

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 1 FEBRUARY 2005 AT
4.00 PM

PRESENT: Councillor M G Carver (Leader/Chairman).
Councillors H G S Banks, M R Alexander,
N Burdett, A P Jackson, T Milner, R L Parker,
N C Poulton.

ALSO IN ATTENDANCE:

Councillors W Ashley, R Gilbert,
Mrs D Hone, D E Mayes, D A A Peek,
L R Pinnell, P A Ruffles, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Simon Drinkwater	- Assistant Director (Law and Control)
Simon Chancellor	- Head of Accountancy Services
Martin Ibrahim	- Senior Democratic Services Officer
Mary Orton	- Assistant Director (Policy and Performance)

539 APOLOGY

An apology for absence was submitted on behalf of
Councillor D Clark.

540 CHAIRMAN'S ANOUNCEMENT

The Leader stated that he had agreed to accept an urgent item of business onto the agenda. This related to a proposal to utilise external funds to commission a traffic and transport study in Bishop's Stortford (see Minute 550 below). As expenditure needed to be incurred before 31 March 2005, the item could not be delayed until the next meeting.

541 DECLARATION OF INTEREST

Councillor M G Carver declared a personal and prejudicial interest in the matter referred to at Minute 545 – Strategic Area Review (StAR) of Post-16 Learning in Hertfordshire Consultation Document, in that he was a governor of Hertford Regional College. He left the chamber prior to consideration of this matter. In his absence, Councillor H G S Banks assumed the chair for this item only.

542 EXCLUSION OF THE PRESS AND PUBLIC

The Executive passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 544 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMS

ACTION

543 SUPPLEMENTARY ESTIMATES

The Executive Member for Finance submitted a report seeking approval for supplementary estimates in various budget heads, due to reductions in income and increases in expenditure as now detailed.

The Executive Member stated that following detailed monitoring of budgets by the Directors Board, a need for supplementary estimates in various areas were identified. These were:

	Reduction in Income £000	Increase in Expenditure £000
Pools Income	97	
Market Income	17	
Licensing Income	90	
Development Control Income	125	
Temporary Accommodation		40
Bus Subsidy		40
Land Charges Income	60	
	<u>389</u>	<u>80</u>

The Executive Member detailed explanations for each of these items.

The Executive noted that in part, as a result of predicted additional income being generated via the Council's investments, it was envisaged that balances would not be required to fund these supplementary estimate requests.

The Executive agreed to recommend these supplementary estimates totalling £469,000, as now detailed.

RECOMMENDED – that supplementary estimates totalling £469,000, as now detailed, be approved.

AFS

544 UPDATE ON COUNCIL TREASURY MANAGEMENT

The Executive Member for Finance updated the Executive on the performance of the Council's investments. He outlined the Council's treasury position as at 30 November 2004 compared to 1 April 2004.

The Executive Member detailed outstanding debts as well as the performance on the Council's externally managed funds. He also referred to performance on the internally managed funds.

RECOMMENDED - that (A) the report be received; and

(B) the Assistant Director (Financial Services) be authorised to increase the level of funds managed by Investec by up to £5M at the appropriate time. AFS

RESOLVED ITEMS

545 STRATEGIC AREA REVIEW (StAR) OF POST-16 LEARNING IN HERTFORDSHIRE – CONSULTATION DOCUMENT

The Executive Member for Finance submitted a report seeking approval for the Council's response to the priorities identified by the Learning and Skills Council (LSC) in its Strategic Area Review (StAR) of Post 16 Learning in Hertfordshire.

The consultation document set out a number of options in table form relating to a range of themes and local East Herts Council area specific issues. The options that the LSC favoured were identified in bold in each table of the main consultation report. The LSC required responses to be made on a standard prescribed consultation response form as attached at Appendix 'A5' of the report now

submitted.

