

# Public Document Pack



Chairman and Members of the  
Council

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cc. All other recipients of the  
Council agenda

Dear Councillor,

## **COUNCIL - 18 OCTOBER 2023**

Please find attached the responses to the Public and Member  
Questions that were on the agenda for the above meeting:

9. Public Questions (Pages 3 - 6)

To receive any public questions.

10. Members' Questions (Pages 7 - 11)

To receive any Members' questions.

# Agenda Item 9

COUNCIL – 18 OCTOBER 2023

## PUBLIC QUESTIONS

<b>Question 1</b>	<b>Charlotte Lipscomb to ask Cllr Vicky Glover-Ward, the Executive Member for Member for Planning and Growth</b>
<p>The AMA festival took place at The Silver Leys Polo Club in Bury Green on Saturday 2<sup>nd</sup> September, having been granted a licence by East Herts Council at a hearing on 14<sup>th</sup> August. The festival left a trail of disruption in its wake, affecting all our local roads through Bury Green and our neighbouring hamlets and blocked the designated route for emergency vehicles. Local residents experienced not only gridlocked traffic which left us trapped in our homes but also indiscriminate parking on roads and verges, along with issues related to noise, litter, and anti-social behaviour.</p> <p>Residents endured a weekend of mayhem. Examples include an eighty four year old resident directing traffic in order to try and mitigate the gridlock, a 93 year old man terrified in his house and surrounded by festival goers trying to retrieve abandoned vehicles, an elderly and confused lady in her last weeks of life who was moved to residential care for 2 weeks in anticipation of the event and children aged 10 and 12 too terrified to pick blackberries on the green, even with adult supervision. Young and old were profoundly and adversely affected.</p> <p>Can the Executive Member responsible for licensing please explain how the decision was made to allow the festival to take place, despite the strong objections from residents, the parish Council, our local councillor, the County Council Highways Dept and the police, all of whom were all able to accurately foresee the havoc the festival would create.</p>	

### **Response from Councillor Glover-Ward**

I would like to thank Charlotte Lipscomb for raising this important question about the recent AMA Fest event.

First, I'd like to assure everyone that the council has followed the right process when considering the AMA Fest application. While I have responsibility for licensing policies, the national legislation and guidance does not allow me, as an Executive member, to be involved in decisions on individual applications. So, because there were representations *against* the application, a hearing led by a sub-committee of the council's Licensing Committee was convened. Please do not think I am trying to distance myself from the sub-committee's decision to grant the licence; I am simply pointing out that if the council had failed to follow the processes set out in law, we could have been taken to court for incorrectly dealing with the application.

That said, I have spoken with my colleague, the Chair of the Licensing Committee, and I am very happy to explain the council's position.

The Licensing Act 2003 dictates the broad range of issues the council must take into account when deciding whether to issue a licence for an event. When looking at the AMA Fest application, just like the five local residents, the local parish council, the police and others who raised objections, East Herts Council had considerable concerns about the traffic and parking arrangements put forward.

The organisers gave assurances both in writing and verbally at the Licensing Sub-Committee hearing that adequate arrangements would be put in place but, of course, the council did not simply take the organiser's word at face value. So, the sub-committee stipulated that the event could only go ahead *if* the organisers demonstrated the robustness of their plans by gaining, at their own expense, a Temporary Traffic Regulation Order (a TTRO) from the Highways team at Hertfordshire County Council.

The organisers made the application and, although the notice period for submitting this was far shorter than usual, Hertfordshire County Council felt able to issue the TTRO. To be absolutely clear, had the county council *not* issued the TTRO, the conditions placed on the licence by East Herts Council

would not have been met and so the East Herts Council would have been enabled to halt the festival before it had even begun; this action would have been taken irrespective of the number of tickets that had been sold and entertainment arranged.

Unfortunately, the day of the festival saw very considerable disruption on the roads just as Ms Lipscombe has described and East Herts Council immediately launched an investigation. This includes looking at what information the organisers provided in support of their TTRO application to the county council and how this compared with the actual traffic management arrangements they put in place. Until we have concluded the investigation we are unable to comment on the details as this might prejudice any potential action that the council may deem appropriate.

Please be assured, however, that East Herts Council is ready to take action against any event organiser that commits offences under the Licensing Act 2003 which may include not complying with the terms of a licence. Regarding AMA Fest, we have gathered information and data from various sources, all of which has now been reviewed but we agreed to a request from Little Hadham Parish Council to hold off completing our investigation until local residents had time to respond to a request for evidence published in the October edition of the parish council magazine. As we are striving to be a listening council and in the spirit of partnership we respect the parish council's wish to enable as many residents as possible to have their say.

Finally, just as we must follow the legal processes when considering granting a licence, we must do the same when considering taking action *after* an event. We will weigh all the evidence received, including the information that may come in as a result of the Parish Council appeal, against the Licensing Act 2003 and the public interest to determine the appropriate action to take in relation to AMA Fest and its organisers.

### **Supplementary question from Charlotte Lipscombe**

The terms of the licence restricted the number of attendees to 5,000 and tickets were on sale long before the hearing in August. She asked the Executive Member if the council knew how many tickets were sold or how the number of attendees at the event was controlled.

### **Response from Councillor Glover-Ward**

Councillor Glover-Ward said she could not comment on this specific point as it was part of the investigation.

