

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY, 28 JULY
2004 AT 7.30 PM

PRESENT: Councillor D E Mayes (Chairman).
Councillors M R Alexander, W Ashley, D R Atkins,
P R Ballam, H G S Banks, K A Barnes, S A Bull,
N Burdett, A L Burlton, M G Carver, D Clark,
R N Copping, A F Dearman, J Demonti,
A D Dodd, G L Francis, R Gilbert,
Mrs M H Goldspink, A M Graham, J Hedley,
Mrs D L E Hollebon, A P Jackson,
M P A McMullen, T Milner, S Newton, R L Parker,
D A A Peek, H Penson, L R Pinnell, J O Ranger,
D Richards, T K H Robertson, P A Ruffles,
S Rutland-Barsby, B W J Sapsford, A Schwiezer,
J J Taylor, M J Tindale, J P Warren, N Wilson and
M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director (Returning Officer)
Simon Drinkwater	- Assistant Director (Law and Control)
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Mary Orton	- Assistant Director (Policy and Performance)
Lois Prior	- Head of Communications

183 MINUTES

Arising from the Minutes of the meeting held on 16 June 2004, Councillor A M Graham suggested that supplementary questions asked by Members should be recorded to the same level of detail as the answers given. He moved, and Councillor L R Pinnell seconded, a motion to this effect. After being put to the meeting and a vote taken, this motion was LOST.

RESOLVED - that the Minutes of the Council meeting held on 16 June 2004 be approved as a correct record and signed by the Chairman.

184 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the public to the meeting.

The Chairman referred to the recent death of former Councillor Kitty Scarth. He thought that the Council had a lost a good friend who had represented Hertford Castle ward from 1999 – 2003. Prior to this, Kitty had also worked for the Council's planning department from 1980 until her retirement in 1996. He stated that he would write to her family on behalf of the Council, expressing the Council's condolences. He reminded Members that the funeral would take place at All Saints Church, Hertford on Monday 2 August 2004, at 11.30 am. As a mark of respect, Members stood and observed a minute's silence.

185 DECLARATIONS OF INTEREST

The Chairman announced that the Assistant Director (Law and Control) had been requested to provide advice on the possible interest of Members in relation to Minute 94 – Town Centres' Christmas Lights. The Assistant Director had advised that Councillors who were Members of the Town Centre Management Boards of Hertford, Buntingford and Bishop's Stortford and/or the Town Councils for these areas and Ware had personal and prejudicial interests in this matter. Accordingly, those Members needed to declare such interests and leave the Chamber prior to consideration

of this item.

Members made the following declarations of interest:

- Councillors K A Barnes, R Gilbert, Mrs D L E Hollebon, D A A Peek and L R Pinnell declared personal and prejudicial interests in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that they were Members of Bishop's Stortford Town Council. They each left the Chamber prior to consideration of this matter.
- Councillor M G Carver declared a personal and prejudicial interest in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that he was a Member of the Bishop's Stortford Town Centre Management Board. He left the Chamber prior to consideration of this matter.
- Councillors A L Burlton and M Wood declared personal and prejudicial interests in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that they were Members of both Bishop's Stortford Town Council and Bishop's Stortford Town Centre Management Board. They both left the Chamber prior to consideration of this matter.
- Councillor J P Warren declared a personal and prejudicial interest in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that he was Secretary to the Buntingford Town Centre Management Board. He left the Chamber prior to consideration of this matter.
- Councillor S A Bull declared a personal and prejudicial interest in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that he was a Member of Buntingford Town Council. He left the Chamber prior to consideration of this matter.
- Councillors M R Alexander, P R Ballam, J J Taylor and T Milner declared personal and prejudicial interests in the matter referred to at Minute 94 – Town Centres' Christmas Lights, in that they were Members of Ware Town Council. They each left the Chamber prior to consideration of this

matter.

