

MINUTES OF A MEETING OF EAST
HERTS COUNCIL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 30 JUNE
2009 AT 7.30 PM

PRESENT: Councillor S A Bull (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, K A Barnes, R Beeching, M G Carver,
Mrs R Cheswright, D Clark, N Clark,
R N Copping, K Darby, J Demonti, A D Dodd,
R Gilbert, Mrs M H Goldspink, A M Graham,
P Grethe, L O Haysey, J Hedley,
Mrs D L E Hollebon, G Lawrence, G McAndrew,
M P A McMullen, T Milner, D A A Peek, M Pope,
N C Poulton, R Radford, P A Ruffles,
S Rutland-Barsby, G D Scrivener, V Shaw,
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
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
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

68 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor V Shaw to her first Council meeting, following a by-election in the Ware Christchurch ward.

The Chairman advised of the various events he had attended since the previous meeting. He drew Members' attention to forthcoming events, in particular, a service at St Peters church, Buntingford on 27 September 2009, a 60s dance night at Ward Freman College on 24 October 2009 and the Civic Dinner at the Rhodes Arts Complex on 6 March 2010.

Finally, the Chairman drew attention to the additional papers that had been circulated in respect of Minutes 73 and 75 below.

MINUTES

RESOLVED - that the Minutes of the Annual Council meeting held on 13 May 2009, be approved as a correct record and signed by the Chairman.

69 DECLARATIONS OF INTEREST

Councillor M G Carver declared a personal interest in Minute 74 – Appointment of Members to Independent Remuneration Panel, in that two of the candidates, Councillor Gibbs and Mr Smalley, were friends of his. He left the Chamber whilst this matter was considered.

Councillor Mrs M H Goldspink declared a personal interest in Minute 74 – Appointment of Members to Independent Remuneration Panel, in that one of the candidates, Mrs Anderson, was a political acquaintance of hers.

Councillor V Shaw declared a personal interest in Minute 74 – Appointment of Members to Independent Remuneration Panel, in that one of the candidates, Mrs Anderson, was a

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friend of hers.

Councillor P A Ruffles declared a personal and prejudicial interest in the matter referred at Minute 75 – Statement of Accounts, in that elements related to Hendersons, in which he had a financial investment. He left the Chamber whilst this matter was considered.

70 MEMBERS' QUESTIONS

Councillor D Clark stated that during the debate on the Causeway site at Council on 25 March 2009, the Executive Member for Resources and Internal Support had avoided answering a number of her questions by suggesting they could be answered in writing after the meeting instead. On 17 May 2009, having not received anything, she had written to the Executive Member for Resources and Internal Support requesting those written answers. Firstly, he had denied that they were anything to do with him, despite relating to his portfolio, and then he had written that it had all become a bit of a bore. He had denied any commitment to answer and suggested that she should ask him some other questions instead. She asked the Executive Member if he was incapable or simply unwilling to answer the questions she had raised, whether he knew the answers, or was just trying to avoid revealing some inconvenient truths.

In reply, the Executive Member for Resources and Internal Support stated that he was capable of providing answers, but was unwilling to respond to questions in the manner in which these had been asked. He reminded Members that the questions had been tabled by hand to the Leader and the Chairman only and that he had not been asked them until 17 May 2009. He suggested that, had these questions been submitted in advance of the meeting, he would have answered them. Finally, he commented that other Members had advised him that they were bored by the subject and that he did not see the value of answering the questions now as they were rhetorical.

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As a supplementary question, Councillor D Clark asked why the appraisal considered on 25 March 2009 did not take account of stamp duty and legal costs and had not been subjected to scrutiny and whether the Executive Member regretted this, in view of him now seeking an additional £200,000 to cover taxation issues.

In reply, the Executive Member referred to his earlier response and reiterated that he would have answered questions had they not been asked in such an odd way.

Councillor N Clark asked the Leader of the Council if he could provide an update on the plans to use web cameras to broadcast 'Full Council' meetings by September 2009, including the expected capital cost and the expected annual running costs.

In the Leader's absence, the Executive Member for Resources and Internal Support advised that the IT Members Panel was looking at the detail of this capital scheme and that after the next meeting on 16 July 2009, he would have more information on the detailed costs and the timeline for the project. He advised that the plans included other meetings as well as Council.

Councillor N Clark asked a supplementary question on how long recordings would be stored.

