

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 18
FEBRUARY 2009 AT 7.30 PM

PRESENT: Councillor Mrs D L E Hollebon (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, K A Barnes, R Beeching, S A Bull,
M G Carver, Mrs R Cheswright, D Clark, N Clark,
R N Copping, K Darby, A F Dearman, J Demonti,
A D Dodd, R Gilbert, A M Graham, P Grethe,
L O Haysey, A P Jackson, G Lawrence,
G McAndrew, M P A McMullen, T Milner,
R L Parker, D A A Peek, M Pope, W Quince,
R Radford, J O Ranger, S Rutland-Barsby,
G D Scrivener, J J Taylor, R I Taylor, M J Tindale,
A L Warman, 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
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager
George A Robertson	- Director of Customer and Community Services

585 CHAIRMAN'S ANNOUNCEMENTS

Members and Officers observed a minute's silence in memory of ex-Councillor E F Pearman, who had recently passed away. Council noted that he had represented Walkern ward of the District Council from 1983 to 1995.

The Chairman advised of the various events she had attended since the previous meeting. In particular, she highlighted the National Yellow Pages Award, in which pupils from Hollybush School had achieved second place. She also referred to the outstanding talent that had been demonstrated at the various pantomimes she had been lucky enough to attend.

The Chairman referred to the staff drinks at Christmas and advised that this had been well received. She also thanked Members for their support at the Civic Service, at which a collection for the East Herts Alzheimer's Society had raised £246.

Finally, the Chairman reminded Members of the Civic Dinner on 21 March 2009 and asked Members who had yet to respond to do so as soon as possible.

586 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 10 December 2008, be approved as a correct record and signed by the Chairman.

587 MEMBERS' QUESTIONS

Councillor A D Dodd, on behalf of Councillor P A Ruffles, asked the Executive Member for Planning Policy and Transport if, in view of the fact that the "Hertford Urban Transport Plan" was about to be developed by Hertfordshire Highways as an inter-dependent exercise, he was able to give a progress report on the "Mead Lane Master Plan

ACTION

Study” at East Herts Council.

In reply, the Executive Member for Planning Policy and Transport commented that it had previously been envisaged that a Mead Lane Master Plan Study, to investigate access issues and identify possible solutions to enable the development potential of the area to be unlocked, would be managed as a separate project that would subsequently feed into the wider Hertford Urban Transport Plan.

However, the synergies between the two projects were such that it was considered a more efficient use of resources for the Mead Lane element not to be treated as a stand alone commission, but rather form a discrete section of the, now expanded, “Hertford and Ware Urban Transport Plan”. This larger scoped project, currently the subject of a tendering process, was being let and project managed by Hertfordshire County Council with considerable involvement by this Council’s Officers throughout this joint working process. The funding for the now titled “Mead Lane Access Masterplan Study” element of the commission had been secured via Section 106 contributions from developments granted permission in the vicinity of the study area. The timetable for the entire Hertford and Ware Urban Transport Plan project involved commencement in April 2009 and conclusion by the end of March 2010. The Executive Member believed that that the project demonstrated a good example of partnership working with Hertfordshire Highways.

Councillor D Clark referred to the Executive’s decision in July 2008 for an appraisal of the detailed financial and property issues to be brought forward so that a firm decision could be made on the move to Wallfields. As yet, the move had only been approved in principle and no final business case had been presented or approved for this proposed £2.67m capital investment. However, activity on the project continued apace, consuming resources and causing concern and uncertainty for staff. She asked the Leader of the Council if he could explain the delays and advise on when the business case would be presented.

ACTION

In reply, the Leader referred to the activities as being in line with the decision taken. A business case would be presented as soon as the assessments required under the Council's Financial Regulations had been completed.

Councillor D Clark asked the Leader of the Council what were the most important qualities that he looked for in his statutory officers.

In reply, the Leader commented that he did not have any statutory officers as it was Council who appointed its statutory officers.

Councillor N Clark asked the Leader of the Council if he could confirm, or otherwise, that East Herts Council's surveillance policy prohibited surveillance for all but the most serious criminal offences and required the Leader to sign off all requests for surveillance in accordance with last year's Conservative Party policy announcement.

In reply, the Leader stated that Officers adhered to guidance notes and that these provided for senior officers, who had the necessary experience and training, to authorise such requests. It was not for the Leader to sign off requests.

In response to a supplementary question on why the Leader was not following Conservative Party policy on an area of discretionary activity, the Leader stated that although he looked forward to a Conservative Government, the Council was obliged to comply with current legislation. He confirmed that the current guidance stated that it was inappropriate for covert surveillance to be used in respect of minor offences, such as litter, dog fouling, etc.

Councillor N Clark stated that legislation required the arrangements for councillors' allowances to be reviewed every four years. Last March, the Leader had stated that this review "would be undertaken shortly." Another 11 months had passed without a fundamental review and without the independent Remuneration Panel meeting. He

ACTION

asked the Leader of the Council to explain why.

