

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY, 13 SEPTEMBER 2005 AT
4 PM

PRESENT: Councillor M G Carver (Chairman/Leader).
Councillors M R Alexander, N Burdett, D Clark,
A P Jackson, T Milner and R L Parker.

ALSO IN ATTENDANCE:

Councillors R Gilbert, D Hone, A M Graham,
P A Ruffles, J P Warren and M Wood.

OFFICERS IN ATTENDANCE:

Rachel Stopard	- Executive Director (Head of Paid Service)
Simon Drinkwater	- Director of Corporate Governance
Francesca Hill	- Planning Officer
Neal Hodgson	- Director of Regulatory Services
Jeff Hughes	- Head of Democratic Services
Mary Orton	- Director of Policy and Performance
Bryan Thomsett	- Head of Environmental Planning
David Tweedie	- Director of Resources

286 LEADER'S ANNOUNCEMENT

The Leader advised that, for a trial period, future meetings of the Executive from October 2005, would commence at 7.30 pm.

287 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 297 and 298 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMS

ACTION

288 EAST HERTS LOCAL PLAN SECOND REVIEW -
OMISSION SITES - RESULTS OF PUBLIC
CONSULTATION

The Leader of the Council submitted a report advising the Executive of the outcome of the Omission Sites Public Consultation exercise undertaken in respect of the East Herts Local Plan Second Review.

The Leader reminded the Executive that, at its meeting held on 7 June 2005, the Local Plan Executive Panel had considered a report on "Handling Omission Sites in Transitional Plans".

The Executive recalled that Omission Sites included land suggested by an objector as an allocation, land where an alternative use to that proposed in the plan was suggested and sites where a material change to the boundary of a site allocated in the plan was suggested.

The Leader stated that a list of over 200 Omission Sites had been agreed for the purpose of public consultation. The public consultation exercise was completed on 10 August 2005.

The Executive noted that a total of 4,390 separate comment forms had been received during the consultation. The overwhelming majority of responses

ACTION

were from local residents objecting to the development of the Omission Sites (ie they were supporting the District Council's position).

The Leader outlined the sites that had received the most comments.

The Executive noted that the comment forms were currently being processed and that the Authority would be writing to all individuals to acknowledge receipt of their representation(s).

The Leader advised that the Local Planning Inquiry Inspector would take the representations into account when considering the Omission Sites. The Inspector would deal with the representations as written submissions. Respondents would therefore not have a right of appearance at the Local Plan Inquiry.

The Leader further advised that the Authority was not required to assess formally the representations or to undertake any further work on this matter.

The Executive agreed to recommend that the report be noted.

RECOMMENDED - that the report be noted.

**289 EAST HERTS LOCAL PLAN SECOND REVIEW -
REVISED APPENDIX IV - RECREATION
REQUIREMENTS IN NEW RESIDENTIAL
DEVELOPMENTS (JUNE 2005) - RESULTS OF PUBLIC
CONSULTATION**

The Leader of the Council submitted a report upon representations made in respect of the Revised Appendix IV - Recreation Requirements in New Residential Developments (June 2005), together with comments on those representations.

ACTION

The Leader reminded the Executive that, at its meeting held on 7 June 2005, the Local Plan Executive Panel had agreed that a revised version of Appendix IV, setting out locally devised open space standards, should be the subject of public consultation as it was to replace the re-deposit version of Appendix IV.

The Executive noted that the revised Appendix IV was subject to public consultation for a six week period between 30 June and 10 August 2005.

The consultation deadline had been extended until 16 August 2005 as a consequence of one consultee not receiving their copy of the consultation paperwork until 6 July 2005.

The Executive noted that a total of 9 representations had been received during the consultation period. Members' attention was drawn to an Appendix to the Leader's report which provided a summary and consideration of those representations. A further representation from Birketts on behalf of Mavrastar Limited was tabled at the meeting, together with the officer response thereto.

The Leader stated that, in addition, correspondence had been received from Hertfordshire County Council's Passenger Transport Unit (PTU) and Ware Town Council. The PTU did not have any specific comments relating to the revised Appendix IV. Ware Town Council had no adverse comments to make but pointed out that the Quaker burial ground in Kibes Lane, Ware required enhancement. The Council's Environment Manager - Open Spaces had been advised of Ware Town Council's comments.

The Leader commented that the majority of representations were about the practical application of the policy. He stated that the revised Appendix IV clearly stated that further guidance on the

ACTION

implementation of new standards would be provided in a Supplementary Planning Document (SPD) on “Open Space, Sport and Recreation”. In accordance with the Council’s Local Development Scheme, work would commence on this in March 2006 and the SPD would be adopted at the same time as the Local Plan in March 2007.

The Executive noted that all representations received would be used to inform the preparation of the SPD. Accordingly, there were no proposed changes to the revised Appendix IV at this stage in the process. There would be an opportunity for all those that had commented on the revised Appendix IV to be consulted in respect of the SPD.

The Executive considered the representations received with respect to revised Appendix IV, together with the officer’s comments on those representations.

The Executive agreed the officer comments in response to the representations.

RECOMMENDED - that (A) the representations submitted in respect of Revised Appendix IV - Recreation Requirements in New Residential Developments (June 2005), as detailed at Appendix ‘A6’ to this report, be received and considered; and

DPP

(B) the Officer comments made in response to the representations referred to in (A) above, as detailed in Appendix ‘A6’ to this report, be agreed.

DPP

ACTION

**290 DEPARTMENT FOR TRANSPORT CONSULTATION
(JUNE 2005): NIGHT FLYING RESTRICTIONS AT
HEATHROW, GATWICK AND STANSTED: STAGE 2 OF
CONSULTATION ON RESTRICTIONS TO APPLY FROM
30 OCTOBER 2005**

The Executive Member for Regional Development submitted a report inviting the Executive to form a view on the second part of a Government consultation exercise regarding the proposed further regime for restrictions on night flying at the three main airports in the south-east (Heathrow, Gatwick and Stansted).

