

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 2 MARCH 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 W Ashley, A L Burlton, R Gilbert,
M P A McMullen, D E Mayes, L R Pinnell,
J O Ranger, D Richards, M Wood.

OFFICERS IN ATTENDANCE:

John Nowell	- Executive Director (Resources)
Rachel Stopard	- Executive Director (Marketing)
Peter Biggs	- Development Control Manager
Alison Brown	- Communications Officer
Shirley Clark	- Assistant Director (Direct and Contract Services)
Simon Drinkwater	- Assistant Director (Law and Control)
Martin Ibrahim	- Senior Democratic Services Officer
David Tweedie	- Assistant Director (Financial Services)

672 APOLOGIES

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

673 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had agreed to accept onto the agenda an urgent item of business, 'Bulk Paper Recycling – DEFRA Funding', on the basis that a delay in consideration of the item could prevent the Council accessing additional Government funding.

674 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 683 - 684 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMS

ACTION

675 **BISHOP'S STORTFORD GOODS YARD SITE DEVELOPMENT BRIEF**

The Executive Member for Corporate Facilities submitted a report seeking approval for the formal adoption of the Bishop's Stortford Goods Yard Site Development Brief for the purposes of development control.

The Executive noted that the brief would provide guidance for the future development of the Goods Yard site and would be a material consideration for any planning application. The Executive recalled that the draft brief had been approved by the Executive on 4 November 2003 for public consultation. As part of this consultation, the amended brief had been considered by the Development Control Committee meeting on 4 February 2004. Comments had been made regarding the heights of buildings, particularly adjacent to the river frontage. Officers had advised that whilst it was indicated that a landmark feature might be accommodated opposite the Maltings, the

brief did not specify its height and any impact on residential amenities would be a material consideration when determining any subsequent applications.

The Executive Member stated that, currently, the Adopted Local Plan, Policy BS7, identified the Goods Yard Site as having development potential, subject to the constraints of economic viability, highway network capacity and railway operational requirements. It advocated a mixture of town centre uses, including residential, leisure, public house/restaurant and/or hotel, limited amount of retailing including some food retailing, boating and marina and uses within Class B1 of the Use Class Order 1987.

The preparation of the Site Development Brief had been in line with Government guidance as outlined in “Planning and Development Briefs, a Guide to Better Practice”. The purpose of the brief was to improve the efficiency of the planning and development process, and improve the quality of development. The brief would bridge the gap between the development plan and a planning application and could perform a number of functions, such as promoting a site for development, interpreting development plan policies or addressing a particular site constraint or opportunity.

The Executive Member highlighted the key components of the Brief, as detailed in the report now submitted. He also referred to the outcome of the consultation. This had involved Bishop’s Stortford Town Council, Civic Society, statutory bodies and local residents. The public consultation had been advertised in the local press and via a site notice, with surrounding neighbours and businesses being notified by letter. The brief had also been placed on the Council’s website, and was presented to members of the public at the Bishop’s Stortford Community Voice meeting held on 4 December 2003. Details of the responses from the consultation exercise were set out

in an appendix to the report now submitted.

The Executive Member highlighted the key issues arising from the consultation as:

- **Access, especially Link Road and its connection with the existing Road network.**
- **Parking. Suggestion of 1000 spaces for commuter parking. Implications for multi-storey car park.**
- **Need for a buffer zone between the River and the development.**
- **Design to be of high quality and distinctive built form and no greater than 5 storeys. Massing of 6 storeys restricted to the commercial part of the scheme.**
- **Any planning application should include technical reports – Archaeology, Ecology, Flood Risk and details of public transport interchange etc.**

In addition to this, a letter had been received from Bishop's Stortford Chamber of Commerce commenting on the need to look at the site in conjunction with the other development sites in the vicinity, the need to consider enlarging the commercial element, the need for sufficient car parking for commuters, residential and non residential users, and the importance of safe vehicular and pedestrian access around and into the site.

Planning Officers had considered all the comments received. In light of the public consultations including responses from statutory and internal consultees, a number of amendments were suggested to the brief. These were detailed at paragraph 6.0 of the report now submitted.

In response to a query raised by a Member, Officers undertook to amend one of the maps that included misleading information relating to Crescent Road.

The Executive recommended the proposals as now detailed.

RECOMMENDED – that the Bishop’s Stortford Goods Yard Site Development Brief be approved for the purposes of development control.

