

MINUTES OF A MEETING OF EAST  
HERTS COUNCIL HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 2  
NOVEMBER 2005 AT 7.30 PM

PRESENT: Councillor A L Burlton (Vice-Chairman in the Chair).  
Councillors M R Alexander, W Ashley,  
D R Atkins, P R Ballam, H G S Banks,  
K A Barnes, S A Bull, N Burdett, M G Carver,  
D Clark, R N Copping, A F Dearman, J Demonti,  
G L Francis, R Gilbert, Mrs M H Goldspink,  
A M Graham, L O Haysey, J Hedley,  
Mrs D L E Hollebon, A P Jackson, G McAndrew,  
M P A McMullen, T Milner, Mrs S Newton,  
R L Parker, D A A Peek, L R Pinnell, N C Poulton,  
J O Ranger, D Richards, P A Ruffles,  
S Rutland-Barsby, B W J Sapsford,  
G D Scrivener, J J Taylor, J D Thornton,  
M J Tindale, A L Warman, N Wilson and M Wood.

OFFICERS IN ATTENDANCE:

Philip Thomas	- Interim Executive Director
Simon Drinkwater	- Director of Corporate Governance
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Lois Prior	- Head of Communications
David Tweedie	- Director of Resources

ACTION392 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 21 September 2005, be approved as a correct record and signed by the Vice-Chairman.

393 VICE-CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman welcomed the press and public to the meeting. He also welcomed the two recently elected Members, Councillors L O Haysey and G D Scrivener, to their first Council meetings. Finally, the Chairman welcomed Philip Thomas, Interim Executive Director, to his first Council meeting.

394 DECLARATION OF INTEREST

Councillor S A Bull declared a personal and prejudicial interest in the matter referred to at Minute 395 relating to the Members' question on Stort Valley Housing Association, in that he was a Board Member of what was now South Anglia Housing. He left the chamber whilst this matter was considered.

395 MEMBERS' QUESTIONS

Councillor M Wood asked the Leader of the Council if, given that the Cleaner Neighbourhoods Act had been rushed through Parliament just before the General Election held in May, the Leader could advise what steps were being taken by the Council in readiness for the provisions within the Act, pending the passing of the Statutory Instruments and the receipt of the appropriate government advice?

In reply, the Leader agreed that the Act had been rushed through Parliament just before the election in May. He commented that the Act, just like the Licensing Act and the Sustainable Communities Bill, was another example of Government "diktat". There would be no additional funding for implementing its provisions and the Council was

ACTION

expected to make preparations without proper guidance. He stated that guidelines had been issued in June 2005, interim guidelines in October 2005, and now a consultation draft had been issued on the interim guidelines. Amidst this confusion, the Council was taking action in a number of areas to ensure necessary outcomes met local priorities. However, the implementation of this Act had a familiar ring to it with the same bureaucratic impact as the Licensing Act.

Councillor K A Barnes asked the Chairman of the Development Control Committee if he was aware of the formal complaint being made against the Authority over the way in which it had handled the electronic communications mast application 3/05/1292/PT/MR Great Hadham Road, Bishop's Stortford. He also asked if he agreed that, given the public concern over electronic communications masts in general, all such applications should be dealt with only after due consultation was allowed with local residents. In this case, an error had been made and subsequently the consultation period had closed before such concerns could be made. Finally, he asked if, knowing that the location of electronic masts raised sensitive concerns with residents over both, safety and visual reasons, such applications should be decided by Committee rather than Officers under delegated powers.

In reply, the Chairman of the Development Control Committee confirmed that he was aware of the complaint and that a response from the Authority would be sent out shortly. In respect of the particular case referred to, the notice of the application had been posted according to procedure. However, due to a misunderstanding, a decision had not been issued within the 56 day deadline, resulting in deemed consent being granted. The Council had continued to consult with residents and comments and objections had been forwarded to the applicant.

Finally, the Committee Chairman commented that although planning permission was not needed, prior approval by officers under delegated powers was required. If taken by Committee, because of the Development Control Committee

ACTION

schedule of meetings, decisions could end up being made after the 56 day deadline. He reported that a review of internal procedures had been undertaken and that he would report back to Members in due course.

Councillor A M Graham asked the Executive Member for Community Development if he was satisfied with the progress Stort Valley Housing (now South Anglia Housing) was making in honouring its agreement with this Council to meet the necessary targets agreed for repairs and improvements to the housing stock, when this Council effectively sold off the housing stock and handed over responsibility to Stort Valley nearly 4 years ago. He also asked whether this Council had monitoring arrangements to ensure the work was carried out effectively and efficiently and if the Executive believed that good communications between tenants and Stort Valley existed.