In reply, the Executive Member stated that he could not confirm any details yet.

71 REPORT OF THE EXECUTIVE

The Deputy Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meetings held on 26 May and 23 June 2009.

In respect of Minute 29 – Monthly Corporate Healthcheck, Councillor N Clark referred to a later healthcheck report, in which a projected overspend of £1M had been forecast. He

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asked for an update on what specific actions had been taken to address this.

In reply, the Executive Member for Resources and Internal Support undertook to provide a written response.

RESOLVED – that the Minutes of the Executive meetings held on 26 May and 23 June 2009, be received, and the recommendations contained therein, be adopted.

72 MINUTES OF COMMITTEES(A) JOINT MEETING OF EXECUTIVE, COMMITTEES, ETC - 13 MAY 2009

RESOLVED – that the Minutes of the Joint meeting of the Executive and Committees, etc, meeting held on 13 May 2009, be received.

(B) CORPORATE BUSINESS SCRUTINY COMMITTEE – 19 MAY 2009

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 19 May 2009, be received.

(C) DEVELOPMENT CONTROL COMMITTEE – 10 JUNE 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 10 June 2009, be received.

(D) ENVIRONMENT SCRUTINY COMMITTEE – 16 JUNE 2009

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 16 June 2009, be received.

ACTION73 REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

The Head of Democratic and Legal Support Services submitted a report reviewing the allocation of seats to political groups following the recent by-election in Ware Christchurch ward. As a consequence of this, the proposed allocation was detailed in the report now submitted. Details of the political groups' nominations to the seats on Committees were set out in the papers tabled at the meeting.

RESOLVED – that (A) the allocation of seats be as set out in the report now submitted, and

(B) the membership of Committees be as set out in the papers now detailed, with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated.

74 APPOINTMENT OF MEMBERS TO THE INDEPENDENT REMUNERATION PANEL

The Monitoring Officer submitted a report seeking appointments to the Independent Remuneration Panel.

Council noted that the Panel was about to commence a review of the Authority's Members' Allowances Scheme. As there were two vacancies on the Panel, an advertisement had been placed in local newspapers inviting applications to be submitted to fill the vacancies.

Council was invited to consider the size of the Panel, the appointment of the existing two Members and the applicants listed in the Appendix to the report now submitted.

Councillor P A Ruffles moved, and Councillor J Hedley seconded, a motion that the Panel should comprise 3 members.

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Councillor N Clark moved, and Councillor D Clark seconded, an amendment that the Panel should comprise 10 members with a quorum of 5 for any meeting.

Councillor N Clark suggested that there was no reason to reject any of the candidates and that they should all be appointed to the Panel. He questioned the information provided on the candidates within the report submitted and believed that it would be difficult to justify rejecting any particular candidate on this basis.

Councillor D Clark also believed that incomplete information on the candidates had been provided and referred to the practicalities of arranging meetings for a Panel of 3 or 4 members. She referred to the lack of information on the 2 existing members and commented that all of the candidates had volunteered in good faith and should all be appointed.

Councillor K A Barnes expressed support for the amendment.

Councillor A M Graham opposed the amendment on the basis that a Panel of 10 members would be too big.

The Deputy Leader also opposed the amendment and suggested that Magistrates Courts worked well with three members.

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

After being put to the meeting and a vote taken, Councillor Ruffles' motion was CARRIED.

Councillor B Wrangles moved, and Councillor N C Poulton seconded, the proposal to appoint the existing members, Barry Norman and Jon Wilson until the end of the 2010/11 civic year.

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After being put to the meeting and a vote taken, this was CARRIED.

In respect of the proposal to appoint a candidate to the Panel, Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, a motion that the appointment should be for a four year term.

Councillor Mrs M H Goldspink commented that it would be beneficial for membership of the Panel to overlap, in order to avoid a need to recruit the whole Panel at the same time and to provide some continuity.

The Deputy Leader questioned whether it was appropriate to extend the term after the candidates had applied and suggested an amendment to the proposal that the appointment be for two years with an option to extend by a further two years if the candidate was willing. Councillor Mrs M H Goldspink accepted this amendment to her motion.

After being put to the meeting and a vote taken, Councillor Mrs M H Goldspink's revised motion was CARRIED.

