

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON TUESDAY 19 DECEMBER 2006 AT
7.30 PM

PRESENT: Councillor A P Jackson (Chairman/Leader).
Councillors M R Alexander, N Burdett,
M G Carver and R L Parker.

ALSO IN ATTENDANCE:

Councillors H G S Banks, D Clark, J Demonti,
R Gilbert, A M Graham, N C Poulton, P A Ruffles,
J P Warren and M Wood.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Chancellor	- Head of Accountancy
Chris Clowes	- Community Protection Manager
Simon Drinkwater	- Director of Neighbourhood Services
Tracy Ferguson	- Head of Environmental Health
Martin Ibrahim	- Senior Democratic Services Officer
Jane O'Brien	- Empty Homes Officer
Mary Orton	- Director of Customer and Community Services
Jan Spong	- Head of Community Protection
Paul Thomas	- Environmental Health Manager (Commercial)
Nick White	- Communications Officer

445 APOLOGIES

An apology for absence was submitted on behalf of
Councillor T Milner

Councillor T Milner.

RECOMMENDED ITEMS

ACTION

446 REVIEW OF CONDITIONS AND POLICIES FOR THE LICENSING OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER/VEHICLES AND OPERATORS

The Executive Member for Community Safety submitted a report proposing changes in the Council's policies in respect of licensing Hackney Carriage/Private Hire drivers/vehicles and operators.

The Executive Member advised that it had been at least 10 years since the Authority's last comprehensive review of conditions and policies in regard to determining whether driver, vehicles and operators were 'fit and proper' to hold the relevant licence. Since this time, a number of pieces of legislation had necessitated a review, such as the Human Rights Act 1998 and various changes in European law. The Department for Transport in 2005, had consulted on a draft Best Practice Guidance on Taxi and Private Hire licensing. This draft guidance had been used as a basis for a working party, comprising trade representatives, Officers and the Executive Member, to review all policies and possible changes.

The Executive Member detailed the current policies/conditions and the proposed changes together with reasons for the changes at Appendix 'A7' of the report now submitted. Some of these changes had been mandatory whilst others, such as the Driving Standard Agency test was a fundamental move aimed at improving the standard of driving of Hackney Carriages and Private Hire vehicles in East Herts.

The Executive Member also detailed the responses of licensed Hackney Carriage and Private Hire drivers to the proposed changes, which had been supportive. The Licensing Committee, on 16 August 2006, had also

supported the changes (Minute 174 refers).

The Executive recommended the proposed changes as now detailed.

RECOMMENDED - that (A) the consultation process and results be received: and DNS

(B) the changes to the policies and conditions now detailed be approved. DNS

447 DIVISIONAL ESTABLISHMENTS ROUND 1 REVENUE ESTIMATES – PROBABLE 2006/07: ESTIMATE 2007/08

The Leader of the Council submitted a report on the first stage of the estimates process that would conclude with the setting of the Council's budget for 2007/08.

The Estimates set out in the report now submitted related to the costs of the Chief Executive's Division, six staffing Divisions together with the cost of offices. These reflected the seven divisions as they currently existed, less three Director posts coupled with three new Director posts forming the apex of the new structure. These costs comprised the "Support Services and Departmental Administration Charges". The Estimates reflected current approved establishment structures.

In overall terms, the probable outturn 2006/07 was £659,000 over the original estimate. Details of the movements from the original estimate were set out in the report now submitted.

The Executive noted that the Policy Development Scrutiny Committee, at its meeting held on 5 December 2006, had supported the estimates subject to the need for a clearer format and close monitoring of salaries estimates.

In response to various questions from Councillor A M Graham, the Head of Accountancy clarified a number of

matters. In respect of the new Financial Reporting Standard (FRS17), the funding regime detailed in the report now submitted, reflected decisions taken on early retirements/redundancies since the original estimate had been approved, although the most recent decision of the Human Resources Committee had yet to be included. The 5% turnover rate was a challenging but achievable target. The Head of Accountancy also referred to the increased utility costs, the ending of NNDR transitional relief and the outcome of a rent review for the increased estimate on Council Offices. In respect of Third Party Payments, the Head of Accountancy undertook to provide a written response.

In response to a question from Councillor A M Graham, the Chief Executive explained that the employment of a temporary Director on a part time basis to manage leisure services had not compromised the Authority's ability to meet recent challenges, as this had provided an additional resource. Furthermore, the recent appointment of the Director of Customer and Community Services would ensure that the Council continued to have the necessary capacity at senior management level to deal with the ongoing challenges.