In response, the Executive Member for Community Development welcomed the opportunity to update Members on the progress made by both Stort Valley (now known as South Anglia Housing) and Riversmead Housing Associations. He recalled that the Council had supported the demands of the majority of tenants (nearly 80%) who had asked for agreement to the transfer of the housing stock. Under the agreements, the Housing Associations were required to bring the stock up to modern day standards within 5 years.

He asked Councillor A M Graham to recall that when this issue had been the subject of a 'call-in' last year, Directors of both Housing Associations had outlined their approaches to achieving their targets. Whilst Riversmead had adopted a 'quick sprint' with a flying start policy to their programme, South Anglia had adopted a more cautious 'full assessment with a late spurt' policy. Both organisations had assured the Council that their targets would be achieved within the five year period. With a year and a half to go, the Executive Member had been reliably informed that both organisations were on target.

ACTION

The Executive Member referred to a recent meeting he had had with Steve Henning, the Director of Riversmead Housing Association, at the demolition of the Sele Farm Community Centre. This was a joint project with substantial funding to provide 20 new homes and a new community centre. At this meeting, the Executive Member had obtained the results of Riversmead's Tenant Satisfaction Survey. These included the following results:

88% were satisfied with Riversmead's overall service, 81% believed their rent represented good value, 87% were satisfied with their home and 84% felt their home was in good condition. 88% found it easy to contact the right person and 92% found the staff helpful. 93% praised the attitude of the maintenance staff and 91% felt that they were well informed. The Executive Member commented that these were pretty impressive figures.

The Executive Member advised that South Anglia had also completed a Tenant Satisfaction Survey recently. Although he did not have a copy, he had been reliably informed of some of the figures. Customer satisfaction was at 98% for the service offered and 99% for the quality of the work. 96% of repair work was carried out within the agreed timescale and there was 97% customer satisfaction with the service.

He stated that South Anglia had advised that they were on course to complete their delivery of promises by March 2007, by which time they will have invested £21m in 475 new bathrooms, 600 kitchens, 1250 electrical rewires, 640 central heating installations, 800 double glazed units and 285 new front doors. He added that the programme was scrutinised on a monthly basis by the Council's Monitoring Officer and would be audited by the year end. It would also be considered by the Performance Scrutiny Committee in December 2005.

In respect of maintenance, the Executive Member stated that this was undertaken by AMS, South Anglia's Direct Labour Organisation, who managed around 6000 jobs annually. South Anglia was aware of some current

ACTION

problems, caused in the main, by a wider shortage of skilled craftsmen. As a result, AMS had had to sub-contract in areas where it did not have capacity and in some cases, the quality of this work had not been to the standard expected by South Anglia. He referred to examples at Dimsdale Crescent, Great Innings and Plaw Hatch Close where problems had occurred and detailed the remedial action taken. South Anglia had admitted that they had a poor record on communicating internally on the Plaw Hatch Close job and it was unacceptable that a job that should have been completed in April had not been completed until November.

The Executive Member stated that at the end of October, a 12 week review of the maintenance service had begun. A similar review completed elsewhere in the Circle Anglia Group had seen satisfaction rates rise from 67% to 85% and completion times cut from 46 days to 8 days. He hoped that similar improvements would be achieved in East Herts.

The Executive Member informed Council that he had agreed to set up a quarterly contact group meeting with South Anglia managers, at which strategic and service issues could be discussed. He invited all Members either to attend to raise an issue or to refer issues to him personally to raise. The first meeting would be held in December.

The Executive Member concluded by commenting that any organisation would have some operational problems which would deflect from an otherwise excellent service. It was fundamental to recognise and deal with these problems. The customer satisfaction surveys indicated a massive vote of confidence in both the Registered Social Landlords which had taken over the Council's former housing stock.

In a supplementary question, Councillor A M Graham referred to various problems with South Anglia making excuses for not completing jobs and found it hard to accept the findings of the customer satisfaction survey referred to. He asked for a copy of the survey.

ACTION

In reply, the Executive Member for Community Development stated that these were not the Council's survey figures and reiterated the assurances he had received that the programme would be completed by the due deadline.

396 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 11 October 2005.

He welcomed the two new Conservative Members and Philip Thomas to their first Council meeting.

The Leader referred to last week's media reports alleging low staff morale at the Council. He refuted this assertion and stated that staff had always been able to express their views. The Council had established various channels of communication which staff had utilised. This indicated a successful relationship between the Council and its staff. He doubted whether the views expressed by certain staff representatives were representative of all staff.

The Leader acknowledged the recent period as being a difficult one for the Council. Throughout these difficulties and in respect of the costs of the management dispute, he asserted that he had kept people in the loop. He shared everyone's unhappiness about the costs but reiterated that these had been unavoidable.

