

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 9
JANUARY 2008 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, A F Dearman, J Demonti,
A D Dodd, R Gilbert, Mrs M H Goldspink,
P Grethe, J Hedley, Mrs D L E Hollebon,
Mrs D M Hone, A P Jackson, G Lawrence,
M P A McMullen, J Mayes, T Milner, R L Parker,
M Pope, N C Poulton, W Quince, R Radford,
J O Ranger, P A Ruffles, S Rutland-Barsby,
G D Scrivener, J J Taylor, R I Taylor, M J Tindale,
N Wilson, M Wood, C B Woodward, B Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Cliff Cardoza	- Head of Environmental Services
Simon Drinkwater	- Director of Neighbourhood Services
Tony Hall	- Interim Head of Business Support Services
Philip Hamberger	- Director of Internal Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer

George A Robertson	- Director of Customer and Community Services
Trevor Watkins	- Waste Services Manager

ALSO IN ATTENDANCE:

Peter Wright	- East and North and West Hertfordshire Primary Care Trusts
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449 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 7 November 2007 be approved as a correct record and signed by the Chairman, subject to the following amendments:

- The addition of Councillor B Wrangles to the list of Members present.
- Minute 349 – Members’ Questions, 3rd paragraph, delete the words “in principle”.
- Minute 349 – Members’ Questions, final paragraph, substitute “15” for “17”.
- Minute 350 – Report of the Executive, insert an additional paragraph before the recorded vote as follows:

“Councillor W Quince reminded Members that Councillor D Clark had received approximately £1,300 per meeting in her time as Chairman of the Audit Committee.”

ACTION450 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the winner of the Council's corporate Christmas Card competition was Channon Whitfield, aged 10, from Wareside C of E Primary School. The Chairman invited her to receive an award featuring the winning design and Members showed their appreciation.

The Chairman drew Members' attention to his civic reception in April 2008 and advised that invitations would be issued shortly.

The Chairman referred to the recent sad death of Peter Brown, the Caretaker at Wallfields. He informed Members that Peter would be commemorated with the placing of a sundial outside Wallfields.

The Chairman also advised that Honorary Aldermen Stanley Williams and Frank Clay had both recently passed away. Stanley Williams had represented Standon St Mary's ward between 1973 and 1991. Frank Clay had represented Sawbridgeworth between 1976 and 2003 and had been Chairman of the Council between 1985 and 1988.

Members stood and observed a minute's silence in memory of Peter Brown and Honorary Aldermen Stanley Williams and Frank Clay.

451 DECLARATIONS OF INTEREST

Councillor Mrs D Hone declared a personal interest in the matter referred to at Minute 453 below – Presentation on Health Matters, in that she was a governor of the Partnership NHS Foundation Trust.

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Councillor N Clark declared a personal interest in the matter referred to at Minute 434 - Growth Area Funds Bid Round 3 – Programme of Development 2008-11 and Hertfordshire Infrastructure and Investment Strategy, in that he was Secretary of the Stop Harlow North Campaign, which related to one of the bids.

452 PUBLIC QUESTION

Edna Forrest, Parsonage Residents Association, had submitted a question, asking the Executive Member for Community Safety and Protection what progress had been made on the Snowley Parade improvement project and whether CCTV was included.

In Edna Forrest's absence, the Executive Member for Community Safety and Protection responded. He commented that local residents and shopkeepers had been consulted on the desirability of improving the physical environment of the parade's concourse. If a consensus could be reached, then funding would have to be found if the project was to proceed. On the basis of a sketch drawing approved by local residents and shopkeepers, a project at an estimate cost of approximately £90,000 to £100,000 had been identified. The Council's Capital Strategy Group had considered the scheme and had concluded that it would not be appropriate to fund this project without a significant contribution from other sources. Officers had approached Hertfordshire Highways to explore the possibility of funding in relation to the car parking element of the project and a response was awaited.

