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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 26 July 2016

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 27 JULY 2016: SUPPLEMENTARY AGENDA NO 1

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting:

6. Members' questions (Pages 3 - 4)

To receive any Members' questions.

8. Executive Report - 19 July 2016 (Pages 5 - 12)

To receive a report from the Leader of the Council

18. Corporate Business Scrutiny Committee: Minutes - 12 July 2016 (Pages 13 - 20)

Chairman: Councillor M Allen

19. Licensing Committee: Minutes - 14 July 2016 (Pages 21 - 28)

Chairman: Councillor R Brunton

To receive a report and to consider recommendations on the following matters:

(A) Draft Statement of Licensing Policy

Minute 143 refers

(B) Revised Driver Convictions Policy

Minute 144 refers

20. Development Management Committee: Minutes - 20 July 2016 (Pages 29 - 40)

Chairman: Councillor T Page

23. Request for Community Governance Review - Buntingford Town Council (Pages 41 - 48)

To consider a report of the Acting Head of Legal and Democratic Services

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Martin Ibrahim
Democratic Services Team Leader
Democratic Services
martin.ibrahim@eastherts.gov.uk

MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 27 JULY 2016
TIME : 7.00 PM

COUNCIL – 27 JULY 2016

MEMBERS' QUESTIONS

Question 1

Councillor R Henson to ask the Executive Member for Economic Development:

Can the Executive Member confirm if the forthcoming District Plan will contain measures to increase space for parking - both commuter and residential - in areas where it appears to be lacking, such as North Road, and Turpins Close, in Hertford, and if he cannot give that assurance, will he consider reviewing the Council's parking policies for those and similarly affected areas, as soon as possible?

Question 2

Councillor T Page to ask the Leader of the Council:

Could the Leader please provide clarification over the extent that s106 contributions are ring fenced to ensure that funding is applied within specific wards that bear the brunt of new developments, or to otherwise mitigate their local infrastructure needs?

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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 19 JULY 2016, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)
Councillors E Buckmaster, A Jackson,
G Jones, G McAndrew, S Rutland-Barsby
and G Williamson.

ALSO PRESENT:

Councillors S Bull, M Freeman, J Goodeve,
M McMullen, T Page, M Pope and P Ruffles.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services and Leisure
Emma Freeman	- Head of Human Resources and Organisation Development
Jonathan Geall	- Head of Housing and Health
Philip Gregory	- Head of Strategic Finance and Property
Martin Ibrahim	- Democratic Services Team Leader
Jess Khanom	- Head of Operations
Helen Standen	- Director
Adele Taylor	- Director
Liz Watts	- Chief Executive
Kevin Williams	- Acting Head of Legal and Democratic

Services

154 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members and Officers to the meeting and reminded everyone that the meeting was being webcast. She also welcomed Helen Standen, Director and Kevin Williams, Acting Head of Legal and Democratic Services to their first Executive meetings.

The Leader advised that the item relating to Funding for Apprentices would be considered immediately after Declarations of Interest.

155 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 7 June 2016, be approved as a correct record and signed by the Leader.

156 WASTE AND STREET CLEANSING CONTRACT - FUTURE SERVICE DESIGN CONSIDERATIONS

The Executive Member for the Environment and the Public Space submitted a report outlining the results of the Environment Scrutiny Committee's Task and Finish Group's review of waste and street cleansing services. He detailed their findings and recommendations for the future design of services for incorporation into the next service contract.

The Executive noted the options considered by the Task and Finish Group and the support indicated by Environment Scrutiny Committee at its meeting held on 21 June 2016.

The Executive Member thanked the Task and Finish Group for their work and all the Officers, in particular Cliff Cardoza, for their support. Councillor M Freeman, the Chairman of the Task and Finish Group, also thanked Officers for their support.

The Executive noted that this was Cliff Cardoza's last meeting before his departure from the Council and placed on record, its appreciation for his work and support over the previous 16 years.

The Executive approved the recommendations as now detailed.

RESOLVED - that (A) the comments of the Environment Scrutiny Committee be received; and

(B) the design considerations as detailed in the report submitted (and summarised in paragraph 2.51) be approved for incorporation into the next Waste and Street Cleansing Contract.

157 SHARED WASTE SERVICE ARRANGEMENTS WITH NORTH HERTS

The Leader of the Council advised that since the agenda had been published, the documents forming the Outline Business Case at Essential Reference Papers 'B' and 'B1', had been classified as containing exempt information as defined by paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972. She asked Members to treat these papers with care and advised that, if any Member wished to ask any detailed questions on the contents of these, the meeting could exclude the press and public.

The Ambassador and Executive Member for Shared Services submitted a report seeking approval for a Shared Waste and Street Cleansing Service with North Herts District Council. He detailed the specific proposals in the Outline Business Case, at Essential Reference Paper 'B' of the report submitted. In particular, he highlighted how the projected savings would be achieved from the proposed shared service.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) a Shared Waste and Street Cleansing Service with North Herts District Council

(NHDC) be implemented and a joint contract for these services be procured;

(B) a report be brought forward in the Autumn 2016 advising of progress and recommending award criteria for the joint contract; and

(C) the Ambassador and Executive Member for Shared Services be given delegated authority to make minor changes to the scope of the shared service in consultation with North Herts District Council.