ACTION

The Leader referred to the restructuring proposals that he would be proposing later in the meeting. He reported that his consultation with staff, senior managers and Members had revealed a consensus in favour of having a Chief Executive, which he would be proposing. This showed that he was listening to the views of others. He believed that these proposals were not about returning the Council to where it was three years ago, but would take the Council forward in delivering quality services and meeting local priorities. He concluded by expressing regret that sections of the local media did not share the Council's priorities.

In response, the Leader of the Opposition also welcomed the two new Members and Philip Thomas to their first Council meetings. He declined to comment on the rest of the Leader's statement as those issues would be considered later in the meeting.

In respect of Minute 345 – Stansted Airport Continued Joint Working with Hertfordshire and Essex County Councils and Uttlesford District Council, Councillor M P A McMullen applauded the work done to date, but suggested that the proposed expansion of Luton Airport posed as serious a threat.

The Leader acknowledged these concerns and stated that discussions on this matter with North Herts Council had taken place.

In respect of Minute 348 – Budgetary Monitoring: April – August 2005, the Leader referred to the proposed supplementary vote of £120,000 for legal costs and human resources consultancy in respect of the management issue. He stated that due to the nature of the case, the issue could not be dealt with internally and that specialist advice was sought to protect not only the individuals involved, but also the Authority. Officers had sought and received quotes for the necessary work bearing in mind that Rachel Stopard had engaged a colleague from SOLACE and Miranda Steward had engaged a solicitor.



ACTION

The Leader gave a breakdown of the costs. The specialist legal adviser was originally estimated to cost £30,000. However, due to the process taking longer and the number of witnesses interviewed, these costs eventually settled at £49,000. The costs of the Council's own solicitors, Mills and Reeve, were £38,000. The costs of the human resources specialists rose from an original estimate of £2,000 to £8,800. The remainder of the sum was to cover any potential appeal costs.

The Leader concluded by reiterating that the details of the case would have to remain confidential.

A number of Members commented and asked questions on this issue.

Councillor J D Thornton expressed the view that since the Executive meeting held on 11 October 2005, three things had happened to offer encouragement to him. Firstly, the information just provided by the Leader; secondly, the arrival of the Interim Executive Director; and lastly, the senior management restructuring proposals to be considered later at this meeting. He believed that there were still lessons to be learnt, which would be looked at by the Call-in Scrutiny Committee meeting to be held on 14 November 2005. He believed that the public could be reassured that there was no cover up and that the Call-in Scrutiny Committee would look at the issue as far as it could.

Councillor J D Thornton proposed, and Councillor G McAndrew seconded, an amendment to recommendation (C) to the effect that it should read:

(C) supplementary budget approval of up to £120,000 for the legal costs and the human resources consultancy, be given.

ACTION

Councillor M Wood referred to the £120,000 as a huge amount of money. He believed that this was a misuse of public funds, which equated to £2.20 for every householder in the District. Although this sum would be met from the Council's Reserves, this still belonged to the Council Taxpayer, who had contributed to it over many years.

He asked whether the sum in question was the final figure or whether there would be any further costs. He also asked why the leadership did not have any inkling of a problem bubbling away. Finally, he suggested that a report reviewing the Council's Financial Regulations should be considered by Members as a matter of urgency.

Councillor Mrs M H Goldspink echoed Councillor M Wood's concerns and asked how the situation had been allowed to develop without the Executive or Human Resources noticing. She believed that Human Resources had failed the Council. She asked why, once the situation had developed, no Executive Member was aware of the escalating costs.

She queried why, given that several weeks and months had passed, Members had not been briefed earlier. All Members had been excluded and not given the opportunity to debate or vote on the expenditure before it was accrued. She believed the expenditure had occurred without any authority, was undemocratic and unaccountable.

Councillor L R Pinnell queried whether any formal tendering process had been followed before the expenditure had been committed. He commented that any misconceptions around the issue had been caused by the lack of information and the lack of trust shown by the Executive. He believed Members had been treated shabbily.

Councillor K A Barnes also expressed the view that there had been a lack of information and that this had damaged the Council. He referred to letters of complaint he had received from staff, which he had passed on to the Director of Corporate Governance.

ACTION

Councillor M J Tindale countered accusations of the issue being dealt with undemocratically, as it was being debated at this meeting. He too, was unhappy with the expenditure, but it had been brought to this meeting for debating now.

Councillor A M Graham referred to the issue of confidentiality. He believed this was of vital importance and had been upheld by Members of the Staff Harassment Panel. If there had been a breach resulting in the outcomes being disclosed in the press, then it had not originated from Members. Councillor N Burdett concurred with this view.

