

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 29 JUNE
2005 AT 7.30 PM

PRESENT: Councillor A L Burlton (in the Chair).
Councillors M R Alexander, W Ashley,
P R Ballam, H G S Banks, K A Barnes, S A Bull,
N Burdett, E J Cain, D Clark, R N Copping,
A F Dearman, A D Dodd, R Gilbert,
Mrs M H Goldspink, A M Graham, J Hedley,
Mrs D L E Hollebon, A P Jackson, G McAndrew,
M P A McMullen, Mrs S Newton, R L Parker,
D A A Peek, H Penson, L R Pinnell, N C Poulton,
J O Ranger, D Richards, P A Ruffles,
S Rutland-Barsby, J J Taylor, J D Thornton,
A L Warman, J P Warren, N Wilson and M Wood.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Acting Executive Director
Miranda Steward	- Executive Director (Returning Officer)
Rachel Stopard	- Executive Director (Head of Paid Service)
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Georgina Stanton	- Director of Organisational Development
David Tweedie	- Director of Resources

162 MINUTES

RESOLVED - that the Minutes of the Annual Council meeting held on 18 May 2005, be approved as a correct record and signed by the Vice-Chairman, subject to (A) the amendment of the resolution in Minute 2 – Appointment of Vice-Chairman of the Council as follows:

Delete 'D E Mayes' and replace with 'A L Burlton' and delete '2003/04' and replace with '2005/06', and

(B) the deletion of Councillor L R Pinnell from the list of Members present at the meeting.

163 CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman welcomed the press and public to the meeting.

The Vice-Chairman referred to the Chairman's illness, and his wish to pass on his thanks for all the good wishes he had received.

He also referred to the resignation of Councillor T K H Robertson due to health reasons and thanked him for his hard work since being elected in 2003.

Finally, the Vice-Chairman referred to the information leaflets placed at the back of the Chamber relating to Summer Activities in East Herts.

164 DECLARATION OF INTERESTS

Councillor S A Bull declared a personal interest in the matters referred to at Minutes 104 – Parish Boundary Change: Buntingford/Aspenden and 118 – East Herts Local Plan Second Review: Chapter 16 (Buntingford) Responses to the Re-Deposit Consultation, as he was a Member of Buntingford Town Council.

ACTION165 PUBLIC QUESTION

Council noted that at the request of Mr Edwards, who had submitted the question, this matter had been deferred to the next Council meeting.

166 REPORT OF THE EXECUTIVE

The Executive Member for Finance and Deputy Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 24 May and 21 June 2005.

In respect of Minute 20 – Implementation of Traffic Regulation Orders for Resident Parking and On-Street Charging Schemes, the Executive Member for Community Development moved, and the Executive Member for Finance and Deputy Leader seconded, an amendment to the recommendations to the effect that all proposed schemes for charged on-street limited waiting by method of pay and display, be deferred subject to review within two years.

He moved the deletion of recommendation (B) and the amendment of recommendation (A) to read:

‘all schemes for charged on-street limited waiting by method of pay and display be deferred, subject to review within two years of the Traffic Regulation Orders (TROs) being advertised’

He explained the rationale for the original proposals and referred to the Council’s wider parking strategy. The Executive Member also referred to the retailing downturn and the extensive redevelopments in Bishop’s Stortford. The Executive had shown its willingness to listen to concerns that had been raised by recommending the deferral of schemes in North Street, Bishop’s Stortford, Amwell End, Ware, and St Andrew’s Street, Hertford. It was now proposed to defer all the schemes advertised subject to a review within two years of the TROs being advertised.

ACTION

The Executive Member stated that the deferral of the schemes would have financial implications. The loss of income for 2005/06 could be met from within balances, but was not sustainable in future years. Therefore, car park charges could increase by more than the anticipated 5% level.

In response to questions by Councillors E J Cain and J D Thornton relating to a recent article in the Mercury concerning the number and costs of parking attendants, the Executive Member for Community Development expressed his surprise with the figures quoted in the newspaper. He could not confirm or deny that the figure of £4.3m was correct. As far as the number of attendants was concerned, the Council's contract was based on the purchase of patrolling hours. Therefore, it was difficult to compare the number of attendants with the number of traffic wardens provided by the police previously.

In response to concern expressed by Councillor Mrs M H Goldspink over the possible increase in car park charges, the Executive Member confirmed that a review could take place within two years.

The Executive Member for Finance and Deputy Leader added that a range of options would need to be explored during the budget process. He referred to the misconceptions about the parking situation in Bishop's Stortford and implored all Members to promote the towns within the District.

In response to a question by Councillor D A A Peek, the Executive Member for Community Development confirmed that a full consultation process would take place before any car park charges were increased.

Council approved the recommendations as amended.

ACTION

In respect of Minute 21 – Implementation of Part 8 of the Anti-Social Behaviour Act 2003 – High Hedges, Councillor A M Graham queried the proposed fee of £500 for dealing with high hedge complaints. He suggested that this level of fee was too high for a person on a low income or for a housing benefit claimant despite being eligible for a reduced fee. He also criticised the legislation and the additional bureaucracy it created.