In reply, the Leader stated that the Remuneration Panel was scheduled to meet on 19 March 2009.

Councillor N Clark stated that the Local Government Association would soon be publishing the 2008 members' allowances survey. He asked a supplementary question on whether the Leader would be asking the Independent Remuneration Panel to give this survey significant weight in its deliberations and to address any obvious large discrepancies between East Herts Council's Special Responsibility Allowances and those of other similar shire districts and if not, why not.

In reply, the Leader stated the Panel would have a variety of sources of data to draw on.

588 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 6 January and 10 February 2009.

In respect of Minute 480 – Capital Programme 2008/09 (Revised) – 2011/12, the Leader referred to a proposal from Corporate Business Scrutiny Committee for £15,000 to be included for a digital “What’s On” board in Jackson Square, Bishop’s Stortford. He proposed an amendment to the recommendation to the effect that this item would be included in the 2009/10 programme. Council approved this amendment.

Prior to the various recommendations in respect of the budget being considered, the Executive Member for Resources and Internal Support gave a presentation explaining the rationale for the Executive’s proposals.

The Executive Member referred to the current economic climate and defined the budget’s objectives as being to avoid erratic and unexpected rises in council tax levels year on

ACTION

year, protecting the Council's investments in the long term and reaching a balanced budget in the medium term.

He referred to the potential impact of the recession in terms of fewer housing starts, reduced income streams and a higher risk of rent and council tax defaults. The Executive Member gave details of the 2008/09 anticipated outturn and highlighted the performance on investment returns.

The Executive Member referred to the highlights of the 2009/10 budget:

- Parking – Smartcard discounts
- Leisure – capital investments
- Summer activities extension
- Castle Hall review
- Credit Union
- Recycling – introduction of Alternate Refuse Collections (ARC)

He concluded by stating that the Executive's proposals, as amended by Corporate Business Scrutiny Committee's suggestions on freezing the Members' Allowances budget, would mean a Council Tax increase of 3.4%.

Councillor M Wood, on behalf of the Liberal Democrat Group, acknowledged the difficulties presented by the current economic climate. He stated that his Group supported the budget and welcomed the proposed inclusion of the £15,000 for the "What's On" board.

However, his Group could not support the proposed increase in fees and charges in respect of off-street resident season tickets, as they affected significantly, a few residents in

ACTION

Crown Terrace, Bishop's Stortford.

Councillor N Clark, on behalf of the Independent Group, referred to current inflation indices, which were lower than the proposed council tax increase. He gave notice of his intention to propose a lower increase. Councillor N Clark questioned whether the use of the Interest Equalisation Reserve had been planned in the way the Executive Member had suggested. He expressed his belief that the budget position was not as favourable as the Executive Member had pictured and referred to overspends only being neutralised by uncontrollable favourable variances.

Councillor N Clark suggested that with capital reserves being depleted, large items such as the Stort bridge adoption, a possible pension revaluation and the threat of redundancies, the Council was not well placed in the current climate.

In respect of Minute 552 – Treasury Management Strategy Statement and Annual Investment Strategy 2009/10, the Executive Member for Resources and Internal Support undertook to provide a written response to Councillor D Clark in respect of the purpose of recommendation (B).

In respect of Minute 553 – Car Park Fees and Charges, Councillor A M Graham requested the Executive to review the proposals relating to the off-street resident season tickets affecting Crown Terrace. The Leader commented that this could be reviewed without prejudice if necessary. The Executive Member for Planning Policy and Transport reminded Members that this particular proposal was contained in a separate item relating to Fees and Charges.

Councillor N Clark welcomed the proposals and the receipt of the representations from Sawbridgeworth.

In respect of Minute 554 – Consolidated Budget Report: Probable Outturn 2008/09: Revenue Budget 2009/10 and (Medium Term Financial Plan) 2009/10 – 2012-13, the Leader updated Council on the East of England Regional Assembly subscriptions and advised that the proposed

ACTION

saving of £6,000 had been withdrawn. Therefore, he proposed an amendment to recommendation (C) to the effect that this item would be deleted from the list of proposed savings and that the sum for 'management actions to Mitigate Pressures' be increased by £6,000 to £334,000. Council approved this amendment

Councillor N Clark proposed, and Councillor D Clark seconded, an amendment in respect of reducing the budget for members' allowances. He proposed that Special Responsibility Allowances in 2009/10 be realigned to established norms, thus saving £78,000. In 2010/11, basic allowances would then be aligned to established norms, saving a further £62,000. Allowances would then remain frozen at these levels for a further two years. The impact of this would be to reduce the council tax increase to 2.5% in 2009/10, 2.75% in 2010/11 and 3.8% in 2011/12 and 2012/13. The effect of these amendments were:

Recommendation (A) - insert after "amended", "for further reductions in members' allowances of £78,000 in 2009/10, £140,000 in 2010/11, £152,000 in 2011/12 and £164,000 in 2012/13". Delete "(see Appendix to these Minutes)"

Recommendation (C) - insert after "approved", "as amended for the further reduction in members' allowances in recommendation (A)"

Recommendation (D) - delete the first "3.4%" and replace with "2.5%". Delete the second "3.4%" and replace with "2.75%".

