

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY 29 MARCH 2004 AT
4.00 PM

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

ALSO IN ATTENDANCE:

Councillors A L Burlton, J Demonti, R Gilbert,
M P A McMullen, D A A Peek, J P Warren and
M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Simon Drinkwater	- Assistant Director (Law and Control)
Paul Griffin	- Community Safety and Partnerships Manager
Tim Hagyard	- Planning Officer
Declan Hoare	- Interim Assistant Director (Direct and Contract Services)
Neal Hodgson	- Assistant Director (Regulatory Services)
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Keith Neat	- Head of Human Resources
Mary Orton	- Assistant Director (Policy and Performance)
Jan Spong	- Head of Community Protection

David Tweedie - Assistant Director
(Financial Services)

672 APOLOGIES

Apologies for absence were submitted on behalf of Councillors N Burdett and D Clark.

673 EXCLUSION OF 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 Minutes 688 – 689 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 7 - 9 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMS

ACTION

674 **STRATEGIC PLANS 2005/06 - ACTIONS**

The Executive Member for Corporate Facilities submitted a report setting out the proposed actions for the eight divisions of the Council to undertake for 2005/06.

The Executive recalled that strategic plans were produced every year by Assistant Directors. They set out how the Council's priorities would be delivered by setting service targets. The Executive noted that section 3 in each of the strategic plans had not been completed, as 2004/05 outturns were required to complete the analysis. These sections would be updated following the submission of outturn figures from 1 April 2005.

The Executive Member referred to the comments of the Performance Scrutiny Committee, which had considered the plans, at its meeting held on 8 February 2005. These were detailed in the report now submitted

ACTION

and were supported by the Executive.

The Executive agreed to recommend that the Strategic Plans 2005/06 be approved.

RECOMMENDED - that (A) the comments of the Performance Scrutiny Committee be received, and

(B) the Strategic Plans for 2005/06 be approved.

675 COMMUNITY SAFETY STRATEGY 2005-08

The Deputy Leader submitted a report seeking the Executive's support for the Community Safety Strategy for 2005-08. The Executive recalled that under Section 5 of the Crime and Disorder Act 1998, as amended by Sections 97 and 98 of the Police Reform Act 2002, all Crime and Disorder Reduction Partnerships (CDRPs) were required to develop three-year Community Safety Strategies. The strategy was created from an audit of crime, disorder and drugs that provided a picture of the major issues within the district. This would be the third Community Safety Strategy produced by the partnership.

The Community Safety Strategy detailed the broad areas the CDRP would be concentrating on in the coming three-years. The Executive noted that it did not contain the specific work that would take place to meet the targets within each priority, as these would be contained in annual action plans separate from the strategy. The first action plan was being developed by the priority lead officers and would be completed by April 2005.

The crime, disorder and drugs audit had illustrated that East Herts had one of the lowest levels of crime in the County and in the Eastern Region. The audit highlighted the importance residents placed on

ACTION

tackling issues of anti-social behaviour and community disorder, as opposed to crime. The audit did point to five key areas for the partnership to work on in the next three years as follows:

- Anti-social Behaviour
- Violent Crime
- Acquisitive Crime (*e.g. theft from motor vehicles / residential burglary*)
- Sense of Community Safety
- Alcohol and Drugs

It was commented that some of the targets set out within the Strategy needed to be tightened up to ensure that they were 'SMART'. Officers undertook to consider rewording some of these as necessary.

Some Members commented that although East Herts had one of the lowest recorded levels of crime in the region, the fear of crime amongst residents was still high, despite the recent success in the use of Anti-Social Behaviour Orders (ASBOs).

The Executive Member for Finance referred to the significant investment made by the Council in various initiatives that would support the strategy, including the provision of CCTV in Bishop's Stortford, Hertford and Ware. In response to a Member's question, the Executive Member stated that an officer working group had been set up to develop a timetable for the CCTV improvements that would take account of individual circumstances in each of the three towns.

The Executive supported the Community Safety Strategy 2005-08, as now submitted, and agreed to recommend it to Council for adoption.

ACTION

RECOMMENDED - that the Community Safety Strategy 2005-08, as set out in the report now submitted, be adopted.

APP

**676 PLANNING FOR MIXED COMMUNITIES –
GOVERNMENT CONSULTATION ON REVISION OF
PLANNING POLICY GUIDANCE NOTE 3: HOUSING
(PPG3)**

The Executive Member for Community submitted a report suggesting a response to the Government's consultation paper, 'Planning for Mixed Communities', which proposed revisions to parts of Planning Policy Guidance Note 3: Housing (PPG3).