- Councillors P A Ruffles and N Wilson declared personal and prejudicial interests in the matter referred to at Minute 94 – Town Centres’ Christmas Lights, in that they were Members of Hertford Town Council. They each left the Chamber prior to consideration of this matter.
- Councillors J Hedley and S Newton declared personal and prejudicial interests in the matter referred to at Minute 94 – Town Centres’ Christmas Lights, in that they were Members of both Hertford Town Council and Hertford Town Centre Management Board. They both left the Chamber prior to consideration of this matter.
- Councillor J P Warren declared a personal interest in the matter referred to at Minute 93 – Market Testing East Herts Swimming Pools – The Way Forward, in that he was a Governor at Freman College, Buntingford.
- Councillor S Rutland-Barsby asked Council to note her declaration made at the Development Control Committee meeting held on 23 June 2004, in respect of Minute 127 – Application 3/04/0672/FP.
- Councillor S A Bull declared a personal and prejudicial interest in the matter referred to at Minute 96 – Parking Enforcement Guidelines, in that he was a Member of Buntingford Town Council.
- Councillor S A Bull declared a personal interest in the matter referred to at Minute 103 – East Hertfordshire Local Plan – Second Review – Chapter 16 (Buntingford) – Responses to Deposit Consultation 2001 and Revised Deposit Chapter 16 (Buntingford), in that he was a Member of Buntingford Town Council.
- Councillors S A Bull and T Milner declared personal and prejudicial interests in the matter referred to at Minute 107 – Housing Options Review, in that they were Board Members of Stort Valley Housing Association and

Riversmead Housing Association respectively.

- Councillor S A Bull declared a personal interest in respect of the matter referred to at Minute 127 – Application 3/04/0672/FP. He did not declare the nature of the interest.
- Councillor S A Bull declared a personal interest in the matter referred to at Minutes 147 and 154 – Temporary Accommodation for Homeless People, in that he was a Board Member of Stort Valley Housing Association.
- Councillor A D Dodd declared a personal and prejudicial interest in the matter referred to at Minutes 96 – Parking Enforcement Guidelines and 108 – Grounds Maintenance Contract Performance, in that he was a Member of Hertfordshire County Council. He left the Chamber prior to consideration of Minute 108 - Grounds Maintenance Contract Performance.
- Councillor Mrs D L E Hollebon declared a personal interest in the matter referred to at Minute 156 – East Hertfordshire Local Plan – Second Review – Chapter 11 (Bishop’s Stortford) – Responses to the Deposit Consultation 2001 and Revised Deposit Chapter 11 (Bishop’s Stortford), insofar as it related to a small parcel of land to the south of Bishop’s Stortford between the built-up area and the south-western distributor bypass, Councillor Hollebon did not declare the nature of the interest. Councillor Mrs D L E Hollebon abstained from the vote on this matter.

186 PETITION – 388 BUS SERVICE

The Chairman reported that a petition had been received via Tewin Parish Council containing 319 signatures, as follows:

'We the undersigned strongly oppose Hertfordshire County Council's proposed changes to the 388 bus service and urge East Herts District Council to come to an agreement with the County Council for adequate

funding to maintain the current service.'

Keith St.Pier, Vice-Chairman of Tewin Parish Council, was in attendance to present the petition.

He stated that Hertfordshire County Council's proposal to discontinue the 388 bus service from Tewin to Welwyn Garden City, coupled with a diminution of the service to Hertford, had caused consternation and disquiet throughout the parish of Tewin. It was particularly disturbing that East Herts District Council was also involved in this issue from a financial perspective, with a budget shortfall for this service of £6,000.

At the present time, there were five buses a day, that was 30 buses a week, from Tewin to Welwyn Garden City, via Welwyn North Station, allowing opportunities for employment; shopping; visits to doctors, dentists and opticians; attendance at Oaklands College and leisure pursuits; in addition to bus connections to QEII hospital for visits and appointments. At the same time, opportunities were afforded for rail travel from Welwyn North Station to London and the north. To substitute a new one-off Thursdays only service from Tewin to Welwyn Garden City was, in the petitioners' opinion, both perverse and perplexing.

Mr St.Pier stated that for those bus users who had access to cars, there would be no problem, apart of course, from the problem of pollution and increased traffic on narrow country lanes. He suggested this was something both the District and County Council wished to avoid. It was the elderly, disabled, young people and those unable to drive, or who had no access to a car, who would suffer the most hardship – leading to social exclusion and possibly to a semi-deserted commuter-only village.

