

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY 9 NOVEMBER 2004 AT
4.00PM

PRESENT: Councillor M G Carver (Leader/Chairman).
Councillors H G S Banks, A P Jackson,
N C Poulton.

ALSO IN ATTENDANCE:

Councillors A L Burlton, R N Copping, J Demonti,
R Gilbert, Mrs M H Goldspink, A M Graham,
M P A McMullen, D Richards, P A Ruffles,
M J Tindale, J P Warren, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Rachel Stopard	- Executive Director
Alison Brown	- Communications Officer
Cliff Cardoza	- Head of Contract Services
Shirley Clark	- Assistant Director (Direct and Contract Services)
Simon Drinkwater	- Assistant Director (Law and Control)
Martin Ibrahim	- Senior Democratic Services Officer
Mary Orton	- Assistant Director (Policy and Performance)
Bernard Perry	- Assistant Director (Human Resources)
Ceri Pettit	- Head of Performance
Claire Sime	- Planning Officer (Local Plans)
Bryan Thomsett	- Head of Environmental Planning

David Tweedie - Assistant Director
(Financial Services)

357 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M R Alexander, D Clark and R L Parker.

358 LEADER'S ANNOUNCEMENT

The Leader reminded the meeting that the recommendations arising from Agenda item 7 – Local Plan Executive Panel Minutes of 19 October 2004, and Agenda Item 12 - East Hertfordshire District Council (Parking Places) (Amendment Order) No 2 2004, would be referred to the Extraordinary Council meeting being held later that evening.

359 DECLARATIONS OF INTEREST

Councillors A M Graham and P A Ruffles declared personal interests in the matter referred to at Minute 370 – Green Heart Partnership, although the nature of the interest was not stated.

Councillor R N Copping declared a personal and prejudicial interest in the matter referred to at Minute 361 – Support to Village Halls, although the nature of the interest was not stated. He left the Chamber whilst this matter was considered.

Councillor M P A McMullen declared a personal interest in the matter referred to at Minute 361 – Support to Village Halls, although the nature of the interest was not stated.

RECOMMENDED ITEMS**ACTION****360 BEST VALUE REVIEW – ORGANISATIONAL DEVELOPMENT**

The Leader of the Council submitted a report on the final outcome of the Best Value Review on Organisation Development. This included an executive summary of the key findings, as well as a detailed operational action plan.

The Review had been managed through four phases of activity:

- Clarifying the organisational values the Council aspired to and identifying the gap between its aspirations and our current culture.
- Assessing the extent to which the Council's systems, processes and policies supported the organisational values and determining options for change.
- Reviewing the structure and capacity of Human Resources to ensure it supported improving performance and continuous change.
- Reviewing the capacity and competency of everyone within East Herts Council in order to support them to deliver the corporate vision and priorities.

The Leader summarised the findings from all four aspects in the report now submitted.

The Leader placed on record his appreciation of the contribution to the Review of the external critical friend, Mary Canavan, Director of Human Resources, The British Library.

In response to a question from Councillor R Gilbert, the Executive Member for Finance undertook to provide a written response clarifying the statistics on the levels of satisfaction with the Human Resources Service arising from the staff survey.

In response to a question from Councillor A M Graham, the Executive Member for Finance confirmed that the growth items contained within the action plan would be subject to the usual budgetary processes at the appropriate time.

The Executive supported the recommendations as now detailed.

RECOMMENDED - that the report be noted and the action plan be implemented subject to future budget processes.

AHR

361 **SUPPORT TO VILLAGE HALLS**

The Executive Member for Community submitted a report seeking support for £17,975 to be made available from the capital programme from an underspend identified in the Lottery Partnership (Capital) budget to support village halls not funded through the Community Capital grants scheme.

The Community Capital Grant Scheme budget for 2004/5 was £120,000. In previous years, this budget had been adequate. However, as a result of the introduction of the Disability Discrimination Act in October 2004, the demand on this funding had increased significantly. The amount requested by applicants this year was £214,225 in total. After allocating the £120,000 available to the highest scoring projects, there were 4 village halls that had not been funded. The Capital Strategy Group had identified underspend from the Lottery Partnership (Capital) budget to support these village halls.

