

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 21
FEBRUARY 2007 AT 7.30 PM

PRESENT: Councillor A L Burlton (Chairman).
Councillors M R Alexander, W Ashley, D R Atkins,
P R Ballam, H G S Banks, N Burdett, M G Carver,
D Clark, R N Copping, A F Dearman, J Demonti,
A D Dodd, R Gilbert, Mrs M H Goldspink,
A M Graham, L O Haysey, J Hedley,
Mrs D L E Hollebon, A P Jackson,
M P A McMullen, J Mayes, 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, M J Tindale,
A L Warman, J P Warren, N Wilson, M Wood.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Chancellor	- Head of Accountancy Services
Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Mary Orton	- Director of Customer and Community Services
Dave Tweedie	- Director of Resources

ACTION602 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 10 January 2007 be approved as a correct record and signed by the Chairman, subject to the following amendments:

Minute 486, Declaration of Interests – delete “J P Warren” and insert “A L Warman”

Minute 487, Members’ Questions – penultimate paragraph, 4th line, delete “it was” and insert “was it”

Minute 488, Resolution (A) – delete “second homes” and replace with “empty properties”

603 CHAIRMAN’S ANNOUNCEMENTS

It was with much regret that the Chairman reported the sad news that Councillor K A Barnes’ son had passed away. He undertook to write to him on behalf of all Members expressing the Council’s sympathies. Group Leaders also undertook to express their sympathies to him.

The Chairman advised Members of the death of former Councillor Gerald Nix, who had represented Little Amwell ward from 1983 – 1991. Members stood and observed a minute’s silence.

The Chairman referred to Councillor G L Francis, who had recently undergone an operation. He believed he could speak for all Members in wishing him a speedy recovery.

The Chairman reported that in respect of the annual civic service, he had taken advice that due to the period of “purdah” before the May 2007 elections, the event would be cancelled. As far as the civic reception on 17 March 2007 was concerned, he asked Members to let him know whether they were attending, by next week.

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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 2007 had taken place and that Councillors W Ashley and D Richards would be representing the Authority.

Finally, the Chairman advised that, following the Director Recruitment Panel meeting on Monday of this week, Philip Hamberger had been offered the post of Director of Internal Services and that reference to this would be made at Minute 612 later in the meeting.

604 DECLARATIONS OF INTEREST

Councillors H G S Banks and T Milner declared personal and prejudicial interests in the matter referred to at Minute 539 – Affordable Housing Capital Programme, in that they were board members of Riversmead Housing Association. They both left the room whilst this matter was considered.

Councillors D R Atkins, P R Ballam, N C Poulton, P A Ruffles and B W J Sapsford declared personal and prejudicial interests in the element of the matter referred to at Minute 543 – Growth and Efficiency Savings 2007/08 relating to museums, for the reasons stated below. They all left the room whilst the issue of museums was considered.

Councillor P R Ballam	Member of Hertfordshire Museums Partnership
Councillor N C Poulton	Trustee of Hertford Museum
Councillor P A Ruffles	Member of Hertfordshire Museums Partnership as well as a trustee of Hertford Museum
Councillor B W J Sapsford	President of Ware Museum

ACTION605 PETITION – PARK AND RIDE SERVICE, BISHOP'S STORTFORD

Paul Sando, Bishop's Stortford, had submitted a petition comprising 147 signatures, opposing the closure of the Bishop's Stortford park and ride facility as follows:

"We the undersigned are totally opposed to the closure of the park and ride service. This is out of step with the Government's requirements in reducing congestion and air pollution in town centres. There is no provision for low cost parking to replace this facility for town centre work people or other shoppers and visitors."

Mr Sando was in attendance and was invited by the Chairman to address Council.

He referred to the Bishop's Stortford Transport Study, which had recommended three park and ride sites for the town. He commented on the parking situation in the town centre and believed that there was a lack of long-stay parking for people who worked in the town centre. In respect of the retail developments in the town centre, Mr Sando believed that the parking situation would deteriorate as more workers would be chasing fewer long-stay spaces.

Mr Sando concluded by referring to national parking policies. He commented that the park and ride service would have been used more if it had been better promoted. He urged the Council to keep the service going.

The Executive Member for Environmental Management responded to the petition.

He reminded Council of the reasons for the park and ride provision as it related to the redevelopment of Jackson Square. Wilson Bowden, the developers, had provided £300,000 as part of a section 106 agreement, to fund the park and ride for two years during the redevelopment period.

