

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 30 MARCH 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 D Dodd, G L Francis,
D E Mayes, D A A Peek.

OFFICERS IN ATTENDANCE:

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)
Neal Hodgson	- Assistant Director (Regulatory Services)
Martin Ibrahim	- Senior Democratic Services Officer
Mary Orton	- Assistant Director (Policy and Performance)
Georgina Stanton	- Assistant Director (Communications and Customer Services)
David Tweedie	- Assistant Director (Financial Services)

722 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal and prejudicial interest in the matter referred to at Minute 726 – Ware Drill Hall Future Leasing Arrangements, in that he was the Council’s representative on the Drill Hall Management Committee. He left the Chamber whilst this matter was considered.

723 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 728 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

724 **STRATEGIC PLANS 2004/05 - ACTIONS**

The Leader of the Council submitted a report setting out the actions for the Council’s eight divisions to undertake for 2004/05.

The Executive recalled that, in 2003, East Herts launched a new service planning framework, which was linked to the budget setting process. The framework had been used by the Council to determine priorities to reflect the District Community Strategy, direct resources, set targets and review progress and performance.

The Leader detailed the framework in terms of the District Community Strategy, the Council’s Vision and Priorities, Strategic Plans, Service Plans and Performance and Development Reviews. He also detailed the actions for 2004/05 for each of the eight Divisions.

The Executive noted that the Performance Scrutiny Committee, at its meeting held on 9 March 2004, had considered the report. Its comments were detailed in an appendix to the report now submitted.

The Executive noted the comments of the Performance Scrutiny Committee, and approved the Strategic Plans for 2004/05.

RESOLVED - that (A) the comments raised by Performance Scrutiny Committee as set out at the appendix to the report now submitted, be noted; and

(B) the Strategic Plans for 2004/05 be approved.

APP

725 PERFORMANCE TARGETS 2004/05

The Leader of the Council submitted a report setting out the Performance Indicators that the Council was required to monitor and publish annually in the Performance Plan.

The Executive noted that the Government required all local authorities to monitor the performance of their services according to a specified list of National Performance Indicators, which the Government set each year. In addition, all Councils were required to compile their own list of "Local" Performance Indicators, to supplement the national list. Councils were required to set targets for the performance they wished to achieve in the year ahead, and to monitor in-year progress in meeting these targets. The effectiveness of this process and the achievement (or not) of targets was monitored by the External Auditor and reported in the annual audit letter.

The Leader referred to the Appendix of the report now submitted, which listed the National and Local Performance Indicators currently monitored by East Herts. For each indicator, the tables contained the:

- target set for 2003/04;
- estimated out-turn to date (where there were significant differences between target and estimate, the reasons were stated); and
- targets that had been set by services for 2004/05.

The Executive noted that a further report detailing estimates and targets that would include all Indicators would be submitted to the Performance Scrutiny Committee on 4 May 2004.

The Executive recommended that the targets for 2004/05 and beyond, as now submitted, be approved.

RECOMMENDED – that the targets for 2004/05 and beyond, as now submitted, be approved.

APP

726 WARE DRILL HALL FUTURE LEASING ARRANGEMENTS

The Executive Members for Community and Finance and Economy submitted a joint report on the future leasing arrangements for the Drill Hall, Ware.

The Executive recalled that the Drill Hall, Ware had been managed by Ware Drill Hall Association (WDHA) since April 2001, following the decision of the Council to outsource its management. The existing lease arrangement was set up for three years from 23 April 2001 to enable Ware Drill Hall Association to operate the Drill Hall for an initial period to confirm the viability of the project. The existing lease provided for the maintenance of the exterior of the building (retained parts) to be undertaken by East Herts District Council, whereas the internal maintenance of the building, including fixtures and fittings, were the responsibility of WDHA. This situation had, for the most part, worked very well in the course of the past three years.