Mr St.Pier quoted from the East Herts District Community Strategy, which clearly stated the importance of transport in rural areas. This was entirely consistent with the Hertfordshire Local Transport Plan from which he also quoted. He also referred to the County Council's leaflet

accompanying the Council Tax demand, which promised unequivocally to maintain the present services.

Mr St.Pier referred to a specially convened and well-attended Parish meeting, at which a unanimous resolution was passed calling on the County Council to maintain the current bus service. The Parish Council had also resolved to forward a similar expression of concern.

Mr St.Pier concluded by drawing attention to one of the primary objectives of the County Council's Local Transport Plan, from which he quoted again. He trusted that the Council would do its utmost to support and maintain the present 388 bus service provision.

In response, the Leader of the Council thanked Mr St.Pier for the petition, and stated that he fully understood the concerns of the residents.

He stated that discussions were still ongoing with the statutory provider, the County Council, concerning the provision of these services, to establish how the significant increase in costs faced by the retendering of a number of bus service contracts could be managed, in trying to maintain a balance between costs for all residents in the District and the service provision for resident users throughout the District.

The Leader assured the petitioners that the Council would continue to seek a solution for this particular problem and engage the local community in that process.

187 MEMBERS' QUESTIONS

Councillor L R Pinnell asked the Leader of the Council, if, given a Planning Officer recently recommending the reduction of affordable homes on a development from 30% to 24% because otherwise, the developer would not consider the development viable, he could confirm that 30% affordable houses on any one development was a minimum and not a percentage target or aspiration? He also asked if the Leader agreed that, if the viability of any particular

development depended on the percentage of affordable homes required, developers would soon be persuading Planning Officers that the only viable proposition would be 0%? He also asked what leeway did Planning Officers have to amend, or vary, the percentage of affordable houses required to be included in a planning application for large scale development?

In reply, the Leader stated that the adopted Local Plan stated that the Council would 'expect a significant proportion of affordable dwellings be made available to local people through negotiations with the promoters of new housing schemes on larger sites'. The Housing Needs Survey 2000, which supported this statement recommended that the Council adopt a target of up to 30% subsidised affordable homes from the total of all sites coming forward for planning consent over the period to 2011. However, Members would be aware, through the Local Plan Executive Panel that the Council was seeking to adopt an SPG that required that "at least" 30% should be provided.

Notwithstanding the above, the Government stated that Councils, when considering the provision of affordable housing at suitable sites, needed to consider the economics of provision, including whether its provision would prejudice the realisation of other planning objectives that needed to be given priority in the development of the site, i.e. provision of community facilities. All major planning applications that considered affordable housing were reported to Development Control Committee for decision. There were no delegations to officers regarding this issue. The Committee received full reports that gave a balanced view with each application being considered on its own individual merits.

Councillor Mrs M H Goldspink asked the Executive Member for Environment if he agreed with her that Local Authorities had a key role to play in promoting energy efficiency in their communities, and that it was a good idea to lead by example? Was he aware that there was no loft insulation in the Council's building at Wallfields? Was he aware that the rate of energy consumption in the Council's building in Bishop's Stortford was more than double the rate at

Wallfields? If he was aware of these facts, could he state what were the plans to improve the situation in both the Council's buildings?

In the absence of the Executive Member for Environment, the Executive Member for Finance, as portfolio holder for property matters, replied by expressing his surprise and disappointment that Councillor Mrs M H Goldspink had decided to ask this question at Council, as it clearly undermined the part that the Scrutiny Committee played in the democratic process within this Council.

At the previous Policy Development Scrutiny Committee, a presentation was given by Mr Thorogood, which had no doubt prompted the Councillor's question. However, this was the first stage of consideration by the Scrutiny Committee who had asked Mr Thorogood to present a report to their next meeting in September 2004, outlining a suitable Council policy for energy efficiency within the District. That meeting would be a more appropriate opportunity for Councillor Mrs M H Goldspink and other Members of the Scrutiny Committee, to explore this issue in depth.

The Executive Member agreed that it was correct for local authorities to lead by example in promoting energy efficiency. For that reason, he undertook to ensure that the information available to him was also made available to the Scrutiny Committee to guide them in their deliberations. This action would help to ensure that the democratic process was strengthened.