The Executive Member stated that in the main, most of the LSC's preferred options could be endorsed. However, a number of variations and caveats had been suggested as part of the Council's response, and these were identified in bold in Appendix 'A5' of the report now submitted. The Executive's attention was drawn to three main points that warranted emphasis in the response to the consultation:

- The need for further education facilities in Bishop's Stortford (option 4 of the East Hertfordshire and Broxbourne local area issues section of the consultation response form).
- The recommendation that funding for the post of lifelong learning coordinator (hosted by East Herts Council) was continued, and that the role of this post in servicing the East Herts Learning Forum was maintained and strengthened (options 5 and 6 of the county-wide issues, strategic leadership section on the consultation response form).
- The present structure of the East Herts Learning Forum reporting into the East Herts Local Strategic Partnership was maintained and strengthened (options 5 and 6 of the county-wide issues, strategic leadership section on the consultation response form).

In response to a Member's question, the Executive Member stated that the Council's interest in education issues was based on its wider economic development role in ensuring that the appropriate skills were available locally.

The Executive agreed the recommendations.

RESOLVED – that a response to the StAR report, as detailed at Appendix 'A5' of the report now submitted, in light of the comments arising from the East Herts Learning Forum and the Hertfordshire

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Learning Partnership, be approved.

546 CHANGES TO 388 AND 351 BUS ROUTES

The Executive Member for Finance submitted a report highlight the likely implications of the proposed changes to bus routes 388 and 351.

The Executive recalled that public transport was the responsibility of the County Council, which awarded commercial contracts to operators to run bus routes. Those routes that were not commercially viable were reviewed by the County to assess whether they should be run on a subsidised basis. Historically, the districts contributed 25% of the cost of funding the subsidised bus routes. At the end of 2003-04, the County Council presented East Herts Council with a £40,000 increase in the annual bill for subsidised buses. It was agreed that the budget would be kept at the same level and that the Council would aim to work in partnership with the County Council to manage the budget to this level.

As part of this process of managing this budget, several changes had been implemented or proposed, including fares increases, changes to certain timetables on some routes and closer links to school transport where possible. One such proposed change, consulted on during the summer 2004, was to the 379 / 388 route, which ran through Tewin. Several objections were raised to these proposals, and as a result, it was agreed not to implement any changes to that route until at least the end of the financial year. The County Council had recently issued consultation about further changes to the 388 and 351 routes, one of which referred to the same route as was consulted on during the summer.

The Executive Member detailed the proposed changes and the likely impact on passengers.

The changes proposed to the 388 route included the extension of the school service to include a pick up at

Presdales school in Ware. This could increase usage by school children living in the villages. It was proposed that the 388 would no longer stop at Datchworth. The County Council stated that there was no significant use and the detour increased journey times for other passengers.

The proposed changes to the 351 route included an extension within the Bishop's Stortford area to cover Parsonage Lane at school times. This was to meet the demand from students who were not entitled to free school transport. This should increase usage of this route. There were also minor changes to the timetable at the beginning and end of the day.

The Executive supported the proposed changes as now detailed.

RESOLVED – that the proposed changes to bus routes APP 388 and 351 be supported.

547 EDWARD RICHARD KEMP WILL TRUST

The Executive Member for Community submitted a report on the future of the funds received under the Edward Richard Kemp Will Trust.

The Executive recalled that it had previously resolved that the trustees of Mr Kemp's will, be informed that the Council wished to accept the bequest for the provision of almshouses for the funding of appropriate affordable supported housing in Hertford, through a housing association. Efforts to implement this decision had been hampered by the legal complexities, which had arisen. An alternative solution was now proposed, whereby the Council would transfer the funds to an independent almshouse charity.

Following acceptance of the bequest, the Council sought the advice of Mills & Reeve in relation to the establishment of a charity to administer the bequest. Mills & Reeve identified the difficulties raised by section 139(3) of the

Local Government Act 1972, which prohibited the acceptance by a local authority of property which, when accepted, would be held for a charity for the relief of poverty.