In response to a question from Councillor R Gilbert, the Head of Accountancy confirmed that Planning Delivery Grant had been utilised, in the main, for Development Control and Local Plans purposes.

Councillor D Clark expressed concern that in the absence of a Budget Scrutiny Panel, there was a shortfall in the process for scrutinising the budget in general.

The Chief Executive responded by referring to the next scheduled meeting of the Policy Development Scrutiny Committee on 23 January 2007, at which it was intended to focus on budget and service planning issues.

The Executive recommended approval of the estimates, as now detailed

as now detailed.

RECOMMENDED – that (A) the comments of Policy Development Scrutiny Committee on the 5 December 2006 be received; and

(B) the revenue estimates for the Divisional Establishments for 2006/07 Probable and 2007/08 Estimate be approved.

DR

448 ADVERTISING AND IMPLEMENTATION OF TRAFFIC REGULATION ORDER FOR INCREASE IN CAR PARK CHARGES

The Executive Member for Environmental Management submitted a report seeking approval for a Traffic Regulation Order (TRO) relating to tariff and season ticket charge increases in East Herts Council car parks, to be formally advertised in January 2007.

The Executive recalled the Council's policy of increasing the tariffs for car parking charges by a minimum of 5% annually, whilst maintaining a competitive comparison with other neighbouring authorities and private amenities. The Executive Member detailed the proposed increases in car park tariffs, which would result in an overall increase of 5.72%. He also proposed that Resident Car Park Season Ticket be increased by 6.2% from £226 to £240.

The Executive Member stated that the increases in short stay tariffs reflected the Council's policy to consider the individual needs of each town. No increase had been proposed for the tariff band for parking for up to 1 hour. It was proposed that this tariff band remain at its current level in all Council car parks.

Councillor R Gilbert referred to the level of proposed increases compared to the rate of inflation and the problems this would cause some pensioners.

In response to a comment from Councillor M Wood relating to the use of long stay car parks in Bishop's Stortford by commuters, the Executive Member undertook to monitor the use of these car parks before 7.30 am.

The Executive supported the recommendations as now submitted.

RECOMMENDED – that (A) the advertising of the draft Traffic Regulation Order (TRO) for increases in car parking tariffs and car park season ticket charges, which will be advertised in January 2007 for a minimum of 21 days, be approved; and

DCG

(B) officers be authorised to implement the TRO if no substantial objections are received.

DCCS

449 COUNCIL TAX - INCREASE IN EMPTY PROPERTY CHARGE AND CALCULATION OF COUNCIL TAX BASE 2007/08

The Leader of the Council submitted a report seeking to increase the Council Tax charge for second homes and long term empty properties over 6 months from 50% to 90% of the full charge. He also recommended the calculation of the Council Tax base for the whole District and for the Parish areas for 2007/08.

The Executive noted that as part of the process for setting the Council Tax for 2007/08, the Local Authorities (Calculation of the Tax Base) Regulations 1992 required the billing authority to notify its major precepting bodies of the District Council's Council Tax Base for the following financial year. The Council was also required to notify its parishes of the Council Tax Base for the parish area within 10 working days of any written request from a Parish Council.

The Leader set out the method for calculation of the Tax Base, which was noted by the Executive. The Executive

further noted that a calculation must be made for the District as a whole, and separate calculations for each Parish area for which a precept would be made.

The Leader referred to the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, which allowed local authorities to reduce the discount granted to empty properties to 10%. He proposed that this discount be reduced from the current 50% to 10%, in order to encourage the reoccupation of long-standing empty properties.

The Policy Development Scrutiny Committee, at its meeting held on 5 December 2006, had supported the Leader's recommendations.

The Executive supported the recommendations as now detailed.

RECOMMENDED - that (A) Council Tax charge for empty properties that are not exempt be increased from 50% to 90% of the full charge; DR

(B) table (1), as detailed in the report now submitted, on the calculation of the Council's tax base for the whole District, and for the Parish areas, for 2007/08 be approved; and DR

(C) pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by East Hertfordshire District Council as its Council Tax Base for the whole area for 2007/08 shall be 57,122.16. DR

450 CORPORATE HEALTHCHECK – QUARTERLY MONITORING (JULY – SEPTEMBER 2006)

The Leader of the Council submitted a report on the finance, performance and risk monitoring for East Herts Council for the second quarter of 2006/07 covering the

period July – September 2006.

