

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 15
DECEMBER 2004 AT 7.30 PM

PRESENT: Councillor D E Mayes (Chairman).
Councillors M R Alexander, W Ashley,
P R Ballam, H G S Banks, S A Bull, N Burdett,
E J Cain, M G Carver, D Clark, R Conway,
R N Copping, A F Dearman, J Demonti,
G L Francis, R Gilbert, Mrs M H Goldspink,
Mrs D L E Hollebon, Mrs D Hone, A P Jackson,
G McAndrew, M P A McMullen, T Milner,
S Newton, R L Parker, 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,
J J Taylor, M J Tindale, J P Warren, N Wilson and
M Wood.

OFFICERS IN ATTENDANCE:

Rachel Stopard	- Executive Director (Head of Paid Service)
Cliff Cardoza	- Head of Contract Services
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)

ACTION463 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 3 November 2004, and the Minutes of the Extraordinary Council meeting held on 9 November 2004, be approved as a correct record and signed by the Chairman.

464 CHAIRMAN'S ANNOUNCEMENTS

The Chairman invited all Members and Officers present to join him for some seasonal light refreshment after the meeting.

He also invited Members to join him at the staff Christmas drinks on Friday 17 December 2004, at the Bishop Stortford offices at 11.30 am, and at Wallfields at 2.45 pm.

465 DECLARATIONS OF INTEREST

Members made the following declarations of interest:

- 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.
- Councillors S A Bull and R Gilbert asked Council to note the declaration they made at the Development Control Committee meeting held on 10 November 2004, in respect of the matters detailed at Minutes 392 – Planning application and 387 – Enforcement Action respectively.
- Councillors S Newton, D A A Peek and P A Ruffles asked Council to note their personal interests in the matter referred to at Minutes 337 and 338 – Parking Decriminalisation matters, in that they were Hertfordshire County Council matters.

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- Councillor P A Ruffles declared a personal and prejudicial interest in the matter referred to at Minute 418 – Capital Programme, in that an element of the proposals related to Sele Community and Housing Project, in which he had been involved as a Hertfordshire County Council Member. He left the Chamber whilst this matter was considered.
- Councillors M R Alexander, P R Ballam and J J Taylor declared personal interests in the matter referred to at Minute 418 – Capital Programme, in that an element of the proposals related to Ware Drill Hall, in which they were Board members.
- Councillor T A Milner declared a personal and prejudicial interest in the matter referred to at Minute 418 – Capital Programme, in that an element of the proposals related to Sele Community and Housing Project, in which Riversmead Housing Association, of which he was a Board Member, was involved. He left the Chamber whilst this matter was considered.

466 PUBLIC QUESTION

Mr B Edwards asked the Leader of the Council the following question in respect of the future of Bishop's Stortford:

Having attended the Community Voice meeting on the Bishop's Stortford Master Planning Study, I feel strongly that Councillors should put party politics on one side and unite to take on the common issues for the town of Bishop's Stortford. I would ask that in parallel with active comments on the totally inadequate proposals, they establish a set of bargaining positions against which some development of the land north of the town (ASR's) could be considered, for example:

1. Detailed traffic survey followed by complete review of the highway layout to ameliorate traffic congestion in the town and achieve a

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pedestrian precinct along Potter Street at least.

2. Upgrade of the policing service for the town.
3. Improved school facilities.
4. Improved health facilities.
5. Establishment of 3 Park and Ride facilities to reduce traffic in/out of the town centre. One south (Thorley Wash). One West (Tesco area) in addition to the one East (Birchhanger).
6. Better sports and social facilities for all but especially for the 11 - 18 age group.
7. Investment in Rhodes Centre to give a quality entertainment centre.

In response, the Leader personally welcomed Mr Edwards and this question as it cut right to the heart of the purpose for the Bishop's Stortford Masterplanning Study. The Study did not address the question of whether development should take place. Rather, it was carried out on a "what if" basis – if development had to take place, what sort of development should occur, how could the benefits to the town be maximised and any harm be minimised? The Study was, in effect, designed to establish the sought after "bargaining position".

The original brief for the study, funded by the Office of the Deputy Prime Minister, was in two parts. Firstly, the consultants were required to look at development options for the land within the northern bypass, including the type and mix of uses, landscape issues and the question of how to access the site. The second element required investigation of the impacts of such development on the town itself, in terms of traffic generation, congestion, education provision, retail provision and community facilities etc.

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The question referred to potential improvements in policing and health service provision. These were key areas of social infrastructure provision that needed to be addressed when considering new development. Officers would be liaising with statutory service providers through the preparation of this Masterplan, and the Local Strategic Partnership (LSP) had been involved in the production process.

