

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 12
SEPTEMBER 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, Mrs R Cheswright, D Clark,
N Clark, R N Copping, K Darby, J Demonti,
A D Dodd, R Gilbert, A M Graham, P Grethe,
L O Haysey, J Hedley, Mrs D L E Hollebon,
Mrs D M Hone, A P Jackson, G Lawrence,
G McAndrew, M P A McMullen, J Mayes,
T Milner, R L Parker, D A A Peek, M Pope,
N C Poulton, R Radford, J O Ranger, P A Ruffles,
S Rutland-Barsby, J J Taylor, R I Taylor,
M J Tindale, A L Warman, J P Warren, N Wilson,
M Wood, C B Woodward.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Director of Internal Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Ceri Pettit	- Head of Strategic Direction (shared) and Performance Manager
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager

- George A Robertson - Director of Customer and Community Services
- Peter Searle - Head of Business Support Services

253 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 27 June 2007 be approved as a correct record and signed by the Chairman.

254 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the recent sad death of ex-Councillor Terence Coldwell, who had represented Bishop's Stortford Central ward from 1995 – 1999. Members stood and observed a minute's silence.

The Chairman welcomed George A Robertson, the Director of Customer and Community Services, to his first meeting of Council.

Finally, the Chairman asked Members to note that his civic reception would be held on 12 April 2008 and that invitations would be issued shortly.

255 DECLARATIONS OF INTEREST

Councillors K A Barnes, A L Burlton, J Demonti, R Gilbert, A L Graham, Mrs D L E Hollebon, D A A Peek, R I Taylor, M Wood and C B Woodward declared personal and prejudicial interests in the matter referred to at Minute 226 – Rhodes Arts Complex, in that, as members of Bishop's Stortford Town Council, they were trustees of the Rhodes Arts Complex. They left the chamber whilst this matter was considered.

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Councillors M R Alexander and M G Carver declared personal and prejudicial interests in the petition concerning Little Acres, Ware, referred to at Minute 256(A) below. Councillor M R Alexander had a very good friend who lived in the vicinity of the site in question. Councillor M G Carver was a governor at Hertford Regional College. They left the chamber whilst this matter was considered.

Councillors Mrs D M Hone, A P Jackson, M P A McMullen and A L Warman declared personal interests in the matter referred to at Minute 230 – Delivering Quality Health Care for Hertfordshire – NHS Public Consultation. Councillor Mrs D M Hone was a governor of a NHS Trust. Councillors A P Jackson, M P A McMullen and A L Warman’s wives were NHS employees.

Councillor C B Woodward declared a personal interest in the petition concerning CCTV provision at Snowley Parade, Bishop’s Stortford, referred to at Minute 256(B) below, in that he was a member of Parsonage Residents Association.

Councillors D Andrews and T Milner declared personal and prejudicial interests in the matter referred to at Minute 234 – Public Housing Stock Transfer Undertakings, as they were board members of Circle Anglia and Riversmead Housing Associations respectively. They both left the chamber whilst this matter was considered.

256 PETITIONS(A) Enforcement Action – Little Acres, Ware

A petition had been submitted by Mr Marley, comprising 63 signatures, supporting the Council’s refusal to grant retrospective planning permission and to serve an enforcement notice against Hertford Regional College in respect of car parking on recreational ground. The petition read:

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Dear Neighbour

You have probably received a letter from HRC seeking support for their appeal against the refusal of EHDC to grant retrospective planning approval for the use of the tennis court in Little Acres as a 'temporary' car park. Some residents who may be concerned about students parking their cars outside their houses may support HRC. However, those of us nearer to Little Acres feel that the appeal should be rejected and that the original decision of EHDC should stand.

Our concerns cover some or all of the following:

Loss of sporting facilities contrary to government guidelines

Noise associated with car engines, radios and doors

Noise and danger of accidents arising from occasional attempts at handbrake turns and 'doughnuts'

Controlled access at weekends possibly by Hertford Rugby Club, where might this lead?

Poor judgement by HRC in changing the use of the tennis court without seeking planning permission

In view of this, can any faith be placed in their statement that the use as a car park will be temporary?

In conclusion, the appeal should be rejected.