The Leader explained that this was the first combined quarterly finance, performance and risk monitoring report submitted to the Executive. Appendix 'A13' of the report submitted showed the full set of performance indicators that were reported on a monthly and quarterly basis.

The Performance Scrutiny Committee, at its meeting held on 14 November 2006, had considered this report and its comments were noted by the Executive.

Appendix 'B13' of the report submitted showed predominantly salaries, agency staff and appointment of staff costs against profile to the end of September 2006. Based on a number of assumptions, the year-end outturn indicated a corporate overspend of over £614k. In response to a question from Councillor A M Graham, the Head of Accountancy confirmed that of this, restructuring costs and interim management arrangements accounted for £495k.

The Leader recommended approval for two items of expenditure as follows:

- £13,700 funding from the Emergency Planning Reserve for equipment for the set up of incident rooms at both Wallfields and Bishop's Stortford sites, as detailed at Appendix 'D' of the report now submitted; and
- the saving of £5,000 resulting from changes to the Information Manager's post being utilised in the Customer Services Contact Centre.

In response to a question from Councillor A M Graham relating to the operation of the vacancy factor, the Chief Executive clarified the stringent processes in place before vacancies were filled.

In response to a question from Councillor R Gilbert in respect of the emergency planning rooms, the Chief Executive confirmed that the incident rooms would only be temporary arrangements.

The Executive recommended the proposals as now detailed.

RECOMMENDED - that (A) the Corporate Healthcheck for the quarter period relating to July to September 2006 be approved;

(B) £13,700 funding from the Emergency Planning Reserve for equipment for the set up of incident rooms at both Wallfields and Bishop's Stortford sites as detailed at Appendix 'D' of the report now submitted, be approved; and

DNS/DR

(C) the saving of £5,000 resulting from changes to the Information Manager's post be utilised in the Customer Services Contact Centre.

DR

451 **ALLOCATION OF CAPITAL GRANT TO SOCIAL HOUSING SCHEMES**

The Executive Member for Community Development submitted a report seeking approval for the allocation of capital grant to various social housing schemes:

- 14 units at 90 – 100 South Street, Bishop's Stortford - £375,000
- 16 units at Sawbridgeworth Garage site - £449,000
- 11 units at Jackson Square, Bishop's Stortford - £30,604
- 2 units at Buffalo's Head car park, Puckeridge - £59,778

The Executive Member provided details for each scheme.

The Executive supported the recommendations as now detailed.

RECOMMENDED - that (A) the allocation of £375,000 of capital grant to the Aldwyck Housing Association for the provision of 14 units of affordable housing on the 90–100 South Street site in Bishop’s Stortford in return for 100% nomination rights to first lettings and 75% thereafter, be approved; DNS

(B) the allocation of £449,000 of capital grant to Circle Anglia for the provision of 16 units of affordable housing on the Sawbridgeworth Garage site in return for 100% nomination rights to first lettings and 75% thereafter, subject to the housing association providing proof that they have a binding contract with the construction company Beverley Homes, be approved; and DNS

(C) the re-allocation of £30,604 with Paradigm Housing Group to provide white goods and carpeting for 11 units of accommodation at Jackson Square that will be rented by persons with learning difficulties and the re-allocation of £59,778 for the provision of 2 units affordable housing at Buffalo’s Head in Puckeridge in return for 100% nomination rights to first lettings and 75% thereafter, be approved. DNS

452 **AMENDMENTS TO THE COUNCIL’S FINANCIAL REGULATIONS**

The Leader of the Council submitted a report seeking amendments to the Council’s Financial Regulations and Financial Procedures, which formed part of the Constitution.

The proposed amendments took account of the recent changes in the senior management arrangements and changes to the Constitution which had introduced individual decision-making by Portfolio Holders.

The amendments also dealt with the introduction of the Audit Committee. It was noted that changes to the sections dealing with contracts and procurement would be revised following the appointment of the Procurement Officer.

The Policy Development Scrutiny Committee, at its meeting held on 5 December 2006, had supported the proposed amendments.

The Leader advised that additional changes to those shown in the report now submitted, would be necessary to take account of the restructuring and delegations to the Chief Executive.

The Executive supported the proposed amendments.

