

MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 23 FEBRUARY 2011, AT 7.00
PM

PRESENT: Councillor A D Dodd (Chairman)
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes,
R Beeching, E Buckmaster, S A Bull,
A L Burlton, M G Carver, R N Copping,
K Darby, A F Dearman, J Demonti, R Gilbert,
Mrs M H Goldspink, A M Graham, P Grethe,
J Hedley, A P Jackson, G E Lawrence,
J Mayes, G McAndrew, M P A McMullen,
M Newman, R L Parker, M Pope,
J O Ranger, P A Ruffles, S Rutland-Barsby,
G D Scrivener, V Shaw, R I Taylor,
J J Taylor, M J Tindale, A L Warman,
J P Warren, M Wood, C Woodward and
B M Wrangles

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Programme Director of Change
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Alan Madin	- Director of Internal Services

George A Robertson - Director of
Customer and
Community
Services

564 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and reminded Members that the meeting was being webcast and that they should remain seated when speaking. He also welcomed the young people who were present for the early part of the meeting, who had spent the day touring the District and viewing some of the Council's facilities.

He referred to the recent by-election in Sawbridgeworth ward and welcomed Councillor E Buckmaster to his first Council meeting. He also referred to Councillor D A A Peek's illness and expressed the Council's best wishes to him.

The Chairman congratulated Councillors R Beeching and P Grethe and former Councillor B Engel for their recognition in the New Years Honours list.

Prior to the meeting, the Chairman had conducted a draw for two Members to attend this year's Royal Garden Party. He advised that Councillors S Rutland-Barsby and N Wilson had been drawn to represent the Authority.

The Chairman highlighted a number of his recent engagements and concluded by reminding Members that he would welcome their support for his Civic Dinner on 12 March 2011.

565 MINUTES

In respect of Minute 434 and the statement of the Executive Member for Planning Policy and Transport, Councillor Mrs M H Goldspink commented that the Executive Member had since apologised to her, but she wished to make a statement.

She clarified the comments she had made to the local press in relation to the consultation on the Traffic Regulation Order and the market in Bishop's Stortford, which she maintained had been unbiased and factual and were not a criticism of any Officers. She could not be held responsible for the way her comments had been reported and the interpretation given in the local press.

RESOLVED – that the Minutes of the Council meeting held on 8 December 2010 and the Extraordinary meeting held on 8 December 2010, be approved as correct records and signed by the Chairman.

566 PETITIONS

Mr D Annetts had submitted the following petition, comprising 72 signatures:

“We the undersigned do not support the proposals that have been put forward for the development of Vantorts Park. We do not consider that the proposed developments are good value for the scarce resources available or fit in with the nature of the park. In particular having a skate boarding area is unsuitable in this park. It will cause increased noise and also increase the chance of unsocial behaviour occurring. If a skate park is needed then Vantorts Park must be one of the most inappropriate locations being so close to residential property.

Our proposal take into account that Vantorts Park is an enclosed green space surrounded by houses with old and vulnerable people living on the South side. Vantorts Park is difficult to police due to its confined and generally concealed situation. It is important to avoid any development that is likely to increase noise and anti social behaviour. We consider that with the current tight financial climate it is likely that resources to police the park may be reduced in the future. The option that we would like to see developed is as follows:

1. Improve the children's play area with the introduction of new equipment.
2. Keep both tennis courts. We know that there is significant demand for publically provided tennis courts and that a limited amount of money should be spent on their improvement. It might be worth considering if one of the courts should be marked out for short tennis and that area could also have basketball/netball posts.
3. The proposal for the football area is generally acceptable.
4. Introduction of signs to assist with the enforcement of action against unsociable behaviour."

Mr Annetts referred to the correspondence he had passed to Members and outlined the recent history of Vantorts Park and the local concerns over anti-social behaviour. He referred to elements of the latest proposals which he believed were supported by local residents, namely, the children's play area and the football area.

He expressed concern over the proposals for the tennis courts and the introduction of a skate park. He believed there was strong local support for the tennis courts to be retained, as they were a popular and valuable public facility. In respect of the skate park, he commented that there was opposition on the basis of likely increased noise and anti social behaviour. The proposed location was unsuitable and if there was support for a skate park, alternative sites did exist.

On behalf of the Executive Member for Community Development, Leisure and Culture, the Leader responded by thanking Mr Annetts for the petition. He commented that it was always helpful to receive the concerns of residents, whose views were taken seriously by the Council. The Leader reminded Council that a consultation exercise was underway and that this petition had been submitted in response. He assured the petitioners that their concerns would be included when the consultation was completed.

Councillors R Beeching and E Buckmaster, as local ward

Members, thanked the petitioners and Officers for their work on the consultation process.

On a point of order, Councillor M Wood requested that the running order of the agenda be altered so that the item on Members' Allowances was considered before the Report of the Executive, on the basis that decisions on the former could impact on decisions on the latter. The Chairman advised that the agenda would be dealt with in the order as printed.

567 MEMBERS' QUESTIONS

Councillor A M Graham asked the Leader of the Council if he advocated the "Big Society" and, if so, he could enlighten the Council on what it meant in