The need for community and recreation facilities, and the question of what level of provision was appropriate for any new development would be addressed in the emerging study. This issue was also being taken forward through the Audit and Assessment of Open Space, Sport and Recreation Facilities currently being undertaken by consultants on behalf of the Council (known as the PPG17 Study). The Leader also referred to the £2.5m funding the Council had invested in the Rhodes Centre as the town's main community facility.

Transport was one of the most important issues for Bishop's Stortford. Initial feedback from the consultants was that the transport implications of the emerging Masterplan were, unsurprisingly, significant. There was a growing feeling that further work, beyond what was envisaged in the original brief, might be required to produce a town-wide multi-modal transport study. Such a study would look at existing transport problems, potential solutions, and the role any development of the area to the north of the town could play in facilitating an overall improvement. The issue of park and ride facilities would be addressed as part of this overall movement study, and was one of a number of options available for dealing with traffic problems.

However, the questioner should be under no misapprehension that this Council would not be developing any sites, until such time as they had been included properly in the Local Plan Process, that the public had had the widest possibility for engagement in the development of the plan, and the Government clearly and unequivocally, provided the necessary funding, not only for any new development, but

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also for the infrastructure deficit that already existed. Their track record on this premise was already in question.

In response to a supplementary question, the Leader reiterated that the Areas of Special Restraint (ASR) were not earmarked for any developments within the Redeposit Local Plan issued this week.

467 MEMBERS' QUESTION

Councillor N Burdett asked the Executive Member for Finance, given that the police force was facing a massive shortfall in government funding for the next financial year, Herts County Council had also learned it was facing a reduced grant, East Herts Council was knee deep in yet more expensive government imposed initiatives, and all the while, EERA was spending many millions of pounds on consultations and bureaucracy, how on earth could this Council protect those paying council tax from further rises?

In response, the Executive Member stated that he was certainly aware that the Police Authority and the County Council had expressed their concerns regarding the level of funding they anticipated receiving from Central Government. He imagined that they, like the District Council, must be frustrated by the continuing challenge of providing front-line services to standards expected by the public, made all the more difficult by this Government's impositions and under-funding.

Increasingly the Council was being subjected to under-funded initiatives, such as licensing, ineffective consultation such as that involving the airport expansion White Paper, and the growing burden of 'box-ticking' bureaucracy.

However, he was proud that in spite of these challenges, this Authority continued to provide high quality services that represented value for money. In recent years, the Council had:

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- managed the successful transfer of its housing stock and improving the quality of life to those living in those properties;
- increased its recycling activity year-on-year, meeting Government targets, but in a financially sustainable manner;
- undertaken a review of base budgets to ensure that resources supported corporate priorities;
- managed a capital programme that ensured the assets of the Authority were enhanced, provided capital support to projects that improved communities, and continued to invest in social housing development;
- consulted with the public and businesses in the District to inform our budget process;
- acted in a socially responsible way by undertaking on-street parking enforcement, which in the medium-term would be self-financing; and
- worked towards minimising the financial impact of undertaking the licensing liquor responsibilities from the Magistrates courts, even though the centrally set fee structure and insignificant funding from central Government made this difficult.

As a single District Authority, the Council's voice was not as loud as it would like it to be. However, its voice, along with the voices of other local authorities, channelled through the Local Government Association had, and would, continue to shout at this Government to help the Council protect its council taxpayers.

In the meantime, this Administration would carry on doing the things outlined to play its part in minimising future council tax increases, and at the same time, provide services that were value for money. This Administration

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demonstrated that Conservative councils provided more and cost less.

468 PORTFOLIO REPORT

The Executive Member for Corporate Facilities gave a portfolio presentation.

He outlined the latest position in respect of the Council's Implementing Electronic Government (IEG) Strategy and how this was resulting in organisational benefits and improvements for customers. He also referred to the latest IEG submission, which was subject of a recommendation from the Executive. This would release an additional £150,000 funding from the Government.

The Executive Member also referred to new building regulations in respect of electrical safety, which would be implemented from 1 January 2005. He informed Members that the Building Control Service had been awarded the quality standard ISO 9001.

469 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 3 and 9 November and 7 December 2004.

The Leader referred to the end of an eventful year with many challenges faced, but with still many more to come in 2005. He thanked all staff and Members for the huge effort that all had made this year, particularly in achieving the CPA 'Good Council' status.

The New Year would start with practical reality in the form of the implementation of a number of 2004 plans, the introduction of Decriminalisation Parking Scheme, the Local Plan moves to Second Consultation and Public Inquiry stage, the start of the new licensing procedures, the redevelopment of Jackson Square in Bishop's Stortford, plus many other developments, but probably the most important

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of all, the East of England Regional Plan consultation and Examination in Public.