Councillor G L Francis questioned whether the Council's Whistleblowing Policy was adequate and suggested that this needed researching. He commented that as the money had already been spent, it was in fact too late to debate the issue now.

Councillor J Hedley commented that the legal advice received by the Council could not have been ignored.

Councillor D A A Peek commented that this issue should have been reported to Council at a much earlier stage and Members should have had some indication of the substantial costs incurred. He also criticised the way in which this item had appeared at the Executive meeting.

Councillor A P Jackson reminded Members that he had submitted the report proposing the supplementary vote to the Executive. He supported the proposed amendment and stated that the purpose of having a Reserve was to meet the costs of unforeseen circumstances such as this. If Members opposed the supplementary vote, then the effect would be to cut service delivery, as the expenditure would have to be met from within existing budgets.

ACTION

The Leader responded to the various comments made. He commented that the Executive did not know the details of the case, as only the Deputy Leader and himself had been kept informed, as advised by the external adviser. He reiterated that due to the sensitivity of the matter and the risk of damages against the Council, strict procedures had to be followed. He commented that the Executive had been equally frustrated by the lack of information.

In respect of the costs, the Leader stated that the fees were complete as far as this case was concerned. He accepted that there might be some value in reviewing the Council's Financial Regulations. He advised that, at present, Officers had delegated powers to deal with expenditure up to £50,000 on each contract. Therefore, he confirmed there had been no breaches of the Regulations.

As far as the issue of confidentiality was concerned, the Leader expressed his discomfort from withholding the details from Members. He stated that he had challenged the legal advice on several occasions. He did not believe that any Members had leaked information, but expressed his disappointment if there had been a leak.

In respect of the timing of the request for the supplementary vote and this debate, the Leader reiterated that this could not have happened any earlier in the process. He confirmed that there had been no formal tendering process as Officers had sought quotations based on daily and hourly rates.

The Leader concluded by refuting the charge of acting undemocratically. He stated that the issue was being debated fully now.

After being put to the meeting, and a vote taken, the amendment proposed by Councillor J D Thornton, was declared CARRIED.

ACTION

In respect of the substantive recommendation, a recorded vote was requested. After being put to the meeting, the substantive recommendation was declared CARRIED, the voting being as follows:

FOR:

Councillors M R Alexander, W Ashley, P R Ballam, H G S Banks, S A Bull, N Burdett, A L Burlton, M G Carver, D Clark, R N Copping, A F Dearman, J Demonti, R Gilbert, L O Haysey, J Hedley, Mrs D L E Hollebon, A P Jackson, G McAndrew, M P A McMullen, T Milner, Mrs S Newton, R L Parker, N C Poulton, J O Ranger, D Richards, P A Ruffles, S Rutland-Barsby, J J Taylor, J D Thornton, M J Tindale, A L Warman, N Wilson.

AGAINST:

Councillors K A Barnes, G L Francis, Mrs M H Goldspink, A M Graham, L R Pinnell, B W J Sapsford, M Wood.

ABSTENTIONS:

Councillors D R Atkins, D A A Peek, G D Scrivener.

For - 32

Against - 7

Abstentions - 3

RESOLVED – that (A) in respect of Minute 348 – Budgetary Monitoring April – August 2005, Council approved an amendment to Recommendation (C) to read as follows:

“supplementary budget approval of up to £120,000 for the legal costs and the human resources consultancy, be given.”

ACTION

(B) the Minutes of the Executive meeting held on 11 October 2005, be received, and the recommendations contained therein, as now amended (see (A) above), be adopted.

397 PORTFOLIO REPORT – COMMUNITY DEVELOPMENT

The Executive Member for Community Development gave an update on work within his portfolio area. He highlighted a number of particular areas as follows:

- Housing – new rules for the assessment of unfit housing
- Houses in Multiple Occupation – introduction of new licences for three storey houses
- Gypsy and Traveller site provision
- Empty Property Strategy
- Rural development
- Homelessness service
- Sele Farm – new community centre and housing
- Summer playschemes
- Youth Council – visit to House of Commons and planning next Annual Conference
- Grants
- Meals on Wheels
- Disabilities

ACTION

- Castle Hall – progress of Working Group
- Rhodes Centre - reopening
- Leisure – progress of new operator, Aspire Leisure
- Sports facilities provision
- Benefits.

In respect of a question from Councillor G L Francis relating to the licensing of houses in multi-occupancy, the Executive Member stated that the new regime would apply to houses of more than three floors where more than five people resided.

Councillor Mrs M H Goldspink welcomed the acknowledgement of a shortfall of junior football pitches and the work being done to remedy this.