The existing lease arrangement also provided WDHA with a grant whose sum had decreased over the period

with a grant whose sum had decreased over the period of the lease in line with a pre-determined schedule, with the final year of the lease attracting the sum of £10,000 in revenue support. In October 2003, the one remaining member of staff (part-time caretaker) at Ware Drill Hall was, after discussion with both the individual concerned, and WDHA, transferred across to WDHA, thereby eliminating any involvement the Council had in relation to staffing and management issues.

The Executive Members stated that Ware Drill Hall was an important community facility. WDHA had, over the period of the last 3 years, achieved significant increases in both throughput and customer base. This achievement has seen the operating costs to the Council reduce from £97,090 in 2000/01 to a probable figure of £66,040 in 2003/04.

The Executive noted that WDHA had approached the Council to negotiate a new lease for a period of five years, commencing with effect from the termination date of the existing three-year lease. The major components of this new lease would remain unchanged with the exception of the following factors:

- the existing financial arrangements with regard to how the income on the Drill Hall flat was processed would be amended,
- the recovery of staff costs from WDHA attributable to the Council would be removed, since all staff now were directly employed by WDHA,
- the Council would provide a revenue grant sum fixed at £10,000 per annum for the period of the new lease, and
- the Council would grant the lease to WDHA for a period of five years.

The Executive recalled that the original aim of WDHA, in respect of the existing lease agreement, was to place the Drill Hall in a position where it was financially independent of the Council. Whilst WDHA had made significant moves towards this goal, this had not yet been achieved. It was now recognised that, given the existing facilities and composition of the Drill Hall, it was unlikely that this could ever be achieved, assuming no external Capital investment.

WDHA's business proposal for the new five year lease was only achievable if the Council was disposed towards agreeing a revenue grant of £10,000 per annum. WDHA had intimated that without the annual £10,000 grant, they would be unwilling and unable to enter into any new lease agreement. Given the Council's position to aim for a zero revenue contribution, it would be important over the life of the new lease, to meet regularly with WDHA to review the level of revenue contribution to be made available.

In addition, WDHA was keen to undertake improvements to the existing building, which would obviously involve substantial capital funding to achieve. WDHA intended to bring forward plans that would see significant improvements to the building and its facilities. Capital funding for these works would be sought through a variety of sources, including the Council.

The Executive supported the proposals as now detailed.

RECOMMENDATION – that (A) a commitment to provide revenue funding to Ware Drill Hall Association, in the sum of a maximum of £10,000 per annum fixed for the period of the new five year lease, be made, subject to the meetings detailed in the report now submitted;

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(B) a supplementary vote of £10,000 revenue funding be sought for the next five years as this

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was not previously included in the estimates;
and

(C) Ware Drill Hall be leased to Ware Drill Hall Association for a period of 5 years commencing immediately after the expiration of the existing lease, subject to mutual agreement in respect of any new clauses contained within the new lease agreement.

ACS/ALC

727 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – CHAPTER 3 – (HOUSING) – RESPONSES TO THE DEPOSIT CONSULTATION 2001 AND REVISED DEPOSIT CHAPTER 3 – (HOUSING) AND NEW APPENDIX Ia (HOUSING STRATEGY BACKGROUND)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 23 February 2004 in relation to the East Hertfordshire Local Plan – Second Review – Chapter 3 – (Housing) – Responses To The Deposit Consultation 2001 And Revised Deposit Chapter 3 – (Housing) And New Appendix Ia (Housing Strategy Background).

RECOMMENDED - that (A) the representations submitted in respect of Chapter 3 (Housing) 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;

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(C) the draft Revised Deposit Version of Chapter 3 (Housing), 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

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consolidated Revised Deposit Local Plan is agreed in Spring 2004; and

(D) the draft new Appendix Ia (Housing Strategy Background) 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.

APP

728 BUNTINGFORD DEPOT UPDATE

The Executive Member for Environment submitted a report advising the Executive of the latest position in relation to Buntingford Depot, and sought approval for additional funding to complete the project.