The advice of the Charity Commission was sought by Mills & Reeve in December 2002. The Charity Commission advised that section 139(3) was an issue but that the Charity Commission would be prepared to register an independent charity for the provision of housing to young people and that the Council could nominate a minority of the trustees. The Council then sought further advice regarding the possibility of transferring the trust fund to Hertfordshire Community Foundation to be administered as a named fund. The further advice of the Charity Commission was sought. At that stage, the Charity Commission questioned the power of the Council to accept the bequest since it was in breach of section 139(3).

Following this, the Council sought the opinion, first, of Mrs Francesca Quint (in relation to the charity law issues raised by the bequest) and, second, of Mr David Elvin QC (in relation to the Housing Act implications of the bequest). Their advice was detailed in the report now submitted.

In the light of their advice, the Council was required to administer the trust funds or apply to the Charity Commission for a scheme to transfer the trust funds to an independent charity. It was recommended that the Council should apply to the Charity Commission for a scheme to transfer the funds to an independent charity.

The Executive Member detailed the course of action that would need to be followed, in the event of the Executive agreeing the recommendation detailed above.

The Executive supported the recommendation as now detailed.

RESOLVED - that the Council apply to the Charity Commission for a scheme to transfer the funds to an

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independent almshouse charity.

548 FORWARD PLAN – MARCH 2005

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

The Leader referred to Forward Plan Item 3 – Regional Spatial Strategy Consultation, and stated that this matter would be considered by the Executive on 9 March 2005, and not 1 March as stated. The Executive approved this amendment.

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

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

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549 HIGHWAYS PARTNERSHIP JOINT MEMBER PANEL

The Executive received the Notes of the meeting of the Highways Partnership Joint Member Panel meeting held on 25 October 2005.

Members commented on a number of issues, including:

- yellow-lining of roads in Bishop's Stortford;
- gully-emptying; and
- Section 38 Highways Adoptions.

RESOLVED – that the Notes of the Highways Partnership Joint Member Panel meeting held on 25 October 2005, be received.

550 BISHOP'S STORTFORD TOWN-WIDE TRAFFIC AND
TRANSPORT STUDY

The Executive submitted a report seeking approval to commission a study, in partnership with Hertfordshire County Council and the Government Office for the East of England, into the growing problems of traffic and transportation in and around Bishop's Stortford.

In 2004, the Council commissioned two studies, with financial assistance from the Government Office for the East of England. These were a Sustainability Assessment of the District, and a masterplanning study of the areas to the north of Bishop's Stortford, that had been identified as a possible location for future growth in the East of England Plan. The masterplanning study was now in its final stages. It had identified that development to the north of the town would significantly increase the congestion on roads throughout the town centre, as well as into and out of the town. In fact, the town was already experiencing severe traffic congestion problems, and pipeline development schemes in the town centre would be contributing to this problem.

The Leader suggested that there was a lack of an up-to-date strategy for the town, to encourage sustainable transport use and to minimise congestion in the town centre. This was leading to a piecemeal approach to traffic management, as individual development schemes came forward for planning approval.

Hertfordshire County Council (HCC) and Go-East had offered to work in partnership with East Herts Council on this issue, and had offered to fund a large proportion of the costs, which were £50,000 from HCC, and a further £10,000 from Go-East (which must be spent before 31 March 2005). East Herts was asked to contribute £10,000, which could be met from within existing planning policy budgets for 2005/06. Hertfordshire County Council had requested that East Herts commission the study, through this Council's standard tendering procedures. In order for

the Go-East proportion of the funds to be utilised this financial year, expressions of interest would have to be sought by mid-February, with a tender period of 21 February to 11 March. Therefore, urgent approval was required in order to allow the project to proceed.

RESOLVED - that East Herts Council, in partnership with Hertfordshire County Council and Go-East, commission a study to seek to identify solutions to the traffic and transport problems affecting Bishop's Stortford, and that Officers be authorised to invite tenders for a suitable consultant.

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The meeting closed at 5.13 pm

Chairman
Date