158 LEISURE FACILITIES STRATEGY

The Executive Member for Health and Wellbeing submitted a report outlining the issues and options in respect of the management and sustainability of the three joint use leisure facilities and two wholly owned sites operated by East Herts Council.

He thanked the Task and Finish Group for their work, which had been supported by the Community Scrutiny Committee at its meeting, held on 28 June 2016. Councillor M Freeman, the Task and Finish Group Chairman, thanked Officers for their support.

The Executive approved the recommendations as now detailed.

RESOLVED - that (A) the comments of Community Scrutiny Committee be received;

(B) the proposed direction of travel outlined in paragraphs 2.70 to 2.72 and the programme of work outlined in paragraphs 2.73 – 2.76 of the report submitted, be approved;

(C) subject to recommendation (B) above, a progress report is provided to the Community Scrutiny Committee at its meeting on 22 November 2016; and

(D) the work of the Task and Finish Group be extended to consider progress in developing the work streams over the next 6 months as outlined in paragraph 3.2 of the report submitted.

159 DELIVERY PLAN FOR ACTIVE EAST HERTS

The Executive Member for Health and Wellbeing submitted a report presenting the services delivered by Active East Herts (AEH) and proposing an annual Service Level Agreement (SLA) for approval.

The Community Scrutiny Committee, at its meeting held on 28 June 2016, had supported the SLA and action plan as now submitted.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the comments of Community Scrutiny Committee be received; and

(B) the action plan and Service Level Agreement as detailed at Essential Reference Papers 'C' and 'D' of the report submitted, be approved.

160 RURAL ISOLATION IN EAST HERTS

The Executive Member for Health and Wellbeing submitted a report seeking approval for a direction of travel to further explore and address issues of rural isolation in East Herts.

The Community Scrutiny Committee, at its meeting held on 28 June 2016, had supported the proposed direction.

Councillor M Freeman supported the dial-a-ride schemes and commented on the need for more joined-up thinking in respect of bus services and social care provision.

The Executive approved the recommendations now detailed.

RESOLVED - that (A) the comments of Health and

Wellbeing Scrutiny Committee be received; and

(B) the direction of travel as now detailed in the report submitted, be approved.

161 COMMUNITY LETTINGS POLICY

The Executive Member for Finance and Support Services submitted a report setting out options for consideration in formulating a community lettings policy, in order to demonstrate transparency in documenting the subsidies provided to community groups who leased land and buildings from the Council.

The Corporate Business Scrutiny Committee, at its meeting held on 12 July 2016, had supported the approach and requested the Executive to consider two additional recommendations. Firstly, relating to a market rent policy being introduced, whereby as each lease came up for renewal alongside an established grant application process, there would be a maximum rent discount of 80% on the understanding that Officers had discretion to make adjustments to this. Secondly, that the level of community use be included and monitored via the wording of future lease documents.

The Executive approved these suggestions.

The Executive approved the revised recommendations as now detailed.

RESOLVED - that (A) the comments of Corporate Business Scrutiny Committee be received;

(B) community lettings leases are recognised, as set out in paragraph 2.6 of the report submitted, in order to comply with the Local Government Transparency Code 2015;

(C) the community lettings policy, as set out in paragraph 2.11 of the report submitted, be approved;

(D) a market rent policy be introduced whereby as each lease comes up for renewal alongside an established grant application process, there would be a maximum rent discount of 80% on the understanding that Officers have discretion to make adjustments to this; and

(E) the level of community use be included and monitored via the wording of future lease documents.

162 FUNDING FOR APPRENTICES

The Leader of the Council submitted a report requesting funding for the recruitment of up to 7 apprentices in 2016/17.

The Executive noted that encouraging apprenticeships would help the Council’s workforce strategy in lowering the age profile of its employees.

In response to questions, it was clarified that Officers could look at extending the upper age limit beyond 18. Also, the scheme would be funded from the Transformation Reserve.

The Executive approved the proposal now detailed.

RESOLVED - that (A) the funding for apprentices as detailed in the report submitted, be approved; and

(B) the Council’s apprenticeship rate be £4.00 per hour, increasing to £4.50 per hour in the second year.

The meeting closed at 7.50 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
CORPORATE BUSINESS SCRUTINY
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 12 JULY 2016, AT 7.00 PM

PRESENT: Councillor M Allen (Chairman).
Councillors R Brunton, M Casey, B Deering,
I Devonshire and M Stevenson.

ALSO PRESENT:

Councillors G Jones, P Ruffles and
G Williamson.

OFFICERS IN ATTENDANCE:

Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Alasdair McWilliams	- Information and Digital Media Manager
Rebecca Ranford	- Customer Services Manager
Noel Wallis	- Information Analyst
Liz Watts	- Chief Executive
Ben Wood	- Head of Communications, Strategy and Policy

136 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Kaye, P Phillips, M Pope and J Wyllie. It was noted that Councillor I Devonshire was substituting for Councillor J Wyllie.

137 MINUTES – 31 MAY 2016

RESOLVED – that the Minutes of the meeting held on 31 May 2016 be confirmed as a correct record and signed by the Chairman.