As Members were aware, on Friday 10 December 2004, the Regional Assembly overturned its support for the East of England Plan following the announcement of a poor settlement to support the infrastructure for the first three years of the Plan. This Authority played an active part in pushing for the reversal of this decision, which was a Conservative motion supported by a number of Liberals and Stakeholders. Despite this reversal of support, the process of consultation will still move forward and it was essential that the public was made aware of this fact.

It was doubly important to ensure that constituents still made their voice and their views heard. This was why he was a little disappointed to note that although East of England Regional Assembly were now to hold a public meeting in East Herts, it was somewhat discriminating in that any constituents who wished to attend would have to apply for an invitation to the meeting at Hertford. This was hardly open, transparent and democratically engaged!

The Council would ensure that as an Authority, all the people of East Herts were provided with the maximum of information and opportunity to understand the issues involved, and how the proposals would affect them locally in their daily lives, both now and in the future.

This week also saw another key challenge by this Authority with its partners in the High Court over the proposals for the expansion at Stansted and Luton. It was hoped that the results would be known in February next year.

At the Local Government Association Winter Conference, today in London, the Assembly heard again from the Government in the shape of Prescott, Raynsford and Hill on how they intended to continue to push the Housing/Planning agenda still further with even more prescriptive rules, again, around Development Control arrangements and Local

ACTION

Plans.

The Leader queried when the interference would stop and Local Authorities would be allowed to get on delivering local services, which local people wanted and paid for. Hopefully, in 2005 after the much speculated General Election, when a Conservative Government would strip away the third tier of government in the shape of Regional Assemblies, cut and close the proliferation of quangos, reduce the level of burdensome inspection and trust Local Authorities to get on with their democratically elected responsibilities.

On that note, 2005 would be a challenging and demanding year for all Members and Staff alike, and so he wished all a very restful and enjoyable Christmas and New Year holiday, returning refreshed to meet those challenges in 2005.

In response, the Leader of the Opposition expressed support for much of the Leader's address, except for his views on the outcome of the speculated General Election.

In respect of Minute 414 – Licensing Act 2003 Statement of Policy, the Executive Member for Finance asked Council to accept the following amendment to recommendation (B)

Insert 'subject to minor non-material amendments'
before 'the draft...'

He explained that this amendment was necessary, in order that further non-material amendments to the policy could be made, in the light of further comments received from Counsel, and additional regulations issued by the Government.

Council approved this amendment.

In respect of Minute 418 – Capital Programme, Councillor Mrs M H Goldspink queried the proposed increased expenditure on the improvements to the Wallfields reception. She stated that there was insufficient detail before Members,

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to enable a considered decision to be made.

In response, the Executive Member for Finance gave details of the tenders received for this particular project. He emphasised the importance of providing a quality environment and facilities for customers visiting Wallfields. He undertook to ensure that the detailed plans be shared with any Member who wished to see them.

In respect of Minute 426 – Aston Parish Plan, the Leader of the Council expressed his gratitude to everyone involved in the Aston Parish Group for producing such an excellent plan. His message to other parishes considering similar plans was to proceed along this route, as parish plans represented an important part of the Local Plan process.

RESOLVED – that (A) the Minutes of the Executive meeting held on 3 November 2004, be received,

(B) in relation to Minute 414 – Licensing Act 2003 Statement of Policy, recommendation (B) be amended by the addition of the words, ‘subject to minor non-material amendments’ before the words, ‘the draft...’, and

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(C) the Minutes of the Executive meetings held on 9 November and 7 December 2004, be received, and the recommendations contained therein, be adopted.

(Note – Councillor Mrs M H Goldspink asked that her abstention be recorded from the decision relating to the Wallfields Reception improvements)

ACTION470 MINUTES OF COMMITTEES

- (A) JOINT MEETING OF THE EXECUTIVE AND PERFORMANCE SCRUTINY COMMITTEE – 7 DECEMBER 2004

Councillor Mrs D L E Hollebon advised Council that a further joint meeting would be held on 4 January 2005, to consider the Leisure Review Inspection, and invited all Members to attend and participate.

RESOLVED - that the Minutes of the joint meeting of the Executive and the Performance Scrutiny Committee meeting held on 7 December 2004, be received.

- (B) PERFORMANCE SCRUTINY COMMITTEE – 8 NOVEMBER 2004

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 8 November 2004 be received, and the recommendation contained therein, be adopted.

- (C) DEVELOPMENT CONTROL COMMITTEE – 10 NOVEMBER 2004

RESOLVED - that the Minutes of the Development Control Committee meeting held on 10 November 2004, be received.

- (D) POLICY DEVELOPMENT SCRUTINY COMMITTEE – 16 NOVEMBER 2004

RESOLVED - that the Minutes of the Policy Development Scrutiny Committee meeting held on 16 November 2004, be received.

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(E) PERFORMANCE SCRUTINY COMMITTEE – 7
DECEMBER 2004

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 7 December 2004, be received.