The Executive Member reminded Members of the petition that had been submitted, for the temporary CCTV camera to be re-installed. The Community Safety Partnership had confirmed that Snowley Parade was no longer a 'hot spot' in respect of anti-social behaviour. Therefore the use of its limited resources in the form of deployment of its temporary cameras in that area could not be justified.

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However, the Parsonage Residents Group and local Members had been advised that, in the event of any improvement works being funded and in consultation with local groups, a means of providing a permanent 'housing' for a temporary CCTV camera would be considered. This would enable the future deployment of a camera, if this was ever warranted, without the need to install a new pole or other infrastructure.

453 PRESENTATION – HEALTH MATTERS

The Chairman invited Peter Wright, East and North and West Hertfordshire Primary Care Trusts (PCT), to give a presentation on Health matters.

Mr Wright commented on the high standard of health enjoyed in East Herts and referred to life expectancy levels compared to other areas. Despite this, he highlighted the need to tackle smoking, alcohol misuse and obesity.

Mr Wright outlined the key priorities for the NHS and referred to the importance of developing partnership working with the Council and other agencies. Finally, he made specific reference to Bishop's Stortford and the PCT's participation in the Visioning Board.

After taking questions from Members, the Chairman thanked Peter Wright for his presentation.

454 MEMBERS' QUESTIONS

Councillor D Clark asked the Leader of the Council how much the Council had spent on interim managers during each of the years 2005/06 and 2006/07, including salaries and all related expenses such as agency fees, hotel bills, travelling expenses, etc, and what the expected cost for 2007/08 was.

In reply, the Leader stated that the sums were £169,149 for 2005/06, £244,118 for 2006/07 and it was anticipated that for

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2007/08, the cost would be £36,000.

Councillor D Clark referred to the importance of human resources and asked if there were any plans to recruit to the Head of Service position.

In reply, the Leader agreed that this was an important position and confirmed that the Chief Executive was in discussion with Hertfordshire County Council to ensure there was adequate cover.

Councillor N Clark asked the Leader of the Council if he, or any Executive Member, wanted to correct any of the answers or statements which they had given to Council or made at the Executive since the election in May 2007.

In reply, the Leader reserved judgement in anticipation of a supplementary question.

Councillor N Clark referred to the Leader's comments at the last Executive meeting in respect of motorists not paying their way and the Executive Member for Resources and Internal Support's comments concerning the medium term financial plan in September 2007. He asked if these Members wished to correct these statements.

In reply, the Leader stated that his comments reflected the views of the public as expressed in the budget consultation, that the motorist should bear a proportionate charge across all the major towns and settlements in East Herts.

The Executive Member for Resources and Internal Support added that the medium term financial plan in September 2007 had been based on information available at that time.

455 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 7 November and 18 December 2007.

ACTION

The Leader wished all Members and Officers a happy new year and took the opportunity of the first meeting of 2008 to consider the progress made by the Council in various areas.

He referred to the importance of partnership working and cited the Hertfordshire Waste Partnership in approving a strategy that contained a 50% recycling target to be achieved by 2011. Members would be invited to consider a series of recommendations later that evening in respect of alternate bin collections, which would represent a step change in enabling East Herts to achieve its targets.

The Leader also highlighted the recent award of the grounds maintenance contract and work undertaken in respect of transportation and the Bishop's Stortford Visioning Board. Finally, he referred to liaison work with partners on Stansted Airport, Harlow North and the Local Strategic Partnership.

Councillors K A Barnes and M Wood also expressed best wishes for Members and Officers in the new year. Councillor M Wood indicated broad support for much of the work referred to by the Leader, but expressed concern for future leisure provision.

In respect of Minute 344 – Grounds Maintenance Contract, Councillor D Clark sought clarification on which Section 151 Officer had provided the appropriate evaluation of the financial standing of the preferred bidder.

In response, the Leader undertook to provide a written response. The Executive Member for Resources and Internal Support questioned the need for this information on the basis that it was unnecessary to personalise such advice.

