

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 20
SEPTEMBER 2006 AT 7.30 PM

PRESENT: Councillor A L Burlton (Chairman).
Councillors M R Alexander, W Ashley,
D R Atkins, K A Barnes, S A Bull, N Burdett,
M G Carver, D Clark, R Conway,
R N Copping, A F Dearman, J Demonti,
A D Dodd, G L Francis, R Gilbert, L O Haysey,
J Hedley, Mrs D L E Hollebon, Mrs D M Hone,
A P Jackson, G McAndrew, J Mayes, T Milner,
Mrs S Newton, R L Parker, D A A Peek,
H Penson, N C Poulton, J O Ranger, P A Ruffles,
S Rutland-Barsby, G D Scrivener, J J Taylor,
J D Thornton, M J Tindale, J P Warren, N Wilson.

OFFICERS IN ATTENDANCE:

Anne Fisher	- Chief Executive
Simon Drinkwater	- Director of Corporate Governance
Jeff Hughes	- Head of Democratic Services
Peter Mannings	- Democratic Services Assistant
Dave Tweedie	- Director of Resources
Nick White	- Communications Officer

244 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 19 July 2006, be approved as a correct record and signed by the Chairman.

245 CHAIRMAN'S ANNOUNCEMENTS

ACTION

The Chairman welcomed Members, the press and public to the meeting.

The Chairman congratulated the Chief Executive, Anne Fisher on her recent engagement.

The Chairman advised Members that he had received a letter from Ware Town Council thanking East Herts Council for its £300,000 capital grant for the Fletchers Lea Development at Ware Priory.

The Chairman advised Members of a charity event on 23 November 2006 at Great Hadham Golf Course in aid of the Isobel Hospice.

The Chairman advised that he had agreed that a report entitled "Leisure Provision" should be considered as an item of urgent business at this meeting in order to facilitate the continued provision of leisure services. The report would form item 10 of the agenda.

246 DECLARATIONS OF INTEREST

Councillor Mrs D L E Hollebon declared a personal and prejudicial interest in the matter referred to at Minute 221 – Stansted Generation 1 Planning Application, as she was in paid employment at Stansted Airport. Councillor Hollebon left the chamber before the matter was considered.

Councillor M G Carver declared a personal and prejudicial interest in the matter referred to at Minute 188 – Redevelopment comprising the demolition of 11 Buildings and the construction of 3 new linked Buildings at Hertford Regional College, as he was the Chairman of Governors of the College.

ACTION247 PETITION

Mr Colin Hodges presented a petition comprising 700 names seeking the Council's support for the following issues relating to Stansted Airport:

- a) 4000 feet of clearance for planes flying over Ware and neighbouring communities;
- b) Continuous Descent Approaches (CDAs) be introduced for all western approaches to Stansted; and
- c) British Airports Authority (BAA) at Stansted be required to report CDAs on a combined runway basis. (See also Minute 248 below.)

248 PUBLIC QUESTION

Mr Colin Hodges thanked Members for the opportunity to address Council, as the Chairman for WRASE, the local Residents Association. Mr Hodges advised Members that WRASE, formed in 2006, had 300 named supporters and had links with the campaign group Stop Stansted Expansion.

Members were updated by Mr Hodges on the current situation for Ware and surrounding communities, namely that when easterly winds are prominent, aircraft on approach to Stansted fly over Ware and Stanstead Abbots at the rate of 500 a day at an altitude of 2,000 to 2,500 feet. Mr Hodges emphasised the local concern over the resulting intrusive noise levels for residents.

Mr Hodges reported that aircraft were not employing industry best practice of CDAs when approaching Stansted from the west. He emphasised that should CDAs be used, at 12 nautical miles from Stansted aircraft would fly over Ware at 4,000 feet, resulting in a noise reduction of 5 decibels for local residents.