The Executive noted that the consultation deadline on this matter was 16 September 2005.

The Executive Member advised that night flights were restricted in terms of both the overall number and the types of aircraft used. The current movements limits at Stansted were 5,000 during the winter and 7,000 during the summer. In tandem with this limit there was a noise quota of 3,550 during winter and 4,950 during summer. Each aircraft had a noise quota figure for landing and for take-off. The intention of the quota restrictions was to encourage an increase in the number of quieter aircraft (those with low quotient figures) at the expense of more noisy types (those with high quotient figures) whilst keeping total movements within the overall movement limit.

The Executive noted that noise quota and movement limits applied during the night quota period which ran from 2330 hrs to 0600 hrs. The full night period, which ran from 2300 to 0700 hrs was a slightly different regulatory period within which the noisiest types of aircraft may not be scheduled to land or take-off.

The Executive Member explained that the regime for restrictions on night flights generally ran for a five year

ACTION

period, with the current regime originally intended to end on 31 October 2004. This period had been extended by one year to 30 October 2005 to allow proper consideration of the Government's Air Transport White Paper, the ruling of the European Court on night flights at Heathrow and the new European Community Legislation on noise related operating restrictions for airports.

Due to a number of delays in the consultation process, the Government had decided that the existing provisions should continue for a further year until 29 October 2006.

The Executive Member outlined the consultation process.

The Executive Member stated that it had been the position of this Authority, together with that of Uttlesford District Council and both Hertfordshire and Essex County Councils, that all night flights should be banned.

The Executive Member commented that it was the Government's policy, as set out in its Air Transport White Paper, to "bear down on night noise" while striking a balance with the economic benefits of night flying. It was considered that the proposed night noise regime at Stansted failed to meet this objective. Rather, it tilted the balance in favour of economic benefits by allowing night flights to increase at Stansted without substantiating this with considered evidence of what those benefits were. The regime should, therefore, bear down on night noise given the significant environmental dis-benefits of night flights for local residents.

The Executive Member stated that the consultation document contained nine questions around which respondents were asked to focus comments. The detailed technical response to the consultation

ACTION

questions, drafted by officers of Hertfordshire and Essex County Councils, was appended to the report now submitted. The Executive Member advised of a number of amendments to this response that had subsequently been formulated by those authorities. She suggested that the updated technical response should be endorsed and form part of this Authority's response. The Executive supported this suggestion and agreed to recommend Council to endorse the response as now updated.

The Executive supported the Executive Member's recommendation on this matter subject to part C(iii) being amended as now detailed.

The Executive also noted that night flights at a further airport in the south-east impacted upon residents of east Herts. They therefore felt it appropriate to include in the response a comment that the Authority considers that restrictions on night flights should not lead to an increase at other, presently non-designated airports, such as London Luton. In view of the potential future expansion of Luton Airport, the existing voluntary scheme governing night flights at that facility should be replaced by statutory regime similar to that which applies at the other three main London airports.

RECOMMENDED - that that in respect of the Consultation Document entitled: Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 2 of Consultation on Restrictions to apply from October 2005:

DPP

(A) the Department for Transport be advised that East Herts Council remains of the view that night flights at Stansted Airport should be banned because of the unacceptable noise impact on local residents, and that they should be phased out as soon as possible;

ACTION

(B) the Department for Transport be advised that East Herts Council considers that the proposals for night flying restrictions at Stansted do not satisfy the Government's own policy to "bear down on night noise", as they allow for a considerable deterioration in the night noise climate when compared with existing levels;

(C) notwithstanding the Council's view that night flights should be banned, East Herts Council considers that in respect of Stansted Airport

- i. The proposed limit on the area of land subject to night noise (within the 48dBA contour) is not stringent enough and would result in a much greater area being subject to this level of noise than is currently the case. A smaller contour area should be used to reflect lower quota and movement restriction levels and should result in a reduction in, or at least maintenance of, the existing area.**
- ii. The proposal to use the existing headroom within the present night flight restrictions is unacceptable as it would result in a noise increase proportionately greater than that forecast for day operations**
- iii. A maximum quota level of 5,850 to 6,500 (6,500 2006-07 reducing to 5,850 2011-12) should be introduced with commensurate lower movement limits (7,700 reducing to 7,000 2011-12). These would apply to the 6.5 hour night period (23.30 – 06.00 period).**
- iv. A single restriction for the 8 hour night period (23.00 – 07.00 period) is not favoured as it could lead to more flights in the 6.5 hour night**

ACTION

period (though the current levels of night flying at Stansted would be preferred to those proposed).

- v. For the 8 hour night period, in view of the Government's unwillingness to entertain separate quota and movement restrictions, a maximum contour area should be applied. This would be for a smaller area than proposed in the Consultation Report to reflect the smaller 6.5 hour area and the existing number of aircraft movements in the shoulder periods.**
- vi. Movements of QC4 aircraft should be banned in the 6.5 hour night period and not scheduled during the 8 hour night period (the shoulder periods).**
- vii. New more stringent departure noise level restrictions should be introduced for the night quota period.**
- viii. A night noise insulation policy is essential and would have to be statutory if a voluntary system was not satisfactorily implemented. The 85 dBA SEL level should be adopted as the noise criterion**

(D) East Herts Council endorses the Hertfordshire and Essex County Councils' Joint Response to the Stage 2 Consultation Questions on Night Flying Restrictions at Heathrow, Gatwick and Stansted, as contained the appendix to the report now submitted and subject to the amendments detailed at Appendix 'A' to the Minutes, and

(E) East Herts Council considers that restrictions on night flights should not lead to an increase at other, presently non-designated airports, such as London Luton. In view of the potential future

ACTION

expansion of Luton airport, the existing voluntary scheme governing night flights at this airport should be replaced by a statutory regime similar to that which applies at the other three main London airports.

