

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 1
OCTOBER 2008 AT 7.30 PM

PRESENT: Councillor Mrs D L E Hollebbon (Chairman).
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,
D Clark, N Clark, R N Copping, K Darby,
A F Dearman, R Gilbert, Mrs M H Goldspink,
P Grethe, L O Haysey, J Hedley, Mrs D M Hone,
A P Jackson, G Lawrence, G McAndrew,
M P A McMullen, J Mayes, R L Parker,
D A A Peek, M Pope, N C Poulton, W Quince,
R Radford, J O Ranger, P A Ruffles,
S Rutland-Barsby, J J Taylor, R I Taylor,
M J Tindale, J P Warren, N Wilson, M Wood,
C Woodward, B Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Mike Collier	- Acting Director of Internal Services
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Programme Director of Change
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

ALSO IN ATTENDANCE:

Gary Hammersley - Audit Commission

304 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised of the various events she had attended since the previous meeting. In particular, she highlighted the charity golf day, in which she had sponsored a team of four golfers, including Councillor J Mayes, to represent the District.

Councillor J Mayes thanked the Chairman for her sponsorship of the team.

The Chairman also advised that the Lord Lieutenant would be visiting the District on 10 October 2008.

Looking forward to Christmas, the Chairman gave notice of her intention to offer light refreshments to Members after the Council meeting on 10 December 2008. She also advised that light refreshments would be offered to staff on 11 and 12 December 2008.

The Chairman reminded Members that the Civic Service would be held on 11 January 2009 and that the Civic Dinner would be held on 21 March 2009. Further details would be circulated to Members in due course.

Finally, the Chairman referred to the new display of photographs of past Chairmen at the back of the Chamber. She advised of an error in the sizing of the photographs, which would be corrected by the supplier.

305 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 25 June 2008, be approved as a correct record and signed by the Chairman.

ACTION306 DECLARATIONS OF INTEREST

Councillor N Clark declared a personal interest in the matters referred to at Minutes 197 – 203 and 210 (Local Development Framework matters), in that they were all related to the Stop Harlow North Campaign, of which he was the Secretary.

Councillor B Wrangles declared a personal interest in the matter referred to at Minute 172 – Review of the Community Meals Service, in that she was a volunteer for the Women's Royal Volunteer Service.

Councillor Mrs M H Goldspink declared a personal interest in the matter referred to at Minutes 271 and 274 – 275 (Stansted Airport expansion matters), in that she was a member of Stop Stansted Expansion.

Councillor Mrs D L E Hollebon declared a personal and prejudicial interest in the matters referred to at Minutes 271 and 274 – 275 (Stansted Airport expansion matters), in that she was employed by Essex Police at the Airport. She left the Chamber during consideration of Minute 271 and Councillor S A Bull assumed the chair for this item only.

307 PRESENTATION –
COMPREHENSIVE AREA ASSESSMENT

Gary Hammersley, Relationship Manager of the Audit Commission, gave a presentation on the Comprehensive Area Assessment (CAA).

He outlined the new approach that would be taken that would involve joined up assessment of joined up local public services. There would be more focus on outcomes and local priorities rather than on organisations. The CAA would be about an evolving dialogue rather than a single event.

Gary Hammersley detailed the alignment of CAA with other performance frameworks and how it would focus on priority

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outcomes targeted within Local Area Agreements and Sustainable Community Strategies. He referred to the flagging system that would be used instead of a scoring system and demonstrated how the public could access the assessment of services in their area. Finally, he outlined the timeline for the introduction of CAA.

After Gary Hammersley dealt with Members' questions, the Chairman thanked him for his presentation.

308 MEMBERS' QUESTIONS

Councillor P A Ruffles referred to the Audit Commission's recently published report on services for older people called "Don't Stop Me Now - Preparing for an Ageing Population." He asked the Executive Member for Housing and Health how this would be implemented in East Herts.