The Executive recalled that, on 18 March 2003, it approved the lease of a purpose built facility at Buntingford on a 25 year basis. The intention was that this should be made available to the refuse contractor on completion, with other East Herts contractors being offered the opportunity to relocate as circumstances allowed. The Executive Member detailed some additional cost savings and operational benefits from being able to 'bulk up' recycled materials and using the storage facilities to achieve savings through the bulk buying of bins. He also suggested potential future uses of the site including office/storage space for Council services and releasing archive storage elsewhere. He also detailed proposals for the setting up of a new Trade Waste operation which would generate an additional income stream that was expected to contribute to the future running costs of the depot site.

The Executive noted that the depot site was now well advanced with completion now expected in May 2004. It had become apparent that it was the Council's responsibility for the costs to ensure that the depot was 'fitted out' to meet specific operational needs,

including offices, fixtures and fittings and operational equipment not provided as part of the refuse contract. It had been assumed that these costs would be funded from MRS' contribution to depot provision in 2003/04. However, this sum was reduced in the recent budget round. In any event, many of the items were capital and not revenue expenditure. Additional capital funding was required to cover set up costs for the site as a whole.

The Executive Member detailed these additional capital costs, totalling £66,350, as follows:

- weighbridge (£15,000)
- vehicle wash facility (£28,350)
- barrier (access control for weighbridge) (£5,000)
- building alarm system (£5,000)
- site CCTV (£10,000)
- transfer and installation of fuel tank (£3,000)

The Executive noted that the Capital Strategy Group had approved the procurement of a vehicle washing facility at £20,000 and a weighbridge at £15,000. The funding provision of the vehicle wash had since proved to be insufficient and a further £8,350 was required to cover the full purchase costs. Additional funding was also required to cover the basic set up costs to allow the depot to become operational and to protect the Council's assets. There would also be costs associated with de-commissioning the existing Marsh Lane site.

It had been hoped that these costs would be offset by funding from Department of Environment, Food and Rural Affairs (DEFRA), but this had not been forthcoming. However, a bid for a materials handling vehicle and paper storage facility (£65,000) had been

successful and was reported to the Executive on 2 March 2004. (Minute 677 refers).

The Executive noted issues around a claim made by the building contractor against the landlord for additional ground works associated with the installation of these items. Although some of these costs were considered to be the landlord's responsibility, the Executive noted that there might be a future claim against the Council for part of these costs for which the Council may become liable.

The Executive noted the progress made with the depot implementation, and recommended that provision be made in the Capital Programme, as now detailed.

RECOMMENDATION - that (A) progress with depot implementation be noted, and

(B) provision be made in the Capital Programme for the items now detailed.

ACS/AFS

RESOLVED ITEMS

729 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 2 March 2004 be confirmed as a correct record and signed by the Chairman.

730 STRATEGIC PLANS 2003/04 - ACHIEVEMENTS

The Leader of the Council submitted a report setting out the achievements made by the Council's eight divisions against the targets set for 2003/04.

The Executive recalled that, in 2003, East Herts launched a new service planning framework, which was linked to the budget setting process. The framework had been used by the Council to determine priorities to reflect the District Community Strategy, direct resources, set targets and

review progress and performance.

The Leader detailed the framework in terms of the District Community Strategy, the Council's Vision and Priorities, Strategic Plans, Service Plans and Performance and Development Reviews. He also detailed the achievements for 2003/04 for each of the eight Divisions.

The Executive noted that the Performance Scrutiny Committee, at its meeting held on 9 March 2004, had considered the report. It had commented that Officers should be requested to pursue further joint working with other Local Authorities with regard to Member training. Also, that air quality monitoring reports should be published regularly in the Members bulletin.

The Executive agreed to receive the report.

RESOLVED - that the report be received.

731 M11 GROWTH AREA DEVELOPMENTS

The Leader submitted a report informing the Executive of recent developments in the process of formulating a new Regional Planning Guidance/Regional Spatial Strategy (RPG 14) for the East of England Region.