Councillor D Clark asked if there was a risk to the Authority associated with an inability to identify which Officer had provided the advice.

In reply, the Leader refuted this suggestion and expressed

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his trust in the professional expertise of Officers employed to provide such advice.

In respect of Minute 421 – Divisional Establishments Round 1 Revenue Estimates – Probable 2007/08: Estimate 2008/09, Councillor N Clark suggested that in determining staffing levels before service levels, a backward approach had been taken in the budget process. He believed that it would be more appropriate for service levels to be agreed before overheads. He asked if there was any intention to change this approach next year.

In reply, the Leader shared this observation and commented that a revised budget process would be implemented next year.

In respect of Minute 423 – Off-Street Parking Places Order 2008/09, Councillors S A Bull and R N Copping expressed concern over the introduction of charges in Buntingford and Stanstead Abbots respectively. Councillor Bull referred to the level of proposed charges compared to neighbouring towns in North Herts. Councillor Copping referred to the vehement objection of Stanstead Abbots Parish Council.

Councillor N Clark thanked the Executive Member for Planning Policy and Transportation for his response to the comments submitted by the Sawbridgeworth Town Partnership. He stated that the proposals represented a substantial increase and yet the car parking revenue account was in surplus. It appeared that the purpose of the additional £400k being raised was to help plug the £750k budget gap.

Councillor N Clark also commented on the relationship to other issues, such as concessionary fares, and asked whether the proposed increase in charges were designed to provide funds for other projects. He reminded Council of the Leader's comments at the Executive meeting concerning motorists needing to pay their way.

ACTION

Councillor N Clark also countered the suggestions made in the press that the proposals represented the first increases in two years when in fact, only the one hour rate had not been increased last year. He also commented that the proposals on 'meter feeding' only applied to long stay car parks.

Finally, Councillor N Clark suggested that there were other ways to plug the budget gap. He believed there had been insufficient consultation and a lack of information to support the proposals.

Councillor D Clark referred to the work of parish councillors in trying to deal with local parking issues. She suggested that there had been insufficient consultation and that this had contradicted the Council's stated desire of enhancing partnership working.

The Executive Member for Planning Policy and Transportation responded to the comments of Members. He confirmed that he had received a letter of objection from Stanstead Abbots Parish Council. He reminded Members of the statutory framework for varying car parking charges and that there was no obligation for the Council to consult on its proposals. However, he accepted that as matter of courtesy, the relevant parish and town councils should have been advised of the Councils proposals and apologised for this oversight. He stated that he had arranged to meet with Sawbridgeworth and Buntingford Town Councils in conjunction with other parking bodies.

The Executive Member referred to the Council's holistic approach to traffic management issues and reminded Members of his portfolio responsibility for issues such as concessionary fares, dial-a-ride, sustainable transport and economic development. He acknowledged his mistake over the figures quoted at the Executive meeting. However, he referred to new accounting practices that had been introduced whereby a notional interest charge previously had to be shown against all assets, including car parks, but was now no longer required. This change had had the effect of

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reducing the reported expenditure for the car parking service.

Finally, the Executive Member highlighted the positive impact of the presence of parking attendants on traffic management. He referred to the clear message from the Citizens Panel on the Council's approach to car parking charges and commented that he was not ashamed to ask the motorist to pay a little more.

Following a request for a recorded vote on the Executive's recommendations, the results of the vote were:

FOR:

Councillors M R Alexander, D Andrews, W Ashley, P R Ballam, R Beeching, A L Burlton, M G Carver, Mrs R Cheswright, A F Dearman, J Demonti, A D Dodd, R Gilbert, P Grethe, J Hedley, Mrs D L E Hollebon, Mrs D M Hone, A P Jackson, G Lawrence, M P A McMullen, T Milner, R L Parker, M Pope, N C Poulton, W Quince, J O Ranger, P A Ruffles, S Rutland-Barsby, G D Scrivener, J J Taylor, M J Tindale, N Wilson, C B Woodward, B Wrangles.

