

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 3 FEBRUARY 2004 AT
4.00 PM

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

ALSO IN ATTENDANCE:

Councillors P R Ballam, J Demonti, G L Francis,
R Gilbert, Mrs M H Goldspink, M P A McMullen,
D E Mayes, D A A Peek, D Richards, M Wood.

OFFICERS IN ATTENDANCE:

John Nowell	- Executive Director (Resources)
Miranda Steward	- Executive Director (Operations)
Rachel Stopard	- Executive Director (Marketing)
Alison Brown	- Communications Officer
Shirley Clark	- Assistant Director (Direct and Contract Services)
Simon Drinkwater	- Assistant Director (Law and Control)
Chris Gibson	- Principal Internal Auditor
Martin Ibrahim	- Senior Democratic Services Officer
Bryan Thomsett	- Head of Environmental Planning
David Tweedie	- Assistant Director (Financial Services)

572 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M G Carver and A P Jackson.

573 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had agreed to accept onto the agenda an urgent item of business, 'Waste Minimisation and Recycling Fund', on the basis that a delay in consideration of the item could prevent the Council accessing additional Government funding. He further advised that although the report had been circulated in advance of the meeting, a replacement copy taking account of minor errors in the original version, had been tabled.

574 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 Minute 587 on the grounds that it 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**575 **ENFORCEMENT POLICY**

The Executive Members for Corporate Facilities, Environment and Finance and Economy submitted a report seeking approval for an overarching enforcement policy for the Council.

The Council had adopted the Government's "Better Regulation Unit Enforcement Concordat", under which it was required to have an over arching enforcement policy. This policy would commit the Council to implementing procedures which officers followed

when undertaking their statutory duties to ensure that they acted in an equitable, practical and consistent manner. It was proposed that the Council adopt a Core Enforcement Policy and use this document as a District-wide tool for enforcement. Heads of Service and Managers would be required to prepare and implement specific enforcement policies for their individual teams. These would be maintained and amended regularly and would reflect the changing requirements of enforcement work.

The Executive recalled that, in March 1998, the Cabinet Office in partnership with the Local Government Association (and other principal local authority associations), business and consumer groups, had published the Central and Local Government Concordat on Good Enforcement (the Enforcement Concordat). This Council had formally adopted the Enforcement Concordat and two regulatory units had Council-agreed enforcement policies, they being the Benefit Fraud Policy and the Enforcement Policy for the Environmental Health Unit.

The Executive noted that implementing the principles of good enforcement resulted in significant benefits to enforcers, businesses and society as a whole. Enforcers could achieve higher compliance rates and reduce the number of costly prosecutions they had to undertake. By facilitating compliance this allowed the Council to target those who flouted legislation or who acted irresponsibly. Business, in particular, small to medium enterprises, would also find it easier to get compliance right first time, which would contribute to the safety of consumers and employees by encouraging enforcers and businesses to work together without undermining the Council's duty to take formal action where necessary. The adoption of an enforcement policy would also create a level playing field for competition between law abiding businesses, which would help to enhance the economic vitality of local communities.

It was proposed that the District Council adopt a Core Enforcement Policy, as detailed in the Appendix to the report now submitted, and that individual regulatory units such as Building Control, Planning, Licensing, Waste Management, etc adopt specific enforcement policies under this umbrella policy. This was supported by the Executive.

RECOMMENDED – that (A) the Enforcement Policy as attached at Appendix ‘A5’ of the report now submitted, be endorsed; and

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(B) individual Regulatory Units within the Council produce their own enforcement policies within six months of East Hertfordshire District Council adopting the Core Enforcement policy.

ACS/ADC/
AFS/ARS

576 **LOCAL CODE OF CORPORATE GOVERNANCE**

The Executive Member for Corporate Facilities submitted a report proposing a revised Local Code of Corporate Governance.

The Executive recalled that the Chairman of Policy Development Scrutiny Committee had submitted a report on the Council’s Local Code of Corporate Governance to the Executive on 4 November 2003. The Executive had approved the proposed amendments to the Local Code of Corporate Governance as detailed in the report, subject to the fully revised Code being submitted to the Executive for approval at a later date. The Executive had also approved the Corporate Governance Action Plan. The Directors Board had agreed on 30 September 2003, that on at least an annual basis, it would monitor and review the Local Code of Corporate Governance with a view to maintaining its relevance and currency and to identify required amendments for approval by the Council. Item 21 of the Action Plan specified a target date of May 2004 for this action. The results of the review by the Directors Board would be reported to a

future meeting of the Executive.