Councillor J Hedley thanked the Executive Member and Officers for the progress being made at Sele Farm.

398 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE  
– 14 SEPTEMBER 2005

The Committee Chairman advised that Minute 309 related to an address called Potters Green, Dane End.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 14 September 2005, be received.

ACTION

(B) PERFORMANCE SCRUTINY COMMITTEE  
– 27 SEPTEMBER 2005

Council noted that Councillor Mrs S Newton's apologies should have been recorded.

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 27 September 2005, be received.

(C) DEVELOPMENT CONTROL COMMITTEE  
– 12 OCTOBER 2005

RESOLVED – that the Minutes of the Development Control Committee meeting held on 12 October 2005, be received.

(D) PERFORMANCE SCRUTINY COMMITTEE  
– 19 OCTOBER 2005

Council noted that Councillor J O Ranger's apologies should have been recorded.

Council further noted a typographical error in the heading of Minute 383, which should have read "Chairman's Announcements".

RESOLVED - that the Minutes of the Performance Scrutiny Committee meeting held on 19 October 2005, be received, and the recommendations contained therein, be adopted.



ACTION399 ELECTORAL COMMISSION CONSULTATION

The Chairman of the Policy Development Scrutiny Committee submitted a report summarising a consultation document issued by the Electoral Commission on Periodic Electoral Reviews.

With the conclusion of its recent Periodic Electoral Review (PER) programme, the Electoral Commission had decided to undertake an evaluation of the policies and processes used to guide PERs in England. The evaluation included seeking the views of a wide range of stakeholders, including local authorities, via a consultation document. This had been circulated to all Members with an invitation to attend a meeting on 5 October 2005.

The Committee Chairman advised that Members had discussed in turn, each of the 14 questions contained in the consultation document. These were set out along with recommended responses at the Appendices to the report now submitted.

In response to a question from Councillor R Gilbert, the Committee Chairman advised that FER meant "Full Electoral Review".

Council approved the suggested response to the consultation document, as now detailed.

RESOLVED – that the response to the consultation document, as now detailed, be approved for submission to the Electoral Commission.

DPP

400 APPOINTMENT OF A MEMBER TO A COMMITTEE

The Director of Corporate Governance submitted a report seeking authority to appoint Members to the Development Control Committee.

ACTION

Council noted that the Conservative Group had given notice that it wished to appoint Councillors L O Haysey and G D Scrivener to the Development Control Committee, replacing Councillors N Burdett and T Milner.

Council approved these appointments.

RESOLVED - that in accordance with the wishes of the Conservative Group, Councillors L O Haysey and G D Scrivener be appointed to the Development Control Committee replacing Councillors N Burdett and T Milner.

DCG

401 RESTRUCTURING THE SENIOR MANAGEMENT TEAM

The Leader of the Council submitted a report advising Council of the outcome of the review of the Executive Director Management Structure and proposed revised arrangements for the future management of the Council. Council recalled the decisions taken at the previous Council meeting held on 2 November 2005 (Minute 334 refers).

The Leader referred to the progress made over the previous three years and the need to move forward within the context of the overall objective of becoming an excellent authority encompassing integrated decision making and a truly team orientated approach to service delivery.

The additional capacity introduced at senior management level through increased investment had brought about a rapid development of the organisation. The next phase of advancing these changes and ensuring service improvements through strategic planning and integrated processes would be best achieved under a revised senior management structure. It was proposed that the existing Executive Director posts should be deleted and replaced by a single post of Chief Executive. The existing and proposed structures were shown in Appendix 'A12' of the report now submitted.

ACTION

The Leader detailed the consultation he had carried out with Directors, staff, Members and Unison and the consensus was for a model headed by a Chief Executive.

The Council needed to appoint an officer as the Head of Paid Service. It was proposed that the Director of Corporate Governance be appointed to act as the Head of Paid Service. As the Director of Corporate Governance could not be the Monitoring Officer as well, under the Local Government and Housing Act 1989, it was proposed that the Head of Legal Services be appointed as the Monitoring Officer.

Councillor M Wood expressed his gratitude for the opportunity given to comment as part of the consultation process. He commented that he had never been happy with the three or two Executive Director model and that other authorities that had adopted this type of approach had all abandoned it and returned to a Chief Executive model. He hoped that these proposals would restore direction and clarity. Finally, he expressed concern over the costs of a third senior management reorganisation in recent years.

In response, the Leader stated that the existing structure was not being abandoned. The proposals were an iterative process that would enable the Council to move forward and build upon its recent successes. He reminded Members of the position the Council was in three years ago and believed that the Council would have failed the Comprehensive Performance Assessment process. He also disputed that there had been three senior management reorganisations. After the initial reorganisation three years ago, there had been a slight change as a result of a retirement, when a temporary arrangement had been put in place.