Councillor A M Graham asked the Executive Member for Community if he could update the Council on the park and ride scheme due in Bishop's Stortford?

In reply, the Executive Member stated that the issue of the provision of Park and Ride was linked to the Jackson's Square development. Negotiations on that development continued with only a few issues left to resolve. A report would be brought to the Executive on the development which would include the in principle decision to enter into an agreement to undertake enforcement of parking at the

potential Park and Ride site at Woodside. Officers were in the process of agreeing a Heads of Term agreement with the owner of the site. Following the decision to take the scheme forward, a new Parking Places Order would be advertised allowing enforcement at the site.

As a supplementary question, Councillor A M Graham asked about the timescale and whether this had slipped. In reply, the Executive Member referred to the conditions attached to the approval of the planning application and the need to get the Parking Orders in place. It was still intended to commence before Christmas, although negotiations were ongoing.

Councillor G L Francis asked the Leader of the Council if he could reaffirm that the Council supported the retention of the Royston, Buntingford and Bishop's Stortford PCT?

In reply, the Leader reaffirmed absolutely the Council's support. He stated that East Herts Council's residents were served by two Primary Care Trusts; South-East Herts PCT and Royston, Buntingford and Bishop's Stortford PCT. The Council was fortunate that both had extremely good working relationships with each other, and with this Council. This was shown by their active support for, and participation in the Local Strategic Partnership, and in the Health Scrutiny processes.

The Leader assured Councillor G L Francis that there were absolutely no plans for any structural changes to the PCTs that served the East Herts area. In fact, the position was quite the opposite, as both PCTs were actively looking to support their communities still more strongly, through devolving powers to localities within their catchment areas. This would result in the ability of health care professionals to respond better to the local needs and priorities of residents within a specific town or neighbourhood area. This Council supported both PCTs, and would continue to do so, and to work closely with both to improve the quality of life for the residents of this District.

As a supplementary question, Councillor G L Francis asked whether the Council's support for both PCTs was as

whether the Council's support for both PCTs was as independent PCTs? In reply, the Leader confirmed that it was.

Councillor G L Francis asked the Leader of the Council if there were plans, when Hertfordshire County Council closed their Social Services office in Bishop's Stortford, for a one stop shop at the Causeway offices? Also, could the Leader give this meeting an update on this service?

In reply, the Leader stated that up until about two years ago, both the Department of Work and Pensions (DWP) and Social Services did have a presence at the Causeway, but both services chose to pull out because they were unable to resource this facility. He understood that there were ongoing further reorganisations in both the DWP and Social Services, and that no subsequent approach had been made to East Herts by either of them at this stage. The Council was always a willing partner to work with other organisations to provide as many joined up services as possible, but of course was dependent upon their business decisions.

Councillor G L Francis asked the Executive Member for Environment if he could outline the timescale for abandoned vehicles being removed from East Herts' roads and whether targets were being met?

In the absence of the Executive Member for Environment, the Deputy Leader replied that the Council had not adopted specific targets for removing abandoned vehicles in recognition that circumstances might vary for each vehicle. Vehicles might be reported by the public, police or housing associations, and officers followed a robust process to ascertain the ownership of 'apparently abandoned' vehicles before they were removed. This was necessary to ensure compliance with legislation and avoided unnecessary costs to the Council. Untaxed vehicles were not necessarily abandoned.

Some vehicles might be removed quickly because they were stolen, burnt out or a hazard to public safety. In other cases, it could take up to 21 days to identify the vehicle's owner. If

the registered keeper had not responded, and the owner could not be traced by the end of this period, then the vehicle was assumed to be abandoned and removed by the Council's contractor. Vehicles, which were identified as 'unregistered', were normally removed within 24 hours. On average vehicles were removed within 7 days.

As a supplementary question, Councillor G L Francis asked if the Deputy Leader agreed that untaxed vehicles should be removed? In reply, the Deputy Leader stated that the Council had to operate within the law. He added that if Councillor G L Francis had specific information, he would deal with this in accordance with policy.

