

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 22
FEBRUARY 2006 AT 7.30 PM

PRESENT: Councillor D E Mayes (Chairman).
Councillors M R Alexander, W Ashley,
P R Ballam, H G S Banks, K A Barnes, S A Bull,
N Burdett, A L Burlton, 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, Mrs D L E Hollebon,
A P Jackson, 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, J P Warren, N Wilson,
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
Lorraine Kirk	- Senior Communications Officer
Peter Mannings	- Democratic Services Assistant
Mary Orton	- Director of Policy and Performance
David Tweedie	- Director of Resources

ACTION646 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 25 January 2006, be approved as a correct record and signed by the Chairman.

647 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the public to the meeting.

The Chairman expressed his gratitude to Members, staff and all his friends for the support he had received in recent months. He thanked all the staff at the Stroke Unit at the Herts and Essex Community Hospital. Also, he paid particular thanks to the Vice-Chairman for his efforts in supporting the Chairman's duties.

The Chairman advised Members that the draw to identify the Council's nominations to attend one of Her Majesty the Queen's Garden Parties in 2006 had taken place and that Councillors P R Ballam and M P A McMullen would be representing the Authority.

The Chairman referred to his Civic Service which would be held on Sunday 26 February 2006, at 10.30 am, at All Saints Church, Little Munden. His Civic Dinner would be held on 8 April 2006. He invited all Members to support these events, further details of which would be sent out in due course.

The Chairman also invited Members to support the golf event sponsored by the Herts and Essex Newspaper Group, which would be taking place on 14 August 2006, at the East Herts Golf Club. Proceeds from this event would be donated to the East Herts Fund for the Future.

Finally, the Chairman advised Council that the recent inter-parish Quiz evening had been won by Bramfield Parish.

The Chairman invited Councillor N Wilson to address Council. Councillor N Wilson reported that the Hertford Sea

ACTION

Cadets had won an award following a recent inspection by the Royal Navy. He suggested that a letter of congratulation be sent on behalf of the Council.

648 DECLARATIONS OF INTEREST

Councillor T Milner declared a personal and prejudicial interest in the matter referred to at Minute 590 – Affordable Housing Provision in Hertford Heath, on the basis that he was a board member of Riversmead Housing Association. He left the Chamber whilst this matter was considered.

Councillor S A Bull declared a personal and prejudicial interest in the matters referred to at Minutes 588 – Adjustments to Capital Programme for Private Sector Housing Grants and 589 – Social Housing Grant Capital Programme Update, on the basis that he was a board member of Southern Anglia Housing Association. He left the Chamber before these were considered.

Councillor D Clark declared a personal interest in the matter referred to at Members' Question 8 relating to the East of England Plan (Minute 649 below refers), on the basis that her husband was Secretary to the Stop Harlow North campaign.

Councillor M Wood declared a personal and prejudicial interest in the various matters referring to the Meals on Wheels service, on the basis that he was Chairman of Age Concern, Bishop's Stortford. He left the Chamber whilst Question 4 (Minute 649 below refers) and a proposed amendment to Minute 627 – Fees and Charges 2006/07 were considered.

Councillor M P A McMullen declared a personal and prejudicial interest in the matter referred to at Minute 585 – Hertfordshire County Council Minerals Local Plan Review 2002 – 2016, although the nature of the interest was not disclosed. He left the Chamber whilst this matter was considered.

ACTION649 MEMBERS' QUESTIONS

Councillor M J Tindale congratulated the Executive Member for Environmental Management on his open minded stance towards pay on exit parking, and asked him if his open minded approach could be extended to review the ban on so called 'meter feeding'.

The Executive Member responded by referring to the traffic chaos on the streets of the District resulting in public demand for the Council adopting decriminalised parking enforcement. The Council had agreed to review the scheme after a year of operation and this review was now underway. Pay on exit parking would be considered for all new car parks where a range of operational and financial issues would need to be taken on board.