291 RESIDENTIAL LAND AVAILABILITY MONITORING STATEMENT 2004-2005

The Executive Member for Regional Development submitted a report inviting the Executive to consider, and recommend for approval, the East Hertfordshire District Council Residential Land Availability Monitoring Statement for 2004-2005.

The Executive Member advised that the last Residential Land Availability Monitoring Report had been published in May 2005 with a base date of 31 March 2004. The proposed new statement updated all tables and schedules to a base date of 31 March 2005.

The Executive noted that it had been intended that the 2003-2004 Monitoring Statement would be the last in this format as future monitoring would form part of the new statutory District Annual Monitoring Report (AMR). However, in order to provide the most up-to-date available information, particularly for the Local Plan Inquiry, which would commence in October 2005, the Monitoring Statement for 2004-2005 had been produced in the same format as previously.

The Executive Member explained that under the Government's Planning Policy Guidance Note 3 (PPG3) Local Planning Authorities were no longer required to demonstrate that availability of a five year land supply. The Guidance Note emphasised the need for such authorities to "plan, monitor and manage" rather than "predict and provide" land supply.

The Executive Member highlighted further elements of the Planning Policy Guidance Note relevant to the

ACTION

production of the Monitoring Statement.

The Executive noted that the statement included information on the numbers of dwellings provided; the proportion provided on previously developed land; the number built on windfall sites, and the provision of affordable dwellings.

Information regarding the variety of types and mix of sizing of housing, density of new development and car parking provision was not included.

The Executive Member commented that although there was no longer a requirement to provide a five year land supply, as part of the monitoring of the Residential Land Availability, calculations were made to show the supply of land available.

Under the 1998 Adopted Hertfordshire Structure Plan, East Hertfordshire was required to build, on average, 555 dwellings per annum. The build rate in the District since 1991 averaged 552 dwellings per annum. This represented a slight under-provision. It was anticipated, however, that this figure would be more than made up by the end of Plan period in 2011.

The Executive Member concluded that the Monitoring Statement showed that the District had the equivalent of over 7 years available residential land; was providing slightly less housing, on a pro-rata basis, than required by the 1998 Adopted Structure Plan; the current slight under-provision would be more than made up by available housing provision by the end of the plan period in 2011, and the District was providing a substantial percentage of new housing on previously developed land and windfall sites.

The Executive agreed to recommend Council to approve for publication the Monitoring Statement appended to the report now submitted. Further, it also agreed to recommend that the updated Housing

ACTION

Programme Schedule etc should replace the 2003-2004 Statement etc and be used for Planning Policy and Development Control purposes, as detailed in the Housing Section of the Local Plan.

RECOMMENDED - (A) in accordance with paragraph 4.1.11 of the East Hertfordshire Local Plan Adopted December 1999 and paragraph 3.9A.1 of the East Hertfordshire Local Plan Second Review Re-Deposit Version November 2004, the Residential Land Availability Monitoring Statement, as detailed at Appendix 'A8' to this report, be approved and published, and DPP

(B) the updated Housing Programme Schedule and associated Tables contained within the 2004-2005 Residential Land Availability Statement replace the 2003-2004 Statement and the Housing Programme Schedule and associated Tables contained at Appendix III to the East Hertfordshire Local Plan Adopted December 1999 and be used for planning policy and development control purposes, as detailed in the Housing Section of the Local Plan DPP

292 PLANNING FOR HOUSING PROVISION - GOVERNMENT CONSULTATION PAPER (JULY 2005)

The Executive Member for Regional Development submitted a report detailing a suggested response to the Government's consultation paper entitled "Planning for Housing Provision - July 2005".

The Executive Member advised that the consultation paper detailed proposed changes in how "planning" delivered housing at a local level. The consultation responses would influence the draft new "Planning Policy Statement for Housing" (PPS3), due for consultation in the Autumn. The current consultation follows the previous consultation "Planning for Mixed

ACTION

Communities” which mainly concerned affordable housing.

The Executive Member detailed a suggested response to the latest consultation paper.

The Executive Member explained the basis for the proposed response which addressed the three “challenges” cited in the consultation paper namely:

- **worsening affordability;**
- **land supply constraints;**
- **responding to the housing market.**

The Executive supported the Executive Member’s recommendation, as now detailed.

**RECOMMENDED - in respect of the Government’s DPP
Consultation Paper entitled: Planning for Housing
Provision – July 2005, the Office of the Deputy Prime
Minister, be advised that East Herts Council strongly
objects to the proposed new approach to planning
for housing provision and considers that:**

- (A) the proposals will:**
- (1) have a significant detrimental impact on key national, and local social, economic, environmental and planning policy objectives;**
 - (2) increase rather than decrease social and economic exclusion, particularly for less advantaged people and households, as they would not fundamentally address the issue of affordable housing;**
 - (3) undermine rather than re-inforce the proper planning of sustainable communities, which seeks a balance of social, economic and environmental**

ACTION**considerations**

- (4) lead to the unnecessary greater loss of greenfield and Green Belt land, thus undermining fundamental national, and local planning policies;**
- (B) the recent rise in house prices is considered to be due more to an increase in demand rather than a shortfall in supply. The Government should consider demand-side solutions to the high house price issue, rather than proposing a significant increase in private sector housebuilding;**
- (C) the supply of new homes should be based on need, rather than demand, and must take account of the need to protect the environment;**
- (D) the Consultation Document only appears to seek to address the affordability of market dwellings. There is a real need, as recommended in the Barker Review, for a significant increase in affordable housing, mostly in the form of subsidised homes which people on low incomes can rent or buy;**
- (E) significant amounts of new market housing will not address the affordability issue, particularly for those most in need. Neither can it be justified as the only way of substantially increasing the supply of affordable housing;**
- (F) as acknowledged in the Consultation Document, allocating too much land in plans may reduce certainty in sequencing and infrastructure provision, leading to development becoming more fragmented, with consequently greater difficulty in delivering housing and its associated infrastructure;**
- (G) the proposals assume a “one size fits all” approach, taking as example some authorities where there is a perceived failure to achieve appropriate**

ACTION

housing provision. The reasoning behind the 'land supply constraints' and the assumed 'implementation gap' used to support the proposed approach is flawed.