The Chairman reported that he had agreed to accept an urgent question onto the agenda from Councillor M Wood.

Councillor M Wood asked the Leader of the Council, if, in view of the recent announcement that the Alliance and Leicester was closing its branch in Bishop's Stortford on 30 September 2004, he would write to the Chief Executive asking him to reconsider their decision?

In reply, the Leader stated that he would not. This was a commercial decision and there were several competitors with a presence in the town.

188 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 22 June and 20 July 2004.

The Leader stated that although the summer had appeared to have arrived, the workload had not diminished. The Government, both centrally and regionally, had gone away for a break leaving a trail of consultation papers, as well as the final outputs from the various consultants' studies centred along the London-Stansted-Cambridge-Peterborough corridor and including the urban capacity of Hertfordshire in their wake.

The only positive piece of news was that the final approval to the RPG14 had been postponed by a month, until the Regional Assembly on 5 November 2004. The Leader suspected that there would not only be the traditional fireworks related to Guy Fawkes, but there might be an attempt to put a few under the unelected Assembly, who decided the proposals for both economic and housing growth in the District.

There would be a period of 14 weeks public consultation, and the Council was already laying the plans for that, in anticipation that some of the outcomes from the process might not be acceptable.

At present, any comments from surrounding local MPs were purely their own position statement and speculation, and were not based on any finalised reports or fact. The Leader undertook to keep Members informed of real facts, as soon as they became available.

The Leader stated that the other piece of good news was that the Conservative Group had taken control of the Local Government Association for the first time since its inception seven years ago. The Council could now expect a more robust challenge to central government policy and its effect on local democracy than had been the case in the past, and again this approach should be welcomed.

In the meantime, the Leader wished all Members a good holiday, and hoped they would return refreshed for the Autumn and the continuous challenges the Government was setting all local authorities.

The Leader concluded by announcing that, at the next Council meeting, there would be a presentation on the new Licensing Act and the responsibilities the Council would be taking over from the Magistrates with no funding support from Government.

In respect of Minute 93 – Market Testing East Herts Swimming Pools – The Way Forward, Councillor A M Graham asked a number of questions relating to the process

for the proposed tender package. In response, the Executive Member for Finance stated that the proposed recommendations were in accordance with the timetable specified in the strategy agreed by Council.

Councillor A M Graham also queried the proposed evaluation of the tenders on the basis of a 70:30 price:quality weighting. In response, the Leader stated that this split was in accordance with Council policy and practice.

In respect of Minute 94 – Town Centres' Christmas Lights, Councillor A D Dodd suggested that the recommendation was incorrectly worded as it failed to mention Sawbridgeworth. He also requested an update from the Executive Member for Finance on discussions being held with business representatives from Sawbridgeworth over possible future funding.

In reply, the Executive Member stated that he was in discussion with the Clerk of Sawbridgeworth Town Council to determine the most effective way of engaging the local business community, in a manner that was accountable and ensured that any funding was subject to the same conditions that applied in other towns in the District.

In respect of the wording of the recommendation, the Executive Member suggested adding the words, 'as identified in the report' after the word 'Centres'. This was agreed by Council.

Councillor D Richards asked the Executive Member if the Council was looking to promote a town centre management board in Sawbridgeworth that was separate to the Town Council. In reply, the Executive Member stated that there was no agenda on this particular issue. He reiterated that if the Council provided any funding, the recipient organisation needed to be representative and subject to the same conditions that applied in other towns in the District.

Councillor Mrs M H Goldspink expressed her support for the proposals and referred to a previous decision by Council not to fund the provision of Christmas lights. In reply, the

Executive Member reminded Council that the previous decision related to revenue expenditure, whereas this recommendation involved capital expenditure.

In response to a question from Councillor A M Graham, the Executive Member confirmed that the proposed CCTV pilot project in Bishop's Stortford could be used for other purposes than measuring footfall, such as tracking miscreants.

Councillor D R Atkins referred to recent concerns raised by traders in Ware. He moved, and Councillor B W J Sapsford seconded, an amendment to the effect that £2,000 be allocated for a CCTV project in Ware.