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Subsequently, a further £30,000 had been provided to maintain the service for an additional three months up until to the closure on 9 March 2007.

The Executive Member detailed the usage of the park and ride service and stated that an average of 63 vehicles per day had used the service. As the annual cost was estimated at £250,000 per annum, he did not believe that the service provided value for money. He detailed the actual costs based on current usage.

He concluded by stating that he would request a scrutiny task and finish group to look at the general concept of a park and ride scheme for Bishop's Stortford, in line with the Bishop's Stortford Transport Study.

Councillor M Wood, speaking as a local ward Member, expressed sympathy for the petitioner. He suggested that there was scope for a revised scheme with reduced costs and that the issue should be revisited.

Councillor L R Pinnell, speaking as a local ward Member, referred to the lack of support for the park and ride scheme from businesses in general. He also believed that the issue should be revisited, perhaps in conjunction with related issues such as overnight lorry parking.

606 MEMBERS' QUESTION

Council noted that the question submitted had been withdrawn.

607 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 6 February 2007.

The Leader referred to the unforeseen challenges of the previous year that had resulted in significant pressures on the budget and an overspend of £993,000. In detailing the

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use of balances in previous years, he stated that the Authority's budget was more often than not, underspent.

The Leader detailed the various service improvements that had been achieved during the previous year and highlighted a number of proposed initiatives for the following year that the proposed budget would support.

Finally, he thanked Officers for their hard work.

In response, the Leader of the Liberal Democrat Group stated that his Group would not be supporting the proposed budget as various initiatives had not been included. He referred to the budget overspend and suggested that the most significant factor had been costs associated with senior management restructuring. He believed that these costs over a number of years, including redundancy costs, severance payments and consultants' fees had cost the Council over £3m.

In respect of Minute 541 – Revenue Budget Probable 2006/07: Estimates 2007/08, Councillor A M Graham asked a number of questions relating to leisure provision. He queried the budget overspend on the leisure contract and sought clarification on the supplementary estimate of £120,000 and the total cost of the leisure contract in 2006/07.

In response, the Leader stated that the supplementary estimate had been caused by £140,000 of income collected by Aspire just before liquidation, which had been offset by an additional £20,000 income achieved by Stevenage Leisure Limited. In respect of the total costs for 2006/07, the Leader commented that he did not have the exact figures to hand, but would provide a written reply.

Councillor A M Graham asked if the proposed growth item of £150,000 for 2007/08 would be sufficient for the provision of existing services. In reply, the Leader commented that advice had been taken from Officers, who would continue to work with Stevenage Leisure Limited on the best provision

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and the need to rationalise services in preparation for the tender of the next contract.

In response to a question from Councillor A M Graham on whether the estimates provided for all outstanding claims to be met, the Leader responded by stating that the provision took account of all known liabilities.

Councillor A M Graham referred to the original decision to externalise the provision of leisure services in February 2005 and the concerns he had raised over the perceived savings. He commented that it had been claimed that £1m over five years would be saved and that staff would be protected by the TUPE undertakings. He believed the reality had been different, showing an inability to manage leisure services.

The Leader responded by commenting that the statements made at that time were appropriate and that the reality was that things did not always go to plan. He referred to the independent investigation into the tender process, which had shown that based on known information at that time, a reasonable decision had been taken.

In respect of Minute 542 – Fees and Charges 2007/08, Councillor J O Ranger moved, and Councillor H G S Banks seconded, an amendment to the proposed fees and charges to the effect that the charges for farmers' markets be kept at the current level and not be increased. Councillor J O Ranger referred to the difficulties that some farmers' markets were experiencing and the need to support the rural economy.

The Executive Member for Regions and Partnerships acknowledged the pressures on the rural economy and supported the amendment. Council approved the amendment to the proposed fees and charges.

In respect of Minute 543 – Growth and Efficiency Savings 2007/08, the Leader referred to further representations that had been received in respect of the proposed efficiency of £3,000 on museum development. Council approved an

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amendment withdrawing this proposed efficiency.

In response to a question from Councillor A M Graham on museums, the Leader confirmed that discussions on the proposed efficiency had taken place with the relevant people and that notice had been given.

In response to a question from Councillor M J Tindale on the opening of the Rye Meads composting facility in November 2007, the Leader confirmed that a delay in its opening would not impact on the proposed growth item. The Executive Member for Environmental Management added that he was confident that the facility would be open on time.