The Executive Member detailed the proposed amendments to the Local Code of Corporate Governance. In addition to some typographical errors, a number of further amendments were proposed as follows:

- Reference 1.4 – Amend ‘Cultural Strategy’ to read ‘Cultural Strategy Consultation’.
- Reference 1.4 – Add after ‘Youth Conference’, ‘Housing Conference’ and ‘Rural Conference’.
- References 3.1.1, 3.3.5, 5.1, 5.2 and 5.3 – Amend ‘Councillors’ to read ‘Members’.
- Reference 3.2.4 – Add ‘Relevant skills based and responsibilities’ training at all levels’.
- Reference 3.3.1 – Add ‘Statutory reports’.
- Reference 3.3.3 – Add ‘Statutory reports’.

The Executive recommended the Local Code of Corporate Governance, as amended, should be approved by Council.

RECOMMENDED: that the proposed amendments to the Local Code of Corporate Governance, as now amended, be approved.

ED(R)

577 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 2 – (SUSTAINABLE DEVELOPMENT) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 2 (SUSTAINABLE DEVELOPMENT)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 13 January 2004 in

relation to the East Hertfordshire Local Plan - Second Review - Chapter 2 - (Sustainable Development).

RECOMMENDED - that (A) the representations submitted in respect of Chapter 2 (Sustainable Development) of the East Hertfordshire Local Plan Second Review Deposit Version (December 2000), as detailed at Appendix 'A' to the report now submitted, be received and considered;

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

(C) the draft Revised Deposit Version of Chapter 2 (Sustainable Development), as detailed at Appendix 'B' 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 inclusion of a new subtitle before paragraph 2.1.2. called 'Making Development More Sustainable'. APP

578 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 8 – (ENVIRONMENT AND DESIGN) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 8 – (ENVIRONMENT AND DESIGN)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 13 January 2004 in relation to the East Hertfordshire Local Plan - Second Review - Chapter 8 - (Environment and Design).

RECOMMENDED – that (A) the representations submitted in respect of Chapter 8 (Environment and Design) of the East Hertfordshire Local Plan Second Review Deposit Version (December

2000), as detailed at Appendix 'C' to this report, be received and considered;

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

(C) the draft Revised Deposit Version of Chapter 8 (Environment and Design) as detailed at Appendix 'D' 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 a review of the draft text relating to ENV5(V) and paragraph 8.14.9a. APP

579 RESIDENTIAL LAND AVAILABILITY MONITORING STATEMENT 2002-2003

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 13 January 2004 in relation to the Residential Land Availability Monitoring Statement 2002-03.

RECOMMENDATION - that (A) in accordance with paragraph 4.1.11 of the East Hertfordshire Local Plan Adopted December 1999 and paragraph 3.3.1 of the East Hertfordshire Local Plan Second Review Deposit Version December 2000, the Residential Land Availability Monitoring Statement, as detailed at Appendix 'E' to the report now submitted, be approved and published, and APP

(B) the updated Housing Programme Schedule and associated Tables contained within the 2002-2003 Residential Land Availability Statement replace the 1999-2002 Statement and the Housing Programme

Schedule and associated Tables contained at Appendix III to the East Hertfordshire Local Plan Adopted December 1999 and be used for planning policy and development control purposes, as detailed in the Housing Section of the Local Plan.

580 LEISURE CONSULTANT FUNDING

The Executive Member for Environment submitted a report detailing the current situation with regard to the Council's consultancy budget position, and the appointment of a leisure consultant to take forward the Council's commitment to market test swimming pools in 2004, as detailed by the Executive's decision of 15 July 2003.

The Executive had agreed to move forward the issue of market testing swimming pools against private sector operators, and that a leisure consultant should be engaged to produce the necessary contract documentation with which to approach the market. The sum of £13,000 was identified by officers as being reasonable with regard to the cost of engaging consultants for this work. Following the tender process and review of tender documentation, the lowest tender, submitted by Torkildsen Barclay, was identified as the most suitable. However, a Supplementary Estimate would be required to fund the engagement of the consultant.

During the tender submission process, the Council was advised that its' consultancy budget for 2003/04 was overspent by approximately £30,000. Members took a decision that any future spending on consultancy fees should be funded from virements within the relevant service, and/or savings from that service. Management and staff at all levels within swimming pools had made a concerted effort to increase income and reduce expenditure during 2003/04. This effort had resulted in a real saving of approximately £114,000 in employee costs, when comparing the original Estimate for 2003/04 against

the expenditure to date up to December 2003.

The Executive recommended that a Supplementary Estimate in the sum of £12,045 be approved in respect of funding the consultants as now detailed.

RECOMMENDED - that a Supplementary Estimate in the sum of £12,045 be approved in respect of funding the consultants identified as being necessary by the Executive on 15 July 2003 to progress the market testing of swimming pools.