Mr Hodges, stated that the quality of residents' lives were adversely affected by low flying aircraft on approach to

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Stansted Airport. The current approach method contravened industry best practice and caused significantly more disturbance than should be the case at distances so far from the airport. WRASE had collected 700 names from residents asking for:

- a) 4000 feet of clearance for planes flying over Ware and neighbouring communities;
 - b) Continuous Descent Approaches (CDAs) be introduced for all western approaches to Stansted; and
 - c) British Airports Authority (BAA) at Stansted be required to report CDAs on a combined runway basis.
- At present the data they produced ignored runway 05.

Mr Hodges asked the Council what support it was able to provide to each of these three points?

The Executive Member for Regions and Partnerships, Councillor M G Carver, thanked Mr Hodges for his petition (see Minute 247 above) and for advanced notice of the question. Councillor Carver advised Mr Hodges that the Council was aware of the problems of aircraft noise over Ware. It was an issue that had been raised with BAA on a number of occasions. In its response to BAA on the recent planning application to increase the use of the existing runway, Council had reiterated the importance of introducing CDAs for western approaches to Stansted on the basis of the potential reduction in disturbance to large parts of East Herts.

Councillor Carver advised that the Council was mindful that the responsibility for directing aircraft towards the runway was with the National Air Traffic Service (NATS) rather than airport operators such as BAA. The Executive Member reported that it was Council's understanding that CDAs were currently impossible for westerly approaches to Stansted on the basis of conflict with aircraft at a higher altitude. The congested nature of the airspace in the south east meant that any changes over Ware would result in knock-on changes elsewhere. It was necessary to look at the situation in a holistic way and devise a solution that

ACTION

balanced environmental impact with operational efficiency.

The Executive Member reported that NATS were currently reviewing the airspace in the "Terminal Control North" sector to address capacity issues. This review would affect arrivals and departures for Stansted and Luton airports. As part of the preliminary work, East Herts Council had put forward views on the key issues for the District and the situation at Ware was the subject of specific reference. One of the objectives of the review of airspace was the implementation of CDAs on approaches to all airports. Council awaited the outcome of their further design and modelling work. Councillor Carver concluded that it was Council's understanding that public consultation on any proposed changes was to take place in Spring next year.

Mr Hodges thanked the Council for the response to his question and sought clarification as to whether or not Councillor Carver would be willing to act as a liaison between Government Aviation Bodies and WRASE. Councillor Carver advised that Officers would maintain a dialogue with WRASE.

249 MEMBERS' QUESTIONS

Councillor M J Tindale asked the Executive Member for Environmental Management if he could assure the residents of East Herts that their bins were not bugged.

The Executive Member for Environmental Management, Councillor M R Alexander, assured Members that East Herts Council had not placed chips on residents' bins. He went on to emphasise that he could not dismiss the possibility that the Government may impose such a scheme in the future.

Councillor Alexander stated that capital spent on mandatory chipping would be better spent on recycling and assured Members that residents' bins would not be bugged without a consultation process taking place.

ACTION

Councillor Tindale thanked the Executive Member for his answer and asked if he agreed that residents of East Herts get excellent value from East Herts Council, given that residents' bins were emptied every week.

Councillor Alexander agreed.

250 REPORT OF THE EXECUTIVE

The Leader of the Council, Councillor A P Jackson, reported on the work of the Executive and presented the Minutes of the Executive meeting held on 12 September 2006.

The Leader advised Members of a review of Human Resources that had been undertaken by the Improvement and Development Agency (IDeA). He reported that much could be learnt from the report and that East Herts Council would recognise areas for development as well as areas that were performing well. The Leader expressed his thanks to officers who had assisted the IDeA review team.

The Leader reported that Council was midway through the current round of Community Voice meetings. In light of the forthcoming Government White Paper on Local Government, the public were relieved to hear about the services provided at a County, District and Town Council level. He referred to the corporate DVD being shown at these meetings, emphasising that the production portrayed East Herts as the kind of place residents wanted to live in. Councillor Jackson praised the DVD as portraying the Council's pride in improving the quality of life of residents in East Herts.