ADC

**676 EAST HERTFORDSHIRE DISTRICT COUNCIL
(PARKING PLACES) (AMENDMENT) ORDER NO 1 2004**

The Executive Member for Community submitted a report advising the Executive of the outcome of public consultation on the East Hertfordshire District Council (Parking Places) (Amendment) Order No 1 2004.

The Executive recalled that Council, at its meeting held on 17 December 2003, had agreed the recommendations of the Executive on the East Hertfordshire District Council (Parking Places) (Consolidation) Order No 1 2003. This confirmed the Order as an opposed order and authorised the preparation of a second parking places order on allowing more varied usage at Hartham car parks, preventing usage of the residential spaces by non-residents at Elm Road car park, and preventing long stay parking at Bell Street and Crown Terrace car parks prior to 8.30 am by anyone other than Town Centre businesses, subject to an amendment to include the removal of charges from Bell Street car park on Saturdays. Notice of the draft Order was published in local newspapers with a deadline for comments of 30 January 2004.

Two responses had been received to the notice. Transco, a gas company, had commented that it had no objections. Bishop’s Stortford Town Council had conveyed its disappointment that, whilst the Bell Street Car Park in Sawbridgeworth remained free of

charge on Saturdays, no similar provision had been made for residents and shoppers in Bishop's Stortford. It had also commented on the high car parking charges at Bishop's Stortford Railway Station and requested that East Herts District Council consider the compulsory purchase of the car park for the residents of Bishop's Stortford.

The Executive Member proposed that the Order be confirmed as an unopposed order. This was supported by the Executive.

The Executive Member, in response to a question from a Member on the timing for implementing the Order, undertook to provide a written response.

RECOMMENDED - that the East Hertfordshire District Council (Parking Places) (Amendment) Order No 1 2004 be confirmed as an unopposed order.

ACS

677 BULK PAPER RECYCLING – DEPARTMENT OF ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA) FUNDING (1)

The Executive Member for Environment submitted a report seeking approval for additional items to be included in the capital programme, and for an exemption from the Rules of Procedure relating to Contracts on the grounds of urgency, in order to benefit from available Department of Environment, Food and Rural Affairs (DEFRA) funding.

The Executive noted the details of the proposals for procuring a new depot site at Buntingford. This would allow the Council to store and handle recycled materials in different ways and would contribute to achieving the Council's recycling targets, generating additional income and making savings through economies of scale.

To achieve this, additional capital equipment was required as follows:

required as follows:

- **Prefabricated 'push walls' for paper storage (£10,000)**
- **A mechanical shovel (tractor) to allow bulk paper to be loaded to high sided vehicles (£55,000).**

The Executive supported this recommendation.

RECOMMENDED – that the capital items now detailed, totalling £65,000, be included within the capital programme for 2003/04.

ACS/AFS

(see Minute 682 also)

RESOLVED ITEMS

678 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 3 February 2004 be confirmed as a correct record and signed by the Chairman.

679 EAST HERTS CHARITABLE TRUST

The Executive considered a report of the Chairman of the Policy Development Scrutiny Committee seeking approval for support of the formation of an East Herts Charitable Trust.

The Policy Development Scrutiny Committee, at its meeting on 21 January 2004, had considered and supported a proposal to establish an East Herts Charitable Trust. The concept behind the proposal was a system of gift aid by which registered charities could claim tax back from the Inland Revenue on any donations made to them by a taxpayer. It was noted that many local charities and community groups would already be receiving the benefit of gift aid. However, there would be groups which were too small to register as a charity and claim gift aid.

The Hertfordshire Community Fund would administer the scheme, claiming the tax refund for local groups and passing it to them as additional money for their projects. The Hertfordshire Community Fund had offered its services for an initial fee of up to £2,000 for the first year, depending on donations, and to circulate a publicity leaflet free of charge.

The Scrutiny Committee had considered another proposal whereby donors gave money to a Trust Fund to support good causes in the community more generally. The legal implications of this scheme and Council Members acting as trustees were considered, and it was agreed that, in view of the legal complexities, the proposal should not be pursued.

The Executive supported the establishment of East Herts Gift Aid under the umbrella of the Hertfordshire Community Fund to help small local groups in East Herts, and approved the provision of up to £2,000 to meet administrative costs during the first year of operation of the scheme.