In reply, the Executive Member for Finance reminded Council that each town had been invited to make a submission as part of the process. Clearly, such a project as suggested for Ware Town Centre would need to be discussed with the Town Centre Manager and the Town Centre Management Board. The Executive Member for Community stated that a proper case needed to be made for consideration and suggested that the amendment be withdrawn. Councillor D R Atkins agreed to withdraw his amendment.

In respect of Minute 96 – Parking Enforcement Guidelines, Councillor G L Francis asked if the proposed guidelines covered single yellow lines. In reply, the Executive Member for Community stated that the wardens would be responsible for all aspects of parking enforcement.

Councillor G L Francis asked if the lack of discretion afforded to wardens would increase bureaucracy. In reply, the Executive Member stated that the usual approach in parking enforcement was for wardens not to have any discretion, in order to avoid charges of bias.

In respect of Minute 100 – East Herts Retail and Town Centres Study 2004, the Leader announced that a further report on one aspect of this matter relating to the designation of Much Hadham would be submitted to the

Executive.

In respect of Minute 108 – Grounds Maintenance Contract Performance, Councillor M Wood referred to continuing grass-cutting problems, not all of which were on 'A' roads. In reply, the Leader confirmed that the Executive had requested further reports.

Councillor A M Graham asked how many breaks there had been in the contract. In reply, the Deputy Leader stated that detailed figures were not to hand. However, the numbers were reducing, although not to an acceptable level. Close monitoring was ongoing.

In respect of Minute 154 – Temporary Accommodation for Homeless People, Councillor Mrs M H Goldspink sought an assurance that the changes to the strategy suggested by the Policy Development Scrutiny Committee had been incorporated into the Executive recommendations. In reply, the Executive Member for Community, the Leader and the Scrutiny Committee Chairman all confirmed that the changes in question had been incorporated into the Executive's final recommendations. The Scrutiny Committee Chairman clarified that the second sentence of the second paragraph of the narrative should have referred to the 'original' conclusions.

Councillor Mrs M H Goldspink referred to the last sentence of the second paragraph and moved that the end of the sentence should be deleted after the words 'short-term'. This was seconded by Councillor A M Graham. The Chairman ruled this amendment as invalid, as it did not seek to amend the recommendations before the meeting, but instead sought to amend the minutes of another meeting.

In respect of Minute 156 – East Hertfordshire Local Plan – Second Review – Chapter 11 (Bishop's Stortford) – Responses to the Deposit Consultation 2001 and Revised Deposit Chapter 11 (Bishop's Stortford), Councillor Mrs M H Goldspink expressed her opposition to recommendation (D), and specifically, the new policy BIS24 relating to a new secondary education site. She moved, and Councillor A M

Graham seconded, an amendment to the effect that this new policy be deleted from the recommendations.

In reply, the Leader of the Council referred to previous debates on this specific issue at meetings of the Local Plan Executive Panel and the Executive. He reiterated the reasons for the inclusion of this new policy.

Councillor A M Graham agreed on the additional need for secondary education provision, but disagreed on the site in question. He stated his belief that the new policy would result in additional housing and encourage more car usage.

Councillor D A A Peek reminded Councillor A M Graham that the original recommendations were altered by Council to specifically restrict the use of the site in question for education purposes only. He also stated that the proposals would become the subject of a further round of public consultation as part of the Second Deposit.

Councillor G L Francis referred to his previous service as a County Councillor and added that the additional need for secondary education provision had been identified 8 years ago.

Councillor A M Graham asked the Leader if he could reassure Council that he would listen to the public consultation. In reply, the Leader confirmed that comments made as part of the consultation would inform the decision-making process.

Following a request from 5 Members for a recorded vote to be taken on the proposed amendment, and after it was put to the meeting, the amendment was LOST, the voting being as follows:

FOR:

Councillors D R Atkins, K A Barnes, G L Francis, Mrs M H Goldspink, A M Graham, L R Pinnell, B W J Sapsford, M Wood.

AGAINST:

Councillors M R Alexander, W Ashley, Mrs P R Ballam, H G S Banks, S A Bull, N Burdett, A L Burlton, M G Carver, D Clark, R N Copping, A F Dearman, J Demonti, A D Dodd, R Gilbert, J Hedley, A P Jackson, M P A McMullen, D E Mayes, T Milner, S Newton, R L Parker, D A A Peek, H Penson, J O Ranger, D Richards, T K H Robertson, P A Ruffles, S Rutland-Barsby, A Schweizer, J J Taylor, M J Tindale, J P Warren, N Wilson.

