

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY, 29
SEPTEMBER 2004 AT 7.30 PM

PRESENT: Councillor R N Copping (Vice-Chairman/in the Chair).
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, E J Cain, M G Carver, D Clark, R Conway, A F Dearman, J Demonti, A D Dodd, G L Francis, Mrs M H Goldspink, A M Graham, Mrs D L E Hollebon, Mrs D M Hone, A P Jackson, G McAndrew, M P A McMullen, T Milner, S Newton, R L Parker, D A A Peek, L R Pinnell, 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, J P Warren, N Wilson and M Wood.

OFFICERS IN ATTENDANCE:

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

276 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 28 July 2004 be approved as a correct record and signed by the Chairman.

277 CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman announced with great pleasure that East Herts Council had scooped a national award for its internal communications work. The Communications section, which was headed by Georgina Stanton, and currently just two other officers, Lois Prior and Alison Brown, won the award from the Institute of Public Relations at a ceremony in Canterbury earlier this month. The award was given in recognition of the work that the team had carried out to improve staff satisfaction levels.

He reminded Members that MORI, who carried out the 'before and after' staff surveys for the Council, had concluded that the improvement in the Council's staff morale in such a short space of time, was among the most marked improvements ever recorded by MORI. Good staff morale played a pivotal role in providing good services, and all organisations were judged by the quality of their staff.

Written details of how the award was won, and the award itself, were at the back of the chamber for all Members to see. The Vice-Chairman also added that East Herts Council had triumphed over strong competition from city councils and county councils to win this award, and hoped Members would join him in congratulating the Communications team on their success.

278 DECLARATIONS OF INTEREST

The Vice-Chairman reminded Members of the advice that had recently been reissued, on the appropriate circumstances for declaring an interest.

Members made the following declarations of interest:

- Councillors M R Alexander, P R Ballam, T Milner and J J Taylor declared personal and prejudicial interests in the matter referred to at Minute 194 – Ware Bowling Club, in that that, as Members of Ware Town Council, they were trustees of the Priory grounds.
- Councillors M R Alexander and D Clark asked Council to note their declarations of personal and prejudicial interests made at the Executive meeting on 14 September 2004, in respect of the resolved matter referred to at Minute 247 – Development Brief for former Glaxo's premises at Bury Green.
- Councillors N Burdett and A D Dodd referred to the resolved matter detailed at Minute 204 – Highways Joint Member Panel Notes of Meeting held on 19 July 2004, and declared personal and prejudicial interests. Councillor N Burdett as a resident near to one of the schemes included within the Local Transport Plan, and Councillor A D Dodd as a Member of Hertfordshire County Council.

279 MEMBERS' QUESTIONS

Councillor A M Graham asked the Leader if he could confirm whether he believed a zero tolerance policy should be adopted by this Council, in terms of anti-social behaviour within the District, and, if he could outline what effective measures this Council had been involved in, in reducing crime, and whether such measures had had any effect on either reducing crime or anti-social behaviour?

In reply, the Deputy Leader stated that anti-social behaviour could not really be dealt with by a "one strike before enforcement" philosophy, as the nature of such behaviour, was in reality, a build up of persistent nuisance and not an individual act of criminality. Thus, he did not believe that zero tolerance, on an American style, was appropriate for the situation in East Herts, although failure to comply with the terms of an Anti-Social Behaviour Order (ASBO) could

result in a prison sentence.

The tools available to the community at large, including the Police and Officers in East Herts, were the issuing of a Section 30 Dispersal Order to operate in a problem area, or an alcohol ban to target areas prone to alcohol related problems. As to individuals, they might be issued after the normal verbal warning with an Acceptable Behaviour Contract (ABC), which was a signed agreement between the parties as a formal step. If an ABC was breached, it could then be used in support of an ASBO. ASBO's could be pursued if problems persisted, but required sufficient evidence to be obtained from members of the community of sufficient import to convince a Magistrate of the need.