471 AMENDMENTS TO CONSTITUTION

Council considered a report of the Monitoring Officer proposing amendments to the Constitution in relation to the Licensing Act 2003 and the Anti-Social Behaviour Act 2003.

In respect of the Anti-Social Behaviour Act 2003, it was proposed that the Assistant Director (Regulatory Services) and the Assistant Director (Direct and Contract Services) be given authority to authorise officers to issue graffiti penalty notices, graffiti removal notices and exercise other appropriate powers under the Anti-Social Behaviours Act 2003. Also, the Assistant Director (Development Control) be given authority to authorise officers to exercise powers and duties relating to high hedges under the 2003 Act.

Further, the Assistant Director (Law and Control), Assistant Director (Policy and Performance), Head of Housing and Community Planning and Community Safety Manager be authorised to exercise powers under the Anti-Social Behaviour Act 2003 including consent to closing orders. Finally, the Executive Director (Head of Paid Service) be authorised to make closure of noisy premises orders.

In respect of the Licensing Act 2003, it was proposed that the membership of the Licensing Committee be amended to 15 Members rather than 17 Members in accordance with Section 6 of the Licensing Act 2003. The Committee would appoint a sub-committee to consider licensing applications, consisting of 3 Members, drawn from the Licensing Committee. The Licensing Committee would have responsibility for all licensing matters.

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It was also proposed that the officer delegation scheme should be amended to permit the authorised officer the authority to grant applications and licences under the Licensing Act 2003, where there were no objections, dispute or difficulty and to add the Licensing Act 2003 to the list of Acts of Parliament giving relevant officers powers and duties. In respect of the new licensing provisions, the proposed amendments were set out in an appendix to the report now submitted.

Council noted an error in the allocation of seats between Councillors D R Atkins and J P Warren on the Call-in Scrutiny Committee and the Development Control Committee, where the figures had been transposed erroneously. The Monitoring Officer clarified that existing allocations on these committees were unchanged.

Council noted a Member's comment on the operation of the new Licensing Committee arrangements.

Council approved the proposals as now detailed.

RESOLVED - that (A) the amendments to the constitution, as detailed in the report now submitted, be approved,

ALC

(B) as a consequence of the decision at (A) above, the allocation of seats on Scrutiny Committees and the Development Control and Licensing Committees be as follows:

ACTION

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>	<u>Total</u>	
			<u>Dems</u>						
Policy Scrutiny	16	13	2	1	0	0	0	16	
Performance Scrutiny	16	13	2	0	1	0	0	16	
Call-In Scrutiny	12	11	1	0	1	0	0	12	
Development Control	25	20	2	1	0	1	1	25	
Licensing	15	12	1	0	0	1	1	15	
Total	84	68	8	2	2	2	2	84	

(C) Members be appointed to the Committees in (B) above, in accordance with the wishes of the political groups to whom seats have been allocated.

472 AMENDMENT TO THE SIZE OF THE EXECUTIVE

The Leader of the Council submitted a report proposing an amendment to the size of the Executive.

Members recalled that Council, at its Annual meeting held on 12 May 2004, agreed the size of the Executive of 5 Executive Members plus the Leader and Deputy Leader. Members also recalled that the Leader of the Council gave notice of his intention to seek to increase the size of the Executive after six months. This was due to the anticipated resignations of 2 existing Executive Members (Councillors H G S Banks and N C Poulton) at the end of 2004/05. The Leader had identified a need to provide a suitable lead-in time for the incoming Executive Members to assume the responsibilities of the outgoing Executive Members.

It was proposed that the 2 'shadow' Executive Members would not have direct portfolio responsibilities, but would 'shadow' the existing Executive Members. Council noted that the Leader would be issuing the new portfolio responsibilities from May 2005 for the year 2005/06. Furthermore, the Leader stated that he intended to appoint Councillors N Burdett and T Milner as the new 'shadow'

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Executive Members.

The Leader stated that, under the Members' Allowances Scheme, an appointment to the Executive carried a Special Responsibility Allowance (SRA). Members' Allowances were determined by Council in light of recommendations by the independent Remuneration Panel. The proposals to appoint these 'shadow' Executive Members for the remainder of 2004/05 had been referred to the Panel. Its report was attached as an Appendix to the report now submitted.

Council noted that the Panel had concluded that the factor for the 'shadow' Executive Members should be 1.5, and that this allowance should be paid pro rata for the period commencing from their appointment to the Annual meeting in 2005.

Council supported the proposals as now detailed.

RESOLVED - that (A) the number of Executive Members to be appointed to the Executive be increased from 5 to 7, plus the Leader and the Deputy Leader, for the remainder of 2004/05; and

(B) the Special Responsibility Allowance of a factor of 1.5, be approved.

ALC

The meeting closed at 8.55 pm

Chairman
Date