The Executive Member stated that the key positive points of the consultation included a reduction in the site size thresholds to a minimum of 15 dwellings or 0.5 hectares, or lower where a local authority could justify it on the grounds of housing need. This would allow for the provision of affordable housing on smaller sites. The Government had also sought to clarify the definition of affordable housing. The roles of the regional and local planning bodies in creating mixed communities were clearly set out in the document. However, the detail that should be contained within the two types of local development documents (LDDs) in relation to affordable housing (i.e. Development Plan Documents – DPDs and Supplementary Planning Documents – SPDs) was not so clear. The consultation also set out guidance on the implementation of affordable housing policy through the planning application process.

The Executive Member detailed the main changes proposed to PPG3 in the following areas:

- Housing assessments
- Planning for mixed communities

ACTION

- **Mix of households**
- **Affordable housing**
- **Delivering mixed communities**
- **Definitions of affordable housing**

On the whole, the Executive Member welcomed the proposed changes as a positive step towards improving and increasing the provision of affordable housing. However, he expressed concern about the joint preparation and implementation of sub-regional/joint housing assessments, in that local knowledge could be overlooked or not be given due consideration.

Also, the Executive Member referred to a new aspect, detailed in paragraph 16 of the consultation document known as ‘cascade mechanism a’, which enabled local planning authorities to include a ‘fallback’ mechanism to ensure that affordable housing was delivered, should the level of public subsidy anticipated by the local development document not be forthcoming. This could also undermine the status of the development plan and might add extra time to the negotiation of planning obligations. It suggested that changes to public subsidy levels would take precedence over the policies set out in the development plan. It was considered that the Council should object to this approach, which would lead to uncertainty and would undermine the provision of affordable housing, as a lower proportion could be sought. It would also result in intermediate housing being provided in favour of social rented affordable housing, as the latter was more reliant on public subsidy to enable provision.

The Executive Member suggested that the proposed ‘cascade mechanism b’ be welcomed, as this would allow the Council to set out ‘the procedure to be

ACTION

followed to secure an occupant for affordable housing on rural exception sites, when such housing is vacated'. This should help to ensure that the affordable housing provided on exception sites remained available to local people in need.

The Executive supported the proposed response as now detailed.

RECOMMENDED - that in respect of the Government's Consultation Paper entitled: **Planning for Mixed Communities – January 2005**, the Office of the Deputy Prime Minister, be advised that East Herts Council:

APP

(A) welcomes the proposal to reduce the site size threshold to a minimum of 15 dwellings or 0.5 hectares, along with allowing local planning authorities to set lower thresholds, where there are high levels of need;

(B) welcomes the proposal that local development documents should set out the proportions of different housing tenures to be provided;

(C) welcomes the inclusion of definitions on different types of housing, including the proposal that affordable housing does not automatically include low cost market housing;

(D) raises concerns about the joint preparation and implementation of sub-regional/ joint housing assessments, in so far as local level knowledge and information could be overlooked or not given due weight;

(E) considers that clear guidance is needed on the appropriate subdivision of information between Development Plan Documents and

ACTION

Supplementary Planning Documents; and

(F) objects to paragraph 16 and cascade mechanism 'a' on the basis that it would result in policies for affordable housing in the local development document being over-ridden when the level of public subsidy anticipated is not forthcoming. This will undermine the status of the development plan and the provision of affordable housing.

677 BURY GREEN FARM PLANNING BRIEF

The Leader of the Council submitted a report on the development of a planning brief for the former Glaxo Smith Kline buildings in Bury Green near Bishops Stortford.

The Executive recalled that the draft brief had been approved for consultation purposes in September 2004. This report detailed the comments submitted as part of the consultation process and the Council's response. It was intended that the brief be used for Development Control purposes and be a material consideration in any planning proposals.

The Leader stated that 123 separate responses to the document consultation were received. Most of these were concerned with the possible continuation of animal research uses at the site. 2 petitions with a total of 333 signatures were received. Objection letters were received from the East Anglia Animal Rights Coalition and the Stevenage Animal Rights coalition. 97 letters and emails were received from individuals, 68 of these were of a 'pro-forma' type letter.

The main issues of concern raised by local residents were the potential traffic issues, security issues, relationship to village character, sewerage and localised flooding. Little Hadham Parish Council held a public meeting before submitting its comments.