(H) the proposals put at risk the 'plan, monitor and manage' approach, introduced in PPG3 – Housing (2000), which is only now 'bedding in' and taking effect. The new approach would replace plan, monitor and manage, with 'demand dictates supply'.

(I) the present plan, monitor and manage approach is the best and right approach, which will, coupled with robust local plan phasing policies, deliver an effective supply of appropriate sustainable housing land. It will at the same time meet other important national, and local policy objectives, relating to Quality of Life, sustainability and creating sustainable communities;

(J) the housing market and house prices should not play a leading role in the planning for new homes, with more land being released when prices are high. The current approach to the provision of housing, based on population and household projections and balancing social, economic and environmental objectives is correct. The proposed approach would be a retrograde step;

(K) it is difficult to see how market information and sustainability are connected, or how such information will better deliver sustainable development and communities. As sustainability is the driving force for public and planning policy, it should form the overriding and over arching approach;

(L) housing market factors can be taken into account, but the proposal would give too much weight to the housing market, as the main

ACTION

determinant of further housing provision. This would be a significant shift to the planning system, which has traditionally sought to integrate, or at least balance market pressures with other public interest objectives in a process that is both participative and democratic;

(M) the practicalities of using housing sub-regions, as the basis for planning for housing provision need further investigation. This approach could take important decisions further from local communities;

(N) the housing land availability assessments need further clarification as to their extent and their role in influencing decisions at a regional level;

(O) the scenario based approach will only exacerbate existing housing market problems – leading to an over-heating of the housing market in areas identified for high levels of new homes and the opposite in areas of low growth. The high growth scenario is of great concern as it fails to mention the word ‘manage’ – one of the cornerstones of the current and proposed ‘plan, monitor and manage’ approach; The proposed approach could be viewed as the antithesis of proper planning;

(P) in high growth areas there are no mechanisms for ensuring that the most sustainable previously developed sites are brought forward before greenfield sites. Indeed the proposals could positively encourage more development on greenfield sites. This undermines the sequential policy approach of ‘brownfield first, greenfield last’, and the proper phased release of housing sites;

(Q) the proposals downplay or ignore local environmental quality and quality of life by focussing on meeting demand and could contribute

ACTION

to urban decline and abandonment elsewhere;

(R) there is a real risk that very large increases in housebuilding rates, accompanied by a major speeding up of the rate at which the planning system releases land, could undermine efforts to regenerate towns and cities. The social, economic and environmental costs of urban decay are enormous;

(S) the Consultation Document implies that all local authorities are failing to deliver their planned housing provision. It fails to consider the potential for over-provision, or that such over-provision could have wide-ranging detrimental impacts;

(T) under-provision is not the only reason to monitor as implied in the Consultation Document. Proper monitoring leads to proper managing of housing supply, which results in properly co-ordinated sustainable development;

(U) monitoring market information, such as house prices, will have limited added value to judgements local authorities have to make about rolling forward housing provision, as judgements should be based on a wide range of social, economic and environmental factors.

(V) the practicalities of using house prices as the basis for planning for housing provision need further investigation. Market prices are fluid in nature and subject to influences outside the control of planning authorities. The unavoidable time-lag between collection of information and implementation of the planning decisions based on that information could result in wholly inappropriate development.

(W) if the intention is not to take account of a windfall allowance, particularly in high growth areas,

ACTION

this is wholly unacceptable. Such an approach will lead to a significant over-provision of housing, resulting in potential delay or non-development of brownfield land and the unnecessary loss of greenfield and Green Belt land.

(X) there are other, better ways of addressing the Country's housing problems than a significant increase in market housing, which include:

- (1) planning new housing on the basis of need, not demand, recognising social, economic and environmental considerations;**
- (2) increasing the supply of subsidised and affordable housing;**
- (3) making better use of existing buildings and previously developed land; and**
- (4) implementing demand-side measures, which would make housing more affordable and prices less volatile;**

(Y) the consultation period should have been 12 weeks, in line with the Government's own Code of Practice. Future consultations should include the release of draft practical guidance in parallel with the main consultation, to provide more detail on how changes would work in practice.

**293 DRAFT OF THE TOWN AND COUNTRY PLANNING
(GREEN BELT) DIRECTION 2005 - CONSULTATION
PAPER RESPONSE**

The Executive Member for Environmental Management submitted a report detailing a suggested response to the Government's Consultation Paper entitled "Draft of the Town and Country Planning (Green Belt) Direction

ACTION

2005”.

The Executive Member advised that the Consultation Paper identified proposed changes in the criteria by which the Secretary of State should be notified of planning applications in the Green Belt.

The Executive noted, that, currently, certain planning applications which did not accord with the provisions of the Development Plan and which the Local Planning Authority did not propose to refuse, needed to be notified to the Secretary of State to determine whether he wished to call in (for a determination) the application. The current provisions did not specifically require the referral of planning applications affecting the Green Belt to the Secretary of State. Local authorities were required to decide whether or not to refer such applications, depending on their view of whether or not a proposed inappropriate development in the Green Belt was likely to cause “significant prejudice to the implementation of the Development Plans Policies and Proposals”.

The Executive Member stated that the Government believed that the existing planning policies and controls afforded a high level of protection for Green Belt. However, the Government had recognised that there was widespread concern about the threats to the Green Belt from development pressures. It therefore wanted to ensure that inappropriate development in the Green Belt remained an exception. A new regulatory system was therefore proposed, requiring planning applications for inappropriate development of certain types and scale in the Green Belt, which local planning authorities were minded to approve, to be referred to the Secretary of State.

The Executive Member stated that the consultation paper contained three options for determining whether or not applications should be referred to the Secretary of State in the circumstances now detailed.

ACTION

The Executive noted the detail of the options identified.