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

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Mr Marley expressed support for the Council's position. He referred to the questionnaire that had been sent to residents by Hertford Regional College. He reminded Members that the retrospective planning application had been for 80 cars to park on recreational ground with narrow access from a cul-de-sac with no effective management and control. This application had been for temporary permission until 2010. Mr Marley questioned whether or not use beyond this date was required. Finally, Mr Marley congratulated the Council on its actions to date and implored it to maintain this stance when the appeal was heard.

The Executive Member for Environment and Conservation responded by thanking the petitioner for his presentation. He reminded Members of the original refusal of the planning application, which was now subject to an appeal. He assured Mr Marley that the residents' concerns, as detailed in the petition, would be conveyed to the appeal Inspector.

(B) CCTV Provision at Snowley Parade, Bishop's Stortford

A petition had been submitted by Mrs Archer, on behalf of Parsonage Residents Association, comprising 649 signatures, seeking to reverse the decision to remove the CCTV camera at Snowley Parade, Bishop's Stortford. The petition read:

We, the undersigned local residents, shopkeepers and customers, urgently petition all relevant authorities to reverse the decision to remove the CCTV camera that overlooks the area in front of the shops at Snowley Parade, Manston Drive, Bishop's Stortford, Herts, which has proved to be an effective deterrent to anti-social and criminal behaviour in the local area.

Mrs Archer was in attendance and was invited by the Chairman to address Council.

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Mrs Archer stated that she was representing 1500 members of Parsonage Residents Association. She was a former Chairman of the Association and had lived in the area for 20 years. She referred to the anti-social behaviour that had plagued the area around the shops in 2004, such as harassment and vandalism that had caused untold misery for local residents.

Following much work involving the police, the Council and the local MP, the area had improved through the use of Section 30 Dispersal Orders, an Anti-Social Behaviour Order conviction and a CCTV camera. However, the camera had recently been removed, which had caused much disquiet amongst residents. The petition that had been submitted represented the local strength of feeling. She appealed for a permanent camera to be reinstated at Snowley Parade.

In response, the Executive Member for Community Safety and Protection thanked Mrs Archer for her presentation. He outlined the background to the Snowley Parade area being identified as a "hotspot" in 2004. As a result, a number of measures had been taken, including the siting of a mobile CCTV camera, which had reduced the incidences of crime and disorder.

The Executive Member commented that the mobile CCTV camera had always been a temporary measure and that, following its successful deployment, it had been moved to "hotspots" elsewhere. He stated that if anti-social problems resurfaced at Snowley Parade, then the mobile camera could be redeployed.

Finally, the Executive Member undertook to discuss with the Council's partners the cost of a permanent CCTV installation. However, he emphasised that strict criteria would need to be met and that careful consideration would need to be given.

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Councillors A M Graham, M Wood and C B Woodward, as the local ward Members, addressed the meeting. They each thanked and congratulated Mrs Archer for her efforts on behalf of local residents and supported the petition.

Councillor M Wood referred to the planned environmental enhancement scheme and suggested that CCTV provision could be linked to this scheme.

Councillor A M Graham requested the Executive Member to involve local ward Members in any discussions as this would help to present a unified approach to the issue.

Councillor C B Woodward referred to the improvements that had been achieved since the first deployment of the mobile CCTV camera and stated the importance of not losing the gains that had been made.

257 PRESENTATION – RESIDENTS SURVEY 2007

The Chairman invited Ashley Ames, Ipsos MORI, to give a presentation on the 2007 Residents Survey.

Mr Ames detailed the methodology and the purpose of the Survey. He explained that the Survey had provided a robust evidence base of perceptions on a number of key issues, such as:

- Quality of life in local neighbourhoods (with an additional focus on Bishop's Stortford)
- Reputation of the Council
- Council communications
- Use of cultural and leisure services
- Culture and leisure priorities
- Volunteering
- Licensing and the night-time economy

Overall, the results had been positive. However, Members' attention was drawn to the lower satisfaction levels among residents of Bishop's Stortford and Ware and perceptions

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around value for money, which were now slightly negative compared to the previous survey. Finally, he referred to the growth in use of electronic communications and commented that traditional methods were still important to many residents.

In response to Members' questions, Mr Ames confirmed that, although the District Council elections had taken place during the Survey period, they had not been a factor in the findings. Also, he commented that the growth in the number of ethnic groups in Bishop's Stortford would have been reflected in the Survey participation.