The Executive Member for Housing and Health expressed his surprise that the Audit Commission had produced this report. He referred to the ageing population and the percentage of over 60s representation on the District Council as being at 50%.

He recalled his time as Chairman of the Council and the various groups he had visited, including many involving sporting activities. He believed that the District Council had a good track record of providing support to older people and referred to the capital grants given to many community organisations since the 1980s.

He also referred to many other types of support that had been provided over many years, such as community meals on wheels, personal alarms, adaptation grants, sheltered housing and extra care homes. The Council had provided significant support to organisations, community facilities and for Christmas parties for the elderly.

The Executive Member concluded by suggesting that perhaps East Herts was ahead of the game, as evidenced by the District appearing near the top of Health indicators.

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Despite this, there was no room for complacency. He believed that compared to some metropolitan areas, local people always had the contact details of District councillors. Finally, he referred to the relevance of the question as today was UK Older People's Day.

Councillor D Clark referred to the recent advertisement for a new Director of Internal Services, which referred to a core responsibility "to ensure with the Monitoring Officer and the Chief Executive, as far as practicable, that the Council's activities demonstrate probity, equity and transparency." She asked the Leader to explain, in what circumstances, it might be impracticable for East Herts Council to demonstrate these three qualities.

In response, the Leader expressed his bemusement as, having reviewed the advertisement, he could not find any reference to the wording quoted in the question.

As a supplementary, Councillor D Clark referred to a print out from the Council's website and asked the Leader to respond.

The Leader commented that he expected Officers to show integrity at all times.

Councillor D Clark referred to the last Council meeting, when having had the benefit of notice and time to check records, Councillor Alexander, a member of the Development Control Committee, who was also the portfolio holder for Development Control and the Deputy Leader, reaffirmed that he was unable to remember whether he had heard any representations from applicants or interested third parties during site visits this year, without an officer being present. She asked the Leader whether he was comfortable in the knowledge that, a member of the Development Control Committee apparently, could not remember who he had met, what had been discussed and did not keep notes as a reminder.

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In reply, the Leader stated that the Executive Member for Community Safety and Protection was best placed to respond.

The Executive Member for Community Safety and Protection reiterated that, as a Development Control Committee Member, he went on many site visits and that, sometimes he saw other Members and Officers there.

He referred to children on school trips, who armed with their notebooks and questions, appeared to miss the details of what they were visiting. His approach on site visits was to focus on what he was looking at and not to make notes.

The Executive Member asked whether Councillor D Clark had a particular application in mind. If so, perhaps if she shared that with him then it might trigger something in his memory.

Councillor N Clark commented that the Monitoring Officer had confirmed in writing that the item on the Executive agenda of 20 August 2008, concerning the key decision to award the Leisure contract to either SLM or SLL “was not considered by one of the Scrutiny Committees”. The constitution stated that “Prior to any key decision being taken, Scrutiny will be given the opportunity to consider the item” and “The Scrutiny Committee will receive a full report on the item”. He asked the Executive Member for Community Development, Leisure and Culture to explain why the provisions of the Constitution had not been followed in this case and why no Scrutiny Committee was provided with a full report covering the financial and quality aspects of the separate bids.

In reply, the Executive Member for Community Development, Leisure and Culture detailed the process which had resulted in the procurement of SLM as the new leisure providers. Following approval of the Cultural Strategy in 2007, a number of reports had been submitted to the Community Scrutiny Committee and the Executive.

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She quoted the Constitution as it related to the evaluation of tenders by Directors. This was an operational matter for Officers to determine within approved policies. The appropriate report had been submitted to Community Scrutiny Committee on 22 July 2008, who had endorsed the approach taken.

The Executive Member believed that the purpose of scrutiny was to develop policy proposals and to review and scrutinise the policies of the Council. It was not appropriate for scrutiny to look at detailed bids as this was the job of Officers.