The Executive supported the suggested response to this consultation paper as now detailed.

RECOMMENDED - that in respect of the Government's Consultation Paper entitled: Draft of the Town and Country Planning (Green Belt) Direction 2005 - July 2005, the Office of the Deputy Prime Minister, be advised that East Herts Council objects to the implementation of Option (iii) in the proposed new Direction and considers that:

DRS

(A) Option (iii) does not provide any greater clarity to the type and nature of applications within the Green Belt which should be referred to the Secretary of State

(B) any 'inappropriate' development in the Green Belt in excess of 1000 square metres in size would have significant impact on its openness and under the present direction would be referred to the Secretary of State. Therefore, the introduction of this threshold does not provide any greater clarity or protection;

(C) PPG2: Green Belts states that 'inappropriate development is, by definition, harmful to the Green Belt'. The introduction of criteria by which the significance of the harm can be measured undermines this statement;

(D) there is continuous pressure to develop the Green Belt. Maximum safeguards should be made for its protection to ensure that inappropriate development is only granted in exceptional circumstances. Option (i) is therefore the most appropriate option. Option (i) will also allow all inappropriate development in the Green Belt to be properly monitored;

ACTION

(E) Option (i) is the only option which will ensure that a consistent approach is taken by all local authorities when determining if an application is referred to the Secretary of State; and

(F) in the event that Option (iii) is chosen by the Government, it is considered that a threshold of 1000 square metres is too large. A smaller threshold, for example 100 square metres, would be more appropriate and would help to ensure that minor applications are not unnecessarily referred to the Secretary of State.

294 LOCAL AUTHORITY EXPENDITURE 2006/07

The Deputy Leader and Executive Member for Finance submitted a report on the process to be followed for setting the Authority's budget for 2006/07 and receiving guidance of the likely level of Council Tax for 2006/07.

The Executive Member advised that this report marked the first stage of the General Fund Revenue Budgetary cycle for 2006/07. At the end of November, the Government would release the provisional Revenue Support Grant settlement for 2006/07 and this would be followed by the final settlement, probably issued at the end of January 2006.

The Government was proposing a three year settlement. The importance of the settlement was that it contained vital figures on the Government's view of a Council's need to spend and the central grant which was to be paid to each Council.

The Executive noted that there were further changes to the Grants system last year and it was anticipated that the system now has some stability and an increase of 2.5% had been included in the financial model now presented.

ACTION

The Executive Member highlighted that the Council now had detailed Strategic and Service Plans in place that gave greater detail as to how its objectives were to be delivered. The service plans had been fully costed and incorporated into a four year model. The financial model was attached as a Appendix to the report now submitted and showed the likely level of Council Tax if the Service Plans were fully implemented.

The Executive Member stated that, in line with the Gershan report, efficiency savings should now be based on 2.5% and this had been reflected in the financial model. A further review of Council services to identify efficiencies, in line with Gershan requirements, was to take place in October/November and be reported back to the Executive. The Budget Scrutiny Panel was to review the proposed efficiencies and its detailed scrutiny would be fed into the overall process.

The Executive Member stressed that a number of areas within the model were extremely sensitive to minor changes and could have quite significant effects on the overall budget. For example, a 0.25% change/difference in interest rates could have a £200,000 effect or £3.50 on/off the Council Tax.

The Executive noted that, based on existing Service Plans, a Council Tax of £151.01 at Band D would arise in 2006/07.

The Executive Member outlined the timetable for the Revenue Budget process. All Members would be invited to participate fully in that process.

The Executive noted that portfolio holders had been invited to:

- **set out fees and charges increases for reporting at the appropriate time in the budget setting**

ACTION

process;

- **ensure that the budgets were driven principally by the Council's objectives and priorities;**
- **look for base budget savings of a minimum of 2.5% across areas of responsibility in line with the Gershon agenda.**

The Executive Member highlighted that, in common with all local authorities, the Council had a legal responsibility to consult with the business community on budget proposals. Whilst there was no legal requirement for the Authority to engage with its customers on budget issues, this process was increasingly recognised to be best practice. The Executive Member highlighted consultation activities that had taken place in previous years.

The Executive Member stated that for the forthcoming consultation exercise, it was not intended to use Community Voice meetings. Rather, a citizens panel survey would be undertaken. As part of the survey, there would be some "tracking questions" by which the Council would be able to monitor any significant changes in customers' opinions on budget issues. New questions would also be incorporated in the survey to reflect changing budget circumstances.

In relation to the statutory consultation with the business community, the possibility of holding a breakfast "rather than a dinner" event involving local business communities was being considered. A breakfast event may take place in both the western and eastern areas of the District.

The Executive supported the Executive Member's recommendations in relation to local authority expenditure 2006/07 and agreed that an indication of the likely preferred level of Council Tax should be

ACTION

given based on an increase of between 3-5%.

RECOMMENDED - that the General Fund Revenue Budget Process be approved as set out in the following report:

DR

- (1) appropriate inflationary indices be included in the base for 2006/07,
- (2) suggestions for fees and charges that reflect a minimum increase of 2.5% (in line with assumptions in the financial model) and higher levels where deemed appropriate (in line with the cost of service), be reported to the Executive on 14 February 2006, or earlier, when the operational implementation requires longer lead in time,
- (3) as included in the Council's Strategic Plans, Council Portfolio Holders/officers identify minimum efficiency savings of 2.5% of the budgets (as proposed in the Gershon Report),
- (4) a report be presented to the Executive on 14 February 2006, indicating in priority order, items in the Service Plans to be funded in 2006/07,
- (5) the Executive be requested to provide an indication of the likely preferred level or range of Council Tax as an increase of between 3% to 5%, and

(B) the Director of Resources be requested to write to all Parish/Town Councils to advise of the District's Budget intentions for 2006/07.

DR

295 BUILDING CONTROL RECRUITMENT

The Executive Member for Environmental Management submitted a report advising that there had been an increase in the workload within the Building Control Section.

