

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 4
MARCH 2009 AT 7.30 PM

PRESENT: Councillor Mrs D L E Hollebbon (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes, R Beeching,
S A Bull, A L Burlton, M G Carver,
Mrs R Cheswright, D Clark, N Clark,
R N Copping, 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, Mrs J Mayes, T Milner, R L Parker,
D A A Peek, N C Poulton, W Quince, 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
Lorna Georgiou	- Performance and Improvement Coordinator
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Alan Madin	- Director of Internal Services

George A Robertson	- Director of Customer and Community Services
Su Tarran	- Head of Revenues and Benefits

608 CHAIRMAN'S ANNOUNCEMENTS

The Chairman, on behalf of Members, welcomed Alan Madin, Director of Internal Services, to his first Council meeting. She also thanked Mike Collier for his efforts as Acting Director of Internal Services.

The Chairman advised of the various events she had attended since the previous meeting. In particular, she highlighted the "Choose to Reuse" scheme, which had enabled donations of unwanted gifts to be made for the benefit of the Isobel Hospice. She thanked everyone who had contributed.

The Chairman referred to the Employee Awards event at which staff had been recognised for their efforts. She commented that, as one of the judges, she had found it very difficult because of the exceptional standard. The event had also included a raffle, which had raised over £200 for Isobel Hospice.

The Chairman commented on an enjoyable performance she had attended of "Orpheus in the Underworld" by the Ware Operatic Society and recommended this to all Members.

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.

609 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 18 February 2009, be approved as a correct record and signed by the Chairman.

ACTION610 DECLARATION OF INTEREST

Councillor A D Dodd declared a personal interest in the matter referred to at Minute 614 – Council Tax 2009/10 – County Council and Police Authority Elements, in that he was a County Council and Police Authority Member.

611 PUBLIC QUESTION

Mr R Cherry, Bishop's Stortford, submitted the following question to the Leader of the Council:

Is the Council aware of the new Sustainable Communities Act that was presented by Hazel Blears on 14 October 2008 and that she has asked for proposals to be submitted to Government (via the Local Government Association) by 31 July 2009. I believe that the Act is great news for all of us locally. For the first time we have a law that gives local government and local communities the power to drive central government actions and policy to help promote thriving, vibrant and sustainable communities. Is the Council going to submit any proposals?

Council noted that Mr Cherry had been unable to attend the meeting and that the Leader's response would be sent to him.

The Leader stated that the main purpose of the Act was to provide a simple "bottom up" process whereby ideas generated by local communities could be fed through their local authorities to central government. It was an opportunity for local people to decide what they thought needed to be done to promote the sustainability of the areas in which they lived.

However, some caution was required, as not all suggestions received might be appropriate for submission and would need to fit a number of criteria. Proposals needed to be

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within the broad scope of economic, social and environmental issues. Also, proposals would not be considered by the Government if actions could be achieved using existing powers and resources.

The Leader commented that for proposals to be considered, they needed Government action or intervention to be achieved. Such action might be changes to the law, government policy, public spending patterns and/or the transfer of statutory functions to a different body.

The role of the Local Authority was one of a clearing house. Firstly, it would need to satisfy itself that the proposal met the necessary criteria before undertaking consultation through a form of a citizen's panel, of which East Herts Council already had an established one. Then, the Council would fulfil a shortlisting role, identifying those proposals which, in its view, satisfied the criteria and had the most merit. Proposals which were shortlisted would then be forwarded to the Local Government Association, who would have the role of "selector".

The Leader referred to conflicting interpretations of the Act and the need for Officers and Members to identify where consensus lay. He assured the public that East Herts Council would welcome and be happy to support qualifying proposals which could improve the quality of life for the residents of East Herts.

612 PRESENTATION – PLACE SURVEY

The Performance and Improvement Coordinator gave a presentation on the Place Survey, which had replaced the previous Best Value User Satisfaction Survey, as part of the new national performance framework. She advised that receipt of the final figures had been delayed because of additional quality assurance work being carried out by the Audit Commission.