As a supplementary question, Councillor N Clark asked why his request for further information on the bids were not met until mid-September 2008, after the possibility of a call-in had passed. The Executive Member reiterated that these were operational details and were not relevant.

Councillor N Clark referred to Council's decision that the proposed capital programme to 2011 would be funded substantially from available capital receipts without the need for borrowing. The forecast for receipts arising from "Preserved Right to Buy" applications, which made up a significant proportion of the total forecast receipts, was revised upwards at the time of the budget to reflect an average 15 sales per annum. He asked the Executive Member for Resources and Internal Support to update Council on the actual number of sales from "Preserved Right to Buy", and the associated capital receipts for 2008/09 to date.

In reply, the Executive Member for Resources and Internal Support stated that there had been no sales in 2008/09 to date.

As a supplementary question, Councillor N Clark asked whether the Executive Member agreed that it would be advisable for the capital receipts programme to be properly scrutinised alongside the capital expenditure programme as

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part of the budget process.

In reply, the Executive Member referred to the three year capital programme of over £19million and stated that the next two years of the programme were currently funded. He acknowledged the current difficult economic climate and believed that there would be a number of opportunities to revise the programme during this period if necessary.

Councillor M Wood asked the Executive Member for Planning Policy and Transport if he agreed that there was considerable consternation and disappointment among potential sponsors of roundabouts to find that they would be sponsoring 'as seen' and not for any floral displays or new planting. He also asked if he agreed that this indicated a complete lack of understanding as to the purpose of roundabout sponsorship and, considering the floral displays visible on roundabouts in neighbouring Authorities and further afield, a lack of pride and initiative within East Herts District.

Councillor Mrs M H Goldspink asked the Executive Member for Planning Policy and Transport why the District could not have any flowers on the sponsored roundabout in Bishop's Stortford.

In response to both these questions, the Executive Member for Planning Policy and Transport commented that all sponsors were satisfied with what they were receiving and that no complaints had been received. He referred to the recent call-in of his non-key decision on this matter and welcomed the opportunity to reiterate the position to Members. He believed that the pilot had been successful and that Officers should be congratulated for their efforts.

In response to supplementary questions, the Executive Member expressed his confidence that the situation would be reviewed at the call-in and that other areas could be looked at.

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Councillor Mrs M H Goldspink asked the Executive Member for Environment and Conservation when it would be possible to provide a litter bin beside the new landmark bridge at Bishop's Stortford Goods Yard.

In the absence of the Executive Member for Environment and Conservation, the Leader shared these concerns and commented that a bin would be provided once the works had been fully completed. He undertook to ask the Executive Member to provide a written response.

309 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 1 July, 5 and 20 August and 9 September 2008.

The Leader referred to several items considered by the Executive which he was confident would make a difference to people's lives. He referred to the Customer Services Strategy, the response to the Stansted Airport consultation, the Credit Union and the Leisure procurement. He recognised the robust role played by scrutiny throughout the tendering process.

The Leader reflected on the current uncertain economic climate and the impact on local businesses and people. He commented on the role of local authorities in assisting vulnerable sections of the community, such as those struggling to pay their rents or mortgages.

The Leader referred to the recent campaigns to prevent the closure of local post offices in various locations within the District, which exemplified the community leadership role that councillors could play. He congratulated all residents who had made strong representations and in particular, those involved in the significant success of saving Bengoe post office from closure.

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The Leader stated that the Executive Member for Planning Policy and Transport was considering the possibility of allocating £10k of LABGI funds to assist businesses affected by the closures. He believed that the Council was valued by its partners and could be proud in its role as a community leader.

Finally, the Leader looked forward to working with everyone to improve the quality of people's lives, but commented that he had no time for those looking for minor faults in process.

In response, Councillor M Wood, on behalf of his Group, commented that he could not disagree with much of the Leader's statement. He also recognised the role of the community in opposing post office closures and congratulated those who had fought to save Havers Lane post office. He also referred to the devastating impact that the second runway at Stansted Airport would have.