In response, the Executive Member for Environmental Management agreed with the criticism of the legislation. In respect of the fee level, he advised of the fees that had been set by other local authorities, which ranged from £135 - £650. He referred to a Government survey which estimated the officer time and costs associated with investigating an average complaint. This revealed estimated costs of £368 for dealing with the complaint, £140 for dealing with an appeal and £179 for any subsequent enforcement action. The Executive had recommended a fee level of £500 to recover the cost of the complaint and appeal elements. He emphasised that the fee would only be accepted after an initial investigation by the Planning Enforcement Manager to determine that the complaint was valid.

In response to comments by Councillors M Wood and A M Graham, the Executive Member stated that the fee level would be reviewed after a year.

The Executive Member for Finance and Deputy Leader stated that Officers would always seek to resolve complaints in the first instance, and that the processes within this legislation would only be used as a last resort.

In response to a question from Councillor D Richards, the Executive Member for Environmental Management stated that only time would tell if more Officers would need to be employed to deal with this area of work.

ACTION

In respect of Minute 104 – Parish Boundary Change: Buntingford/Aspenden, Councillor S A Bull expressed his disappointment with the Executive's recommendation and rationale for it.

In respect of Minute 110 – East Herts Council PPG17 Audit and Assessment of the District (May 2005), Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, an amendment to the recommendation to read:

'that the PPG17 audit and assessment of the District (May 2005), carried out on behalf of the Council by PMP, should only be approved if the recommended standards for amenity space and play spaces for children and young people are upgraded to be at least as good as the average national standards. If these upgradings are made, then the study can be used for the purpose of informing the Local Plan Second Review process and future decisions regarding open space, sport and recreation in the District.'

Councillor Mrs M H Goldspink, speaking in support of her amendment, referred to the importance of the Local Plan for informing future Development Control applications. The proposed standards for amenity space and play spaces for children and young people were only a quarter of the national average standard. She referred to areas of the District where there was an under provision and stated that East Herts should not accept lesser standards.

Councillor J O Ranger, speaking against the amendment, referred to the deliberations of the Policy Development Scrutiny Committee, where a number of comments and amendments had been made, which had been accepted by the Executive. He suggested that the amendment would be detrimental and that the proposed standards provided a sensible approach.

ACTION

Councillor A M Graham, speaking in support of the amendment, referred to the number of forthcoming developments and the need to ensure an adequate provision of green spaces.

The Executive Member for Community Development stated that East Herts was a large, mainly rural District, where the national standard could not be applied to throughout. He suggested that the national standard was more applicable to built-up inner city areas.

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

(Note – Councillors Mrs M H Goldspink and A M Graham asked that their dissent from the decision taken in this matter be recorded.)

In respect of Minute 129 – Castle Hall Development Proposals, the Executive Member for Community Development, in response to a question from Councillor A M Graham, stated that the charging structure and the marketing strategy would be subject to the deliberations of the Member and Officer Working Party.

In respect of Minute 130 – Implementation of Park and Ride for Shoppers in Bishop's Stortford and Amendment to the Parking Places Order for Northgate End, Link Road and Crown Terrace, the Executive Member for Finance and Deputy Leader moved, and the Executive Member for Community Development seconded, an additional recommendation as follows:

‘(C) the Executive be authorised to consider the receipt of any representations arising from the advertisement of the amended Parking Places Order, and confirm the Order.’

ACTION

The Executive Member for Finance and Deputy Leader stated that the approval of this additional recommendation would facilitate the statutory processes necessary for the amendments to be implemented as soon as possible.

Council approved this additional recommendation.

Arising from this, Councillor A D Dodd requested that, where possible, proposed amendments and recommendations be placed around the table at future meetings.

RESOLVED – that (A) in respect of Minute 20 – Implementation of Traffic Regulation Orders for Resident Parking and On-Street Charging Schemes, recommendation (B) be deleted and recommendation (A) be amended to read:

‘all schemes for charged on-street limited waiting by method of pay and display be deferred, subject to review within two years of the Traffic Regulation Orders (TROs) being advertised’,

(B) in respect of Minute 130 – Implementation of Park and Ride for Shoppers in Bishop’s Stortford and Amendment to the Parking Places Order for Northgate End, Link Road and Crown Terrace, an additional recommendation be approved as follows:

‘(C) the Executive be authorised to consider the receipt of any representations arising from the advertisement of the amended Parking Places Order, and confirm the Order.’

(C) the Minutes of the Executive meetings held on 24 May and 21 June 2005, be received, and the recommendations contained therein, be adopted.

ACTION167 MINUTES OF COMMITTEES(A) LICENSING COMMITTEE – 18 MAY 2005

RESOLVED – that the Minutes of the Licensing Committee meeting held on 18 May 2005, be received.

