

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 27 JULY
2005 AT 7.30 PM

PRESENT: Councillor A L Burlton (in the Chair).
Councillors M R Alexander, W Ashley,
H G S Banks, K A Barnes, N Burdett, M G Carver,
D Clark, R N Copping, J Demonti, G L Francis,
R Gilbert, Mrs M H Goldspink, A M Graham,
Mrs D M Hone, A P Jackson, G McAndrew,
M P A McMullen, T Milner, Mrs S Newton,
R L Parker, D A A Peek, L R Pinnell, J O Ranger,
D Richards, S Rutland-Barsby, B W J Sapsford,
J J Taylor, J D Thornton, M J Tindale,
A L Warman, J P Warren and M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director (Returning Officer)
Alison Brown	- Communications Officer
Martin Ibrahim	- Senior Democratic Services Officer
George Robertson	- Head of Legal Services
David Tweedie	- Director of Resources

208 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 29 June 2005, be approved as a correct record and signed by the Vice-Chairman.

209 CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman referred to the sad news that former

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Councillor Tim Robertson had passed away after his recent illness. He had been first elected in 2003 representing Hertford Rural South ward. The Vice-Chairman stated that despite serving for only a short time on East Herts Council, his intelligent and often humorous contributions would be missed. As a mark of respect, Members stood and observed a minute's silence.

The Vice-Chairman stated that a memorial service for former Councillor Tim Robertson would be held on 4 August 2005, at Queen's Chapel, Savoy Hill. He would be attending with Councillor M P A McMullen on behalf of the Council.

The Vice-Chairman also reported that the Chairman had now returned home from hospital and would be responding individually to all the good wishes he had received.

210 DECLARATION OF INTERESTS

Councillor J D Thornton declared a personal interest in the matter referred to at Minute 154 – Construction of Skateboard Park, although the nature of the interest was not stated.

Councillors D A A Peek, J J Taylor and M Wood declared a personal and prejudicial interest in the matter referred to at Minute 191 – Meals on Wheels Tender. Councillor M Wood was Chairman of Age Concern, Bishop's Stortford, and Councillors D A A Peek and J J Taylor were Age Concern trustees. They all left the Chamber whilst this matter was discussed.

Councillor M Wood declared a personal and prejudicial interest in the matter referred to at Minute 181 – Complaint in respect of a Parish Councillor (Standards Board Reference SBE 9054.04), in that he knew the Parish Councillor concerned. He undertook to leave the Chamber in the event of the matter being discussed.

ACTION211 PUBLIC QUESTION

Mr B Edwards asked the Leader of the Council the following question in respect of the future of Bishop's Stortford:

Given the enormous building programme going on in the town of Bishop's Stortford at the present time: the Atkins and Cripps site, Furlong Homes on the Gas Board College site and Wilson Bowden around Jackson Square, who currently owns the strategic plan for the town of Bishop's Stortford; who has determined where we want to be/what we want the town to look like in 10-15 years time?

In reply, the Leader invited the Executive Member for Regional Development to respond.

The Executive Member referred to the Local Plan as the key strategic document which guided the planning process until 2011. This would be influenced by the East of England Plan, which was expected to be adopted at the end of 2006, and covered the period up to 2021. The imminent development of the Council's Local Development Framework would also operate in tandem with the East of England Plan. In addition to these statutory processes, East Herts Community Strategy set out a vision and priorities which would guide the work of the Local Strategic Partnership.

The Executive Member referred to the current major developments in Bishop's Stortford and the potential for development to the north of the town. These raised serious transport issues, which had resulted in the Council commissioning a multi modal study jointly with the Office of the Deputy Prime Minister (ODPM), GoEast and Hertfordshire County Council.

The Executive Member stated that in respect of these plans, the Council's position had been formulated on the basis of expert knowledge and engagement with the local

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community. However, the East of England Plan threatened to ride roughshod over local democracy.

The Leader added that the threat to local democracy had been demonstrated by the abolition of County Structure Plans and the development of the East of England Plan. The Council had, and would continue, to challenge the assumptions within the Plan, particularly in terms of economic development, housing and the lack of infrastructure funding. East Herts Council would try to own the plan for Bishop's Stortford if it was allowed to.

As part of a supplementary question, Mr Edwards referred to problems around access issues to the Furlong development on the old Gas Board site in Bishop's Stortford, and asked whether there was a specific individual who had Bishop's Stortford's interests at heart.

In response, the Leader stated that he was confident that the Council's priorities were in this vein. However, others might seek to interfere in terms of additional housing, etc.

212 MEMBERS' QUESTIONS

Councillor K A Barnes asked the Executive Member for Environmental Management if he considered that 10 weeks to determine the challenge of a penalty charge notice was totally unacceptable, when this Authority's guidance notes stated that it would be determined within 10 working days. He also asked if he was aware of any backlog on determining these notices, especially now that other authorities' (Welwyn Hatfield and Stevenage) parking enforcement had been taken on by this authority. Finally, he asked if the authority, or the decisions made in relation to the penalty charge notices, could be legally challenged due to the extreme time lapsed between the guidance deadline and the actual decision date.

