

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON TUESDAY 11 OCTOBER 2005 AT  
7.30 PM

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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 A D Dodd, R Gilbert,  
Mrs M H Goldspink, G McAndrew, D E Mayes,  
Mrs S Newton, D A A Peek, J O Ranger,  
P A Ruffles, S Rutland-Barsby, G D Scrivener,  
J D Thornton and M Wood.

OFFICERS IN ATTENDANCE:

Rachel Stopard	- Executive Director (Head of Paid Service)
Simon Drinkwater	- Director of Corporate Governance
Neal Hodgson	- Director of Regulatory Services
Martin Ibrahim	- Senior Democratic Services Officer
Lois Prior	- Head of Communications
Bryan Thomsett	- Head of Planning Policy
Dave Tweedie	- Director of Resources

343 LEADER'S ANNOUNCEMENTS

The Leader welcomed Councillor D E Mayes to the meeting following his recent illness.

The Leader referred to the additional report that had been circulated on the supplementary agenda, which he had agreed to accept onto the agenda as an urgent matter in order to avoid delays in progressing the implementation of rake seating at Castle Hall.

### **RECOMMENDED ITEMS**

### **ACTION**

#### **344 ENFORCEMENT POLICIES FOR ENVIRONMENTAL HEALTH, COMMUNITY PROTECTION AND DEVELOPMENT CONTROL**

**The Executive Members for Community Safety and Environmental Management submitted a joint report on the development of enforcement policies for the Environmental Health, Community Protection and Development Control services.**

**The Executive Member for Community Safety referred to the Council's adoption of the Government's 'Good Enforcement Concordat', which committed all the Council's regulatory services to a set of principles regarding their behaviour and decision-making processes when undertaking enforcement work. Since then, in February 2004, Council had approved an overarching Enforcement Policy, which supplemented the Concordat.**

**The Executive Member detailed the consultation carried out and the responses received. In response to a question from Councillor R Gilbert, the Leader, whilst acknowledging that the response rate had been low, stated that experience showed that a non response could be interpreted as acceptance of the proposals.**

**In response to a question from Councillor R Gilbert, the Director of Regulatory Services confirmed that the Private Sector Housing policy complied with the Enforcement Concordat.**

**Councillor R Gilbert referred to the absence of any reference to the role of the Development Control**

ACTION

Committee in enforcement. The Executive agreed to recommend that the Development Control Enforcement policy should be amended to take account of this comment.

Councillor J O Ranger referred to breaches of planning controls by failure to adhere to planning conditions in respect of dwellings in rural areas attached to agricultural activities and suggested that a higher priority be placed on these than that proposed by the Development Control Enforcement policy. He suggested Priority 2, which was supported by the Executive.

Councillor D A A Peek referred to the powers of entry set out in the Enforcement policies and suggested that these should be authorised by a senior officer. The Executive supported this suggestion.

The Executive supported the recommendations as now amended.

**RECOMMENDED** - that the Enforcement Policies for Environmental Health, Community Protection and Development Control, as now amended, be approved.

**DRS**

**345 STANSTED AIRPORT – CONTINUED JOINT WORKING WITH HERTFORDSHIRE AND ESSEX COUNTY COUNCILS AND UTTLESFORD DISTRICT COUNCIL**

The Executive Member for Regional Development submitted a report seeking agreement to continued joint working in respect of Stansted Airport, with Hertfordshire and Essex County Councils and Uttlesford District Council, including financial contributions to the engagement of consultants and/or studies related to Stansted Airport.

ACTION

The Executive Member stated that the principle of growth of Stansted Airport had been established through the Government's Air Transport White Paper. Subsequent details would be established through proposals published by the airport operator and submitted to Uttlesford Council as the planning authority. Therefore, there was an ongoing need for joint Member and Officer working with the three partner authorities most affected – Hertfordshire and Essex County Councils and Uttlesford District Council, on matters relating to Stansted Airport.

The objective was to pool resources to appraise and respond to growth proposals jointly, achieving, wherever possible, an agreed and united position. This had and, would likely involve the commissioning of specialist consultants. The funding formula used in the past had been that both County Councils and Uttlesford District Council contributed 2/7 of the total bill each and East Herts contributed 1/7. This formula was considered to be a fair and reasonable split and was recommended for continued use in the next few years.