# Agenda Item 10

COUNCIL – 18 OCTOBER 2023

## MEMBERS' QUESTIONS

<b>Question 1</b>	<b>Cllr George Williams to ask Cllr Vicky Glover-Ward, the Executive Member for Planning and Growth</b>
<p>Given the protections for nesting birds under the wildlife and countryside act, do the council and its providers have a responsibility and the powers to postpone or decline planning applications for non-urgent roofing works in known swift nesting sites?</p>	
<b>Response from Councillor Glover-Ward</b>	
<p>I am aware of the issues around swift nesting areas in roofs and I know that swifts tend to nest in the same place for life. As such, I share the concerns raised by Councillor Williams. Unfortunately, the planning system allows a great deal of building work to take place without the need for planning permission. This is referred to as Permitted Development and there are currently no exemptions permitted in the General Permitted Regulations 2015 that relate to the presence of swifts. Of course, under the Wildlife and Countryside Act, disturbing birds is an offence and so if there is evidence of nest use when work is about to take place no works should be undertaken. We have already been approached by the Hertford Swift Group who have volunteered to draft a suggested swift policy for the council's consideration. I understand this will cover off both existing nesting sites and also to provide additional sites in new builds and refurbishment of properties. This will then be presented for inclusion in due course the update of the District Plan should this be approved later this evening.</p>	

In the meantime, the council will continue to encourage the inclusion of nest boxes in line with council's Sustainability Supplementary Planning Document. Consideration will also be given to the adoption of a swift best practice advice note. I welcome the input from community organisations such as Hertford Swift Group, Herts Bird Group, North East Herts Swift Group and Ware Swift Group who are doing such incredibly important work to save this red listed species whose numbers have declined by 50% in the last 20 years according to the RSPB. Due to, amongst other things, habitat loss, the groups have steadily been increasing swift boxes in existing properties and I hope this invaluable work will increase swift numbers as they start to recover locally.

There was no supplementary question.

**Question 2**

**Cllr Diane Hollebon to ask Cllr Vicky Glover-Ward, the Executive Member for Planning and Growth**

Can the Executive Member for Planning and Growth confirm to me that she is aware that the proposed community centre in the St James's Park development, Bishop's Stortford South, is being offered on a 100-year lease hold basis when it's being funded by section 106 funds and should therefore be a community asset in perpetuity. Who allowed this and why?

**Response from Councillor Glover-Ward**

I would like to thank Councillor Hollebon for her question.

Firstly, I would like to make it clear that there was never a requirement to build a community centre as part of this project; the requirement is to provide up to 200m<sup>2</sup> of community space within the Local Centre under the S106 agreement. This Community Space is required to be designed in accordance with

the Community Space Management Strategy with the management and maintenance of same along with the management body details included in the 'Management Strategy.

It is not uncommon for community space to be included in another building, as is the case here, and therefore a long leasehold agreement in this circumstance is not unreasonable. It's probably worth noting that there is no planning policy requirement that community space should be offered in perpetuity to any local council and I understand that currently it is anticipated that this space will be run by a non-council body although this may alter dependent on progress made by the developer to secure a lease agreement with an appropriate body.

I am sure that the Councillor will agree that the likely term of 100 years on the lease, which may also be extended or renewed at the end of the term as with any lease, does offer a substantial degree of permanence.

There is a working draft of the Community Space Management Strategy and Specification submitted to EHDC planners for comment and we would anticipate that a more formal draft will be submitted subsequently where councillors and the public will be able to comment.

**Supplementary question from Councillor Hollebon**

Councillor Hollebon asked if the Executive Member could guarantee that relevant ward members were made aware and consulted on any agreement before Officers made a decision regarding the provision of community centres? She said that residents needed a community asset for their health and wellbeing.

**Response from Councillor Glover-Ward**

Councillor Glover-Ward said if the council were providing a community centre she would take that on board but the council



was providing community space under this s.106 decision and that was why it was leasehold, not freehold.

**Question 3**

**Cllr Joe Thomas to ask Cllr Sarah Hopewell, the Executive Member for Wellbeing**

What steps are East Herts District Council taking to mitigate the risk of injury from lightning strikes in our facilities and open spaces?

**Response from Councillor Hopewell**

I would like to thank Councillor Thomas for his question.

In fact, my colleague Councillor Dumont has already raised a similar question with officers following the terrible recent lightning strike at Sele School in Hertford. In this case members may be aware that as we understand it, the tournament had been suspended at the school and the playing field was being cleared when the storm gathered pace and unfortunately the boy was struck.

Education is critical to mitigating injury. East Herts takes all reasonably practicable steps concerning weather events and activity management if reports of storm weather are received. Added to this, we already provide information on our website regarding coping with cold weather, heat waves and floods and so, in response, to the recent incident, and so we will be adding a link to the Met Office's guidance for staying safe in thunder and lightning which we will share with the various community groups and partners we work with.

Whilst it is difficult to plan for every eventually concerning natural phenomena, defibrillators can be vital if someone has a cardiac incident for whatever reason. Over recent years we have funded

defibrillators at our own sites such as Wallfields and the Theatre in Hertford and Navigation House in Bishop's Stortford. All of these are registered on both The Circuit, a highly respected national database of defibrillator locations funded by the NHS, the British Heart Foundation, the Resuscitation Council UK and St John Ambulance, and the online National Defibrillator Database, operated by the Community Heartbeat Trust charity.

In addition, there are defibrillators located at Hartham, Grange Paddocks, Leventhorpe, Ward Freman and Fanshawe leisure centres and swimming pools.

Of particular note, all schools in the district have been part of a roll out programme to ensure access to defibrillators. State-funded primary, secondary and special schools in England that do not have existing provision in place are eligible, with larger schools having been provided with two or more defibrillators so they can be strategically placed in areas where a cardiac arrest may be more likely, such as sports halls.

Timely access to a defibrillator can greatly improve survival rates following a cardiac incident and members may wish to look at the National Defibrillator Database at [www.nddb.uk](http://www.nddb.uk) as the searchable map shows the significant number of defibrillators across our district.

There was no supplementary question.