

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON TUESDAY 9 SEPTEMBER 2008 AT  
7.30 PM

PRESENT: Councillor A P Jackson (Chairman/Leader).  
Councillors M R Alexander, M G Carver,  
L O Haysey, T Milner, R L Parker and  
M J Tindale.

ALSO PRESENT:

Councillors R Beeching, D Clark, N Clark,  
J Demonti, R Gilbert, P Grethe, J K Mayes,  
N C Poulton, J O Ranger, P A Ruffles,  
J P Warren.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Claire Bennett	- Housing Strategy and Policy Manager
Mike Collier	- Interim Director of Internal Services
Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Senior Democratic Services Officer
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager
George A Robertson	- Director of Customer and Community Services
Tracy Strange	- Head of Health and Housing

## 267 LEADER'S ANNOUNCEMENTS

The Leader invited the Executive Member for Community Development, Leisure and Culture to make a statement in respect of the Government's recent proposals for free swimming to be provided to over-60s.

The Executive Member advised that the Council would be accepting the Government's offer of £35,889 grant to implement this initiative in East Herts for two years, at no cost to the Council. At this stage, it was not known whether Government funding would be available beyond the initial two year period. On this matter, she advised that negotiations with the Council's contractor would take place, if Government funding was not provided.

The Executive Member also advised that in respect of free swimming for under-16s, the Council would be submitting an expression of interest. However, participation would be dependent on Government funding, on which an announcement was expected shortly.

The Leader invited Councillor R Beeching to make a statement in respect of Sawbridgeworth Town Council's funding contribution of casual swimming at Leventhorpe pool.

Councillor R Beeching referred to the Town Council's decision to provide subsidy until the end of the current contract period, which at the time of the agreement, was scheduled to be 30 September 2008. As the District Council had since deferred the start date of the new contract until 1 January 2009, a shortfall had developed for the three month gap.

The Executive Member for Community Development, Leisure and Culture advised that this matter had been considered and that the shortfall would be met by the District Council.

268 DECLARATION OF INTEREST

Councillor M J Tindale declared a personal and prejudicial interest in the matter referred to at Minute 277 – Treasury Management Strategy Statement 2007/08 and Prudential Code Review, in that Scottish Widows, one of the Council's fund managers, was a client of his. He left the chamber whilst this matter was considered.

RECOMMENDED ITEMS

ACTION

269 HOUSING STRATEGY 2008 - 11

**The Executive Member for Housing and Health submitted a report seeking approval for the Council's new Housing Strategy, Action Plan and Affordable Homes Commissioning Brief.**

**The Executive Member detailed the context of the Strategy within the Government requirement for a strong sub-regional input rather than a purely local focus. There was a need for Districts to demonstrate how they were engaging with their sub-regional neighbours in the production of sub-regional housing strategies and sub-regional working. As funding from the Regional Board was devolved to a sub-regional level, it was important that Districts were as closely aligned and able to influence sub-regional priorities as much as possible, in order to benefit from future funding.**

**As Government guidance had been unclear with regards to the production of a local Housing Strategy, Officers had agreed to work with the London Commuter Belt (LCB) Housing Strategy Group to produce individual local strategies to an agreed template and agreed strategic priorities. The individual Local Housing strategies could then be easily amalgamated into an overarching sub-regional Strategy. The Strategy and its accompanying Action**

**Plan would be a local document with local priorities and actions, but with a sub-regional content.**

**Officers had been working on the East Herts Housing Strategy following the agreed template and timetable. The aims and objectives of the Strategy would be delivered with partner agencies, through the action plan which had been grouped by three Strategic Objectives, agreed by the Sub-Regional Housing Officers' group. These Strategic Objectives were:**

- Maximise the delivery of a range of new affordable homes to meet diverse needs.**
- Improve the condition of the housing stock both public and private.**
- Building sustainable and thriving neighbourhoods and communities and ensure that vulnerable people are supported in the community.**