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581 **WASTE MINIMISATION AND RECYCLING FUND**

The Executive Member for Environment submitted a report advising the Executive of the recent announcement of an award under the Waste Minimisation and Recycling Fund for additional capital monies to the Hertfordshire Waste Partnership. He further advised the Executive on the “pooling” discussions within the Hertfordshire Waste Partnership, and the implications for the Council in the light of recent legislation on recycling and consultation from the Department of Environment and Rural Affairs (DEFRA) on funding opportunities in future years.

The Executive noted that a further £135m had been made available by DEFRA for sustainable waste management initiatives across England. The funds were to be made available from the Waste Minimisation and Recycling Fund (“The Challenge Fund”) with £90m available in 2004/05 and £45m in 2005/06. The Hertfordshire Waste Partnership reviewed the funding opportunity and submitted a bid under the Partnership Category. In December 2003, it was announced that the partnership had been successful in securing £5m capital funding for the period 2004/5 to 2005/6. This included a £450,000 bid in respect of East Herts schemes.

Prior to this successful bid, DEFRA had written to individual authorities inviting them to “pool “ recycling targets. This would mean some authorities who expected to reach their 2005/6 targets requesting higher targets for a compensatory reduction in targets for an authority they were in partnership with. It was the expectation of the Hertfordshire Waste Strategy Implementation Group, the Member body which steered the Hertfordshire Waste Partnership workplan, that the allocation of the £5m DEFRA monies would be reflected in a “pooling” of targets to ease the burden high recycling targets were placing on some authorities.

The Executive noted that East Herts currently had statutory targets of 12% recycling by 2003/4 and 18% by 2005/6. The Executive Member advised that East Herts was projected to achieve a recycling rate of 14-15% in 2003/04.

The Executive Member referred to concerns expressed that targets set required a doubling of recycling rates in 2004/5 and a trebling by 2005/6, which would lead to impossible levels for those already achieving high rates of recycling. It was felt that the new monies should deliver new tonnages, which if linked with recycling targets, could both boost achievement across the County, and enable those likely to fail their targets to succeed, in line with the requirements of seeking partnership funding.

Arising from this, there was a request that East Herts considered what changes, if any, it was willing to make to its statutory recycling target, to support pooling. The Executive Member requested approval for a pooling arrangement in which East Herts agreed to increase its recycling target for 2005/6 to 20%. However changes in legislation, in particular the requirements of the Household Waste Recycling Act and the likely rules governing the Waste Performance Reward Grant, might lead to a need to stretch this target to 23%.

The Executive Member detailed the requirements of the Household Waste Recycling Act, which would require all authorities to make arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste by 2010.

The Executive's attention was also drawn to the Government's decision to reform the Waste Minimisation and Recycling Fund into a waste management performance reward fund. The reform of the Challenge Fund into a Performance Reward Grant was intended to shift the emphasis of central government incentives on waste away from support for specific projects. The Executive Member detailed the way the fund would operate.

The Executive noted that if the Council wished to support the targeting of Challenge Fund monies to Hertfordshire Authorities achieving their recycling targets, pooling would be required. This would require East Herts to achieve 20% in 2005/6. However, in order to maximise the contribution available to East Herts from the Waste Performance Reward Grants, recycling targets of either 23% or 25% were required. Should the recycling levels in 2003/4 fail to achieve 15% as planned, an achievement of only 14% would mean the trigger of 8% achievement could be reached at an overall rate of 22%.

The Executive supported the proposals as now detailed.

RECOMMENDED – that authority be sought from DEFRA to increase the statutory recycling target for 2005/06 to 20%, and that this be dependent on all Hertfordshire authorities agreeing a pooling of targets.

ACS

RESOLVED ITEMS

582 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 6 January 2004 be confirmed as a correct record and signed by the Chairman.

583 BUILDING CONTROL CONSORTIUM UPDATE

The Executive Member for Corporate Facilities updated the Executive on progress made towards recommending a model upon which a Consortium or partnership with other authorities, for delivery of local authority building control, could be based.

The Executive recalled that the Best Value Action Plan for Building Control, in April 2001, identified the possibility that partnering or merging with one or more other authorities, to deliver this service, could have advantages and that this avenue should be explored. This was followed in early 2003, by a report to the Executive on a possible way forward, using a consultant, in combination with the other interested authorities. The Executive approved this approach and allocated an appropriate budget over the next few years. The Hertfordshire Building Control Group (HBCG) subsequently engaged a consultant in May 2003, with a brief to produce a draft interim report, by October 2003, identifying options based on sound research, building where possible on the experience of others who had implemented or explored similar possibilities.

