

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

PRESENT: Councillor S A Bull (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes, R Beeching,
AL Burlton, M G Carver, Mrs R Cheswright,
D Clark, N Clark, R N Copping, K Darby,
A F Dearman, A D Dodd, R Gilbert,
Mrs M H Goldspink, A M Graham, P Grethe,
L O Haysey, Mrs D M Hone, A P Jackson,
G Lawrence, G McAndrew, M P A McMullen,
J Mayes, T Milner, R L Parker, D A A Peek,
M Pope, N C Poulton, R Radford, J O Ranger,
P A Ruffles, G D Scrivener, V Shaw, J J Taylor,
R I Taylor, M J Tindale, A L Warman, J P Warren,
N Wilson, M Wood, B Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Cliff Cardoza	- Head of Environmental 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
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

Gavin Rogers - Communications and
Reputation Officer
Trevor Watkins - Waste Services
Manager

283 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised of the various events he had attended since the previous meeting and thanked Members for their support at the civic service. He drew Members' attention to forthcoming events, in particular, a 60s dance night at Ward Freman College on 24 October 2009.

284 MINUTES

RESOLVED - that the Minutes of the Council meeting held on 30 June 2009, be approved as a correct record and signed by the Chairman.

285 DECLARATION OF INTEREST

Councillor N Clark declared a personal interest in Minutes 228 - 230 relating to Local Development Framework matters, in that he was Secretary of the Stop Harlow Campaign.

286 PUBLIC QUESTION

Mr Wright, Bishop's Stortford, had submitted a question to the Executive Member for Planning Policy and Transport as follows:

The off Street Residential Season Tickets (for Crown Terrace Car Park) are being withdrawn without consultation and without the opportunity to purchase a resident's on-street parking permit at the rate of £31.50 per annum as is available to similarly affected residents in other parts of Bishop's Stortford. Can you please explain why this is the case?

ACTION

In response, the Executive Member reminded Council that this decision relating to the withdrawal of discounted season tickets for Crown Terrace Car Park for a small number of nearby residents was taken in September 2008 as part of a new fees and charges strategy which moved the Council away from the provision of deliberate subsidies from council tax users to service users, where possible. The season tickets at Crown Terrace were one of the last such schemes where this particular type of discretionary facility existed. From April 2010, any remaining season tickets of this type will specifically relate to a planning condition entered into at the time of planning approval.

The Executive Member commented that the previous provision was both arbitrary and discretionary and the Council had given a minimum of 12 months notice of its decision to the fewer than 12 permit holders affected. The Council had not removed the right of any individual or householder to park in this or any other council car park, but was requiring them to do so, on a fair and equitable basis along with all other users.

The Executive Member believed it would be fair to comment that the residents in question, would have known that there was no on-street parking attached to their properties at the time of purchase. He did not believe that comparing on-street residential parking schemes with car park permits was possible, as on-street schemes in the area benefited many hundreds of households and were designed as much for traffic management as parking. Unfortunately none of the existing schemes extended as far as Crown Terrace and at present, the Council had no funds to extend existing schemes or introduce new ones.

In the absence of Mr Wright, Council noted that a written response would be sent to him.

ACTION287 PRESENTATION - ALTERNATE REFUSE
COLLECTIONS (ARC)

The Head of Environmental Services gave a presentation on the progress made in implementing Alternate Refuse Collections (ARC). He reminded Members of the background and context to the scheme and its start date of 2 November 2009. He detailed the range of promotional activities undertaken in publicising the new scheme and the measures put in place for dealing with queries from the public.

288 MEMBERS' QUESTIONS

Councillor D Clark referred to the Leader setting up Bishop's Stortford 2020 in 2007, with a budget of £20,000 allocated by this Council, to develop a vision for the future of Bishop's Stortford. The terms of reference had included "to ensure the Vision is well informed by the views of those who live and work in the town and its surrounding area". Yet now, before any such Vision had been produced, this Council had completed a property deal which effectively sealed the fate of The Causeway. She asked the Leader, when he would share his vision for The Causeway site with the people of Bishop's Stortford?

In response, the Leader stated that he did not have a vision for Bishop's Stortford. The 2020 group had been set up to develop a high level strategy vision. It was not intended for this group to concern itself with specific sites. He believed that the group's vision would help inform the decisions of others not just on the built environment, but in areas such as the River Stort, open spaces, play and leisure.

