

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 27 JUNE
2007 AT 7.30 PM

PRESENT: Councillor A L Burlton (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes, R Beeching,
S A Bull, M G Carver, R Cheswright, D Clark,
N Clark, R N Copping, K Darby, A F Dearman,
J Demonti, R Gilbert, Mrs M H Goldspink,
P Grethe, L O Haysey, J Hedley,
Mrs D L E Hollebon, A P Jackson, G Lawrence,
G McAndrew, M P A McMullen, J Mayes,
T Milner, R L Parker, D A A Peek, M Pope,
W Quince, J O Ranger, P A Ruffles,
G D Scrivener, J J Taylor, R I Taylor, M J Tindale,
J P Warren, N Wilson, M Wood, C B Woodward,
B M Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Chancellor	- Head of Accountancy Services
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Director of Internal Services
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer

ACTION102 MINUTES

RESOLVED - that the Minutes of the Annual Council meeting held on 16 May 2007 be approved as a correct record and signed by the Chairman.

103 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that some Members had yet to complete their Notice of Registrable Interests and "All About You" forms. He advised that this was now a matter of some urgency and that completed forms should be returned to Jeff Hughes as soon as possible.

The Chairman advised that his civic reception would be held on 12 May 2008 and asked Members to put this event in their diaries now.

104 DECLARATIONS OF INTEREST

Councillor R Beeching declared a personal and prejudicial interest in the matter referred to at Minutes 68 and 69 – Leisure Service Operations, in that he was Chairman of governors at Leventhorpe school. He left the chamber whilst this matter was considered.

Councillor Mrs M H Goldspink declared a personal interest in the question concerning the Stansted Airport public inquiry, referred to at Minute 106 below, in that she was a member of the Stop Stansted Expansion campaign.

ACTION105 PETITIONS(A) Enforcement Action – Jo Spencer Hair Salon, Thorley

A petition had been submitted by Mr and Mrs Garrett, comprising 280 signatures, opposing the enforcement action seeking the removal of shutters for the premises at Jo Spencer Hair Salon, Unit 5, Thorley Neighbourhood Centre. The petition read:

“Petition against East Herts Council removing security shutters from shops in Sainsburys precinct, Thorley”

Council noted the absence of the petitioner. The Executive Member for Community Safety and Protection responded to the petition.

The Executive Member reminded Members that the Development Control Committee and its Officers did not consider any enforcement action lightly. When there had been a breach of planning control, by way of an unauthorised development or a material change of use of land, Officers always considered the expediency of pursuing enforcement action. They looked at the facts of the case and the harm that was caused, as well as considering if the development met the criteria of the adopted policies of the Council.

In this particular case, Officers had concluded that there had been a breach of planning control and that the resultant development was contrary to the policies of the then current and the recently adopted local plans. Officers had submitted a report to the Development Control Committee recommending that enforcement action be taken. Members had taken the opportunity to discuss and debate this matter and after a frank exchange of views and opinions and a show of hands, the Committee had resolved to support the Officer’s recommendation.

ACTION

The Executive Member asked Council to note that subsequent to the Development Control Committee meeting, an application seeking planning permission had been submitted. However, this had been incomplete and was withdrawn in May 2007. The current development remained in place and was unauthorised. He concluded on a positive note, by stating that residents and business operators, upon the refusal of a planning application or issue and service of an enforcement notice, had the right of appeal to the Planning Inspectorate.

As local ward Members, Councillors K A Barnes and Mrs M H Goldspink expressed support for the petition. They believed that the majority of local people were in favour of the shutters being retained, as they prevented vandalism and anti-social behaviour. They did not support the decision of the Development Control Committee.

(B) Proposed Closures at Leventhorpe pool

A petition had been submitted by Mr and Mrs Carr, comprising 303 signatures, opposing the proposed weekend and bank holiday closures at Leventhorpe pool. The petition read:

“We the undersigned wish to express our opposition to East Herts Council Executive’s decision to close Leventhorpe pool to the public at weekends and on Bank Holidays.”

Mr Carr presented an additional 800 signatures to the petition. Council noted that he had addressed a meeting of the Policy Development Scrutiny Committee held prior to the Council meeting, as an ‘expert witness’. Mr Carr emphasised the strength of feeling in Sawbridgeworth about the proposed weekend and bank holiday closures to casual swimming.