RESOLVED: that the formation of East Herts Gift Aid, to be administered by the Hertfordshire Community Fund as part of the Council's method of supporting local groups, be supported, and up to £2,000 to meet administrative costs during the first year of operation of the scheme, be provided.

APP

680 DISCRETIONARY RATE RELIEF – VILLAGE SHOP IN HERTFORD HEATH

The Executive considered a report of the Executive Member for Finance and Economy on a request for discretionary rate relief to be granted to the rated occupier of a village shop in Hertford Heath.

The Executive noted that Section 47 of the Local Government Finance Act 1988 provided authorities with discretionary powers to grant up to 100% rate relief, where a village shop had a rateable value under RV 12,000. The

property in question at 155 London Road, Hertford Heath was a village shop with a rateable value of RV 6,300, and did not qualify for mandatory rate relief being over the rateable value threshold of RV 6,000.

The Council had granted a similar village shop in Walkern 50% Discretionary Rate relief. The Executive agreed that 50% Discretionary Rate relief be granted in respect of the Village Shop at 155 London Road, Hertford Heath from 1 April 2003.

RESOLVED - that 50% Discretionary Rate relief be granted in respect of the Village Shop at 155 London Road, Hertford Heath from 1 April 2003.

AFS

681 FORWARD PLAN - APRIL 2004

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

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

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

ALC

682 BULK PAPER RECYCLING – DEPARTMENT OF ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA) FUNDING (2)

The Executive Member for Environment submitted a report seeking approval for additional items to be included in the capital programme, and for an exemption from the Rules of Procedure relating to Contracts on the grounds of urgency, in order to benefit from available Department of Environment, Food and Rural Affairs (DEFRA) funding.

Following the Council's successful bid to DEFRA, as part of the Hertfordshire Waste Partnership, for 2004/5, DEFRA had indicated that there were additional funds available for

recycling initiatives in 2003/04, and that further bids would be considered. Therefore, the Council had submitted a bid for capital items, as detailed at Minute 677, which had been approved, subject to confirmation that the funding could be spent in the current financial year. If this could not be achieved, these items would need to be purchased from the Council's capital budgets, or leased, with resulting revenue budget implications.

The Executive noted that Financial Regulations and the Rules of Procedure Relating to Contracts required the purchase of items exceeding £25,000 to be subjected to a formal tender process. Approval was being sought for the procurement of the capital items to be treated as an exception to the Rules of Procedure, in accordance with the exemption procedure contained within Rules of Procedure Relating to Contracts 2.1(d)(i), on the grounds that the decision was a matter of urgency as there was insufficient time to conduct a full tender process within the DEFRA deadline for funding. Competition would be demonstrated through securing three quotations against a specification. A full report on progress with the development of the depot would be made to the next Capital Strategy Group meeting.

The Executive agreed that the procurement of the capital items be treated as an exception to the Rules of Procedure, in accordance with the exemption procedure contained within the Rules of Procedure Relating to Contracts 2.1(d)(i), on the grounds that the decision was a matter of urgency.

RESOLVED – that the procurement route for the capital items now detailed be treated as an exception to the Rules of Procedure Relating to Contracts on the grounds that the decision was a matter of urgency and that a quotation procedure was appropriate.

ACS

(see Minute 677 also)

683 BUSINESS RATES/COUNCIL TAX IRRECOVERABLE

The Executive Member for Finance and Economy submitted a report seeking authority to write-off arrears of Business Rates and Council Tax as irrecoverable.

The Executive considered a schedule of Business Rates/Council Tax cases, which were considered to be irrecoverable. In all relevant cases, extensive enquiries had been made through bailiffs, public utilities, specialist tracing agents and other authorities to trace Ratepayers who had moved.

The Executive authorised the write-off of arrears as now detailed.

RESOLVED - that the write-off of arrears of Business Rates/Council Tax and costs totalling £45,591.47, as detailed in the schedule submitted, as irrecoverable, be authorised.

AFS

684 HOUSING BENEFITS DEBTS IRRECOVERABLE

The Executive Member for Finance and Economy submitted a report seeking authority to write-off housing benefit invoices totalling £14,358.60 as irrecoverable.

The Executive authorised the Assistant Director (Financial Services) to write-off housing benefit invoices as now detailed.

RESOLVED – that the Assistant Director (Financial Services) be authorised to write-off housing benefit invoices as now detailed.

AFS

The meeting closed at 4.40 pm.

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Chairman
Date