Council approved the recommendations as now detailed.

RESOLVED - that (A) the appointment of an interim manager to the post of Executive Director (Head of Paid Service) be noted and the restructuring

ACTION

proposals set out in the report now submitted, be approved; and

- (B) subject to the restructuring proposals in (A) above being agreed;
- (1) the Executive Director posts be deleted;
  - (2) the post of Chief Executive be created which shall include the function of Head of Paid Service and Returning Officer;
  - (3) the existing Director posts remain unchanged, pending a review of the Director structure by the Chief Executive;
  - (4) the Director of Corporate Governance be appointed as Head of Paid Service pending the appointment of the Chief Executive; and
  - (5) the Head of Legal Services be appointed as the Monitoring Officer pending the appointment of the Chief Executive.

402 MOTION – MICROGENERATION

Councillor Mrs M HGoldspink moved, and Councillor G L Francis seconded, a motion as follows:

East Herts District Council

1. recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issue of climate change and reducing carbon dioxide emissions.
2. Therefore, welcomes the introduction of the *Climate Change and Sustainable Energy Bill*

ACTION

Climate Change and Sustainable Energy Bill and the Management of Energy In Buildings Bill into Parliament by a cross party group of MPs on 22 June, noting that together these Bills will:

- (a) require the Prime Minister to report annually to parliament on the level of greenhouse gas emissions;
- (b) require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency;
- (c) require the government to set national targets for microgeneration and enable local authorities to set such targets if they deem it appropriate;
- (d) extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects;
- (e) require utility companies to purchase at a reasonable rate any surplus energy generated by householders via microgeneration;
- (f) require future revisions of Building Regulations to take into account the desirability of promoting microgeneration and of introducing an energy generating rating system in new buildings;
- (g) enable householders who generate electricity by microgeneration to have access to 'renewables obligation

ACTION

certificates'; and

- (h) establish a 'renewable heat obligation' requiring utility companies to support certain amount of heat from renewable sources

and therefore

1. supports the Bills and resolves to inform the Government of the Council's view;
2. urges the government to support the Bills;
3. urges local MPs to be present in Parliament to back these Bills when they are debated in the House of Commons on 11 November;
4. urges local MPs to sign the House of Commons Early Day Motion No 391 in support of these Bills; and
5. resolves to inform the local media and the Micropower Council of this resolution.

Introducing her motion, Councillor Mrs M H Goldspink referred to the impact of global warming in many parts of the world, as exemplified recently by flash flooding in Cornwall and hurricanes in the United States of America. She highlighted the Kyoto agreement and the need to reduce CO<sub>2</sub> emissions.

Councillor Mrs M H Goldspink stated that the Climate Change and Sustainable Energy Bill and the Management of Energy In Buildings Bill were both Private Members Bills that enjoyed cross party support. She outlined some of the main provisions of these Bills. If passed, they would provide a legislative framework for local authorities within which householders would be able to generate their own electricity. She stated that 25% of all CO<sub>2</sub> emissions were caused by

ACTION

domestic use.

Councillor Mrs M H Goldspink also referred to renewable energy sources, such as wind turbines, solar panels, etc, and stated that these were all tested systems that required firm targets to be set by the Government, in order that businesses had the confidence to invest in them.

A number of Members spoke on the motion during the debate.

Councillor Mrs S Newton supported the Bills but suggested that a better idea of how to achieve the targets was needed to ensure that the framework was effective.

Councillor D A A Peek referred to the progress of the Energy Efficiency Panel he chaired, which was reaching a stage where it would be submitting proposals to the Policy Development Scrutiny Committee. He believed that the issues raised by the motion should be taken seriously and supported the two Bills being debated in the House of Commons. In referring to small wind turbines, he expressed doubts over the practical effectiveness of smaller technologies. Finally, he expressed concern with action points 1 - 5 of the motion, as he did not believe that the Council should be telling the local MPs what to do.

Councillor M J Tindale spoke against the motion. Whilst supporting the thrust of the two Bills, he did not support the provisions of compelling developers of new houses to include microgeneration units. Also, he expressed concern over the extension of permitted development status in microgeneration installations.

Councillor J O Ranger expressed support for the concept of greater energy efficiency, the use of renewable energies and the need for wider debate on the issue. However, he believed that the two Bills were misguided, as the legal framework provided for local authorities to implement the work of others. He proposed, and Councillor H G S Banks

ACTION

seconded, an amendment to the motion as follows:

Delete all from “and therefore” and replace with “and therefore welcomes the debate in Parliament, but we believe it would be premature to bring in a statutory framework around microgeneration”.

