

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 23
FEBRUARY 2005 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, S A Bull, N Burdett,
A L Burlton, M G Carver, D Clark, R Conway,
R N Copping, A F Dearman, J Demonti,
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, L R Pinnell,
M Port, N C Poulton, J O Ranger,
T K H Robertson, P A Ruffles, S Rutland-Barsby,
B W J Sapsford, J J Taylor, M J Tindale,
A L Warman, 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
Lorraine Kirk	- Senior Communications Officer
Lois Prior	- Head of Communications
David Tweedie	- Assistant Director (Financial Services)

ACTION612 MINUTES

Council approved an amendment to Minute 533 – Declarations of Interest, in respect of Councillor S A Bull's declaration, by way of the addition of the following sentence at the end of the paragraph:

'He left the Chamber whilst this matter was considered.'

RESOLVED - that the Minutes of the Council meeting held on 26 January 2005, be approved as a correct record and signed by the Chairman, subject to the amendment now detailed.

613 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

He advised that the "draw" to identify the Council's nominations to attend one of Her Majesty the Queen's Garden Parties in 2005 had taken place. Councillors D R Atkins and A M Graham would be representing the Authority.

The Chairman referred to the event he was organising that would celebrate East Herts and would be held on 1 April 2005. This event would be used for the official launch of the 'Fund for the Future', at which the first generous donation would be revealed. He reminded Members that he aimed to raise £100,000 within the first year. All Members and their partners were invited to attend.

Finally, the Chairman invited Councillor N C Poulton to make a statement. Councillor N C Poulton advised Members that former Councillor Colin Harris had received the good news that he was now free of leukaemia. The Chairman thought he could speak on behalf of all Members in passing on the Council's best wishes.

ACTION614 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 586 – Affordable Housing Supplementary Planning Document (February 2005) and Housing Needs Survey (September 2004), as he was a landlord in respect of a planning application that was relevant to this policy. He left the meeting before this matter was considered.
- Councillor L R Pinnell declared a personal and prejudicial interest in the matter referred to at Minute 592 - Fees and Charges 2005/06, in that he was a member of the Bishop's Stortford Chamber of Commerce. He left the Chamber whilst this matter was considered.
- Councillor L R Pinnell declared a personal and prejudicial interest in the matter referred to at Minute 593 - Growth Items and Efficiency Savings 2005/06, in that his employer was a partner of Next Step. He left the Chamber whilst this matter was considered.
- Councillor M G Carver declared a personal and prejudicial interest in the matter referred to at Minute 593 - Growth Items and Efficiency Savings 2005/06, in that he was a governor of Hertford Regional College. He left the Chamber whilst this matter was considered.
- Councillor J P Warren declared a personal interest in the matter referred to at Minute 585 – The Outcome of the Market Testing of the Management for the Five Pools and Gyms, in that he was a governor of Ward Freman School.

ACTION615 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 1 and 15 February 2005.

He referred to the recent High Court decisions, in which the Council along with its partner authorities had sought a judicial review against the Government's Airports White Paper. The High Court had ruled in favour of the local authorities in three out of the four main judgements. The Leader stated that, despite the claims of the Government, the judgements had represented a victory for the local authorities. However, this was only the first challenge in what would be a long struggle to protect the local environment, and it would be important to maintain the campaign. The Leader thanked all the staff who were involved in providing support throughout the campaign to date.

The Leader also referred to the recent Audit Inspection of Cultural Services, and placed on record his thanks to all the staff involved in the process. He looked forward to what he hoped would be a satisfactory outcome.

In response to a question from Councillor R Gilbert, the Leader confirmed that press releases had been issued in respect of the High Court judgements and that further statements would be made as appropriate.

Councillor M Wood welcomed the Leader's comments and joined him in congratulating the staff and the Council's partners in achieving this outcome. He expressed concern that as everyone was claiming victory, a watchful eye needed to be kept on the situation.

In respect of Minute 585 – The Outcome of the Market Testing of the Management for the Five Pools and Gyms, Councillor A M Graham raised a number of concerns that had been expressed by staff that would be affected by the

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proposed externalisation. These concerns included:

- whether the current management team had been allowed or encouraged to submit a bid;
- the perceived savings of the proposed externalisation when previous exercises in other services had proved either more expensive or led to a worse service;
- whether there had been sufficient consultation with staff during the market testing exercise;
- the validity of the whole market testing exercise when only one realistic bid had been made; and
- the risk to the Council of the contract being awarded to the preferred bidder

In response to these concerns, the Executive Member for Environment and the Executive Director (Returning Officer) reminded Council of its decision taken in June 2004, to undergo a market testing exercise to compare bids received against existing costs. The existing staff had never requested that they submit a bid as part of the process. However, if a management buy out had been pursued, then any bid would have been considered.