The Deputy Leader referred to specific cases. There was currently a Dispersal Order in Bell Street, Sawbridgeworth. This, combined with intervention by the police had helped to reduce the problems of youths congregating in Sawbridgeworth. The Priory in Ware was operating an Alcohol Ban to help tackle the problem with youths gathering there and underage drinking. It had proved successful so far, with a 54% reduction in calls made to the police. The Dimsdale Area Action Group in Bishop's Stortford was receiving partnership funding to help tackle fear of crime through improving the lighting in the area.

Multi-agency work was being used in tackling the escalating problem with nuisance, youths for example, in and around the Thorley shopping parade, Bishops' Stortford. Meetings had been held between the Community Safety Team at East Herts Council, Herts Police and local shopkeepers and residents. Julie Lawrence, the Council's Anti-social Behaviour Co-ordinator, had visited several local shopkeepers to make a proactive response to the problem and take witness statements as evidence of the problem. This, along with several other pieces of evidence, would be used to hopefully, secure a Section 30 Dispersal Order in that area. A resident's petition had been sent to the Community Safety team requesting this Order. If this was obtained, then it would be well publicised.

Work was being carried out with Ware Town Council to address the problem of vandalism in the town centre, especially that of damage to shop windows. A temporary CCTV camera was being installed in the High Street and the use of strengthened glass windows was also being piloted.

Work was being carried out to tackle the problems in and around Parsonage Lane, Bishop's Stortford. A meeting had been held with Parsonage Lane Residents Association, local councillors, local Police and the Community Safety team from East Herts Council. As a result of the meeting, a camera had been installed at the Community Hall where the majority of problems were centred around. Anti-Social Behaviour diaries had been issued to all recipients of the Residents Association newsletter. Evidence was currently being gathered to look at the possibility of an Alcohol ban or Section 30. The ringleader had been identified, and an ASBO evidence package was being prepared to pass to the legal team.

The summer activities for young people aged 13-17 this summer had proved very successful, with an increase in the numbers of young people participating over the previous year. Two known perpetrators of anti-social behaviour, who were currently on Acceptable Behaviour Contracts were engaged on a weekly basis and future activities were being organised as a result.

There were some 10 Acceptable Behaviour Contracts operating in East Herts at the moment. These were useful tools in tackling anti-social behaviour especially with young people. 90% of people or young people did not breach them or progress to an ASBO.

As a supplementary question, Councillor A M Graham asked whether consideration would be given to establishing a formal comprehensive body, involving the Magistrates and other interested agencies, to ensure more effective progress.

In reply, the Deputy Leader referred to the considerable dialogue already taking place between all the relevant

agencies, and stated that he would be prepared to consider more formal arrangements.

Councillor G L Francis asked the Leader if he could outline, on how many occasions this Council had applied to the Courts for an Anti-Social Behaviour Order (ASBO), and how many Orders had the magistrates agreed to. Also, If there was a difference in the totals, if he could explain the reasons for the difference. Furthermore, he asked if the Council could be given up to date details of Orders being breached and the consequence of such action.

In reply, the Deputy Leader stated that the number of ASBO requests made by applying to the Court was 4, of which 2 were successful.

In April 2004, an indefinite ASBO was given to a persistent perpetrator. He was banned from entering Bishop's Stortford, Hertford, Sawbridgeworth and Ware. This Order was breached, resulting in a sentence of 28 days imprisonment. He was arrested last weekend for a second breach and was due to appear before the Magistrates this Friday for sentencing, which was likely to be more severe than the first. An ASBO could carry a maximum of 5 years imprisonment for a breach.

In August 2004, a post conviction ASBO was obtained for a 5 year period banning the individual from the Housing estate where he had caused problems. The Deputy Leader explained that a post conviction ASBO was obtained when the perpetrator had a Court appearance for another offence. The person concerned was currently in prison serving the sentence given for the original offence.

The unsuccessful ASBOs were applied for as post convictions and were rejected at Court. The reasoning for this was that the Crown Prosecution Service lawyer had rejected it, as bail conditions had not been applied for. They did not deem it appropriate to impose conditions when the defendant had not any convictions prior to the Court appearance.

