

MINUTES OF A MEETING OF EAST
 HERTFORDSHIRE DISTRICT COUNCIL
 HELD IN THE COUNCIL CHAMBER,
 WALLFIELDS, HERTFORD ON
 WEDNESDAY, 16 JUNE 2004 AT
 7.30 PM

PRESENT: Councillor D E Mayes (Chairman).
 Councillors M R Alexander, W Ashley, D R Atkins,
 H G S Banks, K A Barnes, S A Bull, N Burdett,
 A L Burlton, M G Carver, D Clark, R Conway,
 R N Copping, A F Dearman, J Demonti,
 A D Dodd, G L Francis, R Gilbert, A M Graham,
 D M Hone, A P Jackson, G A McAndrew,
 M P A McMullen, T Milner, S Newton,
 D A A Peek, L R Pinnell, M Port, N C Poulton,
 J O Ranger, D Richards, T K H Robertson,
 P A Ruffles, S Rutland-Barsby, B W J Sapsford,
 J J Taylor, J D Thornton, M J Tindale,
 A L Warman, J P Warren, N Wilson, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director (Returning Officer)
Rachel Stopard	- Executive Director (Head of Paid Service)
Alison Brown	- Communications Officer
Simon Drinkwater	- Assistant Director (Law and Control)
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Georgina Stanton	- Assistant Director (Communications)
David Tweedie	- Assistant Director (Financial Services)

82 MINUTES

Council noted that Councillor M Wood had been omitted from the list recording the names of Members having voted against the substantive recommendation at Minute 8.

RESOLVED - that the Minutes of the Annual Council meeting held on 12 May 2004 be approved as a correct record and signed by the Chairman, subject to the addition of Councillor M Wood to the list recording names of members voting against the substantive recommendation at Minute 8.

83 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press to the meeting.

The Chairman referred to a letter he had received from John Nowell, former Executive Director (Resources). In this letter, Mr Nowell had stated his gratitude for the kind words expressed by Members at the previous Council meeting. He wished to thank Members for the cards and gifts he had received, and reiterated his good fortune to have worked for the Council for almost 14 years.

The Chairman updated Members on the progress made in establishing the East Herts Fund for the Future. It was hoped that the Fund would be launched in the Autumn.

The Chairman reminded a number of Members to complete and return their Related Party Transactions form. This matter was now of utmost urgency as an audit of Members' returns would be undertaken shortly. Those Members who had a blank form on their table this evening were asked to ensure that this form was completed and returned to the Assistant Director (Financial Services) as soon as possible, even if there was a nil return.

As far as tonight's agenda was concerned, the Chairman stated that Members might have noticed that the Council Minute book had not been printed to its usual high standard.

Unfortunately, this had been due to a mechanical problem, which could not be rectified without delaying the issue of the agenda.

The Chairman informed Members that item 11 of the agenda had been withdrawn.

Finally, the Chairman referred to the absence of Councillor Mrs M H Goldspink from the meeting, which had been due to her mother passing away. He felt sure that he could express deepest sympathies on behalf of all Members.

84 DECLARATIONS OF INTEREST

Members made the following declarations of interest:

- Councillor A L Burlton declared a personal and prejudicial interest in the matter referred to at Minute 26 – Providing a Total Print Solution, in that his wife sold mats to Kent County Council.
- Councillors S A Bull, A L Burlton and T Milner declared personal interests in the matter referred to at Minute 17 – Housing Register and Allocations Policy, in that they were Board members of Riversmead (Councillor T Milner) and Stort Valley (Councillors S A Bull and A L Burlton) Housing Associations.
- Councillors R Gilbert, M P A McMullen and P A Ruffles declared personal interests in the matter referred to at Minute 20 – Waterford Heath Draft Byelaws and Charitable Trust, in that they were members of the Waterford Heath Steering Group.

85 MEMBERS' QUESTIONS

Councillor M J Tindale asked the Executive Member for Community whether the questions on ethnic monitoring included in the Housing Survey would be used to influence housing policy?

In reply, the Deputy Leader, in the absence of the Executive Member for Community, confirmed that the Council would take the information that was gathered from the survey into account when shaping future housing policy. The Government required local authorities to have up to date information on housing needs in the area. The survey would give the Council a demographic profile that would include a breakdown of need in accordance with age, income and ethnic origin. Current and any future housing policy would reflect best practice in relation to equal opportunities. Whether the information gleaned from the new survey, resulted in any change to existing policy would depend on whether there had been any major changes in the baseline data since the last survey was carried out in 2000.