Details of the four village halls – Stanstead Abbots, Colliers End, Aston and Waterford - not funded were set out in the report now submitted.

In response to questions by Members, the Deputy Leader confirmed that he was satisfied that these four applications met the necessary criteria, and that estimates of the works required had been considered carefully.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that underspend capital funds of £18,000 from the Lottery Partnership budget be transferred to increase community grants to village halls.

APP

362 EAST HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW – FURTHER MATERIAL AMENDMENTS FOR INCORPORATION INTO THE REDEPOSIT LOCAL PLAN (NOVEMBER 2004)

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 19 October 2004 in relation to the East Hertfordshire Local Plan – Second Review – Further Material Amendments for Incorporation into the Redeposit Local Plan (November 2004).

Officers confirmed that the figures quoted in Table 3.2 for the Reserve Housing Land had been checked and were now correct.

RECOMMENDED - that the material amendments as now submitted, be agreed for incorporation into the consolidated Redeposit Local Plan (November 2004).

APP

(Note – This recommendation was submitted for determination to the Extraordinary Council meeting

determination to the Extraordinary Council meeting held on 9 November 2004).

**363 SUSTAINABILITY APPRAISALS: EAST
HERTFORDSHIRE LOCAL PLAN – SECOND REVIEW
– REDEPOSIT VERSION (NOVEMBER 2004) AND
VEHICLE PARKING AT NEW DEVELOPMENT – DRAFT
SUPPLEMENTARY PLANNING DOCUMENT
(NOVEMBER 2004)**

The Executive considered and supported the recommendations made by the Local Plan Executive Panel at its meeting held on 19 October 2004, in relation to the Sustainability Appraisals: East Hertfordshire Local Plan – Second Review – Redeposit Version (November 2004) and Vehicle Parking at New Development – Draft Supplementary Planning Document.

RECOMMENDATION - that Sustainability Appraisals of:

APP

(A) the East Hertfordshire Local Plan Second Review Redeposit Version (November 2004), as now detailed; and

(B) the Draft Vehicle Parking at New Development Supplementary Planning Document (November 2004), as detailed at Appendix 'C' to the report now submitted;

be approved as the basis for public consultation as supplementary documents to the Redeposit Local Plan and the Draft Supplementary Planning Document.

(Note – This recommendation was submitted for determination to the Extraordinary Council meeting held on 9 November 2004).

364 TRADE WASTE SERVICE – SERVICE IMPROVEMENTS

The Executive Member for Environment submitted a report proposing improvements to the trade waste service and a revised pricing structure.

The Executive recalled that, in July 2004, it was reported that there had been a delay in developing the service due to delays in completing the Buntingford Service Centre and management and staff shortages within Contract Services. These had resulted in a failure to achieve income targets in the current financial year.

Following the engagement of a consultant to produce a service development and implementation plan, reliable business and service forecasts could be developed and an action plan which would permit the achievement of income targets earlier than would otherwise have been achieved, could be prepared.

The Council's pricing policy for this service needed to be modified, to ensure cost of provision was fully covered and customers were provided with the full range of collection and payment options. It was proposed that the Council introduce a separate charge for 'prescribed' premises, such as schools, colleges and nursing homes, which reflected the lower costs of service provision. Providing a trade waste service for these premises would also help to encourage recycling, and a number of local schools had expressed an interest in paper recycling collections.

The Executive noted that the service operated in a commercial environment and was subject to competitive pressures, which could result in the loss of customers and an inability to cover overheads. Currently, charges were agreed annually, in advance by Council. They were based on standard rates and there was no flexibility to vary charges to respond to competitor activity, or to negotiate discounts for bulk

purchases.

It was also considered that the current practice of publishing charges within the Council's Budget Book was not conducive to maintaining customers' competitive confidentiality and could prejudice the authority in negotiations with businesses in providing a service. Therefore, it was recommended that authority be delegated to the Head of Contract Services, in consultation with the Portfolio holder, and the Assistant Director (Financial Services) to agree any changes to the basic pricing schedule or any special trade waste charges proposed to maintain a service and achieve agreed budget income targets. Council would approve pricing schedules as ceiling prices, which would be subject to discounting.