She detailed the provisional findings on a number of indicators. Overall, satisfaction with the local area had risen

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from 82% in 2006/07 to 89.5%. The detailed findings would be reported to Corporate Business Scrutiny Committee in May 2009 and then the Executive.

Council noted the presentation.

613 MEMBERS' QUESTIONS

Councillor D Clark referred to Grant Shapps MP, who had commented that Home Information Packs (HIPs) were clumsy, ineffective and useless. The experts had ridiculed them; the industry did not want them; the market did not need them; and, the next Conservative Government would scrap them. She asked the Leader to explain why the proposed service plans he had brought forward included an action to investigate the possibility of producing Home Information Packs through the Local Land Charges service.

The Leader referred the question to the Executive Member for Community Safety and Protection.

The Executive Member agreed with the assessment that HIPs, which cost an average of £500, were a waste of time. HIPs were just one element of the house buying process and the Executive Member referred to the importance of a local authority search. In referring to the growing competition of private search agencies, he commented that a local authority search remained the most effective method in obtaining full and complete search information.

The Executive Member stated that the Council was committed to ensuring that the best possible service was provided. He was not aware if HIPs would be abolished. As such, Officers would be investigating the possibility of providing such a service. This would be done within existing resources.

In response to a supplementary question on whether this represented the best use of the Council's resources, the Executive Member referred to this being a recommendation from scrutiny and reiterated that it was merely looking into

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the possibility.

Councillor N Clark stated that in January 2008, Community Scrutiny Committee had been given assurances that, once the new leisure contract commenced, the contractor would only be able to propose price changes of up to 10% each year and then only with the agreement of the Council. On that understanding, Committee Members had supported the recommendations on the tender specification. At the subsequent Executive, the Executive Member for Community Development, Leisure and Culture had thanked Community Scrutiny Committee for its comments, which had been incorporated in the final report, the recommendations of which were approved. However, the paper presented to Corporate Business Scrutiny Committee on 24 February 2009 proposed increases of more than 25% in some leisure fees. He asked the Executive Member for Community Development, Leisure and Culture to explain why the 10% upper limit on annual price variations agreed by Members, had not been built into the leisure contract; and what control, if any, the Council now had over price rises at East Herts leisure facilities run by SLM.

In reply, the Executive Member for Community Development, Leisure and Culture suggested that Councillor N Clark had missed the point. She reminded Members that the objective had been to achieve the Council's aims whilst reducing the subsidy. She referred to Members' previous decisions, which had provided for the contractor to have optimum commercial freedom and maximum flexibility to develop programming and pricing. These would be for the contractor to determine provided they were consistent with the Council's priorities. It had never been the intention to unduly interfere or restrict the contractor as this was not in the council taxpayers' interest.

The Executive Member suggested that the question contained inaccurate information, in that any figure could not be included as a contractual term but only as operational guidance. She welcomed the question as an opportunity to remind Members of the dangers in trying to micromanage

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the contract. The role of Members was to set policy and monitor performance as it would be counter productive to repeat the mistakes made previously.

Finally, the Executive Member referred to SLM's excellent reputation and standing within the leisure industry. SLM needed flexibility in managing leisure services on behalf of the Council and it was up to the Council to let them get on with it.

In response to a supplementary question on whether the recommendations of the report submitted to Corporate Business Scrutiny Committee would be amended when submitted to the Executive, the Executive Member commented that these were not the Council's fees and charges and it was SLM's responsibility to deliver the service.

614 COUNCIL TAX 2009/10: COUNTY COUNCIL
AND POLICE AUTHORITY ELEMENTS

The Executive Member for Resources and Internal Support submitted a report advising that Hertfordshire County Council's and Hertfordshire Police Authority's precepts for 2009/10, as they affected East Hertfordshire District Council taxpayers, would total £72,840,820.24. This was made up of £64,595,168.95 for the County Council and £8,245,651.29 for the Police Authority, giving Band D equivalents of £1,118.83 and £142.82 respectively.