Councillor A M Graham asked the Leader of the Council if he could confirm whether or not he was 100% committed to preserving the green belt around Bishop's Stortford?

In reply, the Leader expressed surprise that the questioner was even suggesting that he was anything less than 100% committed to protecting the Green Belt throughout the District. Councillor A M Graham had obviously missed all of his outcries at Regional Planning Panels, the Regional Assembly, pressure group meetings, Community Voice, Council meetings, the Rural Conference and already in many village halls to different community groups, the threats being faced from a socialist, centralist, jerry-mandering Government. He had obviously not even started to grasp the enormity of the planning threats this Government would impose on the community, not just by asking it to deliver but would impose.

This was a game of chess at the highest level which the Council had to undertake and would do so, even if its opponent removed pieces while it was not watching. The Leader asked the questioner to try and understand the bigger picture and recognise that this Authority was under threat from all quarters. Under no circumstances, were either he or his colleagues anything less than 100% committed to the vision and priorities the Council had made to this Community, but in all cases the well being of the

future must be considered and assisted in the most appropriate way possible. Sometimes, that may hurt in the short term.

In response to a supplementary question, the Leader confirmed that he had attended two meetings with representatives of two schools in Bishop's Stortford, Hertfordshire County Council and East Herts' officers. The discussions held were not out of place in encouraging possible planning applicants to discuss their applications in advance of any submission, especially as significant changes to the Local Plan needed to be addressed. As far as the detail of the meetings were concerned, the Leader undertook to review his notes of the meetings and provide a synopsis by way of a written response to Councillor A M Graham.

Councillor L R Pinnell asked the Leader of the Council, if he agreed that the time had now come for this Council to consider following the lead of the Hampshire and Isle of Wight Councils and others, in their successful use of Anti Social Behaviour Orders against both individuals and companies as a deterrent to fly-posting? This had become a widespread problem across the District, with the Council every week issuing a warning in the local papers, under Planning Application Announcements, that people fly-posting would face prosecution, and because enforcement action was rarely, if ever, taken, this warning had done little or nothing to prevent the spread of fly-posting, and the problem was now getting worse across the district. He also asked if he further agreed, that the placing of the warning advertisement on a weekly basis in the local papers was a waste of Council taxpayers' money, if no enforcement action was ever taken, intended to be taken or, for whatever reason, was unable to be taken?

In reply, the Executive Member for Corporate Facilities stated that Section 225 of the Town and Country Planning Act 1990 gave local planning authorities powers to remove or obliterate any placard or poster displayed in contravention of the Advertisement Regulations. However, if the poster identified the person or company displaying it, the authority must give two days written notice of its intention to remove

it. It was for this reason that the Council had added a short note to its weekly advert in the local newspapers regarding planning applications received. This gave a general written warning that the Council would remove or obliterate any further advertising by them and would likely result in prosecution proceedings.

The Council's Planning Enforcement Team was accordingly proactive in removing such advertisements where they were seen or reported to them. Once removed, the offenders were advised, in writing, that any further advertising by them would be likely to result in prosecution proceedings.

In addition, the Highway Authority was also empowered to remove fly-posting from land within the Public Highway under the Highways Act. The Council was currently working towards the setting up of a fly-posting protocol with Herts Highways in order to ensure a consistent and robust approach to this problem. The Council would consider prosecution proceedings against any persistent offenders under the Town and Country Planning Act. However, due to the direct action and written warnings issued as detailed above, there had been no persistent offenders to date and such action had not been necessary or appropriate.

Anti-Social Behaviour Orders (ASBOs) and/or Acceptable Behaviour Contracts might be utilised where there had been frequent and persistent fly-posting. Consideration was currently being given to utilising these new powers to provide another mechanism to deal with these complaints.

The Executive Member added that it was not, in his opinion, true to say that the problem was increasing in the District. Indeed this Council was much more proactive in this area than many others in Hertfordshire. It was also not true that no enforcement action was taken. Indeed, considerable time and effort was put into this problem in the form of direct action. Such enforcement action was considered commensurate to the offence committed, but legal action would be considered if any person or company failed to adhere to the Council's requests to remove fly-posting and/or persistently re-offended.

In response to a supplementary question, the Executive Member stated that he was not aware of the cost of pursuing an ASBO, and that this was not an issue when determining whether to pursue an ASBO.