**The Executive Member advised that the three year Strategy will be reviewed annually, which would provide an opportunity to measure progress being made on the actions. He also proposed that, in order to deliver the range of new affordable homes, a revision to the New Affordable Homes Commissioning Brief would be needed as detailed in the report now submitted.**

**The Executive Member proposed that the phrase, "appropriate at the time of the Planning Consent" (page 6.65 of the report now submitted), be deleted from the Commissioning Brief.**

**The Strategy had been considered and supported by the Community Scrutiny Committee, at its meeting held on 22 July 2008 (Minute 174 refers).**

Councillor J O Ranger referred to the Strategic Objectives of the Strategy and in particular, developing new affordable housing. He queried whether this was the first time that East Herts had produced a document informing developers of the requirements for the provision of affordable housing. He also enquired as to how the Council could ensure that affordable housing really was affordable. The Executive Member undertook to provide clarification before the Strategy was submitted to Council for approval.

Councillor N Clark sought comment on the relationship between the London Commuter Belt Housing Strategy Group and the various sub-regional groupings referred to in the separate agenda item on the East of England Development Agency. The Leader suggested that this could be dealt with outside of the meeting.

Councillor N Clark referred to the Action Plan and sought clarification on the reference to reducing gas emissions (page 6.56 of the report submitted). He also sought clarification on the inspections of houses in multiple occupation. The Executive Member undertook to provide a written response.

The Executive endorsed the Strategy, Action Plan and Commissioning Brief, as now submitted and amended.

**RECOMMENDED** - that (A) the East Herts Housing Strategy 2008-11, the accompanying Action Plan and New Affordable Homes Commissioning Brief, as now submitted and amended, be adopted; and DNS

(B) an annual report to monitor progress of the Action Plan be submitted to Community Scrutiny Committee. DNS

**270 FEES AND CHARGES STRATEGY**

**The Executive Member for Resources and Internal Support submitted a report outlining a strategic approach to setting discretionary fees and charges. This was based on the application of a set of guiding principles that considered both the financial and non-financial impact of charging, together with a rationale for the levels of subsidies for services.**

**The Executive noted that fees and charges had tended to be reviewed by the Council as part of its budget setting process, or as part of its Medium Term Financial Plan. The process generally involved the application of a percentage increase that was applied to all charges that the Council had free discretion over.**

**The Executive Member proposed a Strategy whereby the Council made strategic choices which sought to achieve the Council's strategic objectives, based on specific principles as detailed in the report now submitted. He detailed those areas of the Council's activities where the Council had discretion to set its fees and charges.**

**The Executive Member suggested that the effort put into reviewing and researching fees and charges should be proportionate to the amount of income the Council could expect to receive from each area. Areas where the Council currently provided a subsidy to an activity should also be prioritised. Each review should recommend fees and charges for the next three years. He proposed that Heads of Service should identify any areas where charges could be made but were not and make recommendations on an appropriate level of charge that could be introduced for 2009/10.**

The Corporate Business Scrutiny Committee, at its meeting held on 26 August 2008, had supported the recommendations and had asked Officers to ensure that residential parking permit charges were not increased disproportionately and to take steps to reduce the level of hackney carriage licence subsidies as part of the budget process (Minute 229 refers).

Councillor D Clark was advised by the Leader that he would only permit questions and not statements from non-Executive Members that were relevant to the matter being considered.

Councillor N Clark asked whether these proposals would change how decisions on fees and charges would be made. The Leader responded by stating that this was not relevant to the matter being considered and that, as this was a matter being recommended to Council, Members could comment at that meeting.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** - that (A) the principles for setting discretionary fees and charges, as listed below, be approved:

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- Any subsidy from council taxpayers to the service users should be a deliberate choice;
- Discretionary fees and charges should generate income to help deliver service improvements in priority services;
- Discretionary fees and charges should support the medium term financial strategy;
- There should be a measure of consistency

**in the setting of charges for similar services;**

- **Fees and charges should be set at a level to avoid unnecessary subsidies from the council taxpayer to commercial operations;**
- **If the impact of the fees and charges policy is going to be high, consideration should be given to changes being phased in.**