In response to a supplementary question, the Leader stated that the group was not involved in a design brief and that the vision would be published in the coming months.

ACTION

Councillor N Clark asked the Leader of the Council if he accepted any responsibility for the overpayment of members' allowances since 1 April 2007.

In response, the Leader stated that he accepted the same level of responsibility as the questioner.

Councillor N Clark asked a supplementary question on whether the Leader believed that the error had been caused by an administrative error or by the Leader's delay in instructing Officers to convene a meeting of the Independent Remuneration Panel (IRP).

In response, the Leader refuted the second point. He commented that an oversight had been identified and rectified immediately. He believed that the questioner was looking for a victim and perhaps, if one could be identified, he should look at the Chairman of the Audit Committee in the early part of 2007, at the time when the original IRP decision on allowances was approaching its expiry date.

Councillor Mrs M H Goldspink asked the Leader of the Council if he was able to give her and the residents of Bishop's Stortford some definite assurances about the proposed new Council offices. She asked, when the Council moved to Charrington House, whether there would be:

- (1) a full-sized council chamber;
- (2) a separate meeting room, capable of seating 8 – 10 Councillors;
- (3) at least 2 private interview rooms, where Housing and Benefits Officers could speak with residents who needed help; and
- (4) sufficient dedicated office space for all the staff who would remain in Bishop's Stortford.

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In response, the Leader acknowledged the genuine concerns on this issue. He stated that there would not be a full-sized council chamber as there was not one now. He advised that there would be a meeting room capable of accommodating a maximum of 26 people. However, flexibility would be provided by the ability to divide the room into two separate meeting rooms for 14 and 12 people.

The Leader commented that there would be 4 dedicated private interview rooms as well as 3 stations in the reception area. These would be available to other partner agencies as well. On the final question, the Leader advised that 25-30 workstations would be provided for staff. Overall, there would be more and better quality services available to the public and nobody would be disadvantaged.

In response to a supplementary question on Development Control Committee meetings, the Leader commented that the existing provision was not the most ideal and provided an uncomfortable experience for the public. He believed that more comfortable space was available in the town centre, such as the Rhodes Arts Complex, if any meeting demanded a bigger space. He stated that it would be more cost effective to pay for a larger space on the occasions when it was needed, rather than having a permanent space.

289 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 28 July and 8 September 2009.

In respect of Minute 139 – Corporate Strategic Plan 2010/11 – 2013/14, Councillor N Clark asked why the 5% ceiling on raising council tax had been removed. He referred to Conservative Party policy and asked if the Leader could commit to an increase lower than 2.5%. He also asked why a reference to inflation levels had not been included instead.

ACTION

The Leader commented that council tax levels would be determined as part of the budget process in the coming months. The previous 5% figure had been included as a reference to the Government's capping policy. He also commented that there might be local circumstances where a rise of above 5% could be justified if funding for a specific project had been identified by residents. The Executive Member for Resources and Internal Support commented that it would be arbitrary to include a reference to a specific number.

In respect of Minute 140 – Medium Term Financial Strategy 2010/11 – 2013/14, Councillor J O Ranger referred to the suggestion of the Corporate Business Scrutiny Committee that a figure for total remuneration should be included in the assumptions, rather than just pay, and asked if the Executive had accepted this. In response, the Executive Member for Resources and Internal Support commented that this suggestion had been taken on board and would be considered as part of the budget process.

In respect of Minute 222 – Castle Hall Development Proposals, Councillor M Wood asked where the minutes of the Castle Hall Way Forward Group were reported to. He asked if the proposed "Transformational Arts and Entertainment Programme Director" post title could be shortened into something more meaningful and whether it was a part-time position. He also requested clarity on the timeframe for the final business case to be developed and whether a separate business case would be developed for the film programme. Finally, he moved, and Councillor A M Graham seconded, a proposal that trust status be considered for the future management of Castle Hall.

The Executive Member for Community Development, Leisure and Culture stated that the group's purpose was to brief the portfolio holder and other identified Members who could provide input on the wider issues. The job title could be looked at when advertised. In respect of the timeframe for the final business case, she undertook to confirm this when known, but anticipated it to be December 2009. She

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agreed that the film programme would require a business case and stated that this would be developed in tandem with the main business case. In respect of future governance arrangements, she commented that discussions on this matter would continue. Finally, she thanked trustees and staff at the Rhodes Arts Complex for their invaluable help and advice.