Councillor M Wood asked the Leader of the Council how many Officers had resigned from the Authority during the six months ending 31 May 2004? How many of these vacancies had been filled? How many of these vacant posts were being advertised/shortlisted/interviewed at the moment? How many vacant posts were being evaluated or left unfilled? Finally, how many agency staff was the Council using at the moment?

In reply, the Leader stated that his figures were for the six month period to April 2004 as the May figures were not yet available. There had been 19 resignations compared to 45 for the whole of 2003/04. Currently, there were 58 posts vacant, equating to 47.86 full time equivalents. This compared to 40.91 full time equivalents for 2003/04. There had been 37 adverts compared to 65 for 2003/04. There were 21 new posts, posts awaiting evaluation or left unfilled. Currently, there were 10 agency staff employed. Overall, the figures were not unusual when compared to the previous year.

In response to a supplementary question concerning the ability to maintain service levels in the summer period, the Leader expressed his confidence in the staff's capabilities.

Councillor M Wood asked the Executive Member for Economic and Regional Development, if she was aware that some 34,000 electors in this District voted last Thursday, but some 254 ballot papers were rejected during the Count on Sunday evening? Of these, some 60% were rejected because of errors by polling station staff at it seems one particular polling station in Hertford. Furthermore, could she give an assurance that a full investigation was being carried out, and that Members would be updated on the conclusions of that enquiry?

In reply, the Executive Member stated that she was aware that approximately 34,200 electors voted at the European Election on 10 June 2004. This represented a turnout of 35.47% compared to a turnout of 29.8% at last year's local council elections. She was also aware that a number of ballot papers were rejected by the Local Returning Officer on the grounds that that the voter could be identified. The Local Returning Officer was investigating the circumstances of why these particular ballot papers (141 out of a total 254) bore marks that could identify the voters. The Executive Member understood that the Local Returning Officer had already given an assurance to Councillor M Wood that Election Sub Agents would be informed of the conclusions of the investigation. It was too early, at this stage, to speculate that all the papers were rejected because of errors by polling station staff.

Overall, the number of ballot papers rejected represented approximately 0.75% of the votes cast. Neighbouring local authorities had similar levels of rejected papers: North Herts – 0.60%; Welwyn Hatfield – 0.61%; Epping Forest – 0.81%. At the authority of the Regional Returning Officer (Huntingdonshire), rejected votes represented 1.15% of the votes cast. The rejection of any votes cast as invalid is always disappointing. She was confident that there would be no complacency in trying to reduce the number of rejected ballot papers at future elections.

Finally, the Executive Member was sure that Members would join her in thanking the Local Returning Officer and her team for all their work in organising the European Elections in the District last week, and also two local council by-elections in Hertford.

In response to a supplementary question, the Executive Member felt that the investigation being carried out by the Local Returning Officer did send the right message to electors.

Councillor M Wood asked the Executive Member for the Environment to advise on how many default notices had been issued since 1 April this year to the grass-cutting

contractor?

In reply, the Executive Member stated that the grounds maintenance contractor had been issued with 151 defaults since 1 April this year. Of these, 145 defaults had been issued as category A and 6 as category B. Category B defaults were those of a more serious nature or those requiring a revisit for failure to respond at an earlier stage. In general, these defaults related to grass cutting with more being issued in the west of the District than the east.

The Executive was not happy with the performance on grass cutting, although it needed to be recognised that this was only part of the contract the Council had with this company. Officers were working hard to ensure all identified areas of non-performance or sub-performance were reissued to the contractor and appropriate contractual action was taken.

Councillor D A A Peek asked the Executive Member for Corporate Facilities if the portfolio holder considered that 10 months' complaints by him about the lack of working audio facilities in the Council Chamber at Wallfields, had now become a human rights issue?

In reply, the Executive Member for Finance stated that it was the Council's intention, and certainly his own, that all Members should not be hindered in their participation of events in this chamber. The Council Chamber was fitted with a hearing loop that was tested on a regular basis.

It was possible that, from time to time, settings might get moved accidentally, and this affected the overall balance of sound. He had instructed officers to look to ways in which it could be ensured that settings could not be accidentally disturbed. The system had a variety of headsets that were suitable to assist with various types of hearing impairment. Officers would be pleased to assist any Member in ensuring they had use of the appropriate headset.