The number of future ASBOs that were being progressed at present was 7. The individuals were all persistent perpetrators of anti-social behaviour, and some with multiple previous convictions, although not all were youths.

280 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 17 August and 14 September 2004.

The Leader expressed the hope that Members had had a pleasant summer break and were now back into the swing of the agenda the Council faced over the coming months. Since July, the position of future housing provision had not improved and the pressures from various consultants' reports on the M11 corridor continued to look towards East Herts to solve the Government's demand for housing. However, first indications of these would not be fully known until 15 October at the Regional Planning Panel.

The Leader thought it was worth noting that just last week, the Deputy Prime Minister had launched a strategy to boost the North of England's prosperity with a document entitled "The Northern Way". When reading this, the Leader had wondered whether this would have a detrimental effect on the economy-led housing growth for this part of the East of England, but he had thought, "no, this was a joined up Government". Interestingly, though, this launch had received £100 million just as a "kickstart" with £7 billion set aside for sustainable community development in the area to follow. The Leader could not remember such numbers being considered for this part of the country. But then, East Herts was wealthy and could afford to provide such infrastructure itself.

Or could it? The Government had already said that Local Government could provide £6.45 billion of the efficiency saving identified in the Gershon Review on Government efficiency. The Treasury had subsequently announced that they believed that there was yet another £1 billion that could be squeezed out of Local Government. This was not

“squeezing out”. This was destruction of Local Government. This was even more centralisation of the “purse strings” and even less resource again to local democracy and Local Government.

The interference was now reaching a new height from this Government and the public needed to be aware of this fact that we, as their local representatives, were being asked to produce more and more with less and less resources. Added to which, out of that reducing resource, a proportion had even tighter strings attached to it. There was a gradual, creeping reduction in control and further evidence of the removal to the unelected voluntary body called the East of England Regional Authority in Suffolk.

Yesterday, Members were invited to the presentation by David Couttie Associates on the results of the housing needs survey. Not only did the report indicate the needs of various types of housing, but showed the demographic and housing ownership shift which had occurred over the past eight years. The shift was significant, and would fundamentally start to alter some of our long term strategic planning thoughts, but not just the handling of the imposition of unsustainable Government Housing targets. The report had already been sent to Scrutiny and would come to Executive on 12 October 2004 where Members would all have the opportunity to input to the debate.

The Leader concluded by stating that the message for this Council must be to continue to focus on the needs of its entire community and the individual communities within it, and to ensure that it continued to deliver to the residents of East Herts its collective visions and priorities, irrespective of the pressures around it.

The Leader of the Opposition expressed his support for most of the Leader’s comments regarding the threats posed by current Government thinking.

In respect of Minute 196 – Redevelopment of Jackson Square Multistorey and Riverside Car Parks, Bishop’s Stortford Land Transactions, the Executive Member for

Finance moved, and Councillor M G Carver seconded, an additional recommendation as follows:

‘(D) the outcome of the consultation be reported to the Executive on 9 November 2004, and its recommendations be submitted to Special Council on 9 November 2004 for decision.’

The Executive Member explained that, ordinarily, the recommendations of the Executive on 9 November 2004 would be referred to Council on 15 December 2004 for decision. As it was intended that the Park and Ride scheme should be up and running from 1 December 2004, approving the additional recommendation as suggested, would facilitate this. Council approved this additional recommendation.

In respect of Minute 245 – Payment by Credit Cards, Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, an additional recommendation as follows:

‘(B) the charge for credit card payments be clearly stated on the bill.’

Council approved this additional recommendation.

RESOLVED – that (A) in respect of Minute 196 – Redevelopment of Jackson Square Multistorey and Riverside Car Parks, Bishop’s Stortford Land Transactions, an additional recommendation (D) be approved as follows:

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‘the outcome of the consultation be reported to the Executive on 9 November 2004, and its recommendations be submitted to Special Council on 9 November 2004 for decision.’

(B) in respect of Minute 245 – Payment by Credit Cards, an additional recommendation (B) be approved as follows:

AFS

'the charge for credit card payments be clearly stated on the bill.'