Earlier this year, Uttlesford Council had commissioned on behalf of the 4 authorities, two sets of consultants for work as follows:

- SH and E: Appraisal of demand, air traffic data and passenger mix;
- Casella Stanger: Environmental impacts (noise, air quality and airspace management).

The total cost of these consultants' works in the current financial year was anticipated to be about £50,000. The apportionment formula would split this so that Hertford, Essex and Uttlesford Councils paid around £14,000 each and East Herts £7,000. It was recommended East Herts Council should contribute such an amount, which

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could be funded from this year's existing budgets.

The Executive supported the proposals as now detailed.

**RECOMMENDED:** That East Hertfordshire District Council agrees to: **DPP**

(A) continued joint member and officer working with Hertfordshire and Essex County Councils and Uttlesford District Council in respect of Stansted Airport; and

(B) make financial contributions, within agreed Council budgets, towards the joint engagement of consultants or specialist advisers and/or studies, related to Stansted Airport, with the three local authorities referred to in (A) above, on the basis of the Council contributing 1/7 of total cost and the other local authorities contributing 2/7 each.

**346 BRITISH AIRPORTS AUTHORITY CONSULTATIONS (JULY 2005): STANSTED AIRPORT INTERIM MASTER PLAN; AND GROWING STANSTED AIRPORT ON THE EXISTING RUNWAY**

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The Executive Member for Regional Development submitted a report seeking the views of the Executive on two consultation documents published by the British Airports Authority (BAA) regarding future growth at Stansted.

BAA Stansted had published two separate but related consultation reports. One report represented a draft master plan for the airport. The other report was an initial consultation on plans for growth of the airport on the single runway, prior to a formal planning application.

ACTION

The Government's Air Transport White Paper required airport operators to produce a master plan. This would not have a statutory basis unless adopted by Local Authorities as part of their Local Development Frameworks. Its purpose was to "provide an indication of an airport operator's plans for infrastructure development" to assist in long-term resource planning and communication with stakeholders. The level of detail expected to be included depended on the likely level of development in the near term.

The proposed master plan described the airport as it currently operated, including details on passenger numbers, employee numbers and the impact of the airport on the locality and the region. It outlined the forecasts for a single runway airport at 2015 and its likely environmental effects.

The master plan was an "interim" draft for consultation. Following this consultation period, the final "interim" version would accompany the planning application for better use of the existing runway. It was titled an "interim" master plan on the basis that it did not cover in any detail the issue of a proposed second runway at Stansted, as set out in the Air Transport White Paper. The draft "Final" master plan would be published for consultation sometime next year. The Final "Final" master plan would then accompany a planning application for the second runway. The expected timetable was set out in the report now submitted.

The Executive Member stated that the approach adopted by the master plan was based on incremental growth of the airport without a clearly articulated strategy of the bigger picture, such as how the airport would operate with two runways. This made it more difficult for local authorities to ensure infrastructure provision and long-term planning decisions kept pace with airport development.

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The second consultation document, “Growing Stansted on the Existing Runway”, was a pre-cursor to the formal planning application, which was expected around April 2006. It provided an opportunity to comment on BAA’s intention to develop the airport on the existing runway and to inform the preparatory work currently being undertaken.

The Executive Member stated that this consultation document was not specific about what was actually being proposed as part of the forthcoming planning application. The document highlighted the three conditions of the previous planning permission granted in 2003 that needed to be altered to allow expansion. These were limits on the number of passengers, limits on the air transport movements and a limit on the extent of the area within the 57dBA  $L_{eq}$  contour.

However, the consultation document was vague about the extent of growth proposed. Such an approach made it difficult for local authorities, and other strategic authorities and service providers, to identify and plan for the major implications that any growth at Stansted would have. This point had been made to BAA on a number of occasions.

A particularly important aspect of the consultation was the forecasts for passengers, aircraft and air cargo activity at the airport between now and 2015. BAA had predicted that total passenger throughput would increase from the current 21.6 million to around 35mppa by 2015. BAA had also predicted that air movements would increase from just over 192,000 in 2004 to 274,000 by 2015. Of these total air movements, passenger aircraft movements would increase from around 165,000 in 2004 to approximately 243,000 by 2015.