The Leader referred to Minute 227 of the Executive Minutes, emphasising the importance of producing a new Leisure and Cultural Strategy for East Herts in relation to future resource spending. The Leader also emphasised that East Herts Council's response to the BAA planning application for Stansted Airport was a pragmatic and reasoned representation (Minute 221 refers).

ACTION

The Leader concluded by advising Members that he hoped to set a budget that was sustainable and as such the level of Council Tax would be set to achieve this sustainable budget. The Leader assured Members he would be working hard to ensure any increase in Council Tax would be no more than 5%.

The Leader of the Independent Group, Councillor K A Barnes, thanked the Leader for his report and stated that he hoped the Independent and Liberal Democrat groups could work with the Leader to achieve a sustainable budget.

Councillor G L Francis, on behalf of the Liberal Democrat Group, emphasised that Members should be aware of the possible 5% rise in Council Tax and should work together to achieve the best possible budget.

In respect of Minute 221 - Stansted Generation 1 Planning Application, Members were reminded that a reformatted report from the 12 September 2006 meeting of the Executive could be found commencing at page 12.29 of the agenda papers. This reformatted report reflected tracked changes as part of the ongoing process of approving the Council's response to the Stansted Generation 1 Planning Application received by Uttlesford District Council.

Members were advised of a number of amendments to the latest version of the recommendation now tabled, as follows:

Paragraph (A)(4)(a) ... after the phrase "Leq method" add the words "to take account of the actual impact of noise as well as changes in average noise levels"

Paragraph (A)(4)(b)... add after the word "schools" the words "and CDA monitoring on all runways"

Add a new (A)(4)(c) as follows: - " alternative measures, dependent upon the outcome of the NATS review, to take account of the very different scenarios which might arise depending upon whether CDAs are or are not introduced for

ACTION

western approaches"

Reletter the existing paragraph (A)(4)"(c)" to "(d)" and old paragraph (A)(4)"(d)" to "(e)"

In relation to paragraph (A)(4)(d) add the words "financial contributions to" at the beginning.

Councillor A D Dodd expressed his satisfaction at seeing schools mentioned in the report, given the level of concern over aircraft flying over the schools at low altitudes. Councillor Dodd also expressed concern in relation to vehicular access to the airport and enquired what steps were being taken to address the already high volume of traffic using roads in East Herts to access the airport, in particular the A1184.

The Executive Member for Regions and Partnerships advised that Uttlesford District Council would be postponing determining the planning application, subject to receiving representation from two key consultees, Herts Highways and Network Rail. Councillor Carver also advised that once a representation had been received from Highways, the requirements in terms of what maybe necessary in regulating traffic flow would become clear. Councillor Carver reported that section 106 agreements could be imposed to ensure the necessary supporting infrastructure was in place for the planned airport expansion.

In respect of Minute 222 – Implementing a Choice Based Lettings Scheme in East Herts, Councillor J O Ranger drew Members' attention to the Policy Development Scrutiny Committee's view that before the Choice Based Lettings Scheme was signed, the Consultant should address the Policy Development Scrutiny Committee. The Executive Member for Community Development agreed to this request.

In respect of Minute 226 – Report of the Long Term Leisure Group, Councillor Ranger sought and was given clarification by the Executive Member for Community Development, as to whether schools in the east of the District had been

ACTION

included at the start of the consultation process. The Executive Member confirmed that such schools had been consulted.

RESOLVED – that the Minutes of the Executive meeting held on 12 September 2006, be received, and the recommendations contained therein, as now amended, be adopted.

251 MINUTES OF COMMITTEES(A) DEVELOPMENT CONTROL COMMITTEE
– 26 JULY 2006

RESOLVED – that the Minutes of the Development Control Committee meeting held on 26 July 2006, be received.

(B) HUMAN RESOURCES COMMITTEE
– 27 JULY 2006

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 27 July 2006, be received.