Councillor H G S Banks spoke in favour of the amendment on the basis that he believed future energy needs could be met by the nuclear solution.

Councillor G L Francis reminded Members of the waste issues raised by nuclear energy. He supported the motion and welcomed the debate. He believed that technologies were always improving and costs would be reduced. He referred Members to the experience of Woking Council and its pioneering work over the previous ten years.

Councillor Mrs M H Goldspink, in exercising her right to reply, reiterated that the Bills enjoyed cross party support. They did not mention wind turbines and had no compulsion for builders in respect of microgeneration units. The Bills expressed a desirable wish.

In respect of the action points 1 – 5 of the motion, she stated her willingness to accept an amendment that was less demanding of the local MPs. She informed Members that in order to progress, the Bills needed at least 100 MPs to vote in favour, which was why the motion called on the local MPs to attend and support the Bills. She opposed Councillor J O Ranger’s amendment and urged Members to support the motion.

At the conclusion of the debate, after being put to the meeting and a vote taken, the amendment proposed by Councillor J O Ranger was declared CARRIED.

After being put to the meeting and a vote taken, the substantive motion was declared CARRIED.



ACTION

RESOLVED – that the following motion be approved:

East Herts District Council

1. recognises that microgeneration (that is the generation of energy by householders installing micro-units in their own homes) is a valuable new approach to engaging people as consumers and citizens in the important issue of climate change and reducing carbon dioxide emissions.
2. Therefore, welcomes the introduction of the Climate Change and Sustainable Energy Bill and the Management of Energy In Buildings Bill into Parliament by a cross party group of MPs on 22 June, noting that together these Bills will:
  - (a) require the Prime Minister to report annually to parliament on the level of greenhouse gas emissions;
  - (b) require the Chancellor of the Exchequer to implement a fiscal strategy to assist with microgeneration and energy efficiency;
  - (c) require the government to set national targets for microgeneration and enable local authorities to set such targets if they deem it appropriate;
  - (d) extend permitted development status to the installation of microgeneration subject to the specifying of safeguards relating to visual and noise effects;
  - (e) require utility companies to purchase at a reasonable rate any surplus energy

ACTION

generated by householders via microgeneration;

- (f) require future revisions of Building Regulations to take into account the desirability of promoting microgeneration and of introducing an energy generating rating system in new buildings;
- (g) enable householders who generate electricity by microgeneration to have access to 'renewables obligation certificates'; and
- (h) establish a 'renewable heat obligation' requiring utility companies to support certain amount of heat from renewable sources

and therefore welcomes the debate in Parliament, but we believe it would be premature to bring in a statutory framework around microgeneration.

403 MOTION – LICENSING ACT 2003

Councillor J D Thornton moved, and Councillor Mrs S Newton seconded, a motion as follows:

This Council deplores the way in which the new Licensing Act has been implemented, and believes that it will inevitably lead to increasing public annoyance, more social disorder, more strain on our already stretched Police Force, and increases in Council Tax.

In moving his motion, Councillor J D Thornton referred to the increasing costs of implementing the Licensing Act 2003. He quoted a survey which indicated that the impact on the Council Tax would be as much as 10%. There had been no

ACTION

support from the Government for these additional costs.

A number of Members spoke on the motion during the debate.

Councillor M P A McMullen moved, and Councillor J Demonti seconded, an amendment as follows:

Delete the word “implemented” and replace with “imposed by this Labour Government”

Councillor J D Thornton accepted this amendment as an alteration to his motion.

Councillor W Ashley spoke in support of the motion as altered. He referred to his experience as a Licensing Magistrate and as a Member of the Licensing Sub-Committee. He believed that there were a number of misconceptions about the 2003 Act and detailed the additional bureaucracy placed on local authorities. He commented that a number of licensing applicants appeared to be applying for later hours in fear of losing customers to rivals.

In respect of the Licensing Sub-Committee, Councillor W Ashley stated that in most cases, a compromise between applicant and objectors had been reached. It had proved very difficult for an application to be refused outright. The Sub-Committee had sought to impose a variety of conditions aimed at reducing noise and potential for nuisance to local residents.

Despite these measures, he expressed the belief that disorder would not be reduced by the new staggered hours, but would occur at a later hour. There had only been two 24 hour licences granted and these could not have been refused because there had not been any evidence submitted. The costs of enforcing the new regime had yet to be calculated. He concluded that the Licensing Act 2003 had been a disaster.

ACTION

Councillor G L Francis questioned the purpose of the motion as representations should have been made years ago before the Act became law.

Councillor S A Bull raised the potential for pub closures in rural areas resulting from enforcement action taken against applicants in breach of the licensing conditions deliberately, in order that pubs could be converted into private housing.