(C) the Minutes of the Executive meetings held on 17 August and 14 September 2004 be received, and the recommendations contained therein, be adopted.

281 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE –
21 JULY 2004

RESOLVED - that the Minutes of the Development Control Committee meeting held on 21 July 2004 be received.

(B) DEVELOPMENT CONTROL COMMITTEE –
18 AUGUST 2004

RESOLVED - that the Minutes of the Development Control Committee meeting held on 18 August 2004 be received.

(C) LICENSING COMMITTEE - 1 SEPTEMBER 2004

RESOLVED - that the Minutes of the Licensing Committee meeting held on 1 September 2004 be received.

(D) PERFORMANCE SCRUTINY COMMITTEE – 7
SEPTEMBER 2004

In respect of Minute 236 – CPA Improvement Plan, Council noted that an error in the opening sentence of the narrative would be corrected at the next Committee meeting.

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 7 September 2004 be received.

(E) DEVELOPMENT CONTROL COMMITTEE – 15
SEPTEMBER 2004

RESOLVED - that the Minutes of the Development Control Committee meeting held on 15 September 2004 be received.

(F) POLICY DEVELOPMENT SCRUTINY COMMITTEE
– 21 SEPTEMBER 2004

In respect of Minute 273 – Preparing a Public Engagement Strategy, Councillor A M Graham asked for clarification on the development of Customer Relation Management (CRM) and whether customers' questions would be answered quicker.

In response, the Committee Chairman confirmed that the CRM approach would result in questions being answered quicker, as designated staff would be able to deal with most questions and callers would avoid being put through to the wrong extension.

RESOLVED - that the Minutes of the Policy Development Scrutiny Committee meeting held on 21 September 2004 be received.

282 AMENDMENTS TO CONSTITUTION – FINANCIAL
REGULATIONS AND RURAL PLOT SALES

Council considered a report of the Monitoring Officer proposing amendments to the Constitution in respect of Financial Regulations and Rural Plot Sales.

Council recalled that the recent review of the Constitution dealt with a number of anomalies. However, one issue relating to requests for additional capital expenditure arising from overspends or new schemes, was missed. Paragraph A.30 of the Council's Financial Regulations gave authority for approving such requests to the Capital Strategy Group.

Council noted that delegated powers could only be exercised by Council, the Executive, a committee or sub-

exercised by Council, the Executive, a committee or sub-committee of the Authority or an Officer. The Capital Strategy Group was a body, comprising the Executive Member for Finance and Officers, charged with the purpose of overseeing the Council's capital programme and examining proposals for capital expenditure, prior to their consideration and approval by the Executive and Council. As such, it was an advisory body that did not operate formally within the Council's decision-making structure.

Therefore, it was suggested that the power to approve additional expenditure arising from overspends or new schemes be delegated to the Executive Director (Head of Paid Service), in consultation with the Capital Strategy Group, as the officer who chaired the Capital Strategy Group. It was proposed that the Constitution, including Financial Regulation A.30 be amended to this effect.

In response to questions by Councillors Mrs M H Goldspink and A M Graham, the Assistant Director (Financial Services) clarified that this delegation was limited to an aggregate total of £50,000 on the whole programme, or 10% of a particular scheme. The proposal would provide some flexibility, for example in dealing with tenders where an urgent decision might be required, and there was insufficient time to resort to the committee process.

The Executive Member for Finance confirmed that variations were included in regular monitoring reports to Members.

Council approved the recommendations as proposed, subject to the addition of the words, 'from within the Capital Contingency provision'.

In respect of Rural Plot Sales, the sale of sub-divided plots had been a cause for widespread public concern. A direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 removed whichever permitted development rights were cited in the direction, necessitating a planning application for works that usually would not have needed one. In most cases, an article 4(1) direction did not take effect until the Secretary of

State had confirmed it. Article 4(1) directions could be made to remove permitted development rights, which allowed fences and other means of enclosure to be erected, and to prevent the stationing of caravans. These directions were relevant to rural plot sales where such development caused loss of amenity and detriment to the area.