The Leader apologised for omitting Havers Lane from his statement and congratulated the residents on their successful campaign.

Councillor N Clark, on behalf of his Group, also expressed his support for much of the Leader's statement relating to Stansted Airport and the Credit Union. In respect of the Leisure procurement process, he expressed his disappointment that the details of the bids had not been scrutinised. He believed that residents had been left unclear as to what the change in service provider would mean for them.

Councillor N Clark also referred to the uncertain economic climate and supported the proposed £10k assistance for businesses. He concluded by expressing his disappointment with the Leader's final comment.

In respect of Minute 102 – Changes to Disabled Facilities Grants, Councillor Mrs M H Goldspink sought and was given reassurance that the proposed changes would be monitored

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closely.

In respect of Minute 109 – Update on the Procurement of a Suitable Composting Plant, Councillor N Clark queried whether the Executive Member had commented on the prohibitive costs of separate weekly food waste collections. He also asked whether, given recent Conservative Party statements committing to weekly waste collections, the Council's Strategy was now outdated.

In reply, the Leader commented that the Strategy remained unchanged, but that with so much going on, there was a need for further updates to be provided to all Members.

In respect of Minute 110 – Car Park Pay on Foot/Pay on Exit Feasibility Study, Councillor D Clark asked when the review of parking in Hertford would be completed.

In reply, the Executive Member for Planning Policy and Transport stated that the review would be completed in the next six to nine months once the outcome of the major supermarkets' planning applications was known.

In respect of Minute 199 – Retail and Town Centres Technical Study, Councillor N Clark referred to concerns that had been raised by the Sawbridgeworth Town Partnership about some aspects of the Study as it related to Sawbridgeworth. He thanked the Executive Member for Planning Policy and Transport for his correspondence on this matter, but asked him to respond for the record.

In reply, the Executive Member for Planning Policy and Transport referred to the methodology used in the Study as being based on concentric circles, which would produce results for settlements on the edge of neighbouring towns, e.g. Sawbridgeworth and Harlow. He commented that some amendments would be necessary to the Appendices relating to Sawbridgeworth and Buntingford.

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In respect of Minute 267 – Leader’s Announcements as it related to the provision of free swimming for the over 60s, Councillor N Clark asked on what basis the new leisure provider would be paid for operating free swimming for the over 60s and how value for money would be monitored.

In reply, the Leader stated that he could not answer this and suggested that Officers could respond.

In respect of Minute 280 – Annual Governance Statement, Councillor D Clark asked the Leader to confirm whether he and the Chief Executive had signed the amended Statement and if he could confirm that the final version contained revised target dates for actions agreed previously in the 2006/07 Statement of Internal Control. She also asked if Members would have the opportunity to consider the External Auditor’s comments and the reasons for the lack of progress.

In reply, the Leader undertook to provide a written response.

RESOLVED – that the Minutes of the Executive meetings held on 1 July, 5 and 20 August and 9 September 2008, be received, and the recommendations contained therein, be adopted.

310 MINUTES OF COMMITTEES

(A) AUDIT COMMITTEE – 24 JUNE 2008

In respect of Minutes 74 and 75 – General Fund Revenue Outturn 2007/08 and Capital Payments and Financing 2007/08, Councillor D Clark asked why these items had been considered by the Audit Committee when they were not included in the Committee’s Terms of Reference.

Councillor W Quince advised that Councillor D Clark had asked this question at the Audit Committee meeting and that he had accepted Officers’ advice. He suggested that this matter could be dealt with outside of the meeting.

ACTION

Councillor D Clark suggested that Officers' advice had been that these two items were not included in the Committee's Terms of Reference. She displayed the Terms of Reference and asked for confirmation that these two items were included.

Councillor W Quince reiterated that he had accepted the advice of Officers.

RESOLVED – that the Minutes of the Audit Committee meeting held on 24 June 2008, be received.