ACTION

Broadly, it accepted the continuation of the animal use, since alternatives involved changes of use which could be detrimental. Its main concerns were that further housing could follow beyond areas defined in the brief; that a clear maximum number of new dwellings should be set; and, that house designs should be in keeping with the rural character of the area. Strategies for controlling traffic and addressing the narrowness of Millfield Lane were recommended with concerns about water and sewerage services in the village.

The Leader referred to the main changes proposed from the draft brief as follows:

- The inclusion of a requirement for a Transport Assessment and Green Travel Plans with any change of use proposals.**
- Additional reference to the possibility of alternative non-employment uses which are low impact and compatible with rural character/access restrictions.**
- Housing to provide a mix of sizes and tenures.**
- A guideline figure estimating approximately 15 new dwellings to be provided.**
- Updating affordable housing target to 40% in accordance with Council policy.**
- A requirement for a contaminated land survey, archaeological evaluation, protected species survey and Flood Risk Assessment to be submitted.**
- Construction vehicles to be encouraged to avoid main village by using Millfield Lane access.**

ACTION

The Executive agreed to receive the representations arising from the consultation and supported the Bury Green Planning Brief as now submitted, for development control purposes.

RECOMMENDED - that (A) the representations and recommended changes to the Bury Green Farm Planning Brief be received; and

(B) the Bury Green Farm Planning Brief, as now submitted, be approved formally for Development Control purposes as a material consideration on future planning proposals at the Bury Green Farm site.

ADC

678 2004/05 ESTIMATES AND THREE-YEAR TARGETS FOR BEST VALUE AND LOCAL PERFORMANCE INDICATORS

The Executive Member for Corporate Facilities submitted a report setting out the performance indicators that the Council was required to monitor and publish annually in the Performance Plan. He advised Members of estimated performance for 2004/05 compared with the 2004/05 target; the 2003/04 quartile data; and the 2003/04 outturn. Also, he proposed targets for the next three years.

The Executive recalled that the Government required all local authorities to monitor the performance of their services according to a specified list of national Best Value performance indicators, which were determined by the Government, and local performance indicators, which were determined by individual local authorities. Councils were required to set targets for the performance they wished to achieve in the year ahead, and to monitor in-year progress in meeting these targets. The effectiveness of this process and the achievement or not, of targets was monitored by the External Auditor and reported in the annual audit letter.

ACTION

The Executive Member detailed performance on both national and local indicators in the report now submitted. Also, he drew attention to the comments of the Performance Scrutiny Committee, which had considered the 2004/05 estimates and proposed three-year targets, at its meeting held on 8 March 2005.

The Executive noted the estimates for 2004/05 and supported the proposed three-year targets.

RECOMMENDED – that (A) the estimates for 2004/05 be noted; and

(B) the targets for the next three years be approved.

RESOLVED ITEMS679 MINUTES

RESOLVED - that the Minutes of the Executive meetings held on 1 and 9 March 2005, be confirmed as correct records and signed by the Chairman.

680 ALCOHOL BAN AT PARSONAGE LANE, BISHOP'S STORTFORD

The Deputy Leader of the Council submitted a report seeking authority to proceed with a formal legal process to obtain an order to implement an alcohol ban in the Parsonage Lane area of Bishop's Stortford.

The Executive noted that there had been growing concern over under-age drinking and related anti-social behaviour in the Parsonage Lane area for some time. There had been instances of youths who were often drunk and their loud abusive behaviour caused distress to those who attended the community centre, and to the residents of the Parsonage Lane area generally. It was the Community Centre and the Parsonage Residents Association, with the

ACTION

support of the Police that had approached East Herts Council for assistance in this matter. The Criminal Justice and Police Act 2001 enabled principal authorities to make Alcohol Consumption in Designated Public Places Orders to prevent the consumption of alcohol in public places.

The Council had been presented with a range of evidence to show that there was significant anti-social behaviour occurring on a regular basis in the Parsonage Lane area over a prolonged period of time. The evidence had been considered by the Assistant Director (Law and Control), and he was satisfied that there was sufficient evidence to make an Order under the Criminal Justice and Police Act 2001. The Town Council, the Police, Hertfordshire County Council's Youth Service and East Herts Council's Community Safety Managers were of the view that the solution to the problems of anti-social behaviour and under-age drinking, was to prevent the consumption of alcohol in the Parsonage Lane area.

Members supported the proposals and emphasised the importance of using local Members' knowledge in the process. In response to a Member's question, it was also confirmed that a map defining the exact area that would be subject to the ban, would be produced.

The Executive approved the proposals as now detailed.