In respect of 'meter feeding', the Executive Member referred to the fees and charges proposals that would be considered later at the meeting, which he believed would tackle this issue.

In response to a supplementary question relating to the new multi-storey car park at Jackson Square, Bishop's Stortford, the Executive Member confirmed that officers were in discussions with Wilson Bowden and Sainsbury's on the operation of the car park.

Councillor M J Tindale asked the Executive Member for Environmental Management if he could update the Council on the measures that had been taken to terminate the illegal parking at Bishop's Stortford Football Club.

In response, the Executive Member stated that the Council's Enforcement Team was pursuing this matter vigorously and that legal action was ongoing. He outlined the latest position and referred to the additional staffing resources that had been allocated for enforcement matters. He undertook to keep Members updated as the legal process unfurled.

ACTION

In response to a supplementary question, the Executive Member confirmed that he was aware that it was still possible to arrange parking at the site online.

Councillor Mrs M H Goldspink asked the Chairman of the Development Control Committee why the changes to procedure at Development Control Committee meetings had not been implemented. She referred to some very beneficial improvements, which would have enhanced public engagement and would have allowed a strictly controlled amount of public participation that had been approved by Council on 18 May 2005, but had not yet been implemented.

In reply, the Chairman of Development Control Committee referred to the Best Value Action Plan which had included 134 actions. Many of these actions had been implemented within the due timescales, although there had been slippage on some items caused by excessive workload within the Development Control team.

The Committee Chairman stated that, in the last few days, he had discussed a range of options with Officers and that a report would be submitted for consideration at the next Development Control Committee meeting.

Councillor Mrs M H Goldspink asked the Executive Member for Community Development at what stage, in the process for awarding the contract for Meals on Wheels, was it known that the likely cost of one meal would be £2.50.

In response, the Executive Member referred to the Best Value Review of Health and Living Support in which it was concluded that the Meals on Wheels service was variable. The service had depended on a declining volunteer base with no criteria for hygiene and nutrition. He reminded Members of the tendering process which had included a tasting session involving Members and users of the service.

It was at this stage that it had become clear that the likely cost of a meal would need to increase. These costs had

ACTION

been reported as part of the budget matters considered by the Budget Scrutiny Panel and the Policy Development Scrutiny Committee, which had supported the additional costs. The Executive had also supported them.

He referred to the increased quality of the meals, the menu choices, the nutritional values as well as the provision of a more consistent delivery service on five days of the week. Despite the proposed increase, no other District or Borough within Hertfordshire had such low costs as East Herts. He detailed a range of current costs of meals in neighbouring authorities.

He concluded by referring to the proposed growth of £90,000 for Meals on Wheels, which would impact on the Council Taxpayer. He commented that without the provision of the Meals on Wheels service, the impact on the more vulnerable members of the community would be greater.

In response to a supplementary question on whether the preferred supplier had been identified before the costs of the contract had been known, the Executive Member stated that the Council was not yet committed to any contract as the decision would be taken later at this meeting.

On a point of order, Councillor M J Tindale sought clarification as to why a Member had been required to leave the Chamber during the question relating to Meals on Wheels. The Director of Corporate Governance advised that under the new Code, Members were required to leave the Chamber if declaring a personal and prejudicial interest on matters which were under consideration.

Councillor Mrs D L E Hollebon asked the Executive Member for Community Safety if, in view of the worrying information received that a number of swans had been found dead across the country and the possibility that this could be linked with the number of confirmed cases of bird flu getting nearer to our country, she could outline what role this Council would play in identifying or combating the disease and if there was any advice that could be given to residents

ACTION

of East Hertfordshire in respect of their own personal safety.

In response, the Executive Member for Community Safety referred to the international issue of avian flu and stated that there were no confirmed cases in this country. The Department for Environment, Food and Rural Affairs (DEFRA) had issued advice to poultry keepers and were interested in incidents affecting significant numbers of birds. DEFRA had publicised a helpline.