The Leader commented that whilst Officers could be asked to examine future governance options, this should not delay the production of the final business case. Council agreed to ask Officers to report back within 12 months on options for the future governance of Castle Hall.

On a point of order, Councillor N Clark sought clarification on whether there was a requirement for the factual information provided to Members on the Castle Hall Way Forward Group should also have been made available to Members of all political groups. The Director of Internal Services undertook to consider Members' attendance at these meetings and respond.

DIS

In respect of Minute 223 – Implications of the C3W Programme (Infrastructure and Finance), Councillor Mrs M H Goldspink expressed her opposition to the recommendation for additional capital allocations for the refurbishment of Wallfields, as she remained unconvinced that this was the best way to spend taxpayers' money. She did not believe that it was necessary to move staff to Hertford and questioned the anticipated £1.5m efficiency savings as no details had been included within the proposals.

The Executive Member for Resources and Internal Support reminded Members that these proposals were not about staff movements, but were concerned with the development of Wallfields, which was in need of refurbishment, to be fit for purpose. The projected savings would be delivered through the new ways of working arising from the C3W programme.

Councillor N Clark also expressed his opposition to the proposals. He referred to the Wallfields refurbishment costs

ACTION

and the absence of a consolidated financial model for the whole C3W programme. He believed this raised questions about how the programme was being managed and what cost controls were in place. He referred to his own model based on official figures which indicated that the overall C3W programme would increase costs by up to £250k a year and one-off costs approaching £1m.

Councillor N Clark commented that the Executive's proposals did not guarantee any savings as efficiency gains could not be translated into cashable savings. He stated that these could only be achieved through job losses and that this had been confirmed to him by Officers. He questioned why internally discussed targets had not been shared with Members.

Councillor N Clark also questioned why an independent whole life cost appraisal had not been carried out as required by the Asset Management Policy. Finally, he suggested that the C3W programme should be halted immediately and an external review of the decisions taken to date be undertaken.

The Executive Member for Resources and Internal Support reserved the right to ignore Councillor N Clark. Councillor D Clark reminded the Executive Member of the Code of Conduct.

The Executive Member responded by stating that the proposed expenditure on Wallfields could not be compared to the expenditure that had been required on The Causeway offices, as the Council owned one building and not the other. Regardless of the C3W programme, the Council would still need to fund improvements to Wallfields.

The Executive Member accepted that further work needed to be done to identify savings that would arise from efficiencies that C3W would provide. The intention was to provide better services at lower costs.

ACTION

Councillor R Taylor expressed his concern over the lack of parking for the additional staff travelling to Wallfields. In response, the Executive Member for Resources and Internal Support acknowledged this concern and commented that Officers were examining various options, which included off-site arrangements.

Councillor A M Graham referred to recommendation (D) and commented that this suggested staff redundancies. He also questioned the need for recommendation (C) to refer to the "Council's sole administrative base".

The Executive Member responded by stating that recommendation (D) required Officers to minimise revenue costs and to achieve offsetting savings. The Executive had not referred to redundancies and that staffing reductions could be achieved in other ways, such as natural wastage. He suggested that recommendation (C) could be amended to refer to the "Council's primary administrative base". Council approved this amendment.

The Leader also commented that the natural outcome of more efficient processes could result in natural wastage, as posts changed and that sensitivity would be needed in managing this.

In relation to Minute 224 – Monthly Corporate Healthcheck – June 2009, Councillor N Clark sought details of the actions the Executive were taking to address the forecast £1.5m overspend. In reply, the Executive Member referred the questioner to the next Monthly Corporate Healthcheck.

In relation to Minute 226 – East Herts Local Plan Second Review April 2007 – Protocol for Saving Policies, the Executive Member for Planning Policy and Transport advised that Officers had now checked that development under policies ST2 and ST3 had been achieved. Council agreed that the Local Plan policies listed in the matrix at Appendix 'B5' of the report now submitted, be not saved and therefore lapse in April 2010.

ACTION

In relation to Minute 227 – Open Space, Sport and Recreation Supplementary Planning Document, Councillor Mrs M H Goldspink moved, and Councillor M Wood seconded, an amendment by way of an additional recommendation as follows:

“in view of the under provision of outdoor sports facilities across the District and our policy of requiring developers to make financial contributions, planning officers be required to keep a detailed record of such contributions and to report back to relevant committees once a year”.