RECOMMENDED - that (A) the amendments to the Financial Regulations and Financial Procedures contained in the Constitution be approved; and

DNS

(B) the Chief Executive and Monitoring Officer be authorised to make any further non material amendments as necessary.

CE/DNS

RESOLVED ITEMS

453 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 16 November 2006 be confirmed as a correct record and signed by the Chairman.

454 ISSUES ARISING FROM SCRUTINY

The Executive received a report detailing those issues referred to the Executive by the Scrutiny Committees. Issues relating to specific reports for the Executive were considered and detailed at the relevant report of the Executive Member.

The Executive agreed that the report be received.

RESOLVED – that the report be received.

455 FOOD HYGIENE 'SCORES ON THE DOORS' SCHEME

The Executive Member for Community Safety submitted a report proposing a food hygiene 'scores on the doors' scheme for the high and medium risk food businesses within the District. The aim of the scheme was to improve food hygiene standards and reduce the incidence of food-borne disease within food businesses by providing consumers with easy to understand information about how well a food business was performing at their last routine food hygiene inspection.

It was noted that the Food Standards Agency had not created a national scores on the doors scheme, but that Local Authorities were creating their own schemes. Officers had been working with eleven other local authorities in Hertfordshire and Bedfordshire to put together the proposed scheme.

It was proposed to use the existing Food Safety Code of Practice risk rating scheme to determine the 'star' rating of each catering premises. This scheme had been used by environmental health officers for the last 10 years to risk rate food premises and was subject to overview and audit by the Food Standards Agency. The Executive Member detailed the scoring system in the report now submitted. Premises would be rated from 5 stars (excellent hygiene) to 0 stars (poor hygiene).

In response to a question from Councillor R Gilbert on the scoring system, the Environmental Health Manager (Commercial) stated that this was consistent with existing ratings and was recognised by the Code of Practice.

Following the inspection it was proposed that a certificate displaying the premises score would be sent free of charge to premises. The intention would be for the certificate to be displayed on the front door of the premises, although this would be voluntary. In response to a question from Councillor R Gilbert, the Executive Member referred to the publicity for the scheme that would need to be generated. In time, it was hoped that restaurant peer pressure would prompt eateries to display their rating, because it would be assumed that a premises that did not display a certificate had unsatisfactory standards.

The Executive Member also referred to a proposal to use the internet to publicise the scheme and scores and the use of 'Foodscores.co.uk' as the website host.

The Executive Member proposed a charge of £30 for issuing replacement certificates and of £160 per additional medium risk inspection and £240 per additional high risk inspection.

The Executive approved the proposals as now detailed.

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| <u>RESOLVED</u> - that (A) the proposed food hygiene 'scores on the doors' scheme be adopted; | DNS |
| (B) the website host 'Foodscores.co.uk' be used; | DNS |
| (C) the charge for replacement certificates, as now detailed, be approved; and | DNS |
| (D) the charge for additional food hygiene inspections, as now detailed, be approved. | DNS |

456 COUNCIL TAX COLLECTION FUND

The Leader of the Council submitted a report seeking approval for a determination to be made by the Authority regarding the future use of any Collection Fund accrued surpluses/deficits.

A review of the projected outturn balance on the Collection Fund indicated that the balance would be £500,000 and therefore, a contribution of £73,000 would be made from this source in 2007/08.

The Executive approved the proposals as now detailed.

RESOLVED – that a surplus balance of £500,000 be declared on the Council Tax Collection Fund of which £73,000 be made available towards East Hertfordshire's Council Tax levels in 2007/08.

DR

457 PROPOSED SCHEME FOR HOUSING MANAGEMENT ORDERS, EMPTY DWELLING MANAGEMENT ORDERS AND PRIVATE SECTOR LEASING

The Executive Member for Community Development submitted a package of measures proposed to manage properties subject to Housing Management Orders (MOs), Empty Dwelling Management Orders (EDMOs) and to provide a supporting Private Sector Leasing (PSL) scheme. He also sought approval to formally enter a partnership with Pathmeads Housing Association to provide these functions.

In April 2006, the Housing Act 2004 brought in new powers to support empty property work. Empty Dwelling Management Orders (EDMOs) allowed the Council to take over the management of empty residential properties for the purpose of securing that a dwelling becomes and remains occupied. The intention of EDMOs was to bridge the gap between voluntary measures and existing lengthy and costly compulsory purchase powers. There were two types of EDMOs:

- Interim EDMOs where the consent of the owner is required to secure occupation.
- Final EDMOs, which could only be made following an interim EDMO, where a tenancy could be granted without the owner's consent.