The Executive Member advised that in the event of an outbreak, a number of Government agencies would be involved. Although East Herts Council would not have a direct role, it would have responsibilities for providing health and safety advice for premises relating to enforcement and licensing. The Council would also support other agencies in communicating information. If necessary, the Council could be required to close open spaces within protection zones, arrange multi-agency meetings and provide support for businesses affected by an outbreak.

Councillor L Pinnell asked the Acting Leader of the Council if he agreed that, following a number of adverse reports in the media regarding the behaviour of some parking attendants, these reports were having an adverse effect on the way motorists perceived this Council. Also, he asked if he agreed that a small number of parking attendants showed unwarranted zeal at times and were not using their judgement or common sense and as well as causing an excessive number of appeals and administration costs, were driving shoppers and visitors out of East Herts' towns and to the out of town retail areas.

In reply, the Acting Leader agreed that the repetitious press articles were having an adverse effect on the way some motorists perceived the Council. However, in referring to a particular press article, he suggested that some motorists were supportive. He commented that the newspaper cases appeared to feature people who did not challenge the issue of penalty charge notices or use the appeals process. After all, the Council was obliged to consider all appeals.

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In respect of the comment on parking attendants using common sense, the Acting Leader reminded Members that the parking attendants were required to apply the enforcement guidelines consistently in a fair and courteous manner. He invited specific cases of this not happening to be reported so that they could be taken up with the contractor.

Councillor L Pinnell asked the Acting Leader of the Council if he could inform Members of the level of control retained by this Council, to make sure that the operator, whilst ensuring that the motorist obeyed the parking rules, expected their parking attendants to behave in a sensible and sympathetic manner towards residents and visitors.

In reply, the Acting Leader stated that the parking attendants operated within the terms of the contract agreed by the Council and the contractor, legislation relating to parking enforcement and various codes of practice. He referred to qualitative measures that were used as a basis for measuring performance and invited specific cases where attendants had not been polite to be reported, so that they could be taken up with the contractor. The Acting Leader reiterated that parking attendants did not receive bonus payments for the number of penalty charge notices issued.

Councillor D Clark asked the Executive Member for Regions and Partnerships if, in relation to the proposed growth of Harlow, he would like to comment on evidence given to the Examination in Public on the draft East of England Plan by the Environment Agency and Thames Water which indicated that there was insufficient water for further development, no additional sewage capacity, little prospect of any funding from OFWAT to begin studying potential solutions until 2010 and a lead time to installation meaning any solution was unlikely before 2015.

In response, the Executive Member for Regions and Partnerships updated Members on the deliberations of the Examination in Public the previous week. In particular, he referred to the sessions devoted to environmental issues

ACTION

and read out a transcript of the proceedings. This revealed that there was insufficient water for further development and a lack of capacity for additional sewage. Also, it was confirmed that there would be no technical solution to this problem for up to ten years.

The Executive Member commented that these revelations called into question the East of England Plan as being unsustainable and a threat to the quality of life of local residents.

The Executive Member advised that, as a result of these revelations, a further paper was being issued for comment by all relevant parties. He confirmed that this Council would continue to respond robustly.

650 REPORT OF THE EXECUTIVE

The Acting Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 7 and 14 February 2006. He gave a presentation on the proposed budget for 2006/07.

The Acting Leader stated that the proposed budget would consolidate on the significant service expansion undertaken during the year and lay the foundation for continued strong financial management.

He referred to previous budget decisions to expand service delivery in key priority areas and outlined the approach to develop these in a sustainable way. He detailed proposals for further expansion of services in the following areas:

- Recycling
- CCTV
- Grass cutting
- Planning Enforcement

ACTION

- Residents Parking Zones
- Playschemes
- Meals on Wheels
- Concessionary Fares

The Acting Leader also outlined three specific initiatives in respect of a Benefits Subsidy 'windfall', an Interest Equalisation Reserve and an Invest to Save scheme. He believed these would contribute to minimising future increases in Council Tax and provide flexibility that would enable the continued development of services.