ACTION

In response, the Leader thanked Mr Carr and referred to his comments made at the Policy Development Scrutiny Committee meeting.

As the local ward Member, Councillor N Clark thanked the petitioners and referred to the opposition to the Executive's decision as demonstrated by Sawbridgeworth Town Partnership, Sawbridgeworth Town Council and a separate petition organised by Age Concern, comprising 150 signatures.

106 MEMBERS' QUESTIONS

Councillor P A Ruffles asked the Executive Member for Community Development, Leisure and Culture whether she was able to give Members an update on the progress towards providing a skate park for Hertford.

In response, the Executive Member for Community Development, Leisure and Culture reminded Members that the Council had allocated £100,000 for the provision of a skate park. Following a tendering process, Officers were in discussion with the contractor, Freestyle, who were drawing up detailed plans for a slightly smaller scheme than originally planned. It was anticipated that detailed costs would be received in the next few days.

The Executive Member commented that in respect of planning approval, Officers were minded to approve the revisions as an amended scheme. She anticipated that building work would commence later this summer.

Finally, the Executive Member referred to the skate park as an important aspect of the Council's policies on young people as expressed in the Children and Young People's Play Strategy, which was currently subject to scrutiny.

In response to a supplementary question, the Executive Member undertook to provide frequent updates on progress to Members.

ACTION

Councillor J O Ranger referred to the banners on the Gascoyne Way roundabouts announcing the monthly farmers market in Hertford, as having fallen foul of planning. He believed these were most effective in increasing footfall in the market and asked the Executive Member for Planning Policy and Transport for suggestions as to how this could be remedied. He also asked if for example, 'Grown in Herts' could sponsor these two roundabouts.

In reply, the Executive Member for Planning Policy and Transport commented that in general, high quality signs were acceptable on roundabouts and were commonplace in many parts of the country. He referred to the pilot scheme in Bishop's Stortford, where consultants had been appointed to progress the project.

The Executive Member stated that the Highways Authority did not permit event only advertising but only the names of companies or organisations. In respect of promoting the farmers market, details were on the websites of both 'Grown in Herts' and the Council. Also, leaflets were circulated and Officers were looking at using parish magazines. Officers had also written to parish clerks asking them to recommend possible sites and these suggestions were being reviewed.

In response to a supplementary question, the Executive Member agreed that farmers markets were very important to the rural economy.

Councillor N Clark stated that he understood that the Chief Executive had said East Herts aimed to be a learning Council. He asked the Leader of the Council if he agreed with this aim.

In response, the Leader stated that he agreed with this aim and highlighted several examples. He referred to the Peer Review Team as part of the CPA process, which he believed had led to the Authority achieving a better rating. He also cited the Shaping Bishop's Stortford Initiative.

ACTION

Councillor N Clark asked a supplementary question by referring to Members' learning in particular. Specifically, he referred to the training session on integrated service and financial planning held on 24 May 2007, and asked how many Members had attended and whether further sessions would be arranged.

In reply, the Leader stated that he did not know how many Members had attended, but would provide a written response. In respect of further sessions, he commented that these could be arranged if there was a demand from Members.

Councillor D Clark asked the Leader of the Council if he agreed that the role of Internal Audit was key to good financial management.

In reply, the Leader agreed that it was. He referred to the effectiveness of the Internal Audit team and the many benefits that the Council had enjoyed as a result of their actions.

Councillor D Clark asked a supplementary question by referring to the current leisure service proposals. She asked if the Leader believed that it would be useful for Internal Audit to review the process for reporting financial information on the swimming pools to the Executive.

In response, the Leader stated that if there had been any concerns, he was confident the Head of Internal Audit and the Section 151 Officer would have raised them.

Councillor Mrs M H Goldspink asked the Executive Member for Planning Policy and Transport if he could explain why it was, that East Herts District Council did not have the same legal representations at the Stansted Airport Planning Inquiry as Uttlesford District and Essex and Hertfordshire County Councils. Why was it that East Herts appeared to be the poor relation in comparison with Uttlesford, Essex and Hertfordshire.