138 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the report in respect of the Medium Term Financial Plan would be considered at the next meeting to allow Officers to reflect on the possible impact of the recent referendum decision.

Members were also advised that the Section 106 report would be considered at a future meeting pending news on more advanced discussions between landowners and developers.

Finally, the Chairman encouraged Members to ask questions in support of the scrutiny process.

139 REVIEW OF COMMENTS, COMPLIMENTS AND COMPLAINTS 1 APRIL 2015 TO 31 MARCH 2016

The Executive Member for Development Management and Council Support submitted a report that summarised the comments, compliments and complaints received between April 2015 and March 2016. The report also highlighted the key issues, remedial action and learning arising from the comments, compliments and complaints received. Members were invited to note the updated Corporate Complaints Procedure.

The Customer Services Manager detailed a number of key points and definitions that were referred to within the report. She highlighted a number of complaints that had been received and detailed the involvement with the Office of the Information Commissioner (ICO).

The Manager detailed the percentage of complaints that

been upheld at stages 1 and 2. She stated that the number of complaints received was very low when considered in the context of the volume of phone calls, e-mails and bin collections the Authority was involved with.

Members were advised that the new complaints champions would be meeting with Heads of Service as part of an information review regarding the recording of compliments, comments and complaints.

The Customer Services Manager responded to a query from Councillor M Casey by detailing the nature of the complaints referred to in paragraph 2.3 of the report. She also advised Councillor R Brunton of the process whereby the local ombudsman got involved and how they considered any cases that were referred to them regarding East Herts Council.

The Manager responded to a number of other queries from the Committee regarding how Officers processed comments, compliments and complaints. Members received the report and approved the recommendations now detailed.

RESOLVED – that (A) the report be received;

(B) the actions in respect of ‘Comments, Compliments and Complaints’ be noted;

(C) the comments, compliments and complaints recording process be re-aligned with the new structure;

(D) the departmental complaints champions be reviewed and updated;

(E) the current system for the recording of compliments, comments and complaints is adequate and should not be reviewed; and

(F) a request for service should not be logged as

a complaint.

140 DATA PROTECTION ANNUAL REVIEW

The Head of Legal and Democratic Services submitted a report that updated the Committee on the Shared Internal Audit Service (SIAS) report on data protection. The Digital and Information Manager invited Members to comment on the current Data Protection status and to agree that future scrutiny and monitoring of the Council's Data Protection risks would be best conducted through Covalent (the Council's performance management system) and the quarterly performance reports.

Members were advised of the 3 data protection breaches that were detailed in the report, none of which had attracted any action from the Information Commissioner's Office. The Committee was advised that the Shared Internal Audit Service (SIAS) report had not made any recommendations for improvement.

The Digital and Information Manager responded to concerns from Councillor M Casey regarding the data protection breaches by advising that the Office of the Information Commissioner (ICO) was satisfied that the data protection protocols of the Authority were sufficiently robust. Members were advised that whilst any breach was regrettable, they could occur due to human error.

The Chairman and the Officer responded to a number of other minor queries from the Committee regarding the inclusion of data protection reviews in the monthly corporate performance report. Members received the report and approved the recommendations now detailed.

RESOLVED – that (A) the actions and developments in regard to data protection compliance be noted; and

(B) the ongoing scrutiny and oversight of data protection compliance via the quarterly

performance report and use of the Covalent system be agreed.

141 COMMUNITY LETTINGS POLICY

The Head of Strategic Finance and Property submitted a report that set out the options for consideration in formulating a community lettings policy. The report also demonstrated transparency in documenting the subsidies provided to community groups who leased land and buildings from the Council.

The Executive Member for Finance and Support Services referred to lease arrangements being considered on a case by case basis as they were due for renewal. He referred to the local government transparency code and detailed the four options for Members to consider as detailed in paragraph 2.8 of the report submitted.

Members were advised that the preferred option was for the introduction of a market rent policy as each lease came up for renewal alongside the establishment of a grant application process subject to a maximum rent discount of, for example, 80%.

Councillor R Brunton commented on whether there was any latitude to extend the maximum rent discount beyond 80% to 90 or 95%. Councillor B Deering referred to the importance of being even handed when dealing with the discretionary assessment of needs.

The Executive Member for Finance and Support Services commented that the matters referred to by Councillors R Brunton and B Deering would be closely monitored in lease documentation. He stated that Officers took a view on what land was worth as well as the level of commercial rent. He referred to the importance of moving from the current situation to where the Council wanted to be.

The Chief Executive advised that it was the role of the Council to set the market rent policy. Following a query

from Councillor M Casey, she referred to a number of factors Members should consider as well as guidance regarding the role of Councillors.

The Committee debated a number of other issues at length regarding market rent and the level of market value. The Executive Member for Finance and Support Services commented on the importance of fairness and a level playing field regarding the policy and market rents and the maximum levels of rent discounts. Members received the report and approved the recommendations now detailed.

RESOLVED – that (A) the report be received;

(B) community lettings leases be recognised, as detailed in paragraph 2.6 of the report submitted, as being in compliance with the Local Government Transparency Code 2015;

(C) the Executive be requested to consider whether a market rent policy could be introduced, whereby as each lease comes up for renewal alongside an established grant application process, there would be a maximum rent discount of 80% on the understanding that Officers would have discretion to make adjustments to this; and

(D) the level of community use be included and monitored via the wording of future lease documents.