It was pointed out that there was considerable scope for variation in the way the airport developed over the next 11 years, particularly associated with the type of

ACTION

carriers using the airport and the size of aircraft used. Stansted Airport was dominated currently by low-cost short haul flights. Initial predictions had indicated that the low-cost base would continue through to 2015. However, were the airport to change its character and, for example, attract a considerable number of long haul flights, this would have implications for the facilities required at the airport (particularly surface access provision) and also the impact of the airport on surrounding communities. Therefore, the robustness of the forecasts was of vital importance in assessing the other implications of growth. The consultants' work on behalf of the 4 authorities on this matter would continue over the coming months.

The Executive Member summarised the suggested response to both consultation documents as now submitted.

Members commented on the vagueness of the consultation document and reiterated the need to highlight the infrastructure requirements arising from any growth. The Executive Member responded by emphasising the importance of focussing the challenge on the planning application, when it was made.

In responding to a question from Councillor A D Dodd, the Leader outlined the circumstances and reasoning for Uttlesford District Council issuing a questionnaire to its residents in advance of the planning application.

The Executive supported the proposals as now submitted.

**RECOMMENDED** - that (A) in respect of the consultation documents entitled "Stansted Airport Interim Master Plan" and "Growing Stansted Airport on the Existing Runway", the British Airports Authority be advised that East Herts Council:

DPP

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- (1) Notes the current consultation documents, but considers that the relevant time for the statutory authorities and local communities to make meaningful comments will be when the planning application is submitted, to grow “Stansted Airport on the existing runway”, anticipated in April 2006;**
- (2) Considers the approach adopted thus far to be based on incremental growth of the airport without a clearly articulated strategy of the “big picture”, of how BAA is planning to operate the airport with two runways. This approach makes it more difficult for the local authorities to ensure infrastructure provision and long-term planning decisions keep pace with airport development;**
- (3) Considers it inappropriate that no opportunity is given to comment on the likely nature of the airport being planned by BAA at 2015;**
- (4) Will require detailed evidence to back up the assertions as to the effects at 35 mppa with no second runway;**
- (5) Will await the findings of the ongoing consultant’s study work before providing detailed comments on the consultation documents; and**
- (6) Supports the formal Scoping Opinion issued by Uttlesford District Council and considers that this remains an important element in the build up to a future planning application; and**

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**(B) Issues arising out of the 4 Authorities' ongoing study work be relayed to BAA through appropriate channels to inform their study work.**

**DPP**

**347 EAST HERTFORDSHIRE SUSTAINABILITY APPRAISAL AND BISHOP'S STORTFORD MASTER PLANNING STUDIES**

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The Executive Member for Regional Development submitted a report advising Members of the completion of the two studies funded by the Office of the Deputy Prime Minister (ODPM) as follows:

- **East Herts Sustainability Appraisal Study undertaken by Land Use Consultants – March 2005;**
- **Bishop's Stortford Master Planning Study, undertaken by Roger Evans Associates June 2005.**

The Executive recalled that in December 2003, the ODPM had invited the Council to bid for funding under the ODPM's Growth Areas budget to undertake a study of the capacity for housing growth within the Bishop's Stortford Areas of Special Restraint (ASR's) to the north of the town, which had been identified for growth in the draft Regional Planning Guidance. The Council had submitted a proposal to undertake two related studies: an assessment of the current sustainability of the District as a whole; and, a more specific study to assess both the capacity of the ASR's to accept growth, and the effect that housing development would have on the town as a whole. The ODPM had awarded the Council a grant of £130,000 to undertake these studies.

In respect of the East Herts Sustainability Appraisal Study, its purpose was to identify:

- **a common understanding, shared by East**

ACTION

**Herts Council and its key public, private and community partner organisations of what “sustainability” means in the context of East Hertfordshire;**

- **a set of sustainability indicators to use as a model to measure and monitor the District’s communities over time; and**
- **a “sustainability baseline” using this set of indicators.**

**The outputs from the study will be used by East Herts Council to:**

1. **Develop a Supplementary Planning Document (SPD) on Sustainability;**
2. **measure future growth and development proposals using the “sustainability indicators model”; and**
3. **inform the Council’s response to specific proposals for the Bishop’s Stortford area – such as representations to the Local Plan Public Inquiry and the East of England Plan Examination in Public.**

**The purpose of the Bishop’s Stortford Master Planning Study was to examine the potential for future development of Bishop’s Stortford and its effects on the town. It contained two elements as follows:**

- **to examine the potential for development of the area of Bishop’s Stortford within the northern bypass – the Areas of Special Restraint (ASR’s); and**
- **to examine the effects of development within the northern bypass on the town as**

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a whole, particularly the town centre.