RESOLVED - that the Assistant Director (Law and Control) be authorised to proceed with the formal process for implementing an Alcohol Consumption in Designated Public Places Order, under the provisions of Section 13(2) of the Criminal Justice and Police Act 2001, for the Parsonage Lane area, Bishops Stortford.

ALC

ACTION

681 CONSULTATION ON THE REVISED REGIONAL HOUSING STRATEGY FOR THE EAST OF ENGLAND 2005-10 AND HOUSING INVESTMENT IN THE EAST OF ENGLAND 2006-08

The Executive Member for Community submitted a report seeking approval for the Council's response to two consultation documents:

- The Revised Regional Housing Strategy for the East Of England 2005-10
- Housing Investment in the East Of England 2006-08

The Executive Member suggested that there was much in both of the consultation documents that reflected the needs and priorities of East Herts Council's housing strategy, such as; the need for more affordable homes; the need to improve and maintain the condition of the existing stock; the drive to achieve efficiency and effectiveness in the commissioning process; the commitment to innovate and improve the quality of design of the finished product; the aspiration to increase choice for the customer; and, the overarching framework of the sustainability agenda. In this context, he recommended that the response from East Herts Council should be, in the main, supportive of the priorities of the strategy and co-operative in relation to the process of developing a regional resource allocation model.

However, the Executive Member referred to one element of the strategy, the overarching framework of sustainability that might require a more discordant response. The key question was the definition of 'sustainable'. The strategy was closely allied to the East of England Plan that was also out for consultation currently. The need for affordable housing and the capacity to deliver as identified in the regional housing strategy was based on the scale of growth identified in the East of England Plan.

ACTION

The Policy Development Scrutiny Committee, at its meeting held on 15 March 2005, considered the consultation documents and made a number of comments. These were detailed in the report now submitted.

In respect of the three-stage approach to regional allocations, the Executive Member referred to the two options within stage two. He reported that the Scrutiny Committee had supported option two, whereby further funding would be provided to local authorities for purposes in addition to meeting the Decent Homes target. The Executive Member stated that as East Herts had disposed of its housing stock, he preferred option one, which sought to maximise funds available for Registered Social Landlords. The Executive supported option one of stage two, as suggested by the Executive Member.

The Executive approved the proposed responses as set out in the report now submitted, subject to expressing support for option one within stage two of the three-stage approach to regional allocations.

RESOLVED - that the recommendations arising from the Policy Development Scrutiny Committee's consideration of the Council's response to the Revised Regional Housing Strategy 2005 -2010 and Housing Investment in the East of England 2006-08, as set out in the report now submitted, be adopted, subject to expressing support for option one within stage two of the three-stage approach to regional allocations.

APP

682 PRIVATE HIRE VEHICLES – LICENSING OF STRETCHED LIMOUSINES

The Executive Member for Finance submitted a report on proposals for the licensing of stretched limousines.

He stated that in recent years, there had been an increase in the use of stretched limousines, which had moved from

ACTION

their traditional use as wedding and funeral cars into mainstream private hire use for special occasions, such as outings to the races, transport to parties and balls, hen and stag nights, and people's birthday parties. On 9 July 2002, the Executive made a policy decision to licence such vehicles and adopted criteria for the licensing of drivers and vehicles, together with the conditions that would attach to any licences issued, namely Private Hire (Special Event) Driver licence and Private Hire (Special Event) Vehicle licence.

The original policy decision had been reviewed and it was considered that the types of licences issued and conditions attaching should be changed. The Executive noted that although there had been no applications to licence either drivers or stretched limousines since the original policy decision was made, there had been interest expressed by at least two parties, in supplying limousines for private hire.

The Executive Member detailed the types of concerns and matters the Council would be concerned with in considering licensing such vehicles. The Council's current licence terms and standard conditions were not considered adequate to control these particular types of vehicles. Therefore, the Executive Member proposed revised conditions as detailed in Appendix 'A12' to the report now submitted.

In respect of the licensing of drivers, the Executive noted that the role of the private hire driver was very similar to the role of the hackney carriage driver. Each was required to hold a licence and to drive members of the public in a licensed vehicle. Despite this, there were no additional conditions required and so the need for a separate titled licence, as previously agreed, was unnecessary and could be removed.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the decision made by the Executive, on 9 July 2002, in relation to Private Hire

ARS

ACTION

(Special Event) driver and vehicle licences be rescinded;

(B) a category of 'Special Occasion Private Hire vehicle' licence be adopted for stretched limousines; and

ARS

(C) the conditions set out in the appendix to the report now submitted, be attached to any licence issued.