142 WORK PROGRAMME

The Chairman submitted a report inviting Members to review and determine the Committee's future work programme for 2016/17. Members were advised that the review of the WENTA 'Myincubator' centre would be brought forward to the November 2016 meeting from April 2017.

The report on the medium term financial plan would now be submitted to the August 2016 meeting to allow Members to be presented with some considered thought on the impact of the decision to leave the EU, including a thorough reassessment of modelling assumptions.

The Scrutiny Officer advised that the Head of the Revenues and Benefits Shared Service had requested that a report regarding discretionary rate relief be submitted to the October 2016 meeting to assist with budget setting and future planning.

The Chief Executive requested time on a future agenda to bring forward a report regarding a request for capital funding linked to the Hertford Urban Design Strategy. She said it was needed to be able to make use of matched funding to enhance the public realm of Hertford.

The Committee approved the 2016/17 work programme, as now amended.

RESOLVED – that the work programme, as now amended, be approved.

The meeting closed at 8.04 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 14 JULY 2016,
AT 7.00 PM

PRESENT: Councillor R Brunton (Chairman).
Councillors P Ballam, Mrs R Cheswright,
D Andrews, G Cutting, B Deering,
M McMullen and T Page.

ALSO PRESENT:

Councillors M Allen, G McAndrew and
S Reed.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Jonathan Geall	- Head of Housing and Health
Oliver Rawlings	- Senior Specialist Licensing Officer
Liz Watts	- Chief Executive
Kevin Williams	- Acting Head of Legal and Democratic Services

143 CONSIDERATION OF FEEDBACK ON THE DRAFT STATEMENT OF LICENSING POLICY

The Chief Executive submitted a report that presented the responses to consultation in respect of the Statement of Licensing Policy.

The Senior Specialist Licensing Officer explained that the policy was last reviewed five years ago but due to emerging issues in relation to the links between

alcohol misuse and its impact on public health, a decision had been taken to review the policy. He provided a summary of the policy and the revisions made, the detail of which was set out in the report. The Senior Specialist Licensing Officer explained that the draft document that set out the Council's visions, aspirations and licensing functions, had undergone wide consultation and legal advice had been sought and provided, on the proposed changes. He provided a summary of the comments received.

Members debated the report at length, including classifications of premises and definitions of primary use. Members discussed alcohol being sold at petrol stations and the need to note that individuals needed to be responsible for their own actions in terms of buying and consumption.

Members thanked the Officer for the report and sought reassurances that the Council was doing all it could to ensure that the licensing policy was robust and enforceable.

The Committee received the report and recommended the revised Statement of Licensing Policy, as now detailed.

RECOMMENDED – that (A) the report be received; and;

(B) the revised Statement of Licensing Policy, as now submitted, be approved to take effect from 1 August 2016.

144 **CONSIDERATION OF FEEDBACK ON REVISED DRIVER CONVICTIONS POLICY**

The Chief Executive submitted a report that presented the responses to consultation in respect of the draft revised Driver Convictions Policy. The Senior Specialist Licensing Officer explained that

the rationale behind the need to revise the policy was a direct response to the “Report of Inspection of Rotherham Metropolitan Borough Council – February 2015”. He explained that as part of the consultation process, more than 400 letters had been sent out to every individual and business in the East Herts licensed taxi trade.

Members debated the report at length. Concern was expressed that the proposed policy had not been tested in a Court of Law. The Senior Specialist Licensing Officer assured Members that the policy, as proposed, was a huge leap forward for the Council and that this enabled Officers to review applications in retrospect to ensure that all licence holders were “fit and proper” persons. In response to further comments about the content of the policy, the Senior Specialist Licensing Officer confirmed that the form had been reviewed by a specialist lawyer, foremost in his field, who had supported the revisions. The Senior Specialist Licensing Officer stated that other Councils in Hertfordshire were reviewing their policies based on what was being proposed.

The Senior Specialist Licensing Officer explained the content of the new application process and assured Members that data sharing protocols allowed the Council access to information from the Police about applicants which previously, it had not been able to access.

Members congratulated the Officer on the report and asked that the process be continually monitored and brought back to Members when appropriate.

The Committee recommended the revised Driver Convictions Policy, as now detailed.

RECOMMENDED – that (A) the report be received; and;

(B) the revised Driver Convictions Policy be approved, as now submitted, to take effect from 15 July 2016; and

(C) authority to make decisions under the new policy be delegated to Officers.

145 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor B Deering and seconded by Councillor G Cutting that Councillor D Andrews be appointed Vice-Chairman of Licensing Committee for the 2016/17 civic year.

After being put to the meeting, Councillor D Andrews was appointed Vice-Chairman of the Licensing Committee for the 2016/17 civic year.

RESOLVED – that Councillor D Andrews be appointed Vice-Chairman of Licensing Committee for the 2016/17 civic year.

146 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Jones, N Symonds and R Standley.

147 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Kevin Williams, Acting Head of Legal and Democratic Services, to the meeting.