The Executive Member for Community Safety commented that the Government had refused to listen to wider public opinion on this issue. She poured scorn on official Liberal Democrat policy, which was to reduce the drinking age to 16 years.

The Executive Member detailed the costs of implementing the Licensing Act 2003 in East Herts. These had totalled £209,000 to date. Income to date had totalled £132,000. As stated previously, the fees set by the Government had not been high enough. Also, these costs did not include the impact on other agencies, such as the police, the probation service and trading standards, as well as the costs of enforcement.

She concluded by referring to the looming Gambling Act and undertook to continue the fight for the Government to meet the true costs of implementation.

Councillor Mrs M H Goldspink expressed her opposition to the Licensing Act 2003, but referred to the local control that was now in place to rescind licences that were breached.

Councillor D A A Peek referred to advice he had received from the Director of Corporate Governance on Member representation at Licensing Sub-Committees and asked that this be reviewed.

Councillor M P A McMullen clarified that a Member could not represent a whole parish or ward, but could represent people in the vicinity of the premises.

ACTION

The Deputy Leader and Executive Member for Finance stated that the Executive had expressed concerns previously but to no avail. He referred to the Government's review of the Act in 2006, but believed that this would be too late.

Councillor Mrs S Newton echoed comments made about the Government's refusal to listen to public opinion and predicted widespread chaos as a result of the later drinking hours.

After being put to the meeting and a vote taken, the motion, as altered, was CARRIED.

RESOLVED – that the following motion be approved:

This Council deplores the way in which the new Licensing Act has been imposed by this Labour Government, and believes that it will inevitably lead to increasing public annoyance, more social disorder, more strain on our already stretched Police Force, and increases in Council Tax.

404 MOTION – THE EXECUTIVE

Councillor M Wood moved, and Councillor Mrs M H Goldspink seconded, a motion as follows:

This Council has no confidence in the Executive of East Herts Council.

In moving the motion, Councillor M Wood stated that the motion was concerned with the Executive's handling of the financial aspects of the recent management dispute and not the human resources issues. He commented that the Executive must have been aware of the likely costs and yet it was not reported until the Executive meeting held on 11 October 2005. He believed that Executive Members should have spotted the problem before it had got out of hand, as the deterioration of the relationship between the two

ACTION

Executive Directors appeared to have begun in the summer of 2004.

Councillor M Wood, whilst acknowledging the hard work and effort put in by Executive Members, expressed his disbelief that the Executive was not more aware of what had been going on. He referred to the damage done to the Council and the fact that Team East Herts had been undermined, resulting in divisions amongst staff and a perception that a culture of bullying staff existed. This was totally unacceptable.

Councillor Mrs M H Goldspink expressed her belief that the Executive Members had acted in good faith, but their failure to take shared responsibility had let the Council down. She believed that the information given by the Leader at this meeting could have been disclosed to Members earlier. These failures required a change to the Executive's way of working.

The Leader reiterated the process that had been followed throughout the dispute. This had been an unusual case requiring careful management. He informed Council that only the Deputy Leader and himself had been involved and that the rest of the Executive had not been informed. He stated that along with the Deputy Leader, he had followed the advice given by the Council's statutory officers, the Monitoring Officer and the Section 151 Officer. These officers had followed the advice given by the external consultants. As Leader, he had challenged the legal advice given on several occasions, which had been consistent in requiring confidentiality. He refuted the suggestion that he or any Executive Member had acted improperly and suggested that the issue had been manipulated and misused.

Councillor A M Graham referred to the close relationship that the Leader would be expected to have with the two Executive Directors and questioned how the dispute could have arisen without the Leader's knowledge.

ACTION

The Leader responded by outlining his role as being responsible for the corporate governance of the Council. He reminded Members that he was not a Chief Executive and did not have a managerial role. He did have a number of meetings with the Executive Directors and at no stage was there any indication of the type of problem that had later developed. He stated that there had been differences of opinion, but his responsibility was to ensure that the Council's priorities were being met. He reminded Members of the significant achievements of the Council in many areas recently. He reiterated that as soon as the dispute arose, he had taken appropriate advice and followed due process, in order to avoid possible future challenges.

The Deputy Leader and Executive Member for Finance commented that the Opposition appeared to be confusing management with governance. He expressed his frustrations with not being able to share information with other Members. In respect of the expenditure, he reiterated that appropriate advice had been sought from the Section 151 Officer and that the Council's Financial Regulations had been adhered to.

Councillor J O Ranger proposed a closure motion that the question be now put, although it was not seconded.

Councillor M Wood declined his right of reply. After being put to the meeting, and a vote taken, the motion was declared LOST.

The meeting closed at 10.29 pm

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