In response, the Executive Member for Planning Policy and Transport commented that this proposal did not relate to PPS17 and that Officers were addressing this issue. A full system of monitoring of section 106 agreements was in place and further background information could be provided.

Councillor Mrs M H Goldspink withdrew her amendment.

In relation to Minute 230 – Local Development Framework Evidence Base – Technical Studies 2008/09 and 2009/10, the Executive Member for Planning Policy and Transport, in response to a question by Councillor N Clark, stated that the final Rye Meads Water Cycle Study had yet to be received.

RESOLVED – that (A) the Minutes of the Executive meetings held on 28 July and 30 September 2009, be received, and the recommendations contained therein, be adopted;

(B) in respect of Minute 222 – Castle Hall Development Options, an additional recommendation requesting Officers to report back within 12 months on options for the future governance of Castle Hall, be approved;

DCCS

ACTION

(C) in respect of Minute 223 - Implications of the C3W Programme (Infrastructure and Finance), recommendation (C) be amended to refer to the "Council's primary administrative base";

(D) in respect of Minute 226 - East Herts Local Plan Second Review April 2007 – Protocol for Saving Policies, the Local Plan policies listed in the matrix at Appendix 'B5' of the report now submitted, be not saved and therefore lapse in April 2010.

(Note 1 – Councillor K A Barnes asked that his dissent be recorded in the decisions taken relating to Minute 223 - Implications of the C3W Programme (Infrastructure and Finance.)

(Note 2 – Councillors D Clark and N Clark asked that, in respect of Minute 223 - Implications of the C3W Programme (Infrastructure and Finance), their abstention be recorded in relation to recommendation (A) and their dissent be recorded in relation to recommendations (B) – (E).)

(Note 3 – Councillor Mrs M H Goldspink asked that, in respect of Minute 223 - Implications of the C3W Programme (Infrastructure and Finance), her abstention be recorded in relation to recommendations (A), (C) and (E) and her dissent be recorded in relation to recommendations (B) and (D).)

(Note 4 – Councillors A M Graham and M Wood asked that, in respect of Minute 223 - Implications of the C3W Programme (Infrastructure and Finance), their dissent be recorded in relation to recommendations (B) and (D).)

(Note 5 – Councillor V Shaw asked that in respect of Minute 223 - Implications of the C3W Programme (Infrastructure and Finance), her dissent be recorded in relation to recommendations (B) - (E).)

(Note 6 – Councillor R Taylor asked that, in respect of Minute 223 - Implications of the C3W Programme

ACTION

(Infrastructure and Finance), his abstention be recorded in relation to recommendation (C) and his dissent be recorded in relation to recommendations (B) and (D).)

290 MINUTES OF COMMITTEES(A) AUDIT COMMITTEE – 29 JUNE 2009

RESOLVED – that the Minutes of the Audit Committee meeting held on 29 June 2009, be received.

(B) DEVELOPMENT CONTROL COMMITTEE
– 1 JULY 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 1 July 2009, be received.

(C) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 14 JULY 2009

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 14 July 2009, be received.

(D) HUMAN RESOURCES COMMITTEE –
15 JULY 2009

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 15 July 2009, be received.

(E) COMMUNITY SCRUTINY COMMITTEE –
21 JULY 2009

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 21 July 2009, be received.

ACTION(F) LICENSING COMMITTEE – 22 JULY 2009

RESOLVED – that the Minutes of the Licensing Committee meeting held on 22 July 2009, be received.

(G) DEVELOPMENT CONTROL COMMITTEE
– 29 JULY 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 29 July 2009, be received.

(H) STANDARDS COMMITTEE – 11 AUGUST 2009

RESOLVED – that the Minutes of the Standards Committee meeting held on 11 August 2009, be received.

(I) CORPORATE BUSINESS SCRUTINY
COMMITTEE – 25 AUGUST 2009

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 25 August 2009, be received.

(J) DEVELOPMENT CONTROL COMMITTEE
– 26 AUGUST 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 26 August 2009, be received.

(K) AUDIT COMMITTEE – 2 SEPTEMBER 2009

RESOLVED – that the Minutes of the Audit Committee meeting held on 2 September 2009, be received.

ACTION(L) ENVIRONMENT SCRUTINY COMMITTEE
– 15 SEPTEMBER 2009

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 15 September 2009, be received.