258 MEMBERS' QUESTIONS

Councillor D Clark referred to the new system whereby £25,000 had been set aside so that each councillor could spend £500 of public money on "funds and initiatives in their wards". Councillor D Clark commented that whilst it might be nice for councillors to distribute largesse in this manner, arguably, it could lead to the frittering away of money better spent elsewhere. She asked the Leader to explain who decided to implement this new system and when and where it was scrutinised or discussed by Members?

In reply, the Leader referred to the previous system of grant applications being considered by Officers within an agreed policy, but without any Member input. He also referred to the recent Local Government White Paper and a discussion he had had with the Leader of another Authority, where the concept of individual Members holding a small budget for suitable schemes had been implemented.

The Leader advised that the new system referred to by Councillor D Clark had been agreed by Council as part of its budget setting process, in which all Members had had the opportunity to consider the details. The Leader quoted from the statement he had made at that time.

The Leader commented that a number of innovative projects had been funded under the new scheme and various

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examples were detailed. He believed that the new scheme had brought many benefits to more residents. The Leader concluded by stating that the impact of the new scheme would be reviewed to determine if any changes would be required.

In response to a supplementary question on whether or not the Leader had consulted with backbench Members and if he considered the budget statement to be an appropriate vehicle for wider debate by Members, the Leader answered in the affirmative to both questions.

Councillor N Clark asked the Leader to update Council on discussions with Sawbridgeworth Town Council concerning reopening Leventhorpe pool on Sundays.

In reply, the Leader stated that Sawbridgeworth Town Council had, in the last week, accepted an opportunity to discuss options on Leventhorpe pool. The discussions had been constructive and the Leader believed that the Town Council's proposition had some merit.

The Director of Customer and Community Services had been requested to obtain a range of information from Stevenage Leisure Limited. This would be provided to the Town Clerk, who would then report to the next Town Council meeting. The Director would act as a "critical friend" as it would be important for the Town Council to reach an appropriate decision. At this stage, the Leader could not predict what the conclusion would be.

Councillor N Clark asked a supplementary question on why the Executive had ignored the Policy Development Scrutiny Committee's request to delay the closure of Leventhorpe to casual swimming at weekends and why the Executive had not been more proactive in seeking discussions with the Town Council.

In reply, the Leader commented that the Executive was entitled to make the decision it did and that the Council was

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engaging with the Town Council.

259 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 17 July and 4 September 2007.

In respect of Minute 142 – Contract to Provide Choice-Based Lettings, Councillor R L Parker clarified that the contract contained a termination clause and not a break clause.

In respect of Minute 213 – Cultural Strategy, Councillor A M Graham sought and was given clarification on this being a framework document.

Councillor N Clark referred to a comment attributed to him in respect of the Executive decisions of September 2006 and clarified that these should be annulled, if the Executive was not minded to implement them. In response, the Leader stated that this would be done as the tendering preparations progressed.

In respect of Minute 218 – Management of Leisure Facilities, Councillor N Clark opposed the recommendations on the basis that it contradicted the principles of the Cultural Strategy.

Councillor A M Graham expressed reservations in relation to the proposed length of the contract for Grange Paddocks to take account of the possibility of a new pool and leisure site on the new schools' site. He believed this was premature and could prejudice the Authority's ability to take an objective approach to any future planning application for the schools' site.

In response, the Leader stated he understood this concern, but commented that flexibility was needed and the recommendations would not commit the Authority to any proposed scheme.

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In respect of Minute 219 – Review of Working Arrangements, Councillor M Wood questioned whether this was the end of East Herts' presence in Bishop's Stortford and referred to the detrimental impact this could have on residents' perceptions of the Council. He asked that Members be involved in the proposed project group at the earliest opportunity.

In response, the Leader reassured Members of the ongoing commitment for services to be accessible in Bishop's Stortford. He commented that these proposals dealt with fundamental issues around the use of new technology and how the Council did its business. He stated that, when appropriate, Member input would be available and that all significant decisions would be made by Members.

Councillor J O Ranger referred to the comments attributed to him and clarified that grants might be available from regional agencies.

In respect of Minute 226 – Rhodes Arts Complex, Councillor M G Carver was appointed as Chairman of the meeting for this particular item, as both the Chairman and Vice-Chairman had left the chamber.

In respect of Minute 234 – Public Housing Stock Transfer Undertakings, Councillor A M Graham asked the Executive Member for Housing and Health to comment on the poor upkeep of the grounds around public housing and the use of some garages for purposes that were undesirable. He referred to specific problems at garages in Plaw Hatch Close, Bishop's Stortford.