**(B) the fees and charges strategy be adopted as the basis for conducting structured reviews for consideration as part of the medium term financial planning process; and** **DIS**

**(C) Heads of Service be asked to identify any services where charges can be made, but are not, and to make recommendations on appropriate levels of charge that could be introduced for 2009/10.** **DIS**

**271 STANSTED AIRPORT GENERATION 2 AIRPORT PROJECT – SECOND RUNWAY, AND ASSOCIATED BUILDINGS AND FACILITIES – PLANNING APPLICATIONS (1)**

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**The Executive Member for Planning Policy and Transport submitted a report on the submission by the British Airports Authority (BAA) of various planning applications to Uttlesford District Council, in respect of the Stansted Airport Generation 2 (G2) Airport Project, comprising a second runway and associated buildings and facilities. He proposed an initial response to these proposals and sought approval for the Council's contribution towards the public inquiry costs.**



Details of the proposed response were set out in the report now submitted (see Minute 275 below). In respect of the costs, it was envisaged that East Herts Council would be involved with partner authorities in the public inquiry. The extent, nature and cost of such involvement had yet to be determined, but they were likely to be considerable.

Initial discussions with Uttlesford, Essex and Hertfordshire County Councils had indicated a cost sharing percentage basis of 30/30/30/10, with Uttlesford and the two County Councils funding 30% each and East Herts Council contributing 10% as a reasonable and appropriate basis for sharing costs. East Herts Council's proposed 10% would include a contribution to legal, planning and specialist studies and witnesses, but exclude transport matters, which would be funded by both County Councils, as highway and transport authorities. The indications were that the East Herts 10% costs would be approximately £170k over two years (£40k in 08/09, £130k in 09/10) and it was proposed that the total contribution be capped at £200k.

The Council had determined, as part of its Medium Term Financial Plan (2008/09 - 2011/12), to establish a Reserve, with funding of £150k per annum for four years. This would resource the Local Development Framework (LDF) Public Examinations, Stansted G2 Issues and a Strategic Green Belt Review. It was envisaged that, on the anticipated timescales for the LDF, the proposed commitment of £170k would leave sufficient resources in this Reserve, for other areas of work.

The Executive supported the recommendation as now detailed.

**RECOMMENDED** - that East Herts Council agrees in principle to contribute 10% of the Stansted G2 public inquiry local authority costs,

**DNS**

**excluding those relating to highways and transport matters, up to a maximum of £200,000, subject to appropriate finance being made available.**

**(see also Minute 275 below)**

### RESOLVED ITEMS

#### 272 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 20 August 2008 be confirmed as a correct record and signed by the Leader.

#### 273 ISSUES ARISING FROM SCRUTINY

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

RESOLVED – that the report be received.

#### 274 INFORMAL JOINT MEMBER LIAISON MEETINGS ON STANSTED AIRPORT – EAST HERTFORDSHIRE AND UTTLESFORD DISTRICT COUNCILS AND ESSEX AND HERTFORDSHIRE COUNTY COUNCILS - DRAFT TERMS OF REFERENCE

The Executive Member for Planning Policy and Transport submitted a report seeking approval to the recently prepared Draft Terms of Reference for the Informal Member Liaison Meetings on Stansted Airport, between East Herts and Uttlesford Councils and Essex and Hertfordshire County Councils.

The Executive recalled that, in November 2005, Council had agreed continued joint Member and Officer working in respect of Stansted Airport, with Hertfordshire and Essex County Councils and Uttlesford District Council (Minute 345 refers). The objective was to pool resources, to appraise and respond to growth proposals jointly, achieving wherever possible, an agreed and united position.

In order to put matters on a more formalised footing, particularly in the light of continued pressure to expand Stansted Airport and the now submitted G2 Second Runway Proposal, Terms of Reference had been prepared to guide the work of the Joint Member Liaison meetings. The Draft Terms of Reference, agreed by the Member Liaison meeting in April 2008, for consideration and ratification by the four constituent Authorities, were set out in Appendix 'A8' to the report now submitted.