Following a request for a ballot on the appointment of the candidate, the meeting was adjourned (8.10 pm) in order that voting could take place. The meeting was reconvened (at 8.12 pm) after which it was announced that Jay Anderson had received an overwhelming majority of the votes cast. Council approved her appointment until the end of the 2010/11 civic year with an option to extend for a further two years.

Councillor A M Graham referred to the recent publicity on the probity of MPs' expenses and proposed an additional recommendation that the Panel should make annual recommendations on Members' Allowances to Council. This motion was seconded by Councillor M Wood.

The Executive Member for Resources and Internal Support supported the sentiment of this proposal but felt that there

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was a need to consider a robust case before making such a decision.

After being put to the meeting, and a vote taken, Councillor A M Graham's motion was declared LOST.

Council approved the recommendations now detailed.

RESOLVED – that (A) the Independent Remuneration Panel comprises 3 members;

(B) the two existing members, Barry Norman and Jon Wilson, be appointed to the Independent Remuneration Panel until the end of the 2010/11 civic year; and

(C) Jay Anderson be appointed to the Independent Remuneration Panel until the end of the 2010/11 civic year, with an option to extend her appointment for a further two years if willing.

75 STATEMENT OF ACCOUNTS 2008/09

The Executive Member for Resources and Internal Support submitted a report seeking approval of the Statement of Accounts 2008/09.

Council noted that the Accounts and Audit Regulations 2003 required the Authority's Statement of Accounts to be approved by the end of June 2009. The Accounts were detailed at Appendix 'A' of the report now submitted and included supporting comments for each of the main statements.

The Audit Committee, at its meeting held on 29 June 2009, had also considered the Statement of Accounts and had supported it, subject to a number of comments. The Executive Member detailed various suggested minor amendments and these were agreed by Council.

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The Executive Member also referred to the additional papers that had been circulated. These detailed further information and advice in respect of the negotiations with Hendersons on The Causeway properties and an additional recommendation for Council to consider.

In response to questions from Councillors D Clark and R Taylor seeking further information on the potential tax liability, the Executive Member commented that this could not be shared in public and that he would take advice from Officers and provide details outside of the meeting.

Councillor M Wood sought reassurance that the process was not being rushed. Councillor Mrs M H Goldspink also commented that the process appeared rushed and that Members had not been briefed sufficiently. Councillor J Hedley reminded Members that the Government's deadlines for the publication of the Statement of Accounts were earlier than it used to be.

Councillor D Clark also commented that Members needed answers to questions before decisions were made. She asked on what basis The Causeway lease had been valued at only £1.1M.

The Director of Internal Services confirmed that the valuation had been carried out in accordance with standards set by the Royal Institute of Chartered Surveyors and that £1.1M was a fair value. The Executive Member for Resources and Internal Support added that this valuation reflected the costs of the refurbishment that were needed. He reminded Members that the Council did not own the building.

Councillor N Clark referred to the policy on Tangible Fixed Assets and sought clarification on which category the Causeway lease fell into. The Executive Member for Resources and Internal Support undertook to provide a written response.

After being put to the meeting, and a vote taken, the

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proposals as now amended, were CARRIED.

RESOLVED – that (A) the comments of the Audit Committee of 29 June 2009 regarding the Statement of Accounts 2008/09, be received;

(B) the Statement of Accounts 2008/09, as now amended, be approved and signed by the Chairman at the conclusion of the meeting; and

(C) Counsel's opinion and his advice on the steps to be taken to mitigate the risk of a VAT liability arising from the proposed property exchanges at The Causeway, Bishop's Stortford, as set out in Appendix 1 of the additional papers circulated, be noted;

(D) in the light of the advice referred to in (C) above, the agreement reached with Henderson and the supplementary information from the Council's property advisers, Lambert Smith Hampton, as set out in Appendix 2 of the additional papers circulated, the authority for the Director of Internal Services, in consultation with the Executive Member for Resources and Internal Support, to complete the transactions for The Causeway properties proposal, including following Counsel's advice with regard to the election to tax the properties being disposed of but without recourse to a special purpose vehicle, be confirmed; and

(E) £200k be earmarked in the general reserve against the residual risk until such time as Her Majesty's Revenues and Customs has agreed the VAT liability.

(Note – Councillors D Clark, N Clark and Mrs M H Goldspink asked that their abstention from this decision be recorded.)

The meeting closed at 8.52 pm

ACTION

Chairman
Date