The Executive Member outlined the work undertaken by the Building Control Section and gave details of various performance measurements.

The Executive noted that the principle work activity of the Section related to processing and enforcement of building regulation applications. In 2004/05, the Council had received 1,947 building regulation applications (which represented a 13% increase when compared to the previous year and a 25% increase in applications since 2002/03). For the first four months of the current financial year, there had been a further increase of 3% in applications received.

The Executive Member advised that it was unlikely that the Building Control Section would meet all its Performance Indicators for 2005/06 unless there was a substantial drop in applications and/or additional resources provided within the unit to meet the heavy workload. The increase in workload was compounded by the greater complexity of applications being received due to alterations in building regulations.

The Executive Member suggested that Council be recommended to approve a Supplementary Revenue Vote of up to £30,000 to employ agency staff within the Building Control Section until March 2006.

The Executive supported this suggestion and noted that the Director of Regulatory Services would be addressing the long-term implications of workload management within the Base Budget Review.

ACTION

RECOMMENDED - that a Supplementary Revenue Vote of up to £30,000 to employ agency staff within the Building Control Section until March 2006 be approved.

**DR
DRS**

296 PROCUREMENT - HERTFORDSHIRE BUSINESS CHARTER AND THE NATIONAL PROCUREMENT CONCORDAT FOR SMALL AND MEDIUM SIZED ENTERPRISES

The Executive Member for Public Engagement submitted a report seeking approval for the Hertfordshire Business Charter and the National Procurement Concordat for Small and Medium Sized Enterprises.

The Executive Member advised that the National Procurement Strategy, launched in 2003, set out how central and local government, working together with partners from the public, private and voluntary sectors, would improve local government procurement.

It was envisaged that the National Procurement Strategy for Local Government would illustrate to councils how to use innovative ways to procure, work in partnership with others and manage services that, amongst other things, would:

- better achieve community plan objectives;
- provide savings and better value for money; thereby improving the cost effectiveness of the Council;
- build social cohesion and promote equality of opportunity for service users, businesses and Council staff;
- enable councils to manage and access risks in

ACTION

the market place;

The Executive Member outlined the Government's overall objective in relation to Local Authority Procurement. To help councils achieve this overall objective, a range of milestone activities had been developed under the following themes:

- **providing leadership and buying capacity;**
- **partnering and collaboration;**
- **doing business electronically;**
- **stimulating markets and achieving community benefits.**

The Executive noted that the Council's Corporate Procurement Strategy Group and Hertfordshire Procurement Forum had been regularly monitoring achievements against the milestones identified. The latest position statement for the Authority was attached as an Appendix to the report now submitted.

The Executive Member stated that the Council had a target to sign up formally to the National Concordat for Small and Medium Sized Enterprises (SMEs) by the end of 2005. To achieve this, the Authority would need to approve and adopt that Hertfordshire Business Charter and sign the National Procurement Concordat for Small and Medium Sized Enterprises.

The Executive Member stated that appended to the report now submitted were details of the Hertfordshire Business Charter and the National Procurement Concordat for SMEs.

The Executive supported the Executive Member's suggestion that Council be recommended to approve these documents.

ACTION

RECOMMENDED - that the Hertfordshire Business Charter and the National Procurement Concordat for Small and Medium Sized Enterprises be approved.

DPP

297 SALE OF SHOPS AT KING GEORGE ROAD, WARE

The Executive Member for Finance submitted a report upon a proposal to dispose of four shops within the Authority's ownership (with living accommodation) at King George Road, Ware.

The Executive Member outlined the background to the proposed disposal of these properties and detailed the current letting arrangements.

One of the four properties was currently empty and the remaining three were let on leases of various lengths.

The Executive Member outlined the proceeds that would be obtained from the disposals now proposed compared to the current levels of rental income received.

The Executive Member stated that the sale of the properties was expected to stimulate investment by owner/occupiers and have a positive impact on the viability of the shops.

The Executive supported the suggestion that Council be recommended to dispose of the freehold ownership of the shops now detailed for the sums identified in the report now submitted.

RECOMMENDED - that the Council (A) dispose of the freehold ownership of shops with living accommodation at 96 – 102 King George Road, Ware;

DR

ACTION

(B) accept the offer received for the vacant property No.98 of £191,000 from Mr M Iqbal with vacant possession; and DR

(C) dispose of the tenanted properties at 96, 100 and 102 to the tenants for £140,000 for each property. DR

298 SALE OF 2 BRICKENDON LANE, HERTFORD

The Executive Member for Finance submitted a report upon a proposal to sell a Council -owned property (shop and house) at Brickendon Lane, Hertford.

The Executive Member outlined the current letting arrangements of the property and advised that the current tenants wished to purchase the freehold interest.

The Executive Member detailed the offer made for the freehold ownership of the property.

The Executive supported the suggestion that Council be recommended to sell the freehold interest in 2 Brickendon Lane, Hertford to the current tenants on the terms detailed in the report now submitted.

RECOMMENDED - that the freehold interest in 2 Brickendon Lane, Hertford be sold to the current tenants of the property on the terms as set down in the report now submitted. DR

RESOLVED ITEMS

299 MINUTES

Following comments from a Member in relation to Minute 236 - Public Convenience Provision and Maintenance - the Leader advised that any concerns over the location of public conveniences within Bishop's Stortford should be

ACTION

raised through the Authority's Town Centre Development Group.

RESOLVED - that the Minutes of the Executive meeting held on 16 August 2005 be confirmed as a correct record and signed by the Chairman.

300 MENTAIL HEALTH CONSULTATION

The Executive Member for Public Engagement submitted a report summarising a consultation document entitled "Investing in your Mental Health: From Here to Recovery" and identifying options for Hertfordshire.

The Executive Member advised that the consultation document detailed major proposals on the future of Mental Health and Social Care Services in Bedfordshire, Luton and Hertfordshire.