ACTION

In reply, the Executive Member for Planning Policy and Transport expressed surprise with the question, as Councillor Mrs M H Goldspink had attended the opening day of the Inquiry, when it was heard that the barrister, Tom Hill, was advising on behalf of the 4 Authorities, but that East Herts was reserving its right to representation on issues not covered by the partnership.

The Executive Member stated that Uttlesford District Council, as the local planning authority, was the lead Authority, supported by East Herts and that the two County Councils were only submitting information in respect of highways issues. He did not believe that East Herts was the poor relation as it was working in partnership with the other 3 Councils.

In response to a supplementary question, the Executive Member reiterated that the arrangement provided an opportunity for East Herts to make representation separate to the partnership.

Councillor Mrs M H Goldspink asked the Executive Member for the Environment and Conservation if he agreed that plastic carrier bags caused a great deal of environmental damage, not least because they occupied large volumes of landfill sites and took many years to decompose. Also, she asked, if he did agree, what steps he would propose to make East Herts District a Plastic-Carrier-Bag-Free zone.

In response, the Executive Member for the Environment and Conservation agreed that plastic carrier bags were not environmentally friendly. He referred to the impact on landfill sites and stated that carrier bags made up 6% of the Authority's total household waste. However, the Council had no powers on the use of such bags.

The Executive Member referred to the example set by Modbury in Devon, where a voluntary agreement between retailers had led to the village becoming free of plastic bags. He referred to the support the Council gave to the

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Hertfordshire Waste Partnership in encouraging residents to reuse plastic bags. He also referred to the Waste Strategy that would be approved later in the year.

In response to a supplementary question on why East Herts could not follow the example of Modbury, the Executive Member questioned whether a district the size of East Herts could be compared to Modbury, which had a population of about 1500. He invited anyone to make suggestions on how to reduce the use of plastic carrier bags.

Councillor M Wood asked the Leader of the Council if he recalled that in May 2006, at the Annual Council meeting when the decision making structure of this Council was changed and in particular, the Call-In Scrutiny Committee was scrapped, he gave Council an assurance that the Liberal Democrats would have the Vice-Chair of the Policy Development Scrutiny Committee and would automatically therefore, assume the chairmanship when a call-in matter was before it. Therefore, he asked the Leader to give an assurance that the procedures of this Council needed to be amended, so that when a matter of call-in was requested by four Members, the Vice-Chairman of Policy was consulted on the date of such a meeting. Finally, he asked the Leader if he agreed that the role of Scrutiny, particularly call-in, needed to be transparent and as such, whether this Authority needed to ensure that when a matter of call-in arose, then Policy Development Scrutiny Committee should be chaired by a Member of the Opposition.

In reply, the Leader stated that the Minutes of the Annual Council meeting referred to in the question, did not contain any such commitment. He stated that the Constitution of the Council did not contain any such provisions and that, the Chairman, if present, was obliged to chair meetings. He clarified that a Vice-Chairman would be called upon to chair a meeting, only if the Chairman was absent.

The Leader referred to the previous call-in when the Vice-Chairman had chaired the meeting, because he believed the Chairman had an interest in the matter considered.

ACTION

The Leader did not believe that the Constitution needed amendment and that decisions on dates for meetings were the Chairman's prerogative. He commented that the process was transparent as demonstrated by the outcome of the Policy Development Scrutiny Committee meeting held earlier that evening. He offered to discuss this issue with the questioner outside of the meeting.

Councillor M Wood asked a supplementary question in respect of whether the Leader was aware that five neighbouring authorities had arrangements in place whereby call-in was chaired by an Opposition Member. In reply, the Leader repeated his willingness to discuss the matter further.

107 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 29 May and 12 June 2007.

In respect of Minute 68 – Leisure Service Operations, Councillor N Clark asked Council to note that the comments attributed to Councillor J O Ranger in relation to staffing rotas at Leventhorpe pool, were in fact his.

In response to a question from Councillor N Clark, in respect of different charges for schools lessons being applied in different pools, the Leader stated the Council could only levy charges in respect of its own pools and that it had no control over the dual use pools.

RESOLVED – that the Minutes of the Executive meetings held on 29 May and 12 June 2007, be received, and the recommendations contained therein, be adopted.