The Chairman stated that item 12 (Presentation – Features and Benefits of Live ID in East Herts Licensed Premises) had been withdrawn from the agenda as the Police had advised that they could not attend owing to operational considerations. The Chairman asked that this item be added to the agenda for the next meeting and that the Police be invited back to make a presentation.

Councillor G Cutting was disappointed to hear that the Police were not in attendance to present the report given the work that he had personally contributed and hoped to see this on the agenda for the next meeting.

148 MINUTES - 17 MARCH 2016

RESOLVED – that the Minutes of the meeting held on 17 March 2016 be confirmed as a correct record and signed by the Chairman.

149 LICENSING SUB-COMMITTEE - 2 AND 10 JUNE 2016

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 2 June and 10 June 2016, be received.

150 TRAINING FOR LICENSED DRIVERS

The Chief Executive submitted a report updating Members in respect of the Council's responsibilities regarding licensing hackney carriage and private hire drivers. Members were being asked to consider amendments to the scope, style, delivery and cost of the knowledge test and application criteria. The Senior Specialist Licensing Officer provided a summary of the report as detailed. He drew Members' attention to an amendment in paragraph 2.32 of the report submitted stating that the administration fee was £9.10 and not £13.65.

The Senior Specialist Licensing Officer explained that the training would be provided by Watford Borough Council but tailor-made to suit the needs of East Herts Council and was mandatory for all Dual Drivers and Private Hire Drivers Licences.

Members considered the pass rate criteria proposed in relation to the tests for geographical knowledge and maths. The Senior Specialist Licensing Officer explained the rationale behind the criteria and why this was being

proposed. In response to a query regarding other competencies, the Officer explained that competency in English was also evaluated as part of the process.

The Committee received the report.

RESOLVED – that (A) from 1 August 2016 all new driver applicants be subject to the new requirements;

(B) from 1 January 2017 all renewing drivers be subject to the new requirements; and

(C) delegated authority to make minor modifications to the scheme, in consultation with the Chairman of the Licensing Committee be given to Officers.

151 LICENSING ACTIVITY Q1 JANUARY-MARCH 2016

The Chief Executive submitted a report updating Members in relation to statistics on processing licences, enforcement activity and implementation of the Service Plan for Quarter 1 of 2016. The Senior Specialist Licensing Officer provided a summary of the report as detailed.

Councillor G Cutting expressed concern at the number of Temporary Events Notices (TENs) issued between 1 January and 31 March 2016. He commented that the use of this process circumvented normal licensing conditions which might be imposed. The Senior Specialist Licensing Officer explained the use of TENs and how the Police and Environmental Health would get involved if there was an issue around a TEN.

In response to a query from Councillor T Page regarding pro-active monitoring of premises, the Head of Housing and Health Services explained that detailed monitoring schedules were in the process of being drawn up and anticipated that information would be reported to

Members on a quarterly basis.

Councillor R Cheswright asked that a letter of thanks be sent to Robin Clark, Enforcement Officer who had recently left the Council’s employment. The Chairman undertook to write to him. The Head of Housing and Health Services assured Members that he would ensure that he had a team “fit for purpose” and of the highest calibre to address the needs of the section.

The Committee received the report.

RESOLVED – that the report be received.

152 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Environment and the Public Space submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers.

The Committee received the report.

RESOLVED – that the report be received.

153 PRESENTATION - FEATURES AND BENEFITS OF LIVE ID IN EAST HERTS LICENSED PREMISES

RESOLVED – that the matter be deferred.

The meeting closed at 8.15 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 20 JULY 2016, AT 7.00 PM

PRESENT: Councillor T Page (Chairman).
Councillors M Allen, D Andrews, R Brunton,
S Bull, M Casey, B Deering, M Freeman,
J Goodeve, J Jones, J Kaye and R Standley.

ALSO PRESENT:

Councillors P Ballam, P Kenealy, P Ruffles,
S Rutland-Barsby and J Taylor.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principal Planning Enforcement Officer
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Marie Searle	- Solicitor
Ian Sharratt	- Environmental Manager
Kevin Steptoe	- Head of Planning and Building Control Services

163 APOLOGY

An apology for absence was submitted on behalf of Councillor K Warnell. It was noted that Councillor S Bull was substituting for Councillor K Warnell.

164 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all to the meeting and outlined the process to be followed. He outlined general housekeeping issues and reminded those in attendance that the meeting would be webcasted.

The Chairman drew Members' attention to an error on the front of the Agenda in that Councillor D Andrews should have been listed as a Member of the Committee and Councillor P Ruffles as a substitute.

The Chairman advised that Agenda Item 6 (Proposed Use of Directions to Restrict Permitted Development Rights in Conservation Areas) had been deferred pending further advice from Officers.

Finally, the Chairman advised that training had been arranged for 31 August 2016 regarding the Community Infrastructure Levy (CIL), Section 106 and development viability. Training relating to an update on the District Plan had also been arranged for 1 September 2016.

165 DECLARATIONS OF INTEREST

Councillor R Standley declared that she would leave the room during the consideration of the matter referred to in Minute 168 on the grounds that she was a Member of the Riversmead Residents Panel. She explained that whilst she did not consider that she had a disclosable pecuniary interest, she would not participate in the debate to avoid any perception of bias.