It was intended that this study would form part of the detailed technical 'evidence base', for the future planning of Bishop's Stortford, in particular the forthcoming debates at the East of England Plan Examination in Public.

The Executive Member stated that these studies had now been completed and were available on request. The Head of Planning Policy undertook to provide Councillor R Gilbert with copies.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that the completion of the following studies be agreed:

1. East Herts Sustainability Appraisal Study undertaken by Land Use Consultants – March 2005
2. Bishop's Stortford Master Planning Study – June 2005

**348 BUDGETARY MONITORING: APRIL – AUGUST 2005**

The Deputy Leader and Executive Member for Finance submitted a report providing the Executive with quarterly budgetary information and in particular, details in areas that were indicating under or overspend of expenditure or an increase or decrease in income against the 2005/06 original estimate.

The Deputy Leader stated that the report was based on financial information available for the first five months of the financial year until the end of August 2005. He detailed those budget areas where it was felt prudent to bring to the Executive's attention certain budget areas that warranted reporting and/or monitoring more

ACTION

**closely over the coming months. It was noted that Accountancy staff would continue to monitor all budgets with Heads of Service.**

**The Deputy Leader highlighted those areas of variance. Subject to all other budgets being equal, these would result in an overall General Fund overspend on these services of £157,000. The Executive was reminded that the Directors Board received a monthly budgetary monitoring report.**

**The Deputy Leader referred to the Council's budget within the Corporate Governance division for meeting external legal advice required and a consultancy budget, which with existing commitments, were already fully spent. The Council had had a management issue that necessitated both external legal advice and services and additional Human Resources input. It was estimated that to meet this additional expenditure, a supplementary vote of £120,000 was required. This comprised £22,000 for Human Resources and £98,000 for Legal Services. It was proposed that this amount would be funded from the Council's General Reserves**

**A number of Members sought clarification on this matter and the Director of Corporate Governance responded to the various questions asked.**

**In respect of the costs, the Director confirmed that a number of quotes had been obtained and that the invoiced figures were the going rate. He stated that the sum was for the main processes, but that the impending possible restructuring might lead to further costs. He outlined the various elements of the costs, which included appointing an Investigating Officer and obtaining detailed advice on employment law, local government law and external human resources advice and knowledge.**

**In respect of the processes followed for authorising the expenditure, the Director outlined the mechanisms**

ACTION

**involved and stated that the Council's Financial Regulations could be amended to include a trigger point at a certain level which would require approval by Members on expenditure in such circumstances.**

**The Deputy Leader confirmed that he had received reassurance from the Council's s151 Officer that Financial Regulations had been adhered to throughout the process. The supplementary estimate would be funded from the Council's Reserves, therefore, there would be no impact on Council Taxpayers.**

**In respect of the management issues, the Director commented that the situation that had developed had been unusual and that he could not recall any precedent. The Council was reviewing its human resources policies and the processes followed would inform that review. Members were reminded that a report on future management arrangements would be submitted to the next Council meeting. As far as the detail of what actually happened, this could not be divulged as the parties concerned were entitled to confidentiality. The Council could expose itself to challenge if details were discussed. The Director confirmed that the details were exempt from Freedom of Information legislation.**

**In response to requests from Members for an additional meeting to discuss the matter further, the Leader reiterated the Director's advice that the Council could expose itself to a challenge, if such requests were granted. The Director commented that this particular case was no different to other human resources matters that were dealt with on a confidential basis.**

**In response to a request, the Director of Corporate Governance undertook to provide Councillor D A A Peek with a copy of the legal advice on the issue of confidentiality.**

ACTION

The Director added that the Executive could not be held to account for human resources matters. The Leader stated that the review of human resources policies had been ongoing and that negotiations with Unison were nearly complete.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** - that (A) the report be received as required under the Council's Financial Procedures Quarterly Monitoring arrangements,

(B) all items continue to be monitored, and DR

(C) supplementary budget approval be given for the £98,000 legal costs and £22,000 Human Resources consultancy. DR

### 349 **ABANDONED VEHICLE AMNESTY**

The Executive Member for Environmental Management submitted a report seeking approval to repeat the 2005 Abandoned Vehicle Amnesty scheme in January 2006.