AGAINST:

K A Barnes, D Clark, N Clark, Mrs M H Goldspink, R I Taylor, M Wood.

ABSTENTIONS:

S A Bull, R N Copping, J Mayes, R Radford.

For: 33

Against: 6

Abstentions: 4

ACTION

The Executive's recommendations in respect of Minute 423 – Off-Street Parking Places Order were declared CARRIED.

In respect of Minute 424 – Refuse and Recycling – Report of the Task and Finish Group, Councillor D Clark expressed concern that the latest best practice guidelines issued by the Waste and Resources Action Programme (WRAP) had not been considered. She stated that WRAP had advised that, on cost and environmental grounds, it was preferable to avoid adding food waste to garden waste and that separate collections should be implemented. Finally, Councillor D Clark expressed the view that there had been inadequate scrutiny of these proposals.

In reply, the Executive Member for Environment and Conservation stated that such separate collections were not available anywhere in Hertfordshire. In view of the prohibitive costs, he asked how such collections could be funded.

Councillor N Clark suggested that in the absence of a suitable composting plant, the recommendations were premature. He commented that Hertfordshire County Council might decide to provide a facility that would not accept mixed food and garden waste.

Councillor N Clark referred to the Regional Assembly's advice that backed up WRAP's view. He suggested that there was no need to make a decision until the food and garden waste collection issue had been resolved, especially as a decision now could result in unexpected costs to the Council.

Councillor N Clark proposed, and Councillor D Clark seconded, an amendment deleting recommendations (A), (B), (D) and (F) and adding a recommendation as follows:

“a further report detailing Hertfordshire County Council's progress in providing a suitable composting plant be submitted to the Executive in Summer 2008”.

ACTION

The Executive Member for Environment and Conservation sought clarification on how the kerbside collection of plastic bottles would be introduced on a District-wide basis, if these amendments were accepted by Council.

Councillor N Clark responded by stating that this recommendation would be introduced in the same way as proposed now.

The Executive Member for Resources and Internal Support believed that that there had been sufficient scrutiny of the proposals. The Task and Finish Group, the Environment Scrutiny Committee, the Executive and now Council had considered the proposals.

Councillor D Clark commented that WRAP's views had not been considered at any point. Councillor J O Ranger stated that WRAP's views had been raised at the Corporate Business Scrutiny Committee by Councillor M Wood.

After being put to the meeting and a vote taken, the proposed amendments were declared LOST.

Following a request for a recorded vote on the Executive's recommendations, the results of the vote were:

FOR:

Councillors M R Alexander, D Andrews, W Ashley, P R Ballam, R Beeching, S A Bull, A L Burlton, M G Carver, Mrs R Cheswright, R N Copping, A F Dearman, J Demonti, A D Dodd, R Gilbert, Mrs M H Goldspink, P Grethe, J Hedley, Mrs D L E Hollebon, Mrs D M Hone, A P Jackson, G Lawrence, M P A McMullen, J Mayes, T Milner, R L Parker, M Pope, N C Poulton, W Quince, R Radford, J O Ranger, P A Ruffles, S Rutland-Barsby, G D Scrivener, J J Taylor, R I Taylor, M J Tindale, N Wilson, M Wood, C B Woodward, B Wrangles.

ACTIONAGAINST:

None.

ABSTENTIONS:

K A Barnes, D Clark, N Clark.

For: 40

Against: 0

Abstentions: 3

The Executive's recommendations in respect of Minute 424 – Refuse and Recycling – Report of the Task and Finish Group were declared CARRIED.

In respect of Minute 436 – Leisure Contract Specification, Councillor N Clark referred to questions he had raised at the Executive meeting and asked if there was an alternative strategy in the event of any element of the contract not attracting a suitable bidder. He asked if this would result in the closure of that service and whether the Executive had considered this possibility as part of the budget process. He also referred to the Leader's comment, at the last Council meeting concerning market research and asked when the results of this would be seen by Members.