ABSTENTIONS:

Councillor Mrs D L E Hollebon.

For: 8

Against: 33

Abstention: 1

RESOLVED – that the Minutes of the Executive meetings held on 22 June and 20 July 2004 be received, and the recommendations contained therein, be adopted, subject to the amendment of the recommendation at Minute 94 – Town Centres' Christmas Lights, by the addition of the words, 'as identified in the report' after the word, 'Centres'.

(Note – In respect of Minute 154 – Temporary Accommodation for Homeless People, Councillor Mrs M H Goldspink asked that her opposition to the decision taken be recorded.)

189 MINUTES OF COMMITTEES(A) DEVELOPMENT CONTROL COMMITTEE –
23 JUNE 2004

Council noted a typographical error at the sixth line of Minute 132 – Application 3/03/1545/FP, in that the word, 'Choir' should be replaced with the word, 'Corp'.

RESOLVED - that the Minutes of the Development Control Committee meeting held on 23 June 2004 be received.

(B) PERFORMANCE SCRUTINY COMMITTEE –
6 JULY 2004

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 6 July 2004 be received.

(C) POLICY DEVELOPMENT SCRUTINY COMMITTEE -
13 JULY 2004

In respect of Minute 149 – Development Control in Rural Areas, Councillor J O Ranger referred to the establishment of a Policy Development Panel, as set out in the recommendation, and announced that Councillor M P A McMullen would serve on the Panel, in addition to those Members listed. The Committee Chairman also asked Council to note that Councillor W Ashley had been listed twice in error. He also invited any other rural Member to express an interest in filling the remaining place on the Panel.

RESOLVED - that the Minutes of the Policy Development Scrutiny Committee meeting held on 13 July 2004 be received.

190 LOCAL PLAN 2ND REVIEW ADOPTION PROCEDURE

The Leader of the Council submitted a report informing the Council of two new important pieces of legislation which impacted on the procedure for progressing the Council's Local Plan (2nd Review).

Council recalled that the Adopted Local Plan expired in 2001, and the process of reviewing this Plan commenced in 1997. A revised draft Local Plan, known as the 2nd Review, was put on public deposit during the summer of 2001. This attracted around 10,000 objections from members of the public and interested parties. In September 2003, the Executive considered a report concerning the procedure for taking forward the Local Plan, in the light of government guidance on the forthcoming Planning and Compulsory Purchase Act. The decision of the Executive was to proceed with the Local Plan 2nd Review under the processes existing at that time. The alternative course of action, which would have been to withdraw the draft Local Plan in anticipation of the new Local Development Framework processes, was rejected.

Council further recalled that the process of analysing and responding to the public objections from the 1st deposit stage had just been completed. The original timetable for the remaining stages towards adoption was noted.

The Leader stated that two important new pieces of legislation had, however, recently come into force. These were the European Directive on Strategic Environmental Assessments (the 'SEA Directive'), and the Planning and Compulsory Purchase Act 2004. Both of these pieces of legislation had a significant impact on Local Authorities' processes for planning policy making, and therefore, the impact of the legislation on this Council's Local Plan needed to be considered by Council.

The impact of the 'SEA Directive' was that the Council was required to undertake a Strategic Environmental Assessment of all the policies contained within the draft

Local Plan, and to re-convene the Local Plan Executive Panel to consider whether the results of that assessment required any amendments to the draft policies, prior to it being put back on public deposit. Therefore, the effect of this Directive, was that the 2nd deposit stage must be delayed until November – December 2004 to enable this work to be completed.

The Planning and Compulsory Purchase Act signalled a number of fundamental changes to the process for planning policy-making in the future. Local Plans were to be replaced by Local Development Frameworks, which were to be more strategically focused, to have stronger links to Councils' Community Strategies, and to be founded on robust community and stakeholder consultation and involvement. The Act also brought greater national and regional powers to direct plan making. All Local Development Frameworks had to be consistent with national and regional planning guidance. The Secretary of State had new powers to request that a Council produce specific area or subject-based planning policy documents.