In response, the Executive Member for Environmental Management stated that the delay was not acceptable. Parking wardens had issued more notices than expected,

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which had resulted in more challenges and appeals being submitted. As a consequence, staffing levels were being reviewed currently.

The current backlog was 8 weeks. However, the motorist was not being penalised during this period as the penalty charge notice stood suspended pending a decision on the challenge. If the challenge was rejected, the motorist still had a further fourteen days to make the payment at the discounted rate. The Executive Member emphasised that the Council was committed to giving individual consideration to each challenge, and as such, standards would not be reduced in order to speed up the process.

He was not aware of any legal challenges that could be made against the Council, as there were no statutory deadlines to adhere to.

Councillor Mrs M H Goldspink asked the Leader of the Council, if in view of the city of London's successful bid to host the Olympic Games in 2012, East Herts District Council could consider the possibility of building some new sporting facilities, or upgrading some of its existing ones to Olympic standards. She suggested that such facilities could be used by the visiting teams who would all need venues where they could train and practise, and after the Games, these facilities could be used by the people of East Herts.

In reply, the Leader of the Council referred to the joint officer/member working group, which had been set up by the Executive, to look at the long term options for leisure facilities. This group would be reporting back to the Executive in December 2005. The Leader shared in the excitement of the decision to award the Games to London and hoped that the enthusiasm generated would lead to increased participation in sports. He concluded by stating that the Council was committed to providing facilities for local people and local needs.

Councillor Mrs M H Goldspink asked the Leader of the Council if it was true, as she had read in the local paper last

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week, that District Council Officers had been in discussion with British Waterways about the possibility of building a marina in Sworders Field, Bishop's Stortford. If it was true, she asked why elected Councillors had not been consulted. She personally found the idea of providing a marina to be an attractive one, and in fact, had made proposals for a similar scheme in a slightly different location in 1992. However, she was not very happy at the prospect of losing 45% of Sworders Field. Therefore, she asked the Leader to inform Council if the reports were true, and if they were, was there any point in being an elected Councillor when such big and important decisions were being made by Officers.

In response, the Leader of the Council stated that major decisions on this were not being taken by officers. British Waterways had sought initial technical advice from Development Control officers, as part of the usual pre-application process. It was not the role of Members to be involved at this stage of the process, as they would usually become involved at the application stage at Development Control Committee.

In response to a supplementary question relating to whether Members could become involved in the policy issues, the Leader referred to the Local Plan as the relevant policy document. It would be very dangerous for Members to become involved in prejudging issues before planning applications were submitted. Officers were using their best technical expertise within the guidance of the Local Plan.

213 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meeting held on 19 July 2005.

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The Leader referred to the sad death of former Councillor T K H Robertson. He stated that Tim Robertson had been a respected and dedicated councillor, not just in terms of his ward work, but also his Council duties. His dry humour and articulate contributions would be missed.

The Leader also referred to the successful completion of the transfer of leisure management services to Enfield Leisure and the recent extension of recycling services. He reported that there had been a huge surge of licensing applications.

In respect of the East of England Plan, the Leader drew attention to the postponement of the Examination in Public by seven weeks. The chapters that were particularly relevant to East Herts would not now be considered until the New Year. The Leader undertook to advise on this nearer the time.

Finally, the Leader wished all Members a pleasant summer break.

In response, the Leader of the Opposition concurred with the comments made in relation to former Councillor T K H Robertson. In respect of recycling, he acknowledged the recent expansion of services, but stated that the public expected more to be done. The feedback he was getting from residents was that whilst there was complete satisfaction with waste services, in terms of recycling, the Council was falling short when compared to those services offered by neighbouring authorities. He referred to the public's growing impatience and pleaded for the expansion of services to move quicker.

In response, the Leader reiterated the Council's policy for a step by step expansion of services that did not impact on the level of Council Tax unreasonably.

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In respect of Minute 188 – Alteration to Bishop’s Stortford Reception Area to Create a ‘One-Stop Shop’, Councillor Mrs M H Goldspink expressed her support for the proposals in principle, but asked if the new design had taken account of energy efficiency issues in respect of the sliding doors.

In reply, the Deputy Leader and Executive Member for Finance shared her concern and undertook to ensure that the Council’s Environmental Coordinator was involved in the redesign.

In respect of Minute 191 – Meals on Wheels Tender, Councillor J O Ranger sought assurance that under any new contract arrangement, hot meals would continue to be served.

In response, the Executive Member for Community Development confirmed that the meals would be hot. He referred to the history of the meals on wheels service and reminded Members that this was a discretionary service. He also recalled the Best Value Review and the role of the scrutiny process in reaching today’s position.