The Executive Member stated that an initial outline report was presented to HBCG in early October, and subsequent work had resulted in a strengthening of many aspects of the proposals and recommendations leading to the draft interim report, dated 15 December 2003, which was scheduled to be discussed with the consultant at a meeting of HBCG in January 2004.

Amongst other things, the draft report identified that problems were exacerbated when more than two authorities attempt to merge, at any one time. At the same time, it had become apparent that there was a particularly strong will in favour of merger between certain adjoining authorities in the south-west of the County. However, in the east, a tentative interest only was being shown at the moment by neighbouring authorities, with only North Herts currently willing to explore possibilities. Meetings were planned with Stevenage in particular, but both Broxbourne and Welwyn Hatfield were holding back until proposals were more firm, without expressing any favourable inclination at this stage.

The result was that the model as so far drafted would be further developed with a view to it being piloted by the merging of Three Rivers and Watford building control services, with growth beyond this to Dacorum and possibly St Albans. As there would then be adjacent boundaries with North Herts a linkage through with East Herts would at that stage become more feasible, with hopes that this in turn would lead to other authorities seeing the benefits and deciding to support the venture, if they had not already been convinced of the benefits of such a move. There was also potential for a link up with two Bedfordshire Authorities, and exploratory discussions were to take place to establish whether there were common linkages and aspirations which could lead to joint working and/or a partnership approach. A progress report would be submitted in three months.

The Executive agreed that the Council should continue to pursue options to work in partnership with one or more other authorities to deliver the building control service.

RESOLVED: that East Herts District Council continues actively to pursue options to work in partnership with one or more other authorities to deliver the building control service.

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584 LOCAL PLAN EXECUTIVE PANEL MINUTES -
13 JANUARY 2004

The Executive agreed to receive the Minutes of the Local Plan Executive Panel meeting held on 13 January 2004.

RESOLVED - that the Minutes of the meeting of the Local Plan Executive Panel held on 13 January 2004 be received.

(see also Minutes 577 – 579 above)

585 APPOINTMENT OF HACKNEY CARRIAGE STANDS IN
HERTFORD AND BISHOP'S STORTFORD

The Executive Member for Finance and Economy submitted a report advising the Executive of the outcome of the consultation on the Hackney Carriage Stands Public Order published in October 2003.

The Executive recalled that it had authorised a Public Order to appoint additional hackney carriage stands in Hertford and Bishop's Stortford. As a result of the publication, one objection was received regarding the proposals at Bishop's Stortford. Specific details of the complaint were outlined by the Executive Member. The objector stated that the congregation of persons waiting for hackney carriages could lead to late night noise and disturbance and suggested that the rank could be moved to the other side of the road. The views of the Police and Hertfordshire Highways were sought, and they advised that on traffic safety grounds the ranks should remain at the suggested location.

The Executive Member detailed the proposed new stands as follows:

- 5 spaces in Parliament Square, Hertford (7 evenings per week)

- 4 spaces in Fore Street, Hertford
(7 evenings per week)
- 5 spaces, North Street, Bishop's Stortford
(7 evenings per week)
- 4 spaces, South Road, Bishop's Stortford
(Wednesdays – Sunday inclusive).

The Executive agreed that the Public Order published in October 2003, be confirmed.

RESOLVED: that the Public Order published in October 2003 be confirmed.

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586 FORWARD PLAN - MARCH 2004

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

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

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

ALC

587 LAND AT REAR OF 20 – 26 BELL STREET,
SAWBRIDGEWORTH

The Executive Member for Finance and Economy submitted a report recommending that the Council received a strip of land as part of the terms provisionally agreed for the grant by the Council of an easement for access over its Bell Street, Sawbridgeworth car park.

The Executive recalled that the Council owned the car park off Bell Street, Sawbridgeworth. Adjacent to the north side of the car park was 20 – 26 Bell Street, at which planning permission had been granted for three x 2 bedroom terraced houses and associated parking on that part of the

garden area of 20 – 26 Bell Street as shown on the plan attached to the report now submitted. In order to service this proposed residential development, the owner/developer required rights of access across the Council’s car park. Officers responsible for the operation of the car park had no objection to the grant of such access rights.

The Executive Member detailed the proposed terms for the grant of an easement. The Executive Director (Resources) had delegated authority to grant an easement for access, but the Council’s formal approval was required to the transfer of the strip of land to the Authority.

The Executive agreed to defer this matter pending further information relating to the valuation of the easement.

RESOLVED – that the matter be deferred pending further information relating to the valuation of the easement.

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The meeting closed at 5.05 pm.

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Chairman
Date