(C) LICENSING COMMITTEE – 16 AUGUST 2006

RESOLVED – that the Minutes of the Licensing Committee meeting held on 16 August 2006, be received.

(D) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 22 AUGUST 2006

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 22 August 2006, be received.

(E) DEVELOPMENT CONTROL COMMITTEE
– 30 AUGUST 2006

ACTION

In relation to Minute 197 – Identification of Project for the benefit of the residents of St Michael’s Mead to be funded from appeal decision (3/04/0083/SV, Councillor M J Tindale sought an update on the project for the benefit of the residents of St Michael’s Mead to be funded from an appeal decision. Councillor R Gilbert undertook to provide a written answer to Members.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 30 August 2006, be received.

(F) HUMAN RESOURCES COMMITTEE
– 31 AUGUST 2006

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 31 August 2006, be received and the recommendation contained therein be adopted.

(G) AUDIT COMMITTEE – 6 SEPTEMBER 2006

RESOLVED – that the Minutes of the Audit Committee meeting held on 6 September 2006, be received.

(H) PERFORMANCE SCRUTINY COMMITTEE
– 12 SEPTEMBER 2006

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 12 September 2006, be received.

252 LEISURE PROVISION

The Director of Corporate Governance submitted a report on the situation regarding the Council’s contract with Aspire to provide leisure services within the District of East Herts. The Director explained that Aspire was wholly owned by Enfield

ACTION

Leisure. Enfield Leisure had recently been put into liquidation.

The Director of Corporate Governance reported that the Council was taking complex legal advice on the possible courses of action.

The Director of Corporate Governance advised that, in the event that Aspire became insolvent, the proposed solution was to have a short term bridging contract to give the Authority time to undertake a tendering exercise for a long-term service provider for leisure services. It was proposed that Stevenage Leisure be adopted as a short term provider of leisure services in East Herts in the event that Aspire ceases to trade.

Members noted the financial implications of adopting Stevenage Leisure as a short term service provider. The exact costs could not be quantified but would be offset by calling on the bond now detailed. A supplementary vote of up to £100,000, to be drawn from balances for the current year, would be needed to fund the use of a short term service provider.

The Director of Corporate Governance stated that, East Herts Leisure staff would transfer on current terms and conditions to a new service provider. Members were advised that, in transferring to Stevenage Leisure in the short term, Council faced certain risks that could not be quantified.

Councillor G L Francis proposed and Councillor K A Barnes seconded a motion that the proposed recommendation be adopted subject to an amendment whereby the words "seek to enter into" be replaced by the word "investigate" and that a new part "(C)" be added as follows:

"the Council investigate bringing leisure services back in house."

ACTION

After being put to the meeting and a vote taken this motion was declared LOST.

Following comments from Councillor K A Barnes, the Leader confirmed that the officer recommendation on this matter did not preclude the submission of an in-house bid for the new leisure services contract.

In response to a query from Councillor J Hedley, the Director of Corporate Governance confirmed that Stevenage Leisure was a stand-alone company.

In response to a query from Councillor R Gilbert, the Director of Resources advised that paying Aspire via a liquidator could result in a likely cost in excess of £300,000, due to lost savings on NNDR and VAT.

RESOLVED – that (A) the Council agree to the following actions to secure the provision of leisure services in East Herts:

DCG

In the event of Aspire Leisure becoming insolvent or appointing a liquidator seek a satisfactory means of ceasing the current contractual arrangements with Aspire Leisure for the provision of leisure services within East Herts;

Enter into a bridging contract for the provision of leisure services within East Herts with Stevenage Leisure Limited based on the existing specification;

Seek to enter into a longer-term contract for the provision of leisure services based on a new specification;

(B) a supplementary vote of up to £100,000 be funded from balances to meet any additional costs in supporting recommendation (A) above.

DR

ACTION

The meeting closed at 9.45 pm

Chairman
Date

Nps\Council\Minutes 20 Sept 2006