As a result of the Best Value Review, the Council was keen to pursue a course of action that would guarantee consistent quality, especially in terms of hygiene and nutrition. As stated in the report submitted to the Executive on 19 July 2005, he proposed that the evaluation of the tenders received would include a ‘tasting panel’ comprising service users and the press.

RESOLVED – that the Minutes of the Executive meeting held on 19 July 2005, be received, and the recommendations contained therein, be adopted.

214 RESTRUCTURING THE SENIOR MANAGEMENT TEAM

The Leader of the Council submitted a report proposing the extension of the existing management arrangements for a temporary period.

ACTION

He asked Council to accept an amendment to recommendation (A) as detailed in the report now submitted, to the effect that the temporary period should be specified as 'to no later than the end of 2005'

Council approved the revised proposals as now detailed.

RESOLVED - that (A) the existing arrangement be extended for a temporary period to no later than the end of 2005, to enable the terms, conditions, roles, responsibilities and salaries to be finalised; and

(B) the salaries be evaluated by the Council's consultants with a report back to Council with the details of the proposals and the financial implications.

215 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE
– 22 JUNE 2005

RESOLVED – that the Minutes of the Development Control Committee meeting held on 22 June 2005, be received.

(B) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 5 JULY 2005

In respect of Minute 175 – Forward Plan, Councillor J O Ranger, the Committee Chairman, stated that this had since been amended. The meeting scheduled for September 2005 would now be considering Recycling options.

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 5 July 2005, be received.

ACTION(C) STANDARDS COMMITTEE – 5 JULY 2005

RESOLVED - that the Minutes of the Standards Committee meeting held on 5 July 2005, be received.

216 STATEMENT OF ACCOUNTS 2004/05

The Deputy Leader and Executive Member for Finance submitted a report seeking approval for the Statement of Accounts 2004/05.

He asked Council to note that the Accounts and Audit Regulations 2003 set out the requirements for the production and publication of a Council's annual Statement of Accounts. One requirement of these regulations was that the person presiding at the meeting at which approval was given, be authorised to sign the Accounts at the end of the meeting. Previously, this had been approved by the Executive, but a change in the Regulations required the Accounts to be approved formally by Council.

Council approved the Accounts as now detailed.

RESOLVED - that the Statement of Accounts (as amended) for the financial year ended 31 March 2005 be approved and certified by the Chairman of the Council.

DR

217 STATEMENT OF INTERNAL CONTROL 2004/05

The Leader of the Council submitted a report presenting the 2004/05 Statement of Internal Control.

Council noted that under the Accounts and Audit Regulations (England) 2003, the Council was required to publish a Statement of Internal Control with the Annual Accounts. A separate report dealt with the Accounts (Minute 216 refers).

ACTION

The Leader stated that the Council was required to demonstrate the effectiveness of its system of internal control and to prepare a statement on its systems of internal control and risk management.

The Statement of Internal Control was a corporate document and was not restricted to an opinion on financial control. CIPFA guidance, which had been underlined by the External Auditor, stated that internal control was being interpreted in its broadest sense, covering both financial and managerial controls that ensured that the implementation of East Herts Council's objectives was being properly managed. Therefore, systems of internal control covered the setting and review of the Council's priorities; divisional strategic targets and service plans; performance management systems; risk management; financial and management controls; compliance with laws and regulations; accuracy and reliability of financial statements and other published information; human, financial and other resources were managed effectively and efficiently; and, high quality services were delivered efficiently and effectively. Compilation of the Statement of Internal Control required the Council to review the adequacy of its governance arrangements, develop an action plan to improve its arrangements and to communicate to stakeholders how better governance led to better quality public services.

The 2004/05 Statement of Internal Control was set out at Appendix 'B' of the report now submitted.

In response to a question from Councillor Mrs M H Goldspink on Member input to the Council's Strategic Plans, the Leader stated that all Members were able to influence the formulation and development of the Council's Strategic Plans via the scrutiny committee process. Indeed, later this year, the Policy Development Scrutiny Committee would begin the process of formulating corporate priorities for the life of the next Council from 2007. All Members would be encouraged to participate fully in this process.

ACTION

In response to a question from Councillor Mrs M H Goldspink relating to the wording of the fifth paragraph of section 3 relating to the Internal Control Environment, the Leader accepted that the final sentence needed rewording and undertook to respond formally when this was done.

Council approved the proposals as now detailed, subject to the rewording of the final sentence of the fifth paragraph in section 3.

RESOLVED - that on behalf of the Members and Chief Officers of East Herts Council, the Leader of the Council and Head of Paid Service sign the 2004/05 Statement of Internal Control as being a true statement, subject to the rewording of the final sentence of the fifth paragraph in section 3.

ED(HPS)

The meeting closed at 8.33 pm

Chairman
Date