In reply, the Executive Member referred to the substantial investment made by the Housing Association on garages and believed that ongoing improvements would resolve the problems highlighted by Councillor A M Graham. He had no details of the specific problem referred to in the question, but offered to take this up with Circle Anglia. He also stated that both of the main Housing Associations were committed to

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improvements to the grounds.

The Executive Member referred to the scrutiny meeting when both Managing Directors were present. They had highlighted the difficulties in securing some improvements, such as double glazing, as tenants had prevented access. He repeated his previous offer for Members to refer any issues to him to raise at his regular meetings with the Associations.

In response to a question from Councillor R I Taylor on the efforts made to encourage tenants to provide access for double glazing improvements, the Executive Member suggested that this should have been raised with the Associations directly at the scrutiny meeting. However, he would raise this himself.

In response to a request from Councillor M Wood, the Executive Member commented that he would be willing to have an urgent meeting with Bishop's Stortford All Saints Members on the recent events at Plaw Hatch Close.

RESOLVED – that the Minutes of the Executive meetings held on 17 July and 4 September 2007, be received, and the recommendations contained therein, be adopted.

(Note: In respect of Minute 218 – Management of Leisure Facilities, Councillor N Clark asked for his vote against the decision taken to be recorded.)

260 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE –
20 JUNE 2007

RESOLVED – that the Minutes of the Development Control Committee meeting held on 20 June 2007, be received.

ACTION(B) AUDIT COMMITTEE – 26 JUNE 2007

RESOLVED – that the Minutes of the Audit Committee meeting held on 26 June 2007, be received.

(C) POLICY DEVELOPMENT SCRUTINY COMMITTEE – 27 JUNE 2007

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 27 June 2007, be received.

(D) POLICY DEVELOPMENT SCRUTINY COMMITTEE – 3 JULY 2007

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 3 July 2007, be received.

(E) HUMAN RESOURCES COMMITTEE – 5 JULY 2007

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 5 July 2007, be received, and the recommendation contained therein, be adopted.

(F) PERFORMANCE SCRUTINY COMMITTEE – 10 JULY 2007

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 10 July 2007, be received.

ACTION(G) STANDARDS COMMITTEE – 10 JULY 2007

In respect of Minute 138 – Adoption of the Revised Code of Conduct, it was confirmed that the training being arranged by Officers was in hand.

RESOLVED – that the Minutes of the Standards Committee meeting held on 10 July 2007, be received, and the recommendations contained therein, be adopted.

(H) DEVELOPMENT CONTROL COMMITTEE –
18 JULY 2007

In respect of Minute 159 – application 3/07/0900/FP, Councillor J J Taylor asked Council to note that she did not accept as an accurate record, the comment attributed to her in respect of amenity space.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 18 July 2007, be received.

(I) PERFORMANCE SCRUTINY COMMITTEE
– 14 AUGUST 2007

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 14 August 2007, be received.

(J) POLICY DEVELOPMENT SCRUTINY
COMMITTEE – 21 AUGUST 2007

RESOLVED – that the Minutes of the Policy Development Scrutiny Committee meeting held on 21 August 2007, be received.

ACTION(K) DEVELOPMENT CONTROL COMMITTEE –
22 AUGUST 2007

Councillor K A Barnes asked Council to note that his apologies for absence had not been recorded.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 22 August 2007, be received.

(L) AUDIT COMMITTEE – 5 SEPTEMBER 2007

In respect of Minute 246 – Risk Management and Service Plans, Councillor D Clark asked Council to note that she had not questioned Officers' objectivity and professionalism in planning matters, but had, in fact, questioned whether or not the processes in place would impact on Officers' ability to be objective.

RESOLVED – that the Minutes of the Audit Committee meeting held on 5 September 2007, be received and the recommendations contained therein, be adopted.

261 APPOINTMENTS TO STANDARDS COMMITTEE

Council recalled that, at its Annual meeting held on 16 May 2007, it had constituted the Standards Committee. Also, Council had noted that Town and Parish Councils within the District, as a consequence of the local council elections held earlier in the month, had been invited to put forward nominations for the seats allocated to their representatives. As more than one nomination had been received in respect of both town and parish council seats on the Committee, a ballot had been arranged.

The Head of Democratic and Legal Support Services advised on the outcome of the ballot. The successful candidates were Mrs Woods, in respect of Town Councils and Mr Taylor, in respect of Parish Councils. Council

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approved their appointments to the Standards Committee until the end of the 2010/2011 Civic Year.