Council noted that within six months of the official "commencement" of the Act, which was likely to be 30 September 2004, all Local Authorities were required to submit for approval a "Local Development Scheme" to the Secretary of State, who had the power to require amendments to the Scheme. The assessment process for Local Development Schemes would also be used, from 2005/6 onwards, as part of the process for awarding Planning Delivery Grant to local authorities.

The Leader clarified the terminology used in the new Act as follows:

- The Local Development Scheme (LDS) was a project plan, setting out what development policies the Council intended to produce, and their timetable for production.
- The Local Development Framework itself was a portfolio of planning policies. It would include a

number of documents:

- The Core Strategy for the District, which encompassed:
 1. The vision for the area, and the role of settlements within it.
 2. Core policies (such as on economic development, or transport) and generic development control criteria.
 3. Housing Land allocations linked to the Sustainable Communities Plan
- Other Development Plan Documents – such as Area Action Plans and Site Specific allocations of land.
- A Proposals Map
- A Statement of Community Involvement
- Supplementary Planning Documents

The Leader outlined the three core requirements for all Local Development Schemes, which had been set by the Government, as follows:

- A. Every local authority must have an adopted Local Development Framework or Local Plan in place by March 2007.
- B. These plans must have at least a ten-year forward time horizon (i.e. they must not expire before 2016).
- C. These plans must be consistent with Regional Spatial Strategies.

Council considered the impact of these requirements on East Herts Local Plan. The Government Office for the East

of England had informed the Council that its current plans for adoption were problematic. Council noted the discussions that had taken place. The Leader outlined the three options available:

- Option 1 – Proceed with the intended timetable
- Option 2 – Withdraw the Local Plan and produce a new Local Development Framework by March 2007
- Option 3 – Adopt the Local Plan using transitional arrangements set out in the Act

The Government Office for the East of England had indicated that option 1 was problematic, as all three of their core requirements would not be met. They preferred option 2. However, the Leader outlined a number of significant problems with this course of action, as detailed in the report now submitted.

The arrangements in Option 3 had been designed to assist local authorities whose plans were at the mid-way stage in their preparation at the time of commencement of the Act. Under the transitional arrangements, East Herts could proceed to adoption of the current draft local plan, and would, therefore, not be required to produce its first Local Development Framework until 2010.

However, there were two important differences between the old legislation and the transitional arrangements. Firstly, the transitional arrangements would require a fresh re-deposit of the draft plan, rather than a second deposit. The difference was that the public could comment on any matter in the draft plan, whereas a second deposit would have restricted public comment to any changes that the Council had decided to make to the plan since the first deposit. Secondly, under the transitional arrangements, the report of the Planning Inspector undertaking the Public Inquiry would be binding on the Council. There would be no “modifications” stage following the Inspector’s report.

The Leader recommended adopting option 3, as now detailed, as there was little alternative open to the Council. This would mean proceeding along the following indicative timetable:

July 2004 – October 2004	Strategic Environmental Assessment undertaken
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Note: This stage was required in any case.

Late October 2004	Local Plan Executive Panel meets to consider the findings of the Assessment
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November 2004	Council approves any amendments to the Plan in the light of the Assessment
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November 2004 – January 2005	Public deposit stage
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January – August 2005	Processing of objections received
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September 2005	Public Inquiry begins
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February 2006	Public Inquiry ends
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Note: Under this transitional process, the Inspection service had advised that the Public Inquiry could be contained within a six-month timescale, rather than the twelve months envisaged under the old legislation.

February 2007	Inspector's report received
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March 2007	Council adopts Local Plan
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In response to a question from Councillor D A A Peek, the Leader confirmed that, under the transitional arrangements, the findings of the Planning Inspector undertaking the Public Inquiry could not be challenged.

Council approved the timetable and procedure for adoption of the Local Plan 2nd Review, as now detailed.

RESOLVED - that the timetable and procedure for adoption of the Local Plan (2nd Review), as now submitted, be approved.

APP

The meeting closed at 9.45 pm

Chairman
Date