(Note: In respect of Minute 68 – Leisure Service Operations, Councillor N Clark asked for his dissent from the decision taken to be recorded.)

ACTION108 MINUTES OF COMMITTEES

- (A) JOINT MEETING OF THE EXECUTIVE,
COMMITTEES, SUB-COMMITTEES, PANELS
AND COMMUNITY VOICE – 16 MAY 2007

RESOLVED – that the Minutes of the Joint Meeting of the Executive, Committees, Sub-Committees, Panels and Community Voice held on 16 May 2007, be received.

- (B) JOINT MEETING OF THE PERFORMANCE
SCRUTINY COMMITTEE AND POLICY
DEVELOPMENT SCRUTINY COMMITTEE –
22 MAY 2007

In respect of Minute 17 – Work Programme, Councillor D Clark referred to the reference to health scrutiny and asked Council to note that the outcome recorded was not her recollection and that she would be raising this at the next meeting.

RESOLVED – that the Minutes of the Joint Meeting of the Performance Scrutiny Committee and Policy Development Scrutiny held on 22 May 2007, be received.

- (C) DEVELOPMENT CONTROL COMMITTEE –
23 MAY 2007

In respect of Minute 27 – Bishop’s Stortford Football Club, the Director of Neighbourhood Services, in response to a question from Councillor K A Barnes, stated that the resolution was public knowledge and that related court proceedings were also held in public.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 23 May 2007, be received.

ACTION

(D) DEVELOPMENT CONTROL COMMITTEE –
23 MAY 2007

In respect of Minute 30 – Declarations of Interest, Council noted a spelling error in respect of the declaration made by Councillor Mrs M H Goldspink.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 23 May 2007, be received.

(E) LICENSING COMMITTEE – 6 JUNE 2007

RESOLVED – that the Minutes of the Licensing Committee meeting held on 6 June 2007, be received.

109 STATEMENT OF INTERNAL CONTROL 2006/07

The Leader of the Council submitted a report presenting the 2006/07 Statement of Internal Control (SIC).

The Statement of Internal Control was a statutory document that was produced alongside the Statement of Accounts (see Minute 110 below). Council noted that guidance issued by CIPFA, stated that internal control was being interpreted in its broadest sense covering both financial and managerial controls that ensured that the implementation of East Herts Council's vision and priorities was being properly managed. Therefore, systems of internal control would cover controls such as:

- the setting and review of the Council's priorities,
- service plans,
- performance management systems,
- risk management,
- financial and management controls,
- compliance with laws and regulations,
- accuracy and reliability of financial statements

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- and other published information,
- human, financial and other resources being managed effectively and efficiently, and
- high quality services being delivered efficiently and effectively.

The compilation of the Statement required East Herts Council to review the adequacy of its governance arrangements, develop an action plan to improve its arrangements and to communicate to stakeholders how better governance led to better quality public services.

Officers had reviewed the Statement, which had involved an evaluation of assurances and the development of an action plan to address weaknesses and ensure continuous improvement of internal control. As part of this process, Chief Officers had certified individual assurance statements which underlined their responsibility for maintaining an adequate and effective system of internal control and identifying areas of concern and proposed measures to correct significant internal control issues. The 2006/07 Statement was detailed at Appendix 'A' of the report now submitted.

As part of the preparation of the 2006/07 Statement, the assurance framework for risk management and internal control had been mapped out and was detailed at Appendix 'B' of the report now submitted. Controls listed within the Statement had been subject to independent scrutiny by Internal Audit, External Audit, inspection, benchmarking etc which had validated their operation.

The Audit Committee, at its meeting held on 26 June 2007, had also considered the Statement and had supported it.

Council noted that on a quarterly basis throughout 2007/08, Corporate Management Team would continue to monitor progress made towards implementing the action plan contained in the 2006/07 SIC. In line with earlier advice from RSM Robson Rhodes LLP, Corporate Management Team would also continue to receive quarterly updated Chief

ACTION

Officers' assurance statements so as to provide evidence of ongoing commitment towards maintaining an adequate and effective system of internal control and to alert senior management to emerging significant concerns surrounding internal control. By continuing to provide quarterly assurances a live "in year process" rather than a year end exercise would be demonstrated. The Audit Committee would continue to be appraised on a quarterly basis of the results of senior management's review of the internal control framework.