The Acting Leader concluded by asking Members to recognise the role of staff in providing improved services despite the challenges of the previous year. He described the budget proposals as 'workmanlike' designed to provide a base for the next step in the aspiration to improve the quality of life in East Herts. At £137.52 for a band 'D' household, representing a 4.8% increase, he recommended a sustainable budget to Council.

In response, Councillor M Wood, as Leader of the Opposition, stated that his Group would be supporting the budget proposals, although there were elements that they did not agree with. He welcomed the proposed recycling improvements and the resources allocated to dealing with Japanese knotweed and grass cutting. Finally, he too paid tribute to the staff for their efforts during the course of the previous year.

In respect of Minute 584 – Byelaws at St Michael's Mead, Bishop's Stortford, Council approved an additional recommendation as follows:

'(C) the byelaws as amended in (A) above be made.'

ACTION

In respect of Minute 594 – Forward Plan, the Acting Leader informed Council that items 10 and 11 were now his responsibility following Councillor D Clark's resignation from the Executive.

In respect of Minute 626 – All Divisions Revenue Estimates Probable 2005/06; Estimate 2006/07, Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, an amendment to the effect that the draft Revenue Estimates for 2006/07 be adjusted to allow for continued funding for the second Dial-a-Ride bus.

Councillor Mrs M H Goldspink referred to the history of the scheme when three buses used to operate. This had been reduced to two and now it was proposed to use only one bus. She referred to difficulties experienced by users and suggested that the cost of between £23,000 and £45,000 of retaining a second bus should be affordable.

Councillor M Wood referred to the Council's priority of protecting and providing support to the most vulnerable and expressed his belief that one vehicle could not provide the coverage necessary for such a large District. He believed that many users had become disillusioned with the service and that there was a danger of the elderly becoming marginalised.

The Acting Leader responded by expressing surprise that this issue had been raised now, as this proposal had been subject to scrutiny over several weeks without any input from the Opposition. He did not believe that there would be any significant disadvantages for service users and questioned the effectiveness of spending up to £45,000 as suggested compared to alternatives that addressed wider concerns.

Councillor Mrs M H Goldspink suggested that funding for the second vehicle could be available if less resources were allocated to consultancy fees.

ACTION

After being put to the meeting, and a vote taken, the amendment was declared LOST. Council approved the recommendations of the Executive on this matter.

Councillor M Wood requested that the Dial-a-Ride issue be referred to the Policy Development Scrutiny Committee for consideration alongside the Concessionary Fares scheme. In reply, the Acting Leader empathised with the sentiment of this request, but suggested that it would be more appropriate for this Committee to look at the wider issue of Transport, subject to its work programme commitments.

In respect of Minute 627 – Fees and Charges 2006/07, Councillor Mrs M H Goldspink moved, and Councillor G L Francis seconded, an amendment to the effect that the new charge for meals on wheels be £2.40 per meal and that this charge be implemented only when the new contract commenced.

Councillor Mrs M H Goldspink commented that the proposed 25% increase from £2 to £2.50 was too large and would come as a shock to users. She accepted that the improved service with paid drivers and menu choices would have to cost more, but that £2.40 would be a sufficient increase. In respect of the implementation date for the increased charge, Councillor Mrs M H Goldspink suggested that this should be delayed until the new contract actually commenced in July 2006.

In response, the Executive Member for Community Development reiterated that with the proposed new charge, East Herts would still be providing the cheapest service in Hertfordshire. He reminded Members that service users would be receiving greater choice and a more consistent service across five days a week if they wanted it. Those who currently received a seven day service would continue to do so, following an arrangement with the County Council.

ACTION

In response to a question from Councillor A M Graham, the Executive Member stated that it was necessary to introduce the new charges from April 2006, as costs had been incurred in setting up the new system.