The consultation was underpinned by four principles:

- mental health promotion - looking at desigmatising mental health problems and encouraging people to look after their mental health;
- social inclusion - looking at supporting people with mental health problems back into society;
- recovery - looking at re-designing services around the individual;
- mainstreaming - looking to meet needs through mainstream services where possible, rather than specialist mental health services;

A "care pathway" had been identified that would provide more practical support in the community by primary care organisations and specialist mental health providers.

The Executive noted the details of the consultation

ACTION

document in relation to child and adolescent mental health services; adults of working age mental health services; older peoples services; mental health services for adults who have learning disabilities; forensic and secure services; prison mental health services; dual diagnosis services - for people with mental health and substance misuse problems; services for adults with eating disorders, personality disorder services; mother and baby (perinatal) mental health services, and mental health services for people from black and minority ethnic communities.

The Executive Member summarised the priorities and options for Hertfordshire and detailed a suggested response to the consultation.

The Executive supported the suggested response to the consultation as detailed in the report now submitted. Further, it agreed to comment that recognition needed to be given in mental health care plans of the support to be provided to an individual's family as a whole (not just the individual and their immediate carer).

RESOLVED - that (A) the Executive endorse the Officer's opinion that

DPP

- (1) the proposals and principles underpinning items be supported as they help to further the Council's priority to work in partnership to support vulnerable people
- (2) the issues of accessibility to services and public transport be further investigated. East Hertfordshire is a rural area and the Council is concerned that rural residents must be able to access services more easily as a consequence of this review;
- (3) moreover, east/west transport links are difficult in Hertfordshire. There is concern that residents in the Bishop's Stortford / Sawbridgeworth area will suffer as a

ACTION

consequence of the review as this part of the District uses Cambridge and Harlow as its access points to hospital services

(4) Option B for acute care seems attractive but note point (3), and

(B) a further representation be made, as follows: recognition needs to be given in mental health care plans of the support to be provided to an individual's family as a whole (not just the individual and their immediate carer).

DPP

301 EAST HERTFORDSHIRE DISTRICT COUNCIL (OFF-STREET PARKING PLACES) (AMENDMENT) ORDER NO 1 2005

The Executive Member for Environmental Management submitted a report reminding the Executive that Council, at its meeting held on 29 June 2005, had considered a recommendation on changes to parking in Bishop's Stortford during town centre redevelopments.

Council had agreed to make an order to introduce park and ride for shoppers at Woodside Park and Ride Centre, Bishop's Stortford and to introduce short stay parking at Northgate End, Link Road and Crown Terrace on the basis now detailed.

The Executive noted that public notice of the proposed Order had been given. No responses had been received by the deadline set.

The Executive supported the Executive Member's suggestion that the East Hertfordshire District Council (Off-Street Parking Places) (Amendment) Order No 1 2005 should be confirmed as an unopposed Order.

RESOLVED - that the East Hertfordshire District Council (Off-Street Parking Places) (Amendment) Order No 1 2005 should be confirmed as an

DCG

ACTION

unopposed Order.

302 FORWARD PLAN - NOVEMBER 2005 - FEBRUARY 2006

The Executive Member for Public Engagement submitted a report seeking approval for the publication of the Forward Plan for the period November 2005 - February 2006.

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

RESOLVED - that the Forward Plan for November 2005 - February 2006, as set out at Appendix "B" to these Minutes be approved for publication.

DCG

303 ROYSTON, BUNTINGFORD AND BISHOP'S STORTFORD JOINT PRIMARY CARE TRUST (PCT) SCRUTINY COMMITTEE - MINUTES OF THE MEETING HELD ON 25 JULY 2005

RESOLVED - that the Minutes of the Royston, Buntingford and Bishop's Stortford Joint Primary Care Trust (PCT) Scrutiny Committee meeting held on 25 July 2005 be received.

304 HIGHWAYS JOINT MEMBER PANEL - NOTES OF THE MEETING HELD ON 18 JULY 2005

RESOLVED - that the Notes of the Highways Joint Member Panel meeting held on 18 July 2005 be received.

The meeting closed at 5.55 pm

APPENDIX 'A' TO EXECUTIVE MINUTES - 13 SEPTEMBER 2005

Changes to Draft County Officer Response

Paragraph 1B

The objectives should accordingly be:

- to reduce the overall noise from aircraft during the night quota period **to a level below that of 2002/3** while permitting expansion of the airport's overall traffic during the daytime period in line with movement approvals secured through the planning process.
- to use the quota system to encourage the use of quieter aircraft at night

Paragraph 1F

In 2002-03 (12 months October – October) there were 7,694 qualifying movements at night (Consultation Report 1) compared with the permitted 12,000 (an increase of 56%). The airport handled 192,300 air traffic movements in the year 2004 and BAA Stansted estimate that by 2015 **(assuming planning permission is granted for 35mppa on 1 runway)** it will handle 274,000, an increase of 42%. The level of increase in night movements envisaged by the proposed restrictions 2002-03 to 2012 (56%) is therefore in excess of BAA's anticipated increase in total air traffic movements 2004 to 2015. This further goes to suggest that the proposed night movement limits are well in excess of what is needed to meet the demand for essential night flights.

Paragraph 3C

This alone would mean there are no limits in the shoulder periods so the councils would propose that a Leq contour area limit for the 8 hour night is introduced **to operate alongside the 6.5 hour one**. This would be calculated in the light of the 6.5 hour restrictions and the existing movements in the shoulder period. **The potential to introduce quieter aircraft in the shoulder periods should allow movement increases over time**

Paragraph 8E

It is difficult to suggest alternative lower restriction levels but those set out in paragraph 7.40 would seem to be both realistic and a desirable step in the right direction of reducing quota levels, without a clearer view as to the economic value of night flights. SASIG has put forward proposed limits of 6,500 annual quota, 7,700 movements 2006/7 and 5,850 quota, 7,000 movements 2011/12. The County Councils support these limits as being equivalent to present usage, but if they can be demonstrated to be unacceptable as a minimum those set out in paragraph 7.40 should be adopted. They are clearly both realistic and a desirable step in the right direction of reducing quota levels. A 12 month quota level of 6800 – 7000 as compared to that proposed of 7960 (2011-12) would mean with the existing movement limit an average of nearly 0.6 QC per movement. The present level is about 0.8 – 0.9 QC per movement but as the Report points out the introduction of the new 0.25 QC category will help reduce this and there are still noisy aircraft operating at Stansted.