(B) PERFORMANCE SCRUTINY COMMITTEE
– 24 MAY 2005

In respect of Minute 45 – Outcome of Audit Commission Inspection of Leisure and Recreation, Councillor Mrs M H Goldspink queried why there was no reference to the concerns expressed by Members. In reply, Councillor Mrs D L E Hollebon, the Committee Chairman, referred to Minute 93 – Strategic Overview of Leisure and Recreation Services, where this issue had been dealt with.

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 24 May 2005 be received.

(C) DEVELOPMENT CONTROL COMMITTEE
– 25 MAY 2005

RESOLVED – that the Minutes of the Development Control Committee meeting held on 25 May 2005, be received.

ACTION

(D) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 31 MAY 2005

In respect of Minute 75 – Community Safety Action Plans 2005/06, Councillor J O Ranger, the Committee Chairman, in response to a question from Councillor A M Graham, stated that youth shelters would be provided as and when suitable sites could be identified.

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 31 May 2005, be received.

(E) STANDARDS COMMITTEE – 1 JUNE 2005

In respect of Minute 84 – A Code for the Future – Consultation Paper on the Review of the Code of Conduct for Members, Councillor J P Warren, the Committee Chairman stated that the list of 29 questions in the consultation paper would be circulated to all Members.

RESOLVED - that the Minutes of the Standards Committee meeting held on 1 June 2005, be received.

(F) PERFORMANCE SCRUTINY COMMITTEE
– 1 JUNE 2005

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 1 June 2005. be received.

ACTION(G) LICENSING COMMITTEE – 15 JUNE 2005

RESOLVED – that the Minutes of the Licensing Committee meeting held on 15 June 2005, be received, and the recommendation contained therein be adopted.

168 APPOINTMENT OF A MEMBER TO A COMMITTEE

The Director of Corporate Governance submitted a report seeking authority to appoint a Member to a vacancy on the Performance Scrutiny Committee.

Council noted that there was a vacant seat on the Performance Scrutiny Committee. The Conservative Group to whom the seat had been allocated, had given notice that it wished to appoint Councillor D Richards to this seat.

RESOLVED - that in accordance with the wishes of the Conservative Group, Councillor D Richards be appointed to fill the vacant seat on the Performance Scrutiny Committee.

DCG

169 STAFF POLICY – APPOINTMENT OF PANEL AND AMENDMENTS TO CONSTITUTION

The Director of Corporate Governance submitted a report seeking authority to establish a Panel as part of the Council's staff harassment policy. He also sought approval to amend the Constitution to assist the Council to deal with human resources issues as efficiently as possible.

Council noted that as part of the staff harassment policy, a Panel needed to be established to consider the findings of independent investigating officers on claims of harassment. A Panel might interview all parties and any witnesses before coming to a conclusion.

ACTION

As the Panel was a Committee of the Council, it would therefore be subject to the rules of political proportionality. It was proposed that the Panel should be three Members in size, and comprise a Member of the Executive (but not the Leader) and two other Members (who were not on the Standards Committee). Members of the Standards Committee should be precluded from a panel's membership as it might be that body that considered any appeal.

Council approved the appointment of Councillors N Burdett, A M Graham and J O Ranger.

In addition to establishing a panel, it was suggested that additional powers be given to the Human Resources Sub-Committee and appropriate officers. It was proposed that there should be a general delegation for Service Heads to suspend employees for whom they were responsible, after consultation with the Head of Human Resources. Executive Directors should have the same power in respect of Service Heads after consultation with the Head of Human Resources. Human Resources Sub-Committee should be given authority to suspend an Executive Director or, in cases of extreme urgency, for the Head of Human Resources to suspend, after consultation with the Leader and the Chairman of the Council and the Chairman of Human Resources Sub-Committee.

Council approved the amendment of the Constitution as now detailed.

RESOLVED - that (A) a Panel of 3 Members be established to consider any findings of independent investigating officers concerning harassment claims and to determine any consequential outcome in accordance with the Council's relevant policy;

DCG

(B) the allocation of seats on Scrutiny Committees, the Development Control and Licensing Committees and the Staff Panel be as follows:

DCG

ACTION

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>
Policy Scrutiny	16	13	2	1	0	0	0
Performance Scrutiny	16	13	2	0	1	0	0
Call-In Scrutiny	12	10	1	0	1	0	0
Development Control	25	20	2	1	0	1	1
Licensing	15	12	1	0	0	1	1
Staff panel	3	2	1	0	0	0	0
Total	87	70	9	2	2	2	2

(C) the following Members (subject to the qualifications detailed in the report now submitted) be appointed to the Panel referred to in (A) above in accordance with the wishes of the political groups to whom the seats have been allocated:

DCG

Councillors N Burdett, A M Graham and J O Ranger

(D) Membership of all other bodies listed in (B) above, with the exception of the Panel, be as agreed at the Annual Council meeting held on 18 May 2005, and

(E) the amendments to the Constitution detailed in the report now submitted be approved.

DCG

The meeting closed at 8.55 pm

Chairman
Date

Nps\Council\Minutes 29 June 2005