RESOLVED – that (A) in respect of Minute 542 – Fees and Charges 2007/08, the increases in fees and charges for 2007/08, as now submitted, be approved, subject to the charges for farmers’ markets being kept at the current level and not being increased;

DR

(B) in respect of Minute 543 – Growth and Efficiency Savings 2007/08, the growth and efficiency savings for 2007/08, as now submitted, be approved, subject to the proposed efficiency of £3,000 on museum development being deleted; and

DR

(C) the Minutes of the Executive meeting held on 6 February 2007, be received, and the recommendations contained therein, be adopted.

(Note 1: In respect of Minute 541 - Revenue Budget Probable 2006/07: Estimates 2007/08, Councillors Mrs M H Goldspink, A M Graham, L R Pinnell and M Wood asked for their dissent from the decision taken to be recorded. Councillor D Clark asked for her abstention from the decision taken to be recorded.

Note 2: In respect of Minute 543 - Growth and Efficiency Savings 2007/08, Councillor D Clark asked for her abstention from the decision

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taken to be recorded.

Note 3: In respect of Minute 544 – Council Revenue Estimates – Probable 2006/07: Estimates 2007/08, Councillor D Clark asked for her abstention from the decisions taken at recommendations (B) and (C) to be recorded.)

608 MINUTES OF COMMITTEES(A) PERFORMANCE SCRUTINY COMMITTEE –
16 JANUARY 2007

Council noted that, in respect of Minute 496 – Community Voice Task and Finish Group, in the second paragraph, the name Councillor S A Bull should have read Councillor J J Taylor.

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 16 January 2007, be received.

(B) DEVELOPMENT CONTROL COMMITTEE –
17 JANUARY 2007

Council noted that, in respect of Minute 507 – Application 3/04/2379/FP, the “private” footpath referred to should have read “public” footpath. Also, Councillor A D Dodd clarified that contrary to what had been minuted, he did not express support of the Officer’s recommendation.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 17 January 2007, be received.

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(C) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 23 JANUARY 2007

Councillor D Clark commented that she had attended this meeting and, as the Chairman of the Audit Committee, had made a number of considered comments relating to the limitations of the scrutiny process in respect of the budget. However, she did not believe her comments had been reflected in the Minutes of the meeting.

Councillor D Clark stated that she had commented on the importance of backbench scrutiny, especially as the Leader was also the portfolio holder and the Section 151 Officer was leaving. She had expressed the view that Scrutiny Committee Members had not been given the usual report, which provided information on the current financial position of the Council and the impact of current spending decisions on future years. Without this background information, it had been difficult for backbench Members to assess whether spending proposals were appropriate. Finally, she requested that these comments be noted by Council as she was not a Policy Development Scrutiny Committee Member and as such, would have no speaking rights at the next meeting.

In response, Councillor J O Ranger, the Committee Chairman, disputed that Councillor D Clark's comments had not been reflected in the Minutes. He believed that the comments made were relevant and referred to passages at Minutes 526 and 527. He reminded Council that Minutes were not intended to record everything that was said specifically and that their accuracy would be a matter for the Committee to consider at its next meeting.

In response to a question from Councillor D Clark, the Committee Chairman confirmed that she would be welcome to address the Committee at its next meeting.

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting

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held on 13 January 2007, be received.

(D) HUMAN RESOURCES COMMITTEE –
25 JANUARY 2007

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 25 January 2007, be received.

(E) LICENSING COMMITTEE – 7 FEBRUARY 2007

RESOLVED – that the Minutes of the Licensing Committee meeting held on 7 February 2007, be received.

(F) AUDIT COMMITTEE – 13 FEBRUARY 2007

In respect of Minute 574 – Update on Implementation of Internal Audit and External Audit Recommendations, the Leader, in response to a question from Councillor M J Tindale, clarified the position on Council Tax single person discount. The Leader stated that the number of outstanding cases was much less than that quoted at the Audit Committee and assured Members that these would be pursued.

RESOLVED – that the Minutes of the Audit Committee meeting held on 13 February 2007, be received.

609 HONORARY ALDERMAN

Council considered a report proposing a policy for the award of the title of Honorary Alderman.

Under the provisions of section 249 of the Local Government Act 1972, Council could confer the title of Honorary Alderman on any person who, in the opinion of the Council, had rendered eminent services to the Authority as a past Member. However, there was no formal procedure to

ACTION

appoint Honorary Aldermen. It was suggested that a formal procedure would ensure a degree of transparency to any system to award this title to former Councillors.