The Executive recalled that, in January 2005, East Herts Council ran a two week car amnesty where the public could surrender their vehicles free of charge. This was part of a national campaign organised by the Tidy Britain Group. The week had been a success with 83 cars surrendered. The amnesty had given residents the opportunity to have a clear out by getting rid of old cars that had been rotting away on driveways and in shared parking areas for years. The amnesty had highlighted the problems that abandoned vehicles caused in communities, including links with anti-social behaviour as well as environmental, health and safety issues.

In view of the success of the 2005 scheme, the Executive Member proposed repeating the scheme for

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the period 17 - 26 January 2006. To support the amnesty and maximise the benefits of the campaign, it would be necessary to waive the normal fee of £40. It was recommended that fees for voluntary removal be waived during the period of the amnesty only (16 – 27 January 2006).

In response to questions from Members, the Executive Member confirmed that the Council would be entitled to any surrender value of the vehicle and that the scheme could be applied to vehicles on housing association owned land.

The Executive supported the proposals as now detailed.

**RECOMMENDED** - that (A) the Council repeat the Abandoned Vehicle Amnesty in January 2006;  
and

DCS

(B) Fees and Charges, relating to the removal of surrendered vehicles, be waived during the two weeks of the Amnesty (16 - 27 January 2006).

DCS

RESOLVED ITEMS350 MINUTES

**RESOLVED** - that the Minutes of the Executive meeting held on 13 September 2005, be confirmed as a correct record and signed by the Chairman.

351 CASTLE HALL RAKE SEATING PROCUREMENT

The Executive Member for Community Development submitted a report seeking approval to proceed with the procurement of the new rake seating system from Hussey Seatway Ltd under the provisions made under Section 2 of the Authority's Rules of Procedures relating to Contracts.

ACTION

The Executive recalled that it had approved the procurement of rake seating at Castle Hall, in order to raise both the profile and customer experience of the venue, whilst also increasing footfall through the venue and contributing towards the short term actions identified by the Castle Hall Working Group. The sum of £150,000 had been included within the 2006/07 Capital Programme, although it was understood that these funds could be drawn forward into 2005/06 should this be required. A project timetable had been drawn up which had identified the installation of the rake seating as taking place between 6 and 19 April 2006, on the basis that this period would attract the minimum loss of revenue to Castle Hall and thereby minimise the impact on service delivery to the community.

The Executive Member detailed the process followed by officers in securing the procurement of the rake seating. He stated that this was a particularly specialised industry with a very limited number of suppliers involved. Three companies had been identified as being suitable candidates to tender. These companies had been financially appraised by Internal Audit, the result of which being that only one company, other than Hussey Seatway, was considered suitable to tender. The alternate company identified, whilst being viewed as financially sound and capable of providing good quality equipment, did not appear to have the experience in installing systems that required the type of movement apparatus that the Castle Hall contract required.

Hussey Seatway were considered to be the industry leaders in the field of rake seating provision, with subsidiaries around the world. Therefore, the Executive Member proposed that Hussey Seatway be appointed as suppliers of the rake seating at Castle Hall. The Executive noted that the estimated cost was £145,000.

The Executive Member commented that the current compulsory Official Journal of the European Community tender limit was £153,376 for goods and services. Therefore, the procurement of the rake seating system did not have to comply with this requirement. However, the

ACTION

Council's Rules of Procedure relating to Contracts required contracts with a value of over £50,000 to be subject to a tendering process. In view of the reasons outlined above, he proposed an exception be granted allowing for Hussey Seatway to be appointed to provide the rake seating.

The Executive approved the proposals as now submitted.

RESOLVED – that Hussey Seatway Ltd be appointed as the suppliers of the Castle Hall rake seating.

DCS

The meeting closed at 8.52 pm

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Chairman	.....
Date	.....