The Executive Member also proposed that payment systems be developed, which allowed for flexibility to respond to external changes, such as credit/debit cards, direct debits, etc. Details were set out in the report now submitted.

The Executive Member also referred to the forthcoming introduction of a Landfill Allowance Trading Scheme (LATS), which could result in increasing disposal costs to Collection Authorities over the next few years. The LATS arrangements were still being finalised, and the potential risk to future service provision was noted. In this event, the Council could choose to use the general powers under the Local Government Act 2003 to set up the trade waste service as a 'trading company'. This would allow disposal of waste through the commercial sector at market rates. However, more detailed work would be required to assess the benefits of pursuing this option.

The Executive also noted that, in addition to its role as a service provider, the Council had a responsibility for enforcement with respect to trade waste. This included ensuring that commercial and industrial businesses had complied with their 'Duty of Care' responsibilities to dispose of their waste through an

authorised route, and also that they were not disposing of their waste in the domestic stream. It was important to ensure that there was no conflict of interest in performing these dual functions. This had been achieved by separating managerial responsibility, with service provision being the responsibility of the Head of Contract Services and enforcement the Head of Direct Services.

The Executive Member detailed the financial implications. The latest forecast for the Commercial Waste budget showed a net loss of £108,500 in 2004/05. This would be offset by reductions in expenditure on rent and NNDR from the depot budget of around £30,000, due to delayed completion; additional contributions from the new parking services operation of around £15,000; and additional income from the bulking up of recycled paper of £13,000. This would result in an overall shortfall of up to £50,500 in 2004/05. The Executive Member proposed that a supplementary vote of up to £50,500 be approved to fund the income shortfall in 2004/05.

The Executive supported the recommendations as now detailed.

RECOMMENDED: that (A) Officers pursue the improvements to the trade waste service described within the report now submitted; ACS

(B) revised service charges, as detailed at Appendix 'A8' of the report now submitted be approved with immediate effect; ACS

(C) authority be delegated to the Head of Contract Services, in consultation with the Portfolio holder and the Assistant Director (Financial Services), to vary the basic pricing schedule or any special trade waste charges required to maintain a competitive service and achieve agreed budget income targets; ACS/AFS

(D) officers be instructed to advance the introduction of direct debit mandates for this service; and ACS

(E) a supplementary vote of up to £50,500 be approved to fund the income shortfall in 2004/05. AFS

365 PENSION PROTECTION OF TUPE TRANSFEREES

The Executive considered and supported the recommendation made by the Local Joint Panel at its meeting held on 11 October 2004, in relation to Pension Protection of TUPE Transferees.

RECOMMENDED – that the request that, in order to provide additional protection for TUPE Transferees and that as part of the post tendering process, the successful tenderer be asked to seek admitted body status to the Local Government Pension Scheme, be supported. AHR

366 RECOGNITION AGREEMENT

The Executive considered and supported the recommendation made by the Local Joint Panel at its meeting held on 11 October 2004, in relation to the Recognition Agreement.

RECOMMENDED – that the formal Recognition Agreement for East Herts Council, to be signed by the Secretaries to the Staff and Employer's Side, be approved. AHR

367 EQUALITY AND DIVERSITY SCHEME/HATE CRIME/ RACE EQUALITY

The Executive considered and supported the recommendation made by the Local Joint Panel at its meeting held on 11 October 2004, in relation to the Equality and Diversity Scheme, Hate Crime and Race

Equality.

In response to questions by Councillor A M Graham, the Assistant Director (Human Resources) confirmed that staff would be suitably trained in the hate crime reporting procedures. He stated that publicity would be undertaken in partnership with the police, which could include an article in Link magazine. He also confirmed that translation of these documents into community languages or braille could be met if requested.

RECOMMENDED - that the following policies, as now submitted, be supported:

AHR

- (A) the Diversity and Equalities Policy,
- (B) the Race Equality Scheme, and
- (C) the Hate Crime reporting procedure.

368 **EAST HERTFORDSHIRE DISTRICT COUNCIL (PARKING PLACES) (AMENDMENT ORDER) NO 2 2004**

The Executive Member for Community submitted a report advising the Executive of objections received to the East Hertfordshire District Council (Parking Places) (Amendment Order) No 2 2004, which would enable a park and ride scheme to be brought into use in Bishop's Stortford.