(M) STANDARDS COMMITTEE – 16 SEPTEMBER 2009

RESOLVED – that the Minutes of the Standards Committee meeting held on 16 September 2009, be received.

(N) DEVELOPMENT CONTROL COMMITTEE
– 23 SEPTEMBER 2009

RESOLVED – that the Minutes of the Development Control Committee meeting held on 23 September 2009, be received.

291 HIGHWAYS JOINT MEMBER PANEL

The Head of Democratic and Legal Support Services submitted a report seeking to amend the Partnership Agreement to effect an increase in the size of the Highways Joint Member Panel.

Council approved the proposals as now detailed.

RESOLVED – that (A) the Highways Partnership Agreement be amended so that the membership comprises 16 Members of which 8 Members are District Members and 8 Members are County Members;

MO

(B) seats be allocated to political groups as follows:

ACTION

Conservative 7

Liberal Democrat 1

(C) the following 8 Members be appointed to represent the District Council:

Councillors A L Burlton, R N Copping, A D Dodd, R Gilbert, N C Poulton, R Taylor, Mrs J J Taylor, B Wrangles.

Substitutes – Councillors J P Warren, M Wood, C Woodward.

(D) the Monitoring Officer be authorised to amend the Constitution accordingly. MO

292 APPOINTMENT OF MEMBERS TO THE INDEPENDENT REMUNERATION PANEL

The Director of Internal Services submitted a report outlining options for making appointments to the Independent Remuneration Panel (IRP). Following the decisions taken at the previous meeting (Minute 74 refers), the Panel was now inquorate as a result of a resignation.

The Leader moved, and the Deputy Leader seconded, a proposal that option three, namely that three members of the County Council IRP be appointed.

Councillors A M Graham and M Wood both expressed support for this and commented that the convening of the Panel was long overdue. Councillor M Wood suggested that future panels could draw on the pool of ex-councillors for their membership. He also suggested that, in order to avoid any similar delays in the future, Council should require the IRP to meet at least once a year. The Leader agreed that ex-councillors might be useful and that Officers could look at this suggestion.

ACTION

Councillor D Clark reminded Council of the previous applicants that Officers had deemed suitable and stated that there nothing to suggest that they had a predetermined view. She drew attention to the fact that the three County Council IRP members did not live in the District and so would not have to pay the resulting council tax. She supported the increase in the size of the Panel but that the additional members should be appointed from the previous pool of applicants.

Councillor N Clark commented that he had received more correspondence from residents and Members on this matter than on any other issue. He agreed with the increase in the size of the panel and that it should meet at least once a year. He commented that the three applicants in option three had not been subjected to the same selection process as the previous applicants. They did not live in the District and so would not be liable for the council tax arising from their recommendations.

Councillor N Clark referred to the previous applicants who had been considered suitable by Officers and were all resident in the District. He could not understand why it had been suggested that these applicants might have a predetermined view. He supported option one, which involved the appointment of three of the original applicants.

Councillor K A Barnes commented that the issue had caused embarrassment which could have been avoided if the correct decision had been taken at the last meeting. He supported increasing the size of the panel to five members with additional members being appointed from the pool of original applicants.

The Leader responded to these comments by suggesting that the evidence clearly showed that the original applicants, who had since formed a "shadow" panel, did have a predetermined view and could not be independent.

Councillor Mrs M H Goldspink suggested that any

ACTION

appointments should be on the same basis as those made at the previous meeting in that the term of appointment should be two years with flexibility to extend further if the appointee was willing. Council approved this suggestion.

On a point of order, Councillor N Clark referred to the Constitution and questioned whether Council could change a decision it had made in the previous six months without a notice being signed by at least 25 Members. The Chairman responded that this was not necessary as circumstances had changed.

After being to the meeting and a vote taken, Council approved option three as now detailed.

RESOLVED – that (A) the size of the Independent Remuneration Panel be increased to five members; DIS

(B) Hazell Bentall, Michelle Drapeau and Greg Grant, be appointed to the Independent Remuneration Panel until the end of the 2010/11 civic year, with an option to extend their appointments for a further two years if willing; and DIS

(C) the Independent Remuneration Panel be required to meet at least once a year. DIS

(Note – Councillors D Clark and N Clark asked that their dissent be recorded in relation to the decision in (B) above.)

The meeting closed at 9.45 pm

Chairman
Date