After being put to the meeting, and a vote taken, the amendment was declared LOST. Council approved the recommendations of the Executive on this matter.

In respect of the proposed car parking charges, Councillor K A Barnes referred to the impact that increased charges would have on local traders and suggested that shoppers would desert the towns of East Herts for other areas.

Councillor L R Pinnell referred to his position as Secretary of the Chamber of Commerce in Bishop's Stortford and also maintained that traders would be leaving the town centre because of the increased car parking charges. He suggested that season tickets should be retained for special types of businesses.

The Acting Leader expressed doubt that the picture presented by Councillors K A Barnes and L R Pinnell was accurate and referred to the national economic situation. He reiterated that the car parking proposals in respect of season tickets had been designed to produce a level playing field. He confirmed that the proposed car parking charges would be subject to consultation when the Car Parks Order was published.

The Executive Member for Environmental Management referred to correspondence he had received from traders and suggested that the main concern expressed related to the inconvenience rather than the costs. He had undertaken to examine the potential use of smart cards in order to overcome such inconvenience.

RESOLVED – that (A) in respect of Minute 584 – Byelaws at St Michael's Mead, Bishop's Stortford, an additional recommendation (C) be approved, as

ACTION

follows:

‘the byelaws as amended in (A) above be made.’

(B) the Minutes of the Executive meetings held on 7 and 14 February 2006, be received, and the recommendations contained therein, be adopted.

(Note – Councillor K A Barnes asked for his opposition in respect of the proposed car parking charges to be recorded.)

651 MINUTES OF COMMITTEES

(A) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 6 FEBRUARY 2006

The Committee Chairman advised Members of two Scrutiny workshops that had been arranged for 22 and 23 March 2006, at 6.30 pm , in the Council Chamber, Wallfields, Hertford. He hoped to see as many Members as possible at these sessions.

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 6 February 2006, be received.

(B) DEVELOPMENT CONTROL COMMITTEE
– 8 FEBRUARY 2006

The Committee Chairman advised Council that the Development Control Committee, at its next meeting on 8 March 2006, would be invited to confirm these Minutes as a correct record subject to the following amendments to Minute 597 – Declarations of Interest:

additional narrative to be added to reflect that, following advice from the Director of Corporate Governance, Councillors P R Ballam and J J Taylor withdrew their declarations of personal and prejudicial

ACTION

interests in application 3/05/2440/FP and therefore remained in the meeting during consideration of this item, and

further additional narrative to clarify that Councillor D Richards did state the nature of her personal and prejudicial interest in application 3/05/0351/OP, as the applicant had reported her to the Standards Board on another matter.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 8 February 2006, be received.

(C) LICENSING COMMITTEE – 15 FEBRUARY 2006

RESOLVED – that the Minutes of the Licensing Committee meeting held on 15 February 2006, be received.

652 LEADER OF THE COUNCIL

The Director of Corporate Governance submitted a report seeking the appointment of a Leader of the Council following the resignation of Councillor M G Carver.

Councillor A P Jackson had been elected as the Leader of the majority political group. Council was requested to appoint him as the Leader of the Council. Councillor Jackson had been appointed previously as Deputy Leader of the Council on the basis that he would hold that office until the Annual Council meeting in May 2007. Appointing Councillor Jackson as Leader of the Council would result in a vacancy in the office of Deputy Leader. Therefore, it was proposed, following guidance from the majority group, that Councillor M R Alexander be elected Deputy Leader.

Council was also invited to confirm that the Special Responsibility Allowances payable to the Leader and Deputy Leader of the Council be paid to Councillors Jackson and Alexander respectively with effect from the date of this

ACTION

meeting.

Council supported the proposals as now detailed.