166 MINUTES – 22 JUNE 2016

RESOLVED – that the Minutes of the meeting held on 22 June 2016 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 111 – Declarations of Interest.

Delete – ‘Councillor R Standley declared a disclosable pecuniary interest in application 3/16/0689/FUL. She left the room during the determination of this application.’

Replace with – ‘.....In respect of Minute 115 – Application 3/16/0689/FUL, Councillor R Standley declared that she would leave the room during the consideration of this matter on the grounds that she was a Member of the Riversmead Residents Panel. She explained that whilst she did not consider that she had a disclosable pecuniary interest, she would not participate in the matter to avoid any perception of bias.’

167 3/15/2254/FUL – CHANGE OF USE OF LAND FROM AGRICULTURE TO MIXED USE FOR AGRICULTURE AND USE FOR THE GENERATION OF RENEWABLE ENERGY (SOLAR) AT LAND AT MILL FARM, MENTLEY LANE, GREAT MUNDEN FOR MR S BRADSHAW, PUSH ENTERGY LTD

Mr Amico addressed the Committee in objection to the application. Mr Livings spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2254/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Kenealy, as the local ward Member, addressed the Committee regarding a number of benefits of the application. He stated that the solar farm would be 50% of the size of the previously refused scheme and there would be no light pollution. He commented that the site could be restored to agricultural use at any time and there were no alternative brownfield sites. He concluded by referring to the overwhelming local support for the proposed development.

The Head of Planning and Building Control confirmed that the site had been reduced since the previously refused application. The site had been reduced from 17 to 7 hectares or the equivalent of 10 megawatts to 5 megawatts of energy. A number of landscape impacts had been addressed and national and local policy supported renewable energy in principle, subject to the landscape impacts.

The Head advised that the visual impacts on public rights of way had been reduced and Officers felt that the benefits of the scheme outweighed the harm and Members had to make a judgement on the acceptability of this revised application.

The Head responded to queries from Councillors R Brunton, M Casey and J Kaye regarding government policy, brownfield sites and agricultural land in East Herts as well as the possibility of glare. Members were advised that Hertfordshire had high quality agricultural land and there was no lesser quality land available. The solar farm was not a permanent feature and some grazing would still be possible.

The Head confirmed that the solar farm should not generate glare and if there was this would only be visible from a few points on distant rights of way. Members were given a detailed breakdown of the locations of the public rights of way and the potential for the site to be viewed from them. The Head stated that the site had moved onto a higher plateau and the screening planting would take time to mature.

Councillor M Freeman highlighted a point made by Officers in the report that the Housing and Planning Act 2016 made it increasingly unlikely that any large brownfield sites would be used for the generation of renewable energy in East Herts. He referred to recent facts regarding tackling emissions and global warming and he felt that Officers had summed up the situation well in paragraph 1.4 of the report submitted.

Councillor J Jones referred to the fact the size of the proposed solar farm site had reduced from 17 to 7.7 hectares. He commented however, that the landscape impact was unchanged hence the recommendation for refusal from the Landscape Officer. He stated that the application was against NPPF policy and the solar farm would be better located adjacent to a motorway as was the case elsewhere nationally.

The Director stated that there were extensive conditions and the site had been scaled back to the east with this area due to be taken up by planting. Officers could not condition against or prevent further applications being made and the fact that the proposed location had moved onto a flat plateau away from the more visible parts of the site was an argument against any future applications.

Councillor D Andrews commented that this was a much improved application and more sustainable forms of non-hydrocarbon based energy sources were needed. He concluded that whilst this was a sensitive application he felt that overall he was able to support it.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2254/FUL, planning permission be granted subject to the conditions detailed in the report.

168 3/16/0689/FUL – DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF 10 AFFORDABLE DWELLINGS (3 X 1 BED FLATS, 7 X 2 BED FLATS), ASSOCIATED CAR PARKING AND LANDSCAPING AT 101-113 GLADSTONE ROAD, WARE, SG12 0AQ FOR RIVERSMEAD HOUSING ASSOCIATION

Mr Tombs addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0689/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Taylor, as the local ward Member, expressed concerns that the number of parking spaces had only been increased from 8 to 10. She emphasised that this did not represent a significant improvement and she stated that 90% of the residents of the existing flats did not drive. She commented that 10 spaces for 27 residents would be inadequate as many people needed cars to get to work.

Councillor J Taylor pointed out that this already built up area was currently saturated with cars and the additional flats could result in people being unable to park in the vicinity of their homes. She felt that the proposed development could not be integrated into the surrounding area with only 10 parking spaces. She urged the Committee to think very carefully about the parking situation before determining the application.

The Head of Planning and Building Control stated that the relevant issues had been well explained. He detailed the relevant planning history and emphasised that the site was constrained in many ways. The Head reminded Members that the site was convenient for the town centre and a new Asda supermarket and the applicant had provided 10 cycle boxes. He concluded that Members should weigh up the parking issue against the wider benefits of the proposed development.

Councillor D Andrews commented that one reason people were unable to park in Gladstone Road was commuters parking then walking to the station now that Oyster cards could be used from Ware. He stated that parking was inadequate and the 10 spaces should be allocated in some way and protected to address the issue of commuter parking.