In response, the Leader commented that market research information would arise from the expressions of interest within the tendering process. He stated that the Executive had considered a number of options in respect of the budget, which would be considered by Council at its next meeting.

Councillor N Clark sought confirmation that a decision on the contracts would be made without an independently generated baseline for comparison.

ACTION

In response, the Leader stated that Officers would provide information to enable Members to make a decision, which would include advice from the consultant who understood the market place.

RESOLVED – that the Minutes of the Executive meetings held on 7 November and 18 December 2007, be received, and the recommendations contained therein, be adopted.

456 MINUTES OF COMMITTEES(A) JOINT MEETING OF SCRUTINY COMMITTEES – 7 NOVEMBER 2007

In respect of Minute 353 – Appointment of Scrutiny Chairmen and Panel, Council noted that resolution (B) should have referred to the Community Scrutiny Committee.

RESOLVED – that the Minutes of the Joint Scrutiny Committees' meeting held on 7 November 2007, be received.

(B) PERFORMANCE SCRUTINY COMMITTEE – 13 NOVEMBER 2007

RESOLVED – that the Minutes of the Performance Scrutiny Committee meeting held on 13 November 2007, be received.

(C) DEVELOPMENT CONTROL COMMITTEE – 14 NOVEMBER 2007

Council noted that Councillor J Demonti had been present at this meeting.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 14 November 2007, be received.

ACTION(D) STANDARDS COMMITTEE – 21 NOVEMBER 2007

RESOLVED – that the Minutes of the Standards Committee meeting held on 21 November 2007, be received.

(E) AUDIT COMMITTEE – 28 NOVEMBER 2007

Council noted that Councillor A P Jackson had been present at this meeting.

RESOLVED – that the Minutes of the Audit Committee meeting held on 28 November 2007, be received.

(F) ENVIRONMENT SCRUTINY COMMITTEE
– 4 DECEMBER 2007

Councillor D Clark referred to Councillor J O Ranger's earlier comments in respect of the Waste and Recycling Action Programme's (WRAP) guidelines and stated that these had actually been mentioned at this meeting. However, there had not been any serious discussion, which perhaps explained why there was no reference contained in the Minutes.

Councillor D Clark queried why a motion she had proposed and Councillor M Wood had seconded, that a further meeting of the Environment Scrutiny Committee be convened to scrutinise WRAP's guidance, which had been rejected by the Committee, had not been minuted.

In response, the Committee Chairman apologised for this oversight and undertook to arrange for an appropriate amendment to be made.

Councillor J O Ranger apologised for his earlier incorrect comment as to which meeting had considered this matter.

ACTION

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 4 December 2007, be received.

(G) CORPORATE BUSINESS SCRUTINY COMMITTEE – 4 DECEMBER 2007

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 4 December 2007, be received.

(H) DEVELOPMENT CONTROL COMMITTEE – 12 DECEMBER 2007

In respect of Minute 415 – application 3/05/0241/A, the Committee Chairman asked Council to note that an amendment to the fifth paragraph would be moved at the Committee's next meeting.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 12 December 2007, be received.

457 PRESDALES – NEW CHANGING ROOMS CLUBHOUSE AND PITCH REFURBISHMENT

The Executive Member for Community Development, Leisure and Culture submitted a report seeking an additional £86,000 capital funding to enable a project involving the offer of a Football Foundation grant.

Council was reminded that the Council had entered into a partnership with Bury Rangers FC, a local football club specialising in youth football, with a view to redeveloping the site to include an integrated facility providing new changing rooms, clubhouse and refurbished pitches. This would serve both existing adult users and provide a new sub-regional centre of excellence for the development of youth football. An allocation by the Council of £500,000 had been

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previously allocated to provide match funding for this development.