Paragraph 8F

The County Councils consider the proposed movement limits are also too high, given the actual movements were only 8500 for the past winter and summer (2004-05), and provide unnecessary headroom for airlines to develop their businesses at Stansted. Stansted is unique in comparison to the other two airports in the large amount of headroom given in the current quotas. A quota limit of 6800-7000 linked with a lower movement limit 10,000 would help reduce the unacceptable increase in the noise climate resulting from the proposed rise in operations above the current partial utilisation of the restriction levels. The County Councils would though prefer to see a reduction in night noise.



Forward Plan

Published for November 2005

**FORWARD PLAN
(Council and Executive)**

No	Subject	Decision Maker (Date)	Consultation (who will be consulted and by what method)	Contact Executive Member	Contact Lead Officer
1.	Revenue Support Grant Settlement 2006/07 Provisional Settlement Final Settlement	Executive – 6 December 2005 Executive – 14 February 2006	None	Councillor Tony Jackson	Dave Tweedie
2.	Budget 2006/07 Round 1 Estimates Round 2 Estimates	Council – 14 December 2005 on recommendation from Executive – 6 December 2005 Council – 22 February 2006 on	Members via Budget Scrutiny Panel and Policy Development Scrutiny Committee. Representatives of trade and industry.	Councillor Tony Jackson	Dave Tweedie

No	Subject	Decision Maker (Date)	Consultation (who will be consulted and by what method)	Contact Executive Member	Contact Lead Officer
		recommendation from the Executive – 14 February 2006			
3.	Meals on Wheels Report on outcome of tenders	Executive – 8 November 2005	Service providers, LSP partners and Members.	Councillor Bob Parker	Mary Orton
4.	Implementing Electronic Government Strategy Statement Update submission to Government - December 2005	Executive – 6 December 2005		Councillor Terence Milner	Georgina Stanton
5.	Calendar of Meetings 2006/07	Council – 22 February 2006 on recommendation from Executive – 7 February 2006	Internal consultation and Town Councils	Councillor Terence Milner	Simon Drinkwater

No	Subject	Decision Maker (Date)	Consultation (who will be consulted and by what method)	Contact Executive Member	Contact Lead Officer
6.	Local Government Act 2003 – Prudential Code	Council – 22 February 2006 on recommendation from the Executive – 14 February 2006		Councillor Tony Jackson	Dave Tweedie
7.	Treasury Management and Investment Strategy 2006/07	Council – 22 February 2006 on recommendation from the Executive – 14 February 2006		Councillor Tony Jackson	Dave Tweedie
8.	Capital Programme 2006/07 – 2008/09	Council – 22 February 2006 on recommendation from the Executive – 14 February 2006		Councillor Tony Jackson	Dave Tweedie
9.	Fees and Charges 2006/07	Council – 22 February 2006 on recommendation		Councillor Tony Jackson	Dave Tweedie

No	Subject	Decision Maker (Date)	Consultation (who will be consulted and by what method)	Contact Executive Member	Contact Lead Officer
		from the Executive – 14 February 2006			
10.	Growth Items and Efficiency Savings 2006/07	Council – 22 February 2006 on recommendation from the Executive – 14 February 2006		Councillor Tony Jackson	Dave Tweedie
11.	Strategic Plans 2006/07	Council – 12 April 2006 on recommendation from Executive – 7 March 2006	Performance Scrutiny Committee – special meeting in February 2006	Councillor Mike Carver	Mary Orton
12.	Performance Indicators 2006/07 Targets and Estimates for 2005/06	Council – 12 April 2006 on recommendation from Executive – 4 April 2006	Performance Scrutiny Committee – 28 February 2006	Councillor Tony Jackson	Mary Orton

SCRUTINY WORK PROGRAMME

No.	Subject	Committee (Date)	Contact Member	Relevant Portfolio Holder	Support Officer
1.	Performance Indicators Quarterly monitoring – July – September 2005	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton
2.	CPA Improvement Plan Monitoring (April – September 2005)	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Mike Carver	Rachel Stopard
3.	Strategic Plans 2005/06 April – September 2005	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton
4.	Best Value Action Plan Monitoring (April – September 2005)	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton

No.	Subject	Committee (Date)	Contact Member	Relevant Portfolio Holder	Support Officer
5.	Strategic Risks Monitoring (July – September 2005)	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Mike Carver	Simon Drinkwater
6.	Review of the Safety Advisory Team	Performance Scrutiny – 6 December 2005	Cllr Diane Hollebon	Councillor Tony Jackson	Miranda Steward
7.	Strategic Plans 2005/06 Six month progress	Performance Scrutiny – 28 February 2006	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton
8.	Performance Indicators Quarterly monitoring – Oct – December 2005	Performance Scrutiny – 28 February 2006	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton
9.	Strategic Risk Monitoring report (Oct – Dec 2005)	Performance Scrutiny – 28 February 2006	Cllr Diane Hollebon	Councillor Tony Jackson	Mary Orton

No.	Subject	Committee (Date)	Contact Member	Relevant Portfolio Holder	Support Officer
10.	Protecting and providing support to the most vulnerable in partnership with others	Policy Development Scrutiny – 15 November 2005	Cllr Jim Ranger	Councillor Bob Parker	Bernard Perry/ Neal Hodgson/ Mary Orton
11.	Create opportunities for improving access to services and public involvement in Council business	Policy Development Scrutiny – 17 January 2006	Cllr Jim Ranger	Councillor Terence Milner	Simon Drinkwater/ Georgina Stanton