The Executive recalled that, Council had, at its meeting held on 29 September 2004, approved proposals for the redevelopment of Jackson Square multi storey and riverside car parks in Bishop's Stortford. Four hundred car parking spaces would be lost during the redevelopment period and replacement places would be provided at a park and ride centre at Woodside, Dunmow Road, Bishop's Stortford. Officers had been authorised to proceed with a parking places order to allow control of the park and ride scheme.

The Parking Places Order had been drafted and a Notice advertised with a deadline for comments of 29 October 2004. The Executive noted that only one response had been received to the Notice. This came from Hertfordshire Constabulary who had expressed no comment.

The Executive supported the recommendation as now detailed.

RECOMMENDED - that the East Hertfordshire District Council (Parking Places) (Amendment Order) No 2 2004 be confirmed as an unopposed Order.

ALC

(Note – This recommendation was submitted for determination to the Extraordinary Council meeting held on 9 November 2004).

RESOLVED ITEMS

369 MINUTES

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

370 GREEN HEART PARTNERSHIP

The Executive Member for Community submitted a report on the Green Heart Partnership. This was a three-year initiative involving all of Hertfordshire's Local Authorities, Hertfordshire County Council (HCC), the Arts Council of England, East, and the Local Government Arts Forum. The theme of the Green Heart Partnership was arts and its environment with the intention of running a number of projects across Hertfordshire from 2004-07.

The Arts Council had established six sub-regional partnership arrangements for its eastern region encompassing the counties of Suffolk, Norfolk,

Cambridgeshire, Bedfordshire, Hertfordshire and Essex. HCC together with all district and borough councils in the county, had entered into an agreement with the Arts Council England, East to establish such a partnership arrangement for Hertfordshire.

The Executive noted the funding arrangements as detailed in the report submitted. It was the intention of the Hertfordshire Partnership that project funding would be resourced by an investment fund created from income from the Arts Council England, East and local authorities in the Partnership together with funding to be obtained from other sources, including Arts Lottery funding. The baseline investment was approximately £390,000 in Hertfordshire for 2004-2007 in anticipation that this provision would be used to lever in an additional £710,000, so as to make a total of approximately £1,100,000 for expenditure over that period. East Herts' subscription to the Arts Council England, East for 2004/05 was £4,470.

A steering group comprising local authority officers, had been in operation for some time and had co-ordinated the writing of a business plan as well as a launch event. It was proposed that East Herts act as host authority to manage the finances of the Partnership. The main remit of the host authority would be to act as a banker for the project. This would include the writing of orders and receiving invoices, as well as writing financial reports on a monthly basis to the Steering Group, and ensuring that the Partnership was run on sound financial lines.

The Executive supported the recommendations as now submitted.

RESOLVED: that East Herts Council act as the host authority for the Green Heart Partnership.

APP

371 FORWARD PLAN – DECEMBER 2004

The Executive Member for Corporate Facilities submitted a report seeking approval for the publication of the Forward Plan for the period December 2004 - March 2005.

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

RESOLVED - that the Forward Plan for December 2004 – March 2005, as set out at Appendix 'A' to these Minutes, be approved for publication.

ALC

372 LOCAL PLAN EXECUTIVE PANEL – MINUTES OF THE MEETING HELD ON 19 OCTOBER 2004

The Executive agreed to receive the minutes of the Local Plan Executive Panel meeting held on 19 October 2004.

RESOLVED: that the Minutes of the Local Plan Executive Panel meeting held on 19 October 2004, be received.

(see also Minutes 362 – 363 above)

373 LOCAL PLAN JOINT PANEL – NOTES OF THE MEETING HELD ON 11 OCTOBER 2004

The Executive agreed to receive the Notes of the Local Joint Panel meeting held on 11 October 2004.

RESOLVED: that the Notes of the Local Joint Panel meeting held on 11 October 2004, be received.

(see also Minutes 365 – 367) above)

The meeting closed at 5.10 pm.

Nps\Executive\9 November 2004\Minutes 9 Nov 2004

Chairman
Date