The Head confirmed to Councillor J Kaye the location of the extra 2 spaces that had been provided by the applicant. Councillor M Freeman referred to the duty of Members to provide good quality housing and he did not accept that 10 apartments would generate 27 vehicles. He felt that the applicant had done a good job in responding to the concerns Members had raised at the previous meeting.

Councillor R Brunton sympathised with the local ward Member. He stated however, that Ware Town Council welcomed the application and none of the statutory consultees objected to the application and neither did he.

Councillor J Jones acknowledged the difficulties of squeezing the 10 car parking spaces into the proposed development. He referred to the 10 cycle boxes and commented that 10 spaces was a vast improvement. He stated that he would be supporting the application.

Councillor S Bull stated that he knew the area well and he acknowledged that car parking was a big problem in this area. He supported the idea of allocated parking spaces for the proposed development and he was of the view that the site needed to be tidied up.

Councillor D Andrews stated that parking should be protected for the residents of the proposed units rather than being allocated to individual occupiers. The Head stated that Officers could apply a condition requiring that details of parking arrangements be submitted to and agreed with Officers. This was supported.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/0689/FUL, planning permission be granted subject to the conditions detailed in the report and

the following additional condition:

15. Prior to commencement of development there shall be submitted to, and agreed in writing by the Local Planning Authority, a scheme for the ongoing allocation and management of the parking spaces to be provided as part of the development. The scheme shall also set out details as to how the agreed management scheme will be enforced. Once agreed, the allocation and management arrangements shall be implemented as such from the first residential occupation of the scheme and thereafter remain in place.

Reason: In order to ensure appropriate use of the parking spaces to be provided for the benefit of the residents of the development in accordance with policies TR7 and ENV1 of the East Herts Local Plan (Second Review) 2007.

- 169 3/16/0959/REM – RESERVED MATTERS APPROVAL FOR THE ERECTION OF 25 BUNGALOWS OF 'RETIREMENT LIVING' (CATEGORY II SHELTERED HOUSING) AND ASSOCIATED PARKING AND LANDSCAPING AT LAND NORTH OF PARK FARM INDUSTRIAL ESTATE AND THE FREMAN COLLEGE, ERMINE STREET, BUNTINGFORD FOR MCCARTHY AND STONE
-

The Head of Planning and Building Control recommended that in respect of application 3/16/0959/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillors S Bull and J Jones briefly addressed the Committee in support of the recommendation. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application

3/16/0959/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

170 3/16/0799/FUL – INSTALLATION OF 1NO METAL SHIPPING CONTAINER FOR STORAGE OF HAND TOOLS AT SOUTHERN COUNTRY PARK, LAKE VIEW, BISHOP'S STORTFORD FOR EAST HERTS DISTRICT COUNCIL

Mr White addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0799/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that the value of the proposed development outweighed the impact on the greenbelt. Councillor S Bull commented on whether the colour of the container could be one that blended in with the surroundings.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/0799/FUL, planning permission be granted subject to the conditions detailed in the report.

171 3/16/1165/HH – FIRST FLOOR REAR EXTENSION AT 83 HAZELDELL, WATTON AT STONE SG14 3SN FOR MR AND MRS ASTON

The Head of Planning and Building Control recommended that in respect of application 3/16/1165/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that the proposed first floor rear

extension had better regard for neighbouring properties than a previous extension to the rear of the property under reference 3/03/1271/FP.

Councillor M Freeman stated that the proposed development would be in keeping with the surroundings and more respectful of adjoining properties. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1165/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

172 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control summarised a number of points of relevance for Members to consider in respect of the appeal decisions detailed in the report. The Head highlighted a number of recent appeal decisions and referred in detail to a number of points of interest in a summary note Members had been given.

Councillor D Andrews commented that the decisions indicated that Officers were getting it right in their approach and Members had a lot to be thankful for in this respect. The Chairman stated that the update provided a valuable insight into the direction of travel and was a useful reference for future decisions.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal

Hearing dates; and
(D) Planning Statistics.

The meeting closed at 8.25 pm

Chairman

Date

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EAST HERTS COUNCIL

COUNCIL – 27 JULY 2016

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW REQUEST: BUNTINGFORD
TOWN COUNCIL

WARD(S) AFFECTED: Buntingford

Purpose/Summary of Report

- To consider a request from Buntingford Town Council for a Community Governance Review (CGR) of its electoral arrangements.

<u>RECOMMENDATION FOR DECISION:</u> that	
(A)	a Community Governance Review of the electoral arrangements of Buntingford Town Council (including its town boundary) be undertaken, with the detailed terms of reference for, and the timing of, the review to be determined by the Chief Executive.

1.0 Background

1.1 Under provisions of the Local Government and Public Involvement Act 2007 (the 2007 Act), Council has the power to review and make changes to community governance within its area. The term community governance in this context relates to parish and town councils only.

1.2 The 2007 Act streamlined the process of taking decisions to give effect to recommendations made in a community governance review (e.g. the creation of new parishes and the establishment of parish councils) and about other matters such as making changes to parish boundaries and electoral arrangements.