The Executive Member refuted the contention that externalisation would be more expensive or that only one bid had been received. Originally, five expressions of interest had been received, and of these, two had submitted bids formally. These bids had been evaluated in detail, not only by officers and the Executive, but also by the external consultant who had advised throughout the process. The proposals, if approved, would deliver savings in excess of £1 million over the next five years. Also, the staff would be protected by the TUPE regulations. Therefore, everyone would benefit, including the users, staff and the Council taxpayer.

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The Executive Member for Finance added that a rigorous evaluation of the financial aspects of the bids had been undertaken, particularly with the preferred bidder. The proposed contract included appropriate contingencies.

The Executive Director stated that the concerns raised by staff had not been ignored and would be responded to in writing. She had written to Unison and intended to visit all five pools the next day with the Head of Human Resources and a representative of the preferred bidder, in order to respond to the concerns and to answer any questions. She also referred to the history and experience of the preferred bidder, and stated that although nobody could give any cast iron guarantees, she shared the Executive's comfort in the preferred bidder's ability to meet its contractual obligations.

Councillor J P Warren stated that he was happy with the explanations given, and suggested that the performance of the preferred bidder should be subject to six monthly monitoring by the Performance Scrutiny Committee.

In response to a request from Councillor L R Pinnell that officers report back to Members on the outcome of the staff meetings, the Leader stated that this would not be appropriate as it was a management issue.

In respect of Minute 586 - Affordable Housing Supplementary Planning Document (February 2005) and Housing Needs Survey (September 2004), Councillor D A A Peek stated that the question attributed to him had not been recorded correctly. He had in fact, referred to the average percentage of affordable housing units provided. In response, the Leader stated that between 1991 and 2002, the average percentage of affordable housing units provided had been 12%. The figures for the previous four years had been 31%, 7%, 11% and 22%. The wide variation in the figures could be explained by the number of significant sites that had been made available for development. He accepted that although the chances of achieving 40% affordable housing was low, it was hoped that the raising of

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the threshold would increase the average percentage figure.

In response to a question from Councillor R Gilbert relating to the effective date of the new policy and whether it would be applied to development control applications retrospectively, the Assistant Director (Law and Control) stated that the new policy would not affect decisions already made where the section 106 agreements were still being negotiated within the six month timescale. However, the new policy could be applied to older applications where the section 106 agreement had yet to be resolved.

In respect of Minute 587 – Review of Private Sector Housing Assistance Policy, Councillor Mrs M H Goldspink moved, and Councillor G L Francis seconded, an amendment to recommendation (I) as follows:

‘the private sector housing assistance policy be amended to allow grants of up to £10,000 to be made available to provide safe play areas for disabled children, on a trial basis for two years’.

Supporters of the amendment stated that this involved a small amount of money and would assist people who were in need of help. If approved for a trial period, the scheme could then be reviewed to determine its effectiveness.

In response, the Executive Member for Community stated that personally, he was open minded on this issue, and was guided by the Policy Development Scrutiny Committee, which had recommended no changes to this particular aspect of the policy.

The Leader referred to the cross-cutting approach taken by the Local Strategic Partnership and believed this was a more appropriate mechanism for delivering such schemes.

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

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as follows:

FOR:

Councillors D R Atkins, 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 Conway, A F Dearman, J Demonti, R Gilbert, J Hedley, Mrs D L E Hollebon, A P Jackson, M P A McMullen, D E Mayes, T Milner, S Newton, R L Parker, M Port, N C Poulton, J O Ranger, T K H Robertson, P A Ruffles, S Rutland-Barsby, J J Taylor, M J Tindale, A L Warman, J P Warren, N Wilson.

ABSTENTIONS:

Councillor D A A Peek.

For: 7

Against: 32

Abstention: 1

Council approved an amendment to the wording of recommendation (I) by deleting the words, 'to add' and inserting 'by adding'.

In respect of Minutes 590 – 594, which all related to proposals for the Council's budget in 2005/06, the Executive Member for Finance gave a presentation on the rationale for the proposals.

He stated that the Executive was proposing a budget for Enterprise in the coming year. He reflected on the challenges of the past year – decriminalised parking

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enforcement, the East of England Plan, licensing, recycling and funding for the Citizens Advice Bureaux. He also referred to a number of examples where the Council's performance had improved, resulting in the Council being shortlisted for the Local Government Chronicle's award for 'Most Improved Council'.