Councillor R Gilbert commented on the need for members of the Stansted Airport Consultative Committee (STACC) to be briefed to ensure consistency between East Herts' representatives. In response to a question, the Executive Member confirmed that he did receive the Minutes of STACC meetings.

The Executive approved the proposals as now detailed.

RESOLVED – that East Herts Council agree and adopt the Terms of Reference contained at Appendix A to the report submitted, in respect of the Informal Joint Member Liaison Meetings on Stansted Airport, between East Hertfordshire and Uttlesford District Councils and Essex and Hertfordshire County Councils.

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275 STANSTED AIRPORT GENERATION 2 AIRPORT  
PROJECT – SECOND RUNWAY, AND ASSOCIATED  
BUILDINGS AND FACILITIES – PLANNING  
APPLICATIONS (2)

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The Executive Member for Planning Policy and Transport submitted a report on the submission by the British Airports Authority (BAA) of various planning applications to Uttlesford District Council, in respect of the Stansted Airport Generation 2 (G2) Airport Project, comprising a second runway and associated buildings and facilities. He proposed an initial response to these proposals and sought approval for the Council's contribution towards the public inquiry costs.

The Executive Member detailed the 38 planning applications that had been submitted and advised that these had all been called in for determination by the Secretary of State for Communities and Local Government. The Secretary of State had decided to hold an inquiry commencing in April 2009.

Uttlesford Council had advised that, whilst it was no longer the determining authority for these applications, any representations it received up to the consultation deadline of 26 September 2008, would be forwarded to the Inquiry Inspector for consideration. The proposed timetable for consideration of the proposals was detailed in the report now submitted.

The Executive noted that the proposal was to build a 3,048m long second runway, 2,200m to the east of and parallel to the existing runway, together with a new passenger terminal and other Airport development, including Airport infrastructure, air cargo handling facilities, aircraft maintenance, offices, hotels, retail, catering and other facilities. To provide surface access to this development, new highway junctions would be built on the M11 and A120. A second rail tunnel and a fourth platform at Stansted station would also be provided.

The Executive Member detailed the proposed response in the report now submitted.

The Leader proposed an additional recommendation as follows:

“the Director of Neighbourhood Services, in consultation with the Executive Member for Planning Policy and Transport, be given delegated authority to make payments for a single item, up to a maximum of £50k, as part of the Council’s contribution to the Stansted G2 public inquiry.”

In response to a query from Councillor R Gilbert, the Executive Member confirmed that the number of aircraft movements referred to at paragraph 4.8 of the report submitted, related to total movements including freight.

Councillor J O Ranger queried whether the resolution should reference the other Authorities who were members of the new CO2 (Councils Opposing a 2nd Runway at Stansted) group. The Executive Member commented that the resolution reflected what was happening now but that other Authorities were not precluded from joining in. The Leader added that the Authorities in question, Suffolk County and Braintree District, had not made any financial commitment at this stage.

In response to a question from Councillor J O Ranger, the Executive Member commented on the respective positions of the East of England Regional Assembly and the East of England Development Agency.

The Executive approved the proposals as now detailed.

RESOLVED – that (A) Uttlesford District Council and the Secretary of State for Communities and Local Government, be advised that East Herts Council:

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- (1) maintains its view that a second runway at Stansted Airport would be an *“unprecedented and wholly unacceptable environmental and visual disaster”* as Graham Eyre, Planning Inspector, concluded in his report following the Airport Inquiries 1981-83;
- (2) reaffirms its continuing and absolute opposition to a second runway at Stansted Airport because of the considerable environmental, economic and social consequences for the local community, in terms of increased aircraft movements and noise, road traffic congestion and resultant air pollution; threat of urbanisation and resultant change in character of the area and strain on both transport and social infrastructure; uncertain net benefit to the local economy in a buoyant economic area, with very low unemployment, and little prospect of a locally available workforce, to service an airport with a further runway; and
- (3) considers that the planning applications for a second runway at Stansted Airport and associated buildings, facilities, and operational development, should be dismissed;

(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Transport, be given delegated authority to make further amendments/additions, which support the Council’s response, which may be deemed appropriate and/or arise from further work with other Authorities, prior to the end of consultation period on 26 September 2008;

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(C) East Herts Council continues to work in partnership with Uttlesford District Council, Essex and Hertfordshire County Councils, local

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communities and others, to achieve dismissal of the proposal; and

(D) the Director of Neighbourhood Services, in consultation with the Executive Member for Planning Policy and Transport, be given delegated authority to make payments for a single item, up to a maximum of £50k, as part of the Council's contribution to the Stansted G2 public inquiry.