Council approved the recommendations as now detailed.

RESOLVED - that (A) the process in place for the production of the Authority's 2006/07 Statement of Internal Control be approved and the Statement be adopted; DIS

(B) on behalf of the Members and Chief Officers of East Herts Council, the Leader of the Council and Chief Executive sign the 2006/07 Statement of Internal Control as being a true statement; and CE

(C) quarterly reports on progress made against implementing the action plan contained in the 2006/07 Statement of Internal Control and updates arising from Chief Officer assurance statements, be received by the Audit Committee. DIS

110 STATEMENT OF ACCOUNTS 2006/07

The Executive Member for Resources and Internal Support submitted a report seeking approval for the Statement of Accounts 2006/07.

Council noted that the Accounts and Audit Regulations 2003 required the Authority's Statement of Accounts to be approved by the end of June 2007. The Accounts were detailed at Appendix 'C' of the report now submitted and included supporting comments for each of the main

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statements.

The Audit Committee, at its meeting held on 26 June 2007, had also considered the Statement of Accounts and had supported it.

The Executive Member drew attention to the revenue outturn position, which was more favourable than that previously reported.

Council approved the Statement of Accounts 2006/07 as now submitted.

RESOLVED - that (A) the comments of the Audit Committee of 26 June 2007 regarding the Statement of Accounts for the financial year ended 31 March 2007 be received, and

(B) the Statement of Accounts as amended, for the financial year 2006/07 be approved and signed by the Chairman at the conclusion of the meeting.

111 MOTION – CHANGES TO THE PLANNING SYSTEM

Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, the following motion:

“This Council calls upon the Government to reconsider its latest proposals for changes to the Planning system. This Council deplores the proposal to remove some of the powers which are currently held by local authorities and to transfer these powers to an unaccountable quango.

These changes could result in major developments, such as airports or power stations, being imposed on a neighbourhood without any regard at all for local democracy. They could also undermine the rights of neighbours in cases of overlarge extensions.

ACTION

This Council calls upon the Government to think again and to scrap these proposals.”

In moving the motion, Councillor Mrs M H Goldspink referred to the Government’s proposals for a new independent planning commission and expressed concern at the level of independence this new body would enjoy. She feared that the proposals could result in local concerns being ignored and that important environmental and sustainability issues would not be considered.

Councillor Mrs M H Goldspink commented that there were no guarantees that the new commission would be independent and that there was a danger of more local powers being removed by the Government.

The Executive Member for Planning Policy and Transport thanked Councillor Mrs M H Goldspink for drawing attention to this important issue. He referred to the Government’s consultation paper and the need to respond on a robust and challenging basis. He stated that not all of the Government’s proposals were unfavourable. However, he believed that there would be huge opposition expressed in the consultation. He quoted comments expressed by John Gummer in respect of local independence.

In response to a question by Councillor D Clark querying the process for drawing up the Council’s response, the Executive Member stated that this had yet to be finalised as there were a range of consultation papers, in which the Council’s response needed to be coordinated. He envisaged the need for either a panel or scrutiny meeting to assist in formulating the Council’s response.

Councillor J O Ranger referred to the need for keeping small properties small in rural areas.

Councillor M Wood commented that the proposals would undermine public involvement in the planning process. He suggested that the only time the majority of the public saw

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the Council in action was at Development Control Committee.

Councillor Mrs M H Goldspink expressed her gratitude to the support shown for her motion and suggested that the sentiment in the motion could inform the Council’s formal response.

After being put to the meeting, and a vote taken, Council approved the motion.

RESOLVED: that the following motion be approved:

“This Council calls upon the Government to reconsider its latest proposals for changes to the Planning system. This Council deplores the proposal to remove some of the powers which are currently held by local authorities and to transfer these powers to an unaccountable quango.

These changes could result in major developments, such as airports or power stations, being imposed on a neighbourhood without any regard at all for local democracy. They could also undermine the rights of neighbours in cases of overlarge extensions.

This Council calls upon the Government to think again and to scrap these proposals.”

The meeting closed at 8.35 pm

Chairman
Date