential Code.

The Executive Member advised that the majority of the provisions of the Act would come into force on the 1 April 2004.

ACTION

The Executive noted that the Act's provisions would enable Councils:

- to fund local improvements by borrowing money without Government consent - provided they could afford to take on the debt.
- To trade and charge for non statutory services.
- To give small businesses and community and to sports clubs a reduction in business rates.
- To introduce Business Improvement Districts (BIDS) to enhance town centres and other areas.

The Executive Member further advised that the Act put in place a mechanism whereby Councils could be rewarded for promoting business development in their areas by allowing them to keep a proportion of their local business rates.

The Executive Member advised that the Act created a framework for a new prudential capital finance system. The Government had agreed that local authorities could use the prudential code produced by the Chartered Institute of Public Finance and Accountancy.

The Executive noted that the key objectives of the code were to ensure, within a clear framework, that the capital investment plans of local authorities were affordable, prudent and sustainable.

The Executive noted the implications for the Authority of the provisions of the Local Government Act 2003 and the application of the prudential code, particularly specific obligations relating to monitoring financial performance and the maintenance of prudent reserves.

The Executive Member highlighted that, when calculating the net budget requirement, the Authority's Chief Financial

ACTION

Officer must report to Members on the robustness of the estimates and the adequacy of the proposed financial reserves.

Members agreed to receive the briefing note on this matter.

In response to a question from a Member, the Assistant Director (Financial Services) undertook to ascertain whether or not the Act's provisions and/or potential code applied to Town/Parish Councils.

The Executive welcomed the Executive Member's comment that officers intended to make a presentation on the Act and the prudential code to all Members later this year.

RESOLVED - that the implications of the Local Government Act 2003 and the resulting Prudential Code be noted.

546 FORWARD PLAN - FEBRUARY 2004

The Executive Member for Corporate Facilities submitted a report seeking approval for the publication of the Forward Plan for the period February - May 2004.

The Executive agreed that the Forward Plan, as now detailed, should be approved.

RESOLVED - that the Forward Plan for February - May 2004, as set out in Appendix 'A' to these Minutes, be approved for publication.

ALC

547 QUARTERLY BUDGETARY MONITORING

The Executive Member for Finance and Economy submitted a report providing the Executive with quarterly budgetary information and detailing areas of potential significant under or overspend of expenditure or an increase or decrease in income.

ACTION

The Executive recalled that the Best Value Scrutiny Committee meeting on 18 March 2003 had approved a framework for integrating strategic and financial management together with an action plan. It had been agreed that, with effect from April 2003, a monthly summary of agreed actions by Assistant Directors to address budget variations be reported to the Directors Board. This report was based on monthly meetings with Accountancy staff and predominantly Heads of Service with summaries forwarded to Assistant Directors. Issues from these meetings were then presented to the Directors Board for consideration. As part of this financial management framework, and in line with the Council's finance procedures, a report was then submitted to the Executive on a quarterly basis.

The Executive Member highlighted the major areas of variance. He stated that, subject to all other budgets being spent as advised by spending officers at this stage, this would result in an overall general fund overspend on these services of £646,000.

The Executive agreed to receive the report.

RESOLVED - that the report be received as required under the Council's financial procedures quarterly monitoring arrangements.

548 INTERNAL AUDIT UPDATE

The Executive Member for Corporate Facilities submitted a report upon proposals to ensure that the Authority's internal audit section continued to meet the requirement to provide an adequate and effective internal audit service.

The Executive Member advised that a serious fraud had been identified in one of the Council's establishments. The input necessary from the internal audit service in relation to this fraud was such that core audits were not going to be completed.

ACTION

The Executive noted the options identified by the Executive Member to provide an adequate internal audit service for the duration of the serious fraud investigation.

The Executive supported a suggestion that two additional internal auditors at a cost of up to £40,000 be employed on a temporary basis to support the Council's internal audit service.

The Executive further agreed that, pending the insurance settlement, the additional costs of employing temporary additional internal auditors be funded from balances.

RESOLVED - that (A) 2 additional Internal Auditors at a cost of up to £40k be employed on a temporary basis to support the Council whilst the existing resources are employed on the on-going fraud investigation, and

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(B) pending the insurance settlement, the additional costs of (A) above be funded from balances

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549 THE FUTURE OF AIR TRANSPORT "WHITE PAPER"

The Leader of the Council submitted a report bringing to Members' attention the Government's recently published White Paper entitled "The Future of Air Transport". The Government had outlined plans for the expansion of airports within the United Kingdom within this paper.

The Leader reminded the Executive that forecasts of air passenger demand in the south east showed that, if demand was not constrained by capacity or management measures, there would be a need for three to four new runways in the region. Options had been identified for new runways at Heathrow and Stansted, a replacement runway at Luton and a new airport at Cliffe in Kent.

ACTION

The Executive recalled the extensive consultation exercise leading to this Council's response to the original consultation paper produced by the Department for Transport on aviation policy and airport development. The Council had objected to the development of any further runways at Stansted and Luton.

The Leader outlined the Government's key conclusions in its latest White Paper relating to the south east and east of England. He highlighted that the Government had concluded, amongst other things, that provision should be made for two new runways in the south east by 2030. The first new runway should be at Stansted to be delivered as soon as possible (around 2011 or 2012).

In addition to the proposal to provide a new runway at Stansted, the Government intended to have the existing runway at Luton replaced by a much longer single runway on broadly the same alignment as at present.

The Leader commented that the conclusions drawn by the Government in its White Paper were disappointing.

The Executive shared the Leader's belief that the Authority should abide by the three key messages which were previously approved on the issue of aviation policy:

- To make use of existing capacity that was a viable alternative to expansion up to 2015.
- That demand management and not "predict and provide" represented the only sustainable approach to air transport provision into the future.
- Longer term, beyond 2015, the Government should investigate other options for aviation growth such as the relationship between the south east airport and their continental neighbours although creation of a new hub in the midlands and north of England.

ACTION

The Leader stated that the Executive would keep a close watching brief on aviation issues over the coming months and, where necessary, report to the Council with up to date information.

The Executive agreed to receive the Leader's report on this matter.

RESOLVED - that the report be received.

550 DISPOSAL OF FORMER DEPOT AT MILL ROAD,
HERTFORD

The Executive Member for Finance and Economy submitted a report reminding the Executive that its decision in respect of the disposal of the former depot at Mill Road, Hertford, taken at its meeting held on 18 November 2003, had been "called in" by the Council's Call-in Scrutiny Committee.

The Executive Member reported upon the deliberations of the Call-in Scrutiny Committee when it had considered this matter.

The Executive noted that the Call-in Scrutiny Committee had accepted the decisions made by the Executive in respect of the former depot subject to the Executive including a provision clarifying that the 34 flats to be transferred to a Registered Social Landlord (RSL) for letting to keyworkers nominated by the Council would be on an Assured Tenancy (AST) basis, with priority for teachers in the first instance.

The Executive noted the Call-in Scrutiny Committee's comments on this matter.

The Executive agreed to clarify the transfer of the 34 flats in the manner suggested by the Call-in Scrutiny Committee by highlighting priority for teachers in the first instance within the Council's priority group 1.

ACTION

RESOLVED - that, further to the decision taken at the meeting on 18 November 2003 in relation to the disposal of the former depot at Mill Road, Hertford, the 34 flats to be transferred to a partners RSL for letting to keyworkers nominated by the Council, be done so on an AST basis, with priority for teachers in the first instance within the Council's priority group one.

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APP

The meeting closed at 6.18 pm.