Recommendation (G) – delete "£8,972,402" and replace with "£8,894,402".

Councillor J O Ranger expressed his disappointment that this proposal had not been submitted at the Corporate Business Scrutiny Committee meeting. As such, in the absence of any papers and details of the proposed amendments, he believed they should be ignored. He

ACTION

referred to the number of hours Members worked on Council business.

Councillor D Clark commented that this issue was about achieving value for money for council taxpayers and posed the question as to whether councillors in East Herts were worth twice as much as those in Epping Forest or North Herts.

Councillor A M Graham commented that there was some merit in reviewing allowances, but that this was not the right time and place.

After being put to the meeting and a vote taken, the amendment was declared LOST.

RESOLVED – that (A) in respect of Minute 480 – Capital Programme 2008/09 (Revised) – 2011/12, the new programme for the period 2008/09 (revised) to 2011/12 be approved, subject to including an item of £15,000 in 2009/10 for the provision of a ‘What’s On’ sign in Bishop’s Stortford;

(B) in respect of Minute 554 – Consolidated Budget Report: Probable Outturn 2008/09: Revenue Budget 2009/10 and (Medium Term Financial Plan) 2009/10 – 2012-13, recommendation (C) be amended to read:

“the revenue budget for 2009/10 be approved, subject to not taking the £6,000 saving in 2009/10 from the East of England Regional Assembly subscription and increasing the ‘Management Actions to Mitigate Pressures’ by £6,000 to £334,000;” and

(C) the Minutes of the Executive meetings held on 6 January and 10 February 2009, be received, and the recommendations contained therein, be adopted.

(Note 1 - Councillors D Clark and N Clark asked that their dissent from the decision on Minute 480 - Capital

ACTION

Programme 2008/09 (Revised) – 2011/12, be recorded.)

(Note 2 - Councillor K A Barnes asked that his dissent from the decision taken on Minute 553 – Car Park Fees and Charges, be recorded.)

(Note 3 - Councillors K A Barnes, D Clark and N Clark asked that their dissent from recommendations (A), (C), (D) and (G) and their abstention from the other recommendations in respect of Minute 554 – Consolidated Budget Report: Probable Outturn 2008/09: Revenue Budget 2009/10 and (Medium Term Financial Plan) 2009/10 – 2012-13, be recorded.)

589 MINUTES OF COMMITTEES(A) DEVELOPMENT CONTROL COMMITTEE
– 17 DECEMBER 2008

RESOLVED – that the Minutes of the Development Control Committee meeting held on 17 December 2008, be received.

(B) HUMAN RESOURCES COMMITTEE
– 7 JANUARY 2009

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 7 January 2009, be received.

(C) DEVELOPMENT CONTROL COMMITTEE
– 14 JANUARY 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 14 January 2009, be received.

ACTION

(D) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 20 JANUARY 2009

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 20 January 2009, be received.

(E) COMMUNITY SCRUTINY COMMITTEE
– 27 JANUARY 2009

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 27 January 2009, be received.

(F) DEVELOPMENT CONTROL COMMITTEE
– 11 FEBRUARY 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 11 February 2009, be received.

590 APPOINTMENT OF SECTION 151 OFFICER

The Chief Executive submitted a report seeking approval to appoint the Section 151 Officer.

Council recalled that it was required to appoint formally, the statutory position of the Chief Financial Officer (Section 151 Officer) under Section 151 of the Local Government Act 1972. Following a recruitment process, Alan Madin had been appointed as the Director of Internal services and would commence his duties on 2 March 2009.

Councillor D Clark commented that, if appointed, Mr Madin would be the 9th Section 151 Officer since 2007. She assumed that this was intended to be a longer term appointment and expressed the hope that the Leader and the Executive Member for Resources and Internal Support had gone through due diligence and were satisfied that this appointment would ensure the sound administration of the

ACTION

Council's financial affairs.

The Leader responded by stating his belief that it was unacceptable for Officers to be undermined when they had no means to represent themselves in the chamber.

Councillor D Clark commented that her questions were not about Officers but the Leader's judgement.

The Leader stated that the report would not have been submitted were he not confident about the appointment.

The Leader also took the opportunity to place on record his thanks to Mike Collier and John Woodham for their work as Section 151 Officer and Deputy Section 151 Officer respectively.

Council approved the appointment of Alan Madin as the Section 151 Officer, effective from 2 March 2009.

RESOLVED – that Alan Madin be appointed as the Council's Section 151 Officer, effective from 2 March 2009.

(Note – Councillors D Clark and N Clark asked that their abstention from the decision taken be recorded.)

The meeting closed at 8.45 pm

Chairman
Date