ARS

683 EAST HERTFORDSHIRE DISTRICT COUNCIL (OFF-STREET PARKING PLACES) (CONSOLIDATION) ORDER NO.1 2005

The Executive Member for Community advised the Executive of any objections received to the East Hertfordshire District Council (Off-Street Parking Places) (Consolidation) Order No.1 2005, and sought adoption of the Order to enable increases in charges for off-street parking in East Herts to be made.

The Executive recalled that Council, at its meeting held on 23 February 2005, agreed to increase car park charges. At the same meeting, the Executive was given delegated authority to consider objections to the car park order increasing these charges and to decide whether to confirm the order.

The Executive Member reported that four comments had been received, of which three of them were objections to the proposed increased charges. He detailed the objections received from the Town Councils in Hertford, Sawbridgeworth and Ware.

The Executive agreed that the East Hertfordshire District Council (Off-Street Parking Places) (Consolidation) Order No.1 2005 be confirmed as an opposed Order.

RESOLVED - that the East Hertfordshire District Council (Off-Street Parking Places) (Consolidation)

ALC

ACTION

Order No.1 2005 be confirmed as an opposed Order.

684 BANKING SERVICES

The Executive Member for Finance submitted a report seeking to extend the Council's banking contract.

The existing contract for the provision of banking services was due to expire on 31 March 2005, and National Westminster Bank PLC had offered an extension based on the current terms and conditions adjusted for inflation. The current contract had been awarded in March 1999 on a fixed price basis for a three-year period. The Bank had offered an extension on the same basis at an additional annual cost of £1,600. The current service met the Council's requirements and a good working relationship existed. During the year's extension period, the Council would seek competitive quotes for the services with a view to entering into a longer-term agreement.

The Executive supported the extension of the contract as now detailed.

RESOLVED - that the existing contract with National Westminster Bank PLC for the provision of banking services be extended for a one-year period to 31 March 2006.

AFS

685 FORWARD PLAN: MAY – AUGUST 2005

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

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

RESOLVED - that the Forward Plan for May - August 2005, as set out at Appendix 'A' to these

ALC

ACTION

Minutes, be approved for publication.

686 AWARD OF CONTRACT FOR RECYCLING VEHICLES (1)

The Executive Member for Environment submitted a report informing the Executive of the award of the tender for the supply of three kerbside recycling vehicles. A separate report on the agenda outlined the details of the tenders submitted (see Minute 689).

The Executive noted that the contract had been awarded to Seddon Atkinson Ltd.

RESOLVED - that the award of the contract to Seddon Atkinson Ltd be noted.

687 HIGHWAYS JOINT MEMBER PANEL

The Executive received the Notes of the Highways Joint Member Panel meeting held 7 February 2005.

RESOLVED – that the Notes of the Highways Joint Member Panel meeting held on 7 February 2005, be received.

688 APPLICATION FOR REDUCTION IN NATIONAL NON-DOMESTIC RATES, SECTION 49, LOCAL GOVERNMENT FINANCE ACT 1988

The Executive Member for Finance submitted a report requesting the Executive to consider an application for relief on National Non-Domestic Rates from a business based in Hertford.

The Executive noted that under Section 49 of the Local Government Finance Act 1988, a Local Authority could reduce or remit amounts payable by way of National Non-Domestic Rates. In order to grant any such amount the Authority must satisfy itself that “the ratepayer would

ACTION

sustain hardship if the Authority did not do so and it is reasonable for to do so, having regard to the interests of persons subject to its Council Tax.”

The Authority had previously established guidelines for examining such applications. In granting any relief, any expenditure effect on the General Fund would be open to question from electors and the External Auditor. Therefore, the Executive had to be satisfied that any decision to grant assistance was shown to be reasonable and fell within the provisions of Section 49 of the Local Government Finance Act 1988.

The Executive Member detailed the application in the report now submitted.

The Executive, having considered the details of the application, agreed to reject the application, as there was insufficient evidence that granting relief would meet the Authority’s agreed criteria.

RESOLVED - that the application be rejected.

AFS

689 AWARD OF CONTRACT FOR RECYCLING VEHICLES (2)

The Executive Member for Environment submitted a report informing the Executive of the tender details for the supply of three kerbside recycling vehicles. A separate report on the agenda outlined the award of the contract (see Minute 686).

The Executive agreed to receive the report.

RESOLVED - that the report be received.

The meeting closed at 5.21 pm