A Private Sector Leasing Scheme involved a housing authority or partner social landlord taking a lease on a property from the owner and sub letting the property to tenants introduced by the housing authority. The Council had in the past, had such a Private Sector Leasing Scheme, with FRAYS Housing Association, for 20 units of accommodation.

The Executive Member also referred to the duty to make Interim and Final Management Orders in respect of Houses in Multiple Occupation.

The Executive Member detailed the proposed arrangements for a partnership with Pathmeads to exercise the powers under the new legislation.

In response to various Members' concerns over specific empty properties, the Executive Member requested that details be supplied to the Empty Property Officer and himself for further enquiries to be made.

Councillor D Clark expressed concern that the proposals had not been subject to consideration by the Policy Development Scrutiny Committee.

The Executive approved the proposals as now detailed.

RESOLVED – that (A) Officers continue in their negotiations with Pathmeads Housing Association for the provision of services relating to Housing Management Orders, Empty Dwelling Management Orders and Private Sector Leasing and

DNS

(B) Officers enter into a formal partnership with Pathmeads Housing Association for these functions subject to Legal Services being satisfied with the terms of the contracts.

DNS

458 PUBLIC CONSULTATION CONTRACT

The Executive Member for Public Engagement submitted a report on the future arrangements regarding a new public consultation contract. In his absence, the Leader detailed the proposals.

The Leader explained that the current contract was due to expire in March 2007. A Hertfordshire wide officer group had been set up to look at the future consultation needs of Hertfordshire and to decide on the best way forward. There were two options; firstly, tendering a new contract for Hertfordshire; and secondly, utilising the framework Essex County Council had established in 2005.

The Leader detailed the advantages and disadvantages of the two options. The officer group had concluded that the Hertfordshire option would be preferable for East Herts. He proposed that this option be approved and detailed the procurement process.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the Council participates in a new public consultation contract with Hertfordshire;

CE

(B) the procurement be managed under the Hertfordshire County Council procurement framework and regulations;

CE

(C) the contract be awarded on the basis of the most economically advantageous tender on the following evaluation criteria (40% price/ 60% quality); and

CE

(D) the 2007 Residents Survey being commissioned under the existing contract with MORI and the order being placed in the New Year before the existing contract expires, be noted.

459 NATIONAL NON-DOMESTIC RATE – APPLICATION FOR DISCRETIONARY RELIEF

The Leader of the Council submitted a report detailing an application for discretionary relief on National Non-Domestic Rates for Stevenage Leisure Limited.

The Executive noted that section 47 of the Local Government Act 1988 provided the charging authority with discretionary powers to grant up to 100% rate relief where a hereditament was 'wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.'

Stevenage Leisure Limited was not a charity so did not qualify for mandatory rate relief. The company was a 'Not for Profit Distributing Organisation' (NPDO) and therefore, met the criteria for discretionary rate relief. The Council had previously granted 100% NNDR relief to Aspire. As the leisure facilities covered the whole of the community in East Herts, it was proposed that it was in the benefit of the taxpayers in general to grant relief.

The Executive approved the proposal as now detailed.

RESOLVED – that that 100% discretionary rate relief be granted to Stevenage Leisure Limited.

DR

460 OPERATIONAL AND STRATEGIC RISK MONITORING REPORT (1 JULY – 30 SEPTEMBER 2006)

The Leader of the Council submitted a report advising the Executive of the action taken to mitigate and control risks tracked by operational and strategic risk registers during the period 1 July to 30 September 2006.

The Executive’s attention was drawn specifically to the comments relating to operational register OR29 and strategic register SR25.

In respect of references to the Rhodes Centre, Councillor M Wood reminded the Executive that its new name was the Rhodes Arts Complex.

The Executive agreed to receive the report.

RESOLVED - That (A) the progress in taking action to mitigate and control risks tracked by operational and strategic risk registers during the period 1 July to 30 September 2006 be noted; and

(B) specifically, the comments regarding operational register OR29 at paragraph 5.2 and the comments regarding strategic register SR25 at paragraph 5.4 of the report now submitted be noted.

The meeting closed at 8.57 pm

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Chairman
Date