RESOLVED - that the Hertfordshire County Council and Hertfordshire Police Authority's precepts be noted.

615 COUNCIL TAX 2009/10 – PARISHES

Council considered a report of the Executive Member for Resources and Internal Support setting out Parish Council precepts for 2009/10 in the District. Council noted that there was a statutory requirement on a precepting authority to notify the District Council by 1 March of each year of its

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precept for the ensuing financial year. Further, Council noted that the total Parish spending in 2009/10 would be £3,453,749 compared to £3,391,441 in 2008/09.

RESOLVED – that the Parish Council precepts for 2009/10, as set out in the schedule now submitted, be noted.

616 COUNCIL TAX 2009/10 – FORMAL RESOLUTION

The Executive Member for Resources and Internal Support submitted a report setting out the formal Resolution necessary to set the Council Tax for 2009/10 (Appendix 'A' to these Minutes). This was based on the precepts from Parish Councils, Hertfordshire County Council and Hertfordshire Police Authority, as well as the District Council budgets set at the Council meeting held on 18 February 2009 (Minute 588 refers).

Council approved the Council Tax Resolution as now detailed.

RESOLVED - that the Council Tax Resolution, as set out at Appendix 'A' to these Minutes, be approved.

617 REVIEW OF THE CONSTITUTION

The Monitoring Officer submitted a report reviewing the Council's Constitution. The proposed amendments were detailed at paragraph 4 of the report now submitted.

The Monitoring Officer had reviewed the current version with the support of a small joint Member/Officer working group. This group had looked at proposed changes arising from the Local Government and Public Involvement in Health Act 2007 and the regulations under that Act. It was noted that some regulations were still awaited, which might require further changes to the Constitution. The group had looked at ways of making the Constitution more user friendly, especially the website version, and improving its layout and clarity. The web version would be more accessible with

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greater use of links and increased mobility between different sections.

In response to a question by Councillor A M Graham in respect of the capital contingency, the Monitoring Officer clarified that the proposed authority to incur expenditure would be limited to £50,000.

Councillor D Clark commented that the proposed amendments were not a formality and represented a further shift of power towards the Executive at the expense of backbench Members. She referred to the proposed changes relating to the scrutiny of key decisions, capital programme expenditure and the Member/Officer Relations Protocol. She sought clarity on which Members had been involved in the joint Member/Officer group. She also asked the Leader to clarify what the capital contingency was for and whether he believed that the proposed amendments would increase public confidence in the running of the Council.

In response, the Leader undertook to provide a written response on the Members involved in the Member/Officer group. He did not accept Councillor D Clark's views on the proposed amendments. He believed that the proposals would assist in making the Council's business more effective and efficient. He reminded Members of the additional Member engagement that was available at Executive meetings.

The Executive Member for Resources and Internal Support commented on the references made to him by Councillor D Clark in respect of the proposed changes. He reminded Members of the need to distinguish between the role and the person.

Councillor N Clark referred to the proposed amendments relating to the Members' Planning Code of Good Practice. He quoted advice, which had been agreed by the Local Government Association, the Standards Board, the Association of Council Secretaries and Solicitors and the Government, on how Members should deal with site visits.

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He asked why the Council had invented its own guide on probity, contrary to the advice given.

In response, the Leader commented that he was prepared to be guided by those who knew better.

Councillor R Gilbert expressed concern that the probity of Development Control Committee Members had been called into question.

Councillor R Gilbert referred to the website guide as detailed at Appendix A and suggested that the summary for the Development Control Committee should include reference to enforcement action. The Monitoring Officer undertook to amend this.

Council approved the proposed amendments to the Constitution.

RESOLVED – that (A) the proposed amendments, as now detailed, be approved, and the Monitoring Officer be authorised to amend the Constitution; and

(B) the Monitoring Officer be authorised to make minor non-material amendments to the Constitution as necessary.

(Note - Councillors D Clark and N Clark asked that their dissent from this decision be recorded.)

The meeting closed at 8.21 pm

Chairman
Date