The Executive Member stated that if there had been a deliberate act to deprive a Member from participating in events in the chamber, then this would be a human rights

issue. However, this had not been the case.

Councillor D A A Peek asked the Leader of the Council if he would institute an investigation for Council into those powers of officers apparently delegated by Council?

In reply, the Leader stated that he would not. Part 3 of the Constitution, which was approved by Council on 12 May 2004, set out the terms of officer delegation. The scheme included restrictions on the exercise of delegated decision making where necessary. When exercising delegated authority, officers would record the facts and the reasons for the decision as well as the decision itself. The decision making process had been designed to avoid key decisions being made by officers. In the unlikely event that an officer was to consider making a key decision, this decision would need to be publicised to allow the opportunity for call-in of the decision.

86 PORTFOLIO REPORT – CORPORATE FACILITIES

The Executive Member for Corporate Facilities gave a presentation on his portfolio area.

He outlined the ongoing work within the Corporate Facilities portfolio and highlighted the major issues affecting:

- Audit
- Building Control
- Communications
- Development Control
- E-Government
- Emergency Planning
- Environmental Health

- Health and Safety
- Internal Customer Services
- Performance Management
- Pest and Animal Control
- Procurement
- PR (Internal)
- Town Centres

87 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meeting held on 25 May 2004.

RESOLVED – that the Minutes of the Executive meeting held on 25 May 2004 be received, and the recommendations contained therein, be adopted.

88 MINUTES OF COMMITTEES

(A) LICENSING COMMITTEE – 19 MAY 2004

RESOLVED - that the Minutes of the Licensing Committee meeting held on 19 May 2004 be received.

(B) DEVELOPMENT CONTROL COMMITTEE – 26 MAY 2004

RESOLVED - that the Minutes of the Development Control Committee meeting held on 26 May 2004 be received.

(C) PERFORMANCE SCRUTINY COMMITTEE –
1 JUNE 2004

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 1 June 2004 be received.

(D) POLICY DEVELOPMENT SCRUTINY COMMITTEE -
8 JUNE 2004

RESOLVED - that the Minutes of the Policy Development Scrutiny Committee meeting held on 8 June 2004 be received.

(E) STANDARDS COMMITTEE – 9 JUNE 2004

RESOLVED – that the Minutes of the Standards Committee meeting held on 9 June 2004 be received, and the recommendations contained therein, be adopted.

89 BEST VALUE PERFORMANCE PLAN 2004

The Executive Member for Finance submitted a report on the Best Value Performance Plan for 2004. This was a statutory plan that had to be published by the end of June each year. The requirements for such a plan were specified in Part 1 of the Local Government Act 1999, and provided an opportunity for authorities to articulate their proposals for improvement for the coming year, and to show targets for future performance.

The requirements that authorities needed to meet when preparing an annual Performance Plan had been revised over the last few years. Recently, the Office of the Deputy Prime Minister (ODPM) had published an update on 'Guidance on Best Value Performance Plans'. This contained updates on three key issues; the audience, content and timing of Performance Plans.

The Executive Member stated that whilst Performance Plans should be public documents, authorities should not view the

should be public documents, authorities should not view the public as the primary recipients. The primary audience for the plan was the authority itself.

The Executive Member also reminded Members that following the Council's Comprehensive Performance Assessment, East Herts, as a 'good' Council, was able to submit its annual corporate plan, and this would meet the statutory requirement, providing that it was identified as a 'Performance Plan' and contained certain information.

The Executive Member outlined the proposed design, format and content of the Performance Plan, which was approved by Council. He also proposed delegating authority to the Executive Director (Head of Paid Service) to make any additional changes necessary to satisfy Government and audit requirements. This was also approved by Council.

Some Members referred to proposed Community Safety targets in general and the Council's failure to use Anti-Social Behaviour Orders (ASBOs) more than once. They felt that people were looking to the Council for action and not words.

The Deputy Leader responded by stating that the Council was committed to working with its partners to tackle crime and disorder issues. However, the process for obtaining an ASBO was tortuous and fraught with difficulties.

RESOLVED: that (A) the proposed format and content of the Best Value Performance Plan 2004 be approved, and

APP

(B) the Executive Director (Head of Paid Service) be authorised to make any additional changes to the Best Value Performance Plan, as now submitted, as required to satisfy Government and audit requirements.

ED(HPS)

The meeting closed at 9.00 pm

ACTION

Chairman
Date

Nps\Council\Minutes 16 June 2004