The award would be subject to a resolution passed by not less than two thirds of the Members present at a meeting specially convened for appointing Honorary Aldermen. Their role would be to support the work of the Chairman's Charity and promote civic pride in the District of East Hertfordshire and its Council. They would also be encouraged to attend all civic ceremonial events when invited and with the Chairman's permission, may assist in hosting receptions/functions.

Councillors A P Jackson and M Wood expressed their support for the proposed scheme.

Council approved the proposed procedure as detailed at paragraph 4.2 of the report now submitted.

RESOLVED – that the procedure detailed in the report now submitted for the award of the title of Honorary Alderman, be approved.

DCG

610 MEMBERS' ALLOWANCES

Council considered a report of the Council's Independent Remuneration Panel on the payment of an allowance for a Leader of a minority political group.

Council recalled that, at its Annual Meeting in 2006, it had agreed to provide for the payment of a special responsibility allowance to a Leader of a minority political group. In so doing, it also agreed that the level of such an allowance be determined following receipt of a report on this matter from its Remuneration Panel. The Remuneration Panel had now considered the payment of a special responsibility allowance to a Leader of minority political groups. Its report was attached at Appendix 'A11' of the report now submitted.

ACTION

The Panel, based on the information provided, particularly the “role description” for a Leader of a minority political group, had considered that the work and time commitment associated with such a post equated to that of a Chairman of a Community Voice meeting. Therefore, the Panel had agreed to recommend that the factor for a Leader of a minority political group should be ‘0.5’, using the agreed formula detailed in the report now submitted. This equated to a special responsibility allowance of £2,637 per civic year, which would be payable pro rata for the period commencing from the Annual meeting in 2006.

Council approved the recommendations of the Remuneration Panel, as now submitted.

RESOLVED – (A) the Council’s Members’ Allowances Scheme be amended to provide for the payment of a Special Responsibility Allowance to a Leader of a minority political group on the basis detailed in the report now submitted, and

DCG

(B) the allowance referred to in (A) above be paid for the period commencing from the Annual Meeting in 2006.

DCG

611 RETURNING OFFICER’S SCALE OF FEES

Council considered a report on the scale of expenses to be used by the Returning Officer in respect of the forthcoming local council elections in May 2007.

Appended to the report now submitted, was a suggested scale of expenses to apply at the District and Town/Parish Council elections to be held in May 2007. The format of expenses mirrored standard practice in local authorities throughout England and Wales. The suggested scale of various fees had been prepared in the light of neighbouring authorities’ fee structures and the statutory fees paid at recent Parliamentary elections.

ACTION

Council approved the scale of expenses, as now submitted.

RESOLVED – that the scale of expenses, appended to the report now submitted, in relation to the holding of an election of a Councillor for the Authority or for a Parish or Town Councillor, be approved.

CE

612 CONSTITUTION - AMENDMENTS

Council considered a report seeking approval to amendments to the Constitution in the light of the senior management restructuring.

Council recalled that it had approved the new senior management structure on 20 September 2006 (Minute 251(F) refers). This comprised a Chief Executive and 3 Directors. The Director of Customer and Community Services and the Director of Neighbourhood Services posts had been filled. In respect of the Director of Internal Services post, Council was advised that Philip Hamberger had been offered the position, subject to satisfactory references and medical.

Council was required to appoint formally, the statutory position of the Chief Financial Officer (Section 151 Officer). Interim arrangements had been approved by Council on 10 January 2007 (Minute 489 (I) refers) to cover the possible eventuality that the existing Section 151 Officer might cease to be employed by the Council before the Director of Internal Services was appointed.

Council was invited to appoint Simon Chancellor to the Chief Financial Officer (Section 151 Officer) post, effective from 1 April 2007, until the Heads of Service had been appointed when the position would be reviewed. It was noted that the appointment of the Deputy Section 151 Officer post was a function for the Section 151 Officer to determine.

As a result of the implementation of the new senior management structure, there was also a requirement to

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amend the Constitution to reflect new job titles. It was proposed that the Monitoring Officer be authorised to make the necessary amendments.

Council approved the proposals as now detailed.

RESOLVED – that (A) Simon Chancellor be appointed as the Council’s Section 151 Officer, effective from 1 April 2007, until the Heads of Service have been appointed when the appointment will be reviewed; and

(B) in respect of changes relating to new job titles, the Monitoring Officer be authorised to amend the Constitution accordingly.

DNS

The meeting closed at 9.10 pm

Chairman
Date