Following a partnership submission to the Football Foundation for match funds for the development, the Council had received a substantial offer of both capital and revenue for the amounts now detailed. The shortfall in capital funding was based on a current estimate of total costs of £1,463,565, as drawn up by Wilby Burnett, the Council's architects for the project. The Capital Strategy Group had supported the proposal.

Council approved the proposals as now detailed.

RESOLVED - that, in order to underwrite a current estimated shortfall between the capital grant offered by the Football Foundation (£827,565), funds raised to date by Bury Rangers Football Club (£50,000), the original East Herts Council allocation of £500,000 and the estimated total capital costs of £1,463,565 (including fees), an additional allocation of £86,000 be made available for the Presdales new club house, changing rooms and pitch development project for 2008/09, to be drawn on as required, subject to the final costs being determined by the result of other fundraising initiatives, the tendering process and other cost cutting measures.

DCCS

458 MOTION – ACCESS TO INFORMATION

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

“This Council agrees that all Members should have access to the best information on the financial position of the Council”.

Councillor N Clark referred to the common law rights of Members to inspect Council documents and the “need to know” principle as set out in the Council's Constitution. The Constitution provided for factual information to be made

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available to all political groups. However, he had struggled to have these rights respected and so had proposed this motion.

Councillor N Clark clarified that he was not referring to information within the public domain or historical data supplied in health check reports. His motion concerned information that Officers possessed about the actual financial position of the Council. He believed that Members should have access to such information, in order to make informed decisions. This had been demonstrated earlier in the consideration of car parking fees and whether there was a surplus or a deficit.

Councillor N Clark referred to information on budget options which he had received in December 2007, two months after his original request. If this had been provided in October 2007, all Members could have contributed to the budget process.

He reminded Council of his request at the previous meeting to the Executive Member for Resources and Internal Support on the availability of the medium term financial model. The Executive Member had stated that the model was only produced once a year, which had not been corrected by the Leader. Clearly, in approving the budget process in September 2007, a file copy of the model would have been available and yet he had been denied a copy until December 2007. This had proved interesting reading and he urged Members to obtain a copy.

Councillor N Clark stated that over 100 'e'-mails had been exchanged on this matter. He had involved Statutory Officers and had even made a Freedom of Information request. He did not believe that it should have taken two months to obtain this information and queried whether there was anything to hide. He expressed an interest in the views of the Leader and the Executive Member for Resources and Internal Support on his motion. Finally, he stated that all Members were democratically elected to represent residents and hold the Administration to account.

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The Leader stated that in principle, he could not disagree with the motion. However, there were times when the Administration was required to look at speculative options. He cited the example of the financial model, which he had seen three versions of in as many days. Members would have a full opportunity to debate the budget in the coming weeks.

The Leader commented that Members could ask for information at any time and that reasonable requests would be met. However, he suggested that one hundred 'e'-mails represented a diversion for Officers and their time.

Councillor D Clark suggested that the Leader might be confused. The Executive Member for Resources and Internal Support had stated that the medium term financial plan was only produced once a year and yet it must have produced as a background paper for the Executive meeting in September 2007. Officers were not permitted to work for any political group and by statute, background papers should be available to all Members. She suggested that there was a serious problem if the Leader did not understand the legal position.

Councillor D Clark stated that she was now an Independent as she could not support an Administration which avoided scrutiny of the Council's financial position by minimising the information provided to backbench Members. She referred to the rights and duties of all Members to scrutinise the Council's financial position and believed that a Conservative Council should uphold democracy.

The Leader suggested an amendment to the motion by the insertion of the words "relevant and proportionate" after the word "best".

Councillor N Clark, in summing up, accepted this amendment and asked that future requests for information be met. He acknowledged the demands placed on Officers but believed that this would be minimal if requests were met

ACTION

at the outset.

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

RESOLVED: that this Council agrees that all Members should have access to the best relevant and proportionate information on the financial position of the Council.

The meeting closed at 9.15 pm

Chairman
Date

Nps\Council\Minutes 9 Jan 2008