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(see also Minute 271 above)

276 HERTFORDSHIRE WASTE PARTNERSHIP –  
MEMORANDUM OF UNDERSTANDING REVISIONS

The Executive Member for Environment and Conservation submitted a report advising of proposals to formalise the Memorandum of Understanding (MOU) for the Hertfordshire Waste Partnership.

Under its Terms of Reference, the Hertfordshire Waste Partnership (HWP) had been set up as a Member Group comprising Councillors from the 11 Hertfordshire Authorities. This was supported by an officer structure comprising a strategic 'Directors Group'; a 'Heads of Waste Group', comprising the senior client officers, giving technical and professional advice to Members; and several operational groups dealing with 'Street Care', Waste collection and disposal issues and 'WasteAware' (waste and recycling promotion and publicity).

The Partnership had had an informal Memorandum of Understanding in place since 2002, which had been updated to reflect a revised officer reporting structure in 2007. The Executive Member detailed the reasons why it had become necessary for the Partnership to raise the status of the MOU so that it became a more formal agreement between partners that clearly reflected the obligations on all sides. Appendix 'A10' of the report now submitted included the Partnership's proposed changes to the MOU, together with a covering letter from the Leader of

Hertfordshire County Council.

The Executive Member proposed a further revision by the insertion of the word “appropriate” after the word “sufficient” in paragraph 1.1 of the Waste Disposal Authority’s commitments. He also sought approval for delegated authority to agree any final changes following consideration by the Partnership.

In response to a question from Councillor R Gilbert, the Executive Member commented that he was satisfied that waste from the District was ending up where it was supposed to.

The Executive endorsed the revisions as now detailed.

RESOLVED – that (A) the proposed revisions to the Hertfordshire Waste Partnership Memorandum of Understanding, as now amended, be approved; and

DCCS

(B) the Executive Member for Environment and Conservation be authorised to agree changes on behalf of the Council.

277 TREASURY MANAGEMENT STRATEGY STATEMENT  
2007/08 AND PRUDENTIAL CODE REVIEW

The Executive Member for Resources and Internal Support submitted a report providing an annual review of the Council’s 2007/08 Treasury Management and Prudential Code arrangements in line with the requirements of the code of practice on Treasury Management. As he had left the chamber (see Minute 268 above), the Leader presented the report.

The Executive noted that the annual review covered:

- the Council’s current treasury position;
- the strategy for 2007/08;



- the economy in 2007/08;
- the borrowing outturn for 2007/08;
- compliance with treasury limits and Prudential Indicators;
- investment outturn for 2007/08;
- debt rescheduling; and
- Minimum Revenue Provision (MRP).

Councillor D Clark asked whether, in view of the Executive Member's stated interest, future reports on this matter should be submitted by the Leader.

The Leader responded by stating that that this may be appropriate. He also advised that as part of the close monitoring of the position, it might be appropriate to submit further reports at more regular intervals.

The Executive approved the report as now detailed.

RESOLVED – that (A) the 2007/08 Treasury Management and Prudential Indicator Out-turn be noted and no changes be made at this stage to the investment parameters or prudential indicators for 2008/09; and DIS

(B) the MRP provision for 2008/09 be calculated as set out within the report. DIS

278 EAST OF ENGLAND DEVELOPMENT AGENCY'S (EEDA) ROLE IN PARTNERSHIP AND ENGAGEMENT

The Executive Member for Planning Policy and Transport submitted a report seeking to provide an initial response to the EEDA consultation paper "Sub-Regions in the East of England – EEDA's role in partnership and engagement".