The Executive recalled that the Leader briefed the Council meeting on 17 December 2003, on developments concerning the formulation of RPG 14. In that briefing, the Leader had emphasised the importance of the process of allocating housing numbers to each County and District to 2021, and the fact that these housing numbers would be a key driver of planning policy in the Region. The Leader outlined developments that had taken place since December 2003.

Following a meeting between representatives from the East of England Regional Assembly (EERA) and Lord Rooker, Minister of State for Regeneration and Regional Development at the Office of the Deputy Prime Minister (ODPM), the Regional Assembly had revised its approach

to the development of the RPG. Prior to this meeting, EERA's intention was to finalise RPG 14 at its meeting on 5 February 2004, for submission to the Secretary of State. A period of formal public consultation on the draft RPG would have then followed in April – June 2004.

However, in view of Lord Rooker's expressed disappointment that the emerging RPG did not meet the housing targets set out in the Government's Sustainable Communities Plan, resulting in a delay in the production of the draft RPG 14 until June 2004, the Regional Assembly had agreed to consider further study work in September 2004. The formal public consultation on RPG 14 would take place from October 2004 to January 2005. This would be followed by the Examination in Public in mid-2005, resulting in formal approval of the RPG by the Government in mid-2006.

As a consequence of the meeting with Lord Rooker, the draft RPG 14 housing numbers (23,900 per year to 2021) had been "banked" for submission to the Secretary of State. Further work being undertaken by both the ODPM and EERA would seek to identify additional housing capacity over and above this total, and the draft RPG would be revised accordingly after the completion of this work.

The Leader also referred to an added complication in that the whole process of spatial planning in the region should be driven by the Regional Economic Strategy (RES). This strategy was also currently under review, in particular in the light of the Aviation White Paper outcomes. There was a real issue that the Government's requirements for additional housing development were not only out-of-step with the development of the region's economy, and with the capacity of the region's infrastructure – road, rail and other public transport networks, health services, education, and community facilities. There was increasing concern within local government, that central Government should make more explicit and definite undertakings in respect of the funding that would be required to be put into this region to improve infrastructure, in order to enable any growth to

occur in a sustainable way.

In respect of housing numbers, the “banked” housing numbers in the draft RPG, included a total of 72,000 new houses within Hertfordshire to 2021, and a total of 131,000 new houses within Essex. The Leader stated that it was not clear on what basis the Regional Planning Panel had chosen a housing total of 72,000 for Hertfordshire, hence the objections by Hertfordshire representatives, including himself, at the Regional Planning Panel meetings. However, this figure had now been included in the draft RPG.

The Executive noted that EERA had commissioned a study of housing capacity within Hertfordshire, which was due to report in July 2004. Officers from both East Herts District and Hertfordshire County Councils were involved in supplying data to the consultants, and in assisting with technical evaluations. The brief of the study was to determine a firm proposal for urban capacity within Hertfordshire, and to identify a set of sustainable major development sites to enable a final RPG housing total for Hertfordshire to be agreed.

In addition, the Regional Assembly had sought a legal review of both the process and the consultation undertaken by EERA on the RPG 14. These legal reviews should have been placed before the Assembly in advance of the Assembly being asked to make a decision in February 2004 on the draft RPG. It would now be essential to ensure that these documents were placed before the meeting in September 2004. The Leader stated that, as a representative on the Regional Planning Panel, he would be insisting that this happened.

In respect of the further studies, the ODPM had commissioned a new study of the whole of the M11 Growth Area, which had been expanded to include Stevenage, North Hertfordshire, Braintree, Peterborough and all of Cambridgeshire. This study was being undertaken by Colin Buchanan Associates, who were responsible for the previous M11 Growth Area Study, which reported in October 2003. The purpose of this study was to identify

locations for the additional housing growth, which the Government had said it required in the region, over and above what had been “banked” in the draft RPG. As part of the study, the Government intended to hold a series of County-level stakeholder meetings.

At more local level, the ODPM had allocated funding to local authorities to undertake more detailed studies of specific sites and issues. Three studies of the area around Harlow were currently underway, commissioned by Harlow Council. The Leader detailed these in the report now submitted.