The Executive Member referred to the Base Budget Review that had been undertaken, resulting in £928,000 of efficiency savings. This had enabled resources to be redirected into areas of key priorities, such as:

- Crime and Disorder (funding contribution for Police Community Safety Officers and CCTV extension).
- Recycling (bring-site banks for plastics, introduction of kerbside collection of glass and cans and extension of collections for green waste and waste paper).
- Environmental initiatives (creation of electronic listed buildings database and buildings at risk register, increase in weed spraying, provision of dog bins, jet washing, additional footpath cleaning, tree survey inspections and resurveying of Tree Preservation Orders).
- Neighbourhood Management (improving town landscapes and ensuring an adequate return on investment in Town Partnerships).
- Preserving the unique mix of rural and urban communities (research and legal fees for responding to the East of England Plan, support for rural bus routes and Next Step).
- Protecting and providing support to the most vulnerable (funding for Community Strategy 'pot' and increased funding for community revenue grants and support for the arts).

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The Executive Member concluded by stating that the proposed budget comprised genuine savings, a realignment of expenditure and a real growth in key services. The proposed budget produced a Band 'D' Council Tax of £131.22, which represented an increase of 3.85% - the third lowest in Hertfordshire. The financial model indicated a sustainable budget over the medium term.

In response, Councillor M Wood stated that the Liberal Democrat Group supported the budget proposals in general. He outlined those items that he felt were a positive step towards achieving a right balance. However, he expressed concerns over some of the proposed increases in fees and charges, particularly in respect of car park charges in Bishop's Stortford.

In respect of Minute 592 – Fees and Charges 2005/06, Councillor M Wood moved, and Councillor Mrs M H Goldspink seconded, an amendment to the proposed increases in charges for short stay car parks in Bishop's Stortford. He proposed the following charges:

0-1 hours	50p (unchanged)
1-2 hours	£1 (unchanged)
2-3 hours	£1.80
3-4 hours	£2.40

Supporters of the proposed amendment referred to the impending demolition of Jackson Square multi-storey car park and the general disruption that would be caused by the large scale developments in Bishop's Stortford. Traders in the town centre would suffer as a result of the proposed increases. Therefore, it was the wrong time to make such increases. Instead, the bands for up to 2 hours should remain unchanged.

The Executive Member for Community reminded Members of Council's decision the previous year to look for

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of Council's decision the previous year to look for incremental increases of around 5% each year, in order to fund the cost of decriminalised parking enforcement. The Council's parking strategy sought to ensure that these costs were not borne by the Council Taxpayer.

Opponents of the proposed amendment suggested that the timing was not inappropriate, as having fewer spaces available in Bishop's Stortford would increase the demand for them. Therefore, it was necessary to increase turnover.

After being put to the meeting, and a vote taken, the proposed amendment was declared LOST.

In respect of Minute 592 – Fees and Charges 2005/06, the Executive Member for Finance moved, and the Leader seconded, an additional recommendation as follows:

‘the Executive be authorised to consider the receipt of any representations arising from the advertisement of an Off-Street Parking Places Order, and confirm the Order.’

The Executive Member for Finance stated that the approval of this additional recommendation would facilitate the statutory processes necessary for the increases in car park charges to be implemented from 1 April 2005.

Council approved this additional recommendation.

RESOLVED – that the Minutes of the Executive meetings held on 1 and 15 February 2005, be received, and the recommendations contained therein, be adopted, subject to:

(A) in respect of Minute 587 – Review of Private Sector Housing Assistance Policy, the amendment of recommendation (I) by deleting the words, ‘to add’ and inserting ‘by adding’; and

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(B) In respect of Minute 592 – Fees and Charges 2005/06, an additional recommendation being approved as follows:

‘the Executive be authorised to consider the receipt of any representations arising from the advertisement of an Off-Street Parking Places Order, and confirm the Order.’

(Note – Councillors G L Francis, A M Graham, Mrs M H Goldspink, L R Pinnell and M Wood asked that their abstentions be recorded from the decisions taken in respect of Minute 585 – The Outcome of the Market Testing of the Management for the Five Pools and Gyms.)

616 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE
– 20 JANUARY 2005

RESOLVED - that the Minutes of the Development Control Committee meeting held on 20 January 2005, be received.

(B) DEVELOPMENT CONTROL COMMITTEE
– 2 FEBRUARY 2005

RESOLVED – that the Minutes of the Development Control Committee meeting held on 2 February 2005, be received.

(C) PERFORMANCE SCRUTINY COMMITTEE
– 8 FEBRUARY 2005

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 8 February 2005, be received.

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(D) POLICY DEVELOPMENT SCRUTINY COMMITTEE – 10 FEBRUARY 2005

RESOLVED - that the Minutes of the Policy Development Scrutiny Committee meeting held on 10 February 2005, be received, and the recommendation contained therein, be adopted.

(E) LICENSING COMMITTEE – 17 FEBRUARY 2005

RESOLVED - that the Minutes of the Licensing Committee meeting held on 17 February 2005, be received.

The meeting closed at 9.20 pm

Chairman
Date