(B) DEVELOPMENT CONTROL COMMITTEE
– 2 JULY 2008

RESOLVED – that the Minutes of the Development Control Committee meeting held on 2 July 2008, be received.

(C) LICENSING COMMITTEE – 9 JULY 2008

RESOLVED – that the Minutes of the Licensing Committee meeting held on 9 July 2008, be received.

(D) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 15 JULY 2008

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 15 July 2008, be received.

(E) HUMAN RESOURCES COMMITTEE
– 16 JULY 2008

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 16 July 2008, be received.

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(F) COMMUNITY SCRUTINY COMMITTEE
– 22 JULY 2008

In respect of Minute 172 – Review of the Community Meals Service, Councillor J O Ranger asked whether the information sought by Councillor A D Dodd had been provided. The Committee Chairman undertook to check with Officers.

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 22 July 2008, be received.

(G) DEVELOPMENT CONTROL COMMITTEE
– 30 JULY 2008

RESOLVED – that the Minutes of the Development Control Committee meeting held on 30 July 2008, be received.

(H) STANDARDS COMMITTEE – 19 AUGUST 2008

RESOLVED – that the Minutes of the Standards Committee meeting held on 19 August 2008, be received.

(I) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 26 AUGUST 2008

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 26 August 2008, be received.

(J) DEVELOPMENT CONTROL COMMITTEE
– 27 AUGUST 2008

Council noted a typographical error in Minute 251 – Application E/08/0050/B, which had been approved by the Committee.

ACTION

RESOLVED – that the Minutes of the Development Control Committee meeting held on 27 August 2008, be received.

(K) AUDIT COMMITTEE – 3 SEPTEMBER 2008

RESOLVED – that the Minutes of the Audit Committee meeting held on 3 September 2008, be received.

(L) ENVIRONMENT SCRUTINY COMMITTEE
– 16 SEPTEMBER 2008

In respect of Minute 286 – ‘Stop the Drop’ Campaign, the Committee Chairman advised that the wording at resolution (A) would be resolved at the next meeting.

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 16 September 2008, be received.

311 EAST HERTS CITIZENS ADVICE SERVICE (EHCAS)
– SUPPLEMENTARY REVENUE ESTIMATE

The Executive Member for Resources and Internal Support submitted a report seeking approval of a supplementary revenue estimate to assist restructuring proposals of the East Herts Citizens Advice Service (EHCAS).

The medium term financial planning process, which the Council undertook during 2007/08, included a consideration of its overall approach to discretionary spending. In broad terms, it signalled the need to reduce spending in those areas more relevant to the responsibilities of other agencies and to see its remaining contributions more tightly focused on the needs of the disadvantaged and vulnerable residents of East Herts.

The Council had engaged in numerous meetings and discussions with EHCAS to secure its future. The EHCAS

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board had estimated “spend to save” restructuring costs as being of the order of £116k, which would need to be found in the current financial year. EHCAS was keen to show a willingness to continue to work with the Council but did not have sufficient funding in its reserves to meet that entire sum. The restructuring changes had been proposed in response to the Council’s request for reconsideration of its service delivery arrangements.

It was intended that the restructuring would help deliver longer term savings and a potentially more focused service for the people of East Herts. Therefore, he proposed that the Council made a contribution of £50k towards the costs, as a one-off payment, being just less than half of the identified sum needed to facilitate the changes needed.

In response to a question from Councillor D Clark, the Executive Member commented that he was unable to provide further details of the restructuring until EHCAS had made public its intentions.

Councillor D A A Peek congratulated the Executive for their efforts in securing a satisfactory outcome.

Council approved the supplementary revenue estimate as now detailed.

RESOLVED – that a one-off supplementary revenue estimate of £50,000 be made available from balances to the East Herts Citizens Advice Service (EHCAS) in 2008/09, for one-off restructuring costs.

The meeting closed at 9.25 pm

Chairman
Date