The Leader highlighted the funding East Herts Council had been totaling £130,000, to undertake a detailed evaluation of the sustainability of Bishop’s Stortford in the light of the growth proposals for the Areas of Special Restraint (ASRs), and the consequential capacity of the ASRs to accommodate development. This study would help the Council to ensure that the proposals contained within the RPG took into consideration the effect on the community, schools, health services, employment, retail, open space and leisure amenities of Bishop’s Stortford.

In response to a Member’s question, the Leader stated that although the Council was not obliged to accept the funding for this study, it would be prudent, in light of the Council’s overall approach, to do so.

The Leader referred to the various partnership groups that had been established in order to work collectively to respond to the emerging RPG proposals. He also referred to the consortium of authorities campaigning against further airport expansion. The consortium, made up of Essex, Hertfordshire, East Herts and Uttlesford Councils, was established in 2003 to lobby against the expansion of Stansted being included in the Government’s Aviation White Paper. The consortium had recently taken the decision to challenge the findings of the White Paper through a judicial review. A further partner, North Herts Council, had also joined the consortium recently.

The Leader detailed the grounds on which the consortium was seeking a judicial review as:

- abuse of power;
- breach of European Law;
- financial uncertainty; and
- inadequate consultation.

The Executive agreed to receive the report and supported the Council's participation in the actions taken to seek a judicial review of the Aviation White Paper.

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

(B) the actions taken in joining in the process to seek a judicial review of the Government's Aviation White Paper, be approved.

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732 AIR QUALITY REVIEW AND ASSESSMENT STAGE 4

The Executive Member for Corporate Facilities submitted a report summarising the findings of the recent public consultation concerning the possible revocation of the Sawbridgeworth Air Quality Management Area. He recommended that the Air Quality Management Area be revoked and that air quality still be monitored in the area.

The Executive noted that the statutory Stage 4 Air Quality Review and Assessment had concluded that PM10 concentrations measured within the Air Quality Management Area were less than the objective set for 2004. During the period January 2003 - January 2004, there had been 5 exceedences of the objective. The objective allowed for up to 35 exceedences to occur before action should be taken. Modelling of this data had identified that concentrations were projected to remain below the objective set for 2004. The Stage 4 Review and Assessment indicated that the Council should revoke the

Air Quality Management Area. The Council had previously agreed to a 6 week consultation period in order for views to be requested from residents and interested groups, concerning the possible revocation of the Sawbridgeworth Air Quality Management Area.

The Executive Member detailed the groups and bodies that had been consulted, in line with guidance issued by the Department of the Environment, Food and Rural Affairs (DEFRA). He also detailed the comments that had been submitted, which in essence, acknowledged the reasons for revocation of the Air Quality Management Area, but expressed concern that air quality should be regularly reviewed and monitored. Therefore, the Executive was requested to revoke the Air Quality Management Area, and to support continued monitoring at the present sites in Sawbridgeworth. This was supported by the Executive.

RESOLVED - that (A) the report be noted; and

(B) the air quality management area be revoked and that monitoring for particulates continue within Sawbridgeworth.

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733 HIGHWAYS JOINT MEMBER PANEL NOTES
- 2 FEBRUARY 2004

The Executive received the Notes of the Highways Joint Member Panel meeting held on 2 February 2004.

RESOLVED – that the Notes of the Highways Joint Member Panel meeting held on 2 February 2004, be noted.

734 FORWARD PLAN - MAY 2004

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

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

detailed, should be approved.

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

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735 LOCAL PLAN EXECUTIVE PANEL MINUTES – 23 FEBRUARY 2004

The Executive received the Minutes of the Local Plan Executive Panel meeting held on 23 February 2004.

RESOLVED – that the Minutes of the Local Plan Executive Panel meeting held on 23 February 2004, be received.

(see also Minute 727 above)

The meeting closed at 5.05 pm.

Nps\Executive\30 March 2004\Minutes 30 March 2004

Chairman
Date