Council noted that a direction made under article 5(4) could be imposed with immediate effect without needing the prior consent of the Secretary of State, though it needed confirmation by him within six months, if it was to remain valid. Although article 5(4) directions could not control the stationing of caravans, they could be used to remove the permitted development rights, which allowed fences and other means of enclosure to be erected. Some local authorities, including East Herts, had had success with timely 5(4) directions to stop the physical subdivision of fields before fences or posts went in, and with 4(1) directions to pre-empt the arrival of caravans. Government Offices were being encouraged to deal swiftly with requests to confirm directions. In order to expedite this process for cases in the future, it was proposed that the decision to make a direction should be delegated to officers to speed up the process.

Council approved the proposal as now detailed.

RESOLVED - that (A) Financial Regulation A.30 be amended to the effect that the Executive Director (Head of Paid Service), in consultation with the Capital Strategy Group, be authorised to approve requests for additional capital expenditure arising from overspends or new schemes from within the Capital Contingency provision, and

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(B) the Constitution be amended by the addition of the following officer delegations:

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(1) the Executive Director (Head of Paid Service), in consultation with the Capital Strategy Group, be authorised to approve requests for additional capital expenditure arising from

overspends or new schemes from within the Capital Contingency provision; and

- (2) the Assistant Director (Development Control) and the Assistant Director (Law and Control) be authorised to give a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

283 MOTION – GRASS CUTTING AND HIGHWAYS MAINTENANCE

Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, a motion as follows:

‘This Council acknowledges that the standard of grass cutting and highway grounds maintenance across the District this year has been poor. The Council has already taken steps to improve the situation and resolves to take all necessary measures to ensure that a much higher standard is achieved next year.’

In moving the motion, Councillor Mrs M H Goldspink appealed to all Members to support the motion. She referred to similar failures in 1998, after which assurances were given that the situation would never be repeated. Since then, a new contract had been awarded, and 2004 had seen only one cut in some places and none at all in others.

She stated that she had felt ashamed by the failures. She acknowledged that some steps had been taken by the Council in additional monitoring and fining of the contractors. It would be necessary to check the contract again, and to pressure Hertfordshire County Council to care for the main roads. In all, East Herts Council had to do better.

Councillor J O Ranger expressed his view that the motion supported the Executive and endorsed their actions taken to date. He referred to the pressure exerted by Members of all political groups for action to be taken.

ACTION

Councillor M Wood added his concerns. He referred to the decision taken by the contractors not to cut verges on 'A' roads because of health and safety issues, and stated that residents did not differentiate between who was responsible for which roads, and that the Council would get the blame. He referred to the Council's commissioning of MORI surveys and wondered whether specific questions on the standard of grass-cutting would be asked. He also raised issues around the terms of the contract.

Councillor A M Graham referred to the need for a back-up solution to be available, and that in the absence of one under this contract, consideration should be given to ensuring that one was in place under a future contract.

The Executive Member for Environment agreed with Members' comments and shared their concerns. He stated that measures had been taken, and that although performance had been better, it was still not good enough.

In respect of specific comments relating to details of contractual issues, he did not consider it appropriate for discussion in an open meeting. He had asked the Assistant Director (Law and Control) to look at certain issues. He offered to discuss these issues with any Member on a private basis.

Councillor G L Francis reminded Council that regardless of the contractual situation, it was the Council's responsibility to provide the service, and that perhaps, the employment of a direct labour service should be considered.

The Executive Member for Environment stated that performance on some elements of the contract had been good, such as at sheltered accommodation and playschemes. He reminded Members that the Council acted as agents for the County Council, who had decided that they were not prepared to pay for the risk assessments requested by the contractor.

ACTION

After being put to the meeting, and a vote taken, the motion was CARRIED.

RESOLVED: that the following motion be carried:

‘This Council acknowledges that the standard of grass cutting and highway grounds maintenance across the District this year has been poor. The Council has already taken steps to improve the situation and resolves to take all necessary measures to ensure that a much higher standard is achieved next year.’

(Note – Councillor A D Dodd left the Chamber during the debate when Hertfordshire County Council was discussed.)

The meeting closed at 8.32 pm

Chairman
Date