RESOLVED - that (A) Councillor A P Jackson be elected Leader of the Council for the remainder of the life of the Council;

(B) it be noted that as a consequence of the decision at (A) above, the size of the Executive will revert back to the Leader, Deputy Leader and five members,

(C) following the appointment of Councillor A P Jackson as Leader, Councillor M R Alexander be appointed Deputy Leader for the remainder of the life of the Council; and

(D) the Special Responsibility Allowances payable to the Leader and Deputy Leader of the Council be paid to Councillors A P Jackson and M R Alexander respectively with effect from the date of this meeting.

DCG

653 LOCAL STRATEGIC PARTNERSHIPS – SHAPING THEIR FUTURE: RESPONSE TO ODPM CONSULTATION

The Executive Member for Regions and Partnerships submitted a report detailing a consultation currently being undertaken by the Office of the Deputy Prime Minister (ODPM) into the future development of Local Strategic Partnerships (LSPs), which sought Council approval to the proposed response on behalf of this Authority.

The Executive Member recalled the membership and purpose of the East Herts Local Strategic Partnership, which had been set up in 2002. He detailed the main points made in the consultation paper and advised that it posed a set of specific questions, to which local authorities and other interested parties had been invited to respond by 3 March 2006. The proposed response on behalf of this Council was

ACTION

set out as Appendix 'A' to the report now submitted.

Councillor Mrs M H Goldspink, whilst expressing her support for LSPs in general, outlined her disappointment with the proposed response, which she felt contained gobbledegook and was not in plain English. She proposed that the response be referred back to officers for further review.

Councillor J O Ranger raised concerns in respect of the commissioning aspects and the dangers this posed.

Councillor D Clark expressed concerns for democratic accountability in that many LSP members were appointed and not elected. There was a danger that LSPs could become another delivery agency for the Government without sufficient scrutiny.

The Executive Member acknowledged these concerns and undertook to strengthen the response as necessary. In order to meet Members' concerns, he undertook to circulate a revised response that would clarify the points raised and enable Members to be engaged.

To this end, it was suggested that authority to approve the response to the ODPM be delegated to the Director of Policy and Performance in consultation with the Executive Member for Regions and Partnerships. Council approved this course of action.

RESOLVED - that authority to approve the response to the ODPM be delegated to the Director of Policy and Performance in consultation with the Executive Member for Regions and Partnerships.

DPP

654 HERTFORDSHIRE LOCAL AREA AGREEMENT (LAA)

The Executive Member for Regions and Partnerships submitted a report seeking Council's endorsement of the Hertfordshire Local Area Agreement (LAA).

ACTION

Local Area Agreements were part of the Government's Modernising Local Government agenda, which aimed to make service delivery more cohesive and joined-up and to promote customer focus and community involvement. LAAs were made between central and local government within individual counties. Their aim was to achieve local solutions that met local needs, whilst also contributing to national priorities and the achievement of standards set by central government.

21 LAAs had been piloted over an 18 month period leading up to April 2005. Hertfordshire, along with 65 other local authorities, had been chosen to deliver the second round of LAAs, from 2006 – 2009. The Local Area Agreement was structured around 4 blocks:

- Safer and Stronger Communities;
- Healthy Communities and Older People;
- Economic Development and Enterprise; and
- Children and Young People.

Within these blocks, there were a number of strands, which would be supported by several outcomes. Delivery of these would be coordinated by a lead officer and a project team.

Each local area was expected to develop 30 – 40 targets that reflected the local evidence base. Approximately 12 of these targets would be selected for a reward based stretch target, achievement of which attracted monetary rewards of £27 - 28m. Such reward grants for meeting targets were only available in LAA areas.

The Executive Member detailed the benefits of the proposed LAA for East Herts.

Council endorsed the Hertfordshire LAA as now detailed.

ACTION

RESOLVED – that the Hertfordshire Local Area Agreement, as now detailed, be endorsed.

The meeting closed at 10.04 pm

Chairman
Date

Nps\Council\Minutes 22 Feb 2005