1.3 In undertaking a CGR, Council must follow guidance issued by the Secretary of State.

- 1.4 The Secretary of State has no direct involvement in a review. The role of the Local Government Boundary Commission for England is limited to giving effect to consequential recommendations for related alterations to the electoral areas of principal councils.
- 1.5 In the guidance, the Secretary of State highlights that "... in many cases, making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours."
- 1.6 The guidance also details that a "...community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist....".
- 1.7 A CGR also offers the Authority an opportunity to consider the future of what may have become redundant or moribund parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.
- 1.8 Should the Authority undertake a review then it would need to take into account how any potential changes to parish boundaries would impact on the boundaries of other tiers of local government.
- 1.9 The Town Clerk of Buntingford wrote to the Head of Legal and Democratic Services on 23rd March 2016 advising that Buntingford Town Council is of the opinion that making the boundary change outlined below will ensure that the new parish boundary reflects local identities and will facilitate effective and convenient local government and that Buntingford Town Council had:

Resolved formally to request a Community Governance Review for the Buntingford parish boundary having regard to

Development taking place to the north of the parish boundary, effectively dividing the site in question into two parishes,

Buntingford and Cottered, the Cottered section being a significant distance from the Cottered settlement boundary.

Parkside – an existing development to the north of the site mentioned above, currently falling within the Cottered parish boundary but a significant distance from the settlement of Cottered.

The existing Buntingford Business Park, again falling within the Cottered boundary but some miles from the settlement area of Cottered.

1.10 In October 2015, the Council granted planning permission for residential development adjoining the north of the currently built up part of the town of Buntingford under planning reference 3/13/1375/OP. The application proposed the erection of 180 homes, a 50-60 bed care home, sheltered accommodation, amenity land for community uses and the creation of a new access to the A10. Whilst adjoining the built up area of the town, the majority of the site is situated in the neighbouring, rural parish of Cottered.

2.0 Report

2.1 Council is under a duty to carry out a CGR review if it receives a valid community governance petition for the whole or part of the council's area. However, the duty to conduct a review does not apply if:

a) it has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition, or

b) it is currently conducting a review of the whole, or a significant part of the area to which the petition relates.

2.2 Notwithstanding the duty mentioned in para 2.1 above, Council may undertake a CGR at any time. The Secretary of State's guidance identifies that a "...review may need to be carried out, for example, following a major change in the population of a community to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15

years – except in the case of areas with very low populations when less frequent reviews may be adequate.”

2.3 The last electoral review that affected town/parish council electoral arrangements took place in 1998.

3.0 Undertaking a Community Governance Review

3.1 The 2007 Act and statutory guidance allow Council to decide how to undertake a CGR, provided it complies with the duties specified in the legislation.

3.2 Council will need to consult local people and take account of any representations received in connection with any review. When undertaking a review it must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.

3.3 Council will also need to consult “...local government electors in an area under review, and others (including a local authority such as a county council) which appears to have an interest in the review. In the case of a CGR where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies.” Council must take into account any representations it receives as part of a community governance review.

4.0 Timing

4.1 Should Council determine to undertake a review then it is required to complete it (and associated consequential recommendations for principal area ward/division boundaries) within 12 months of commencement. A review begins when the terms of reference of the review are published and it concludes with the publication of recommendations.

4.0 Conclusion

4.1 CGRs will make recommendations in relation to parish/town council electoral arrangements as defined by the terms of reference set out at the start of the review process.

- 4.2 Following due statutory process, if the Council accepts the recommendations arising from a review it will make an order to implement the proposals.
- 4.3 The specific request from Buntingford Town Council is set out in paragraphs 1.9 and 1.10 above
- 4.4 Any changes to a parish/town council's electoral arrangements come into force at ordinary elections (e.g. May 2019) and not by-elections.
- 4.5 Council is invited to consider the request for a CGR from Buntingford Town Council. It has discretion over whether or not to undertake a review for that authority (and affected neighbouring parishes). It could, if so minded, determine to undertake a review of the entire District's community governance arrangements (for parish/town councils) although officers recommend that this is an issue which is specific to recent development in Buntingford and that the review should be restricted to this area of the district.
- 4.6 A map showing the existing electoral wards and town boundary for Buntingford will be available at the meeting.
- 5.0 Implications/Consultations
- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Kevin Williams – Head of Democratic and Legal Services and Monitoring Officer – Extn: 2170
kevin.williams@eastherts.gov.uk

Report Author: Kevin Williams – Head of Democratic and Legal Support Services – Extn: 2170.

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1: Improve the Health and Wellbeing of our communities, Objective 3: Communities engaged in local issues.
Consultation:	Chief Executive/Returning Officer/Electoral Registration Officer
Legal:	The processes associated with undertaking a Community Governance Review are prescribed by statute and associated statutory guidance.
Financial:	The Authority does not resource its establishment on the basis of conducting (ad hoc) Community Governance Reviews. The (corporate) staff resource (cost) to undertake a review either for the area of Buntingford or the District in its entirety is likely to be significant.
Human Resource:	See comments above.
Risk Management:	As highlighted in guidance, Council "...will want to keep their community governance arrangements under review..." and it is, at least, "...good practice to consider conducting a review every 10 – 15 years".
Health and Wellbeing - issues and impacts	None

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