RESOLVED - that the following individuals be appointed to the Standards Committee until the end of the 2010/11 Civic Year:

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Town Councils' Representative:

Mrs E Woods

Parish Councils' Representative:

Mr B Taylor

262 APPOINTMENT OF SECTION 151 OFFICER

The Chief Executive submitted a report seeking authority to appoint formally the statutory position of the Chief Financial Officer (Section 151 Officer) under Section 151 of the Local Government Act 1972. Interim arrangements had been approved by Council on 21 February 2007 (Minute 612 refers) to cover the period until all the Heads of Service had been appointed. All Heads of Service had now been appointed and had taken up their posts.

Councillor D Clark commented that this was an important appointment and referred to questions she had raised at the Audit Committee meeting and the responses she had received. She also referred to parts of the Constitution that appeared to reflect the old management structure. Consequently, she asked the Chief Executive to confirm, for the record, that adequate controls were in place to guide Officers on their roles and responsibilities under the new structure and that the Constitution would be updated without delay to reflect the new structure. She also sought reassurance that adequate processes were in place to ensure that there was no conflict of interest and that the Head of Business Support Services would be provided with sufficient time and resources to fulfil his role as Section 151

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Officer properly.

In response, the Chief Executive confirmed that adequate resources would be made available and that the correct version of the Constitution would be uploaded to the website as soon as possible.

RESOLVED - that Peter Searle be appointed as the Council's Section 151 Officer effective from 13 September 2007.

263 MOTION – SCRUTINY FUNCTION

Councillor N Clark moved, and Councillor D Clark seconded, the following motion:

This Council believes that scrutiny is an essential element of the Council's decision-making process, providing openness and transparency and leading to better outcomes; and that the views expressed by backbench Members should be seriously considered by the Executive before decisions are made.

Councillor N Clark stated that this motion was not about structures, but concerned attitudes, particularly the Executive's. He believed that the Executive needed to be more receptive to ideas and should view scrutiny as a critical friend. He referred to his experiences in the four months since being elected and quoted examples of what he believed were major or key decisions being taken without an opportunity for robust scrutiny or debate by Members, such as the leisure tendering process and the Cultural Strategy.

In particular, Councillor N Clark cited the circumstances of the recent and ongoing swimming pools issue. He believed this was a key decision and as such, should have been subject to scrutiny before the decisions had been made, as well as being included in the forward plan. The subsequent organisation of the call-in of this matter had been unsatisfactory in many ways. Also, scrutiny's recommendations had been ignored by the Executive, which

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had the effect of marginalising backbench opinion. He had been disappointed by the Leader's recent statement that future call-in meetings would not be chaired by a member of an Opposition group.

Councillor N Clark alleged that Independent Group Members had been excluded from scrutiny task and finish groups and referred to the skills and experience of the previous Chairman of the Audit Committee, now an Independent Member, not being utilised on the Committee.

Finally, Councillor N Clark suggested there was a lack of scrutiny on the capital programme. In general, he expressed concern that there was a lack of openness, transparency and debate.

Councillor J O Ranger expressed support for the motion, but did not accept some of the points made by Councillor N Clark. He believed that the Authority had worked hard over the years in developing the scrutiny function. It was important for scrutiny to focus on the key decisions as it was not possible for everything to be scrutinised.

Councillor J O Ranger accepted that some issues came to the fore without much notice, but that often these were caused by late requests by the Government.

Councillor A M Graham supported the motion and suggested that there might be lessons to be learnt for all Members and that the motion should be accepted as a challenge to do better. He referred to the need to harness the expertise within the Council

Councillor D Clark referred to her experiences as a Member within the Executive, the majority group and as an Independent Member. She believed that scrutiny was viewed as an inconvenience by the Executive. She called for open debate and for backbench Members' knowledge and insight to be utilised in reaching decisions. She maintained that the Executive did not have a monopoly on good judgement. Finally, she referred to the need for

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residents to be heard within the scrutiny process as well.

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

RESOLVED: that the following motion be approved:

This Council believes that scrutiny is an essential element of the Council's decision-making process, providing openness and transparency and leading to better outcomes; and that the views expressed by backbench Members should be seriously considered by the Executive before decisions are made.

The meeting closed at 9.32 pm

Chairman
Date