The Executive recalled that, at its meeting held on 27 May 2008, it had agreed to recognise the opportunities available to District Councils as a result of the Sub National Review and instructed the relevant Officers to work with local authority and other partners in establishing the best model for delivering economic outcomes and benefits locally. Since then, EEDA had published a discussion paper in June 2008, to further consider its role in partnerships and how it might best engage with sub-regions in the East of England. EEDA had invited responses from interested parties to the issues raised in their discussion document and in particular, to discuss, develop and agree locally designed proposals that could best address the needs of sub-regional economies.

The Executive Member summarised the key points of the EEDA discussion paper at Appendix 'A12' of the report now submitted.

The Executive endorsed the work being undertaken as now detailed.

RESOLVED – that the work being undertaken with county-wide partners to develop a Hertfordshire / district focused response to EEDA discussion paper be endorsed.

## 279 LOCAL CODE OF CORPORATE GOVERNANCE

The Executive Member for Resources and Internal Support submitted a report on the draft Local Code of Corporate Governance. The draft Code had been based on the Delivering Good Governance in Local Government Framework.

The Executive noted that the Council had tested its structures against the principles contained in the Framework by reviewing the existing governance arrangements and developing an up-to-date Local Code of Governance, which included arrangements for ensuring its

ongoing application and effectiveness.

The Executive Member detailed the Code at Appendix 'A13' of the report now submitted.

Councillor N Clark referred to paragraph 2.7 of "Principle 2" and asked whether the Monitoring Officer had any teeth in ensuring that agreed procedures were followed. The Leader commented that if was felt necessary, a written response could be provided.

The Executive approved the Code as now submitted.

RESOLVED – that the Local Code of Corporate Governance be approved.

## 280 ANNUAL GOVERNANCE STATEMENT

The Leader of the Council submitted a report presenting the final version of the Annual Governance Statement.

Members recalled that the Statement had been endorsed at the meeting held on 5 August 2008. A number of non-material amendments arising from comments received from the External Auditor had now been incorporated.

The Executive received the final version of the Statement.

RESOLVED – that the amended version of the Council's Annual Governance Statement be received.

## 281 REFURBISHMENT OF HILLCREST AND BIRCH HOUSE

The Executive Member for Housing and Health submitted a report seeking approval to invite tenders for the conversion of Hillcrest and Birch House to self-contained accommodation.

The Executive recalled that, at its meeting held on 1 July

2008, it had approved proposals to develop self-contained units at Hillcrest and Birch House (Minute 107 refers).

The Executive approved the proposal as now detailed.

RESOLVED – that the Council seek tenders to convert Hillcrest and Birch House to 12 self-contained units.

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## 282 MONTHLY CORPORATE HEALTHCHECK

The Leader of the Council submitted an exception report on the finance, performance and risk monitoring for the month of July 2008.

He proposed that £50k of partnership income be utilised to fund the retention of an agency member of staff in Building Control for the remainder of 2008/09. In response to a question from Councillor D Clark, it was clarified that this related to the Everest partnership.

Councillor N Clark referred to the adverse variance for parking services and asked whether consideration would be given to the impact of increased charges on income levels. He believed that the increased charges in Sawbridgeworth had resulted in reduced income.

The Executive Member for Planning Policy and Transport commented that he was reviewing a range of issues, such as the introduction of charges at Buntingford and Stanstead Abbots and the profiles of all car parks. He further commented that the variance related to car parks overall.

In response to a query from Councillor D Clark, the Director of Neighbourhood Services clarified the adverse position on the decommissioning and refurbishment of Thele and Hillcrest hostels.

The Executive approved the healthcheck as now detailed.

RESOLVED - that the Corporate Healthcheck for the July 2008 period and £50k of partnership income to be utilised to fund the retention of an agency member of staff for the remainder of the year in Building Control, be approved.

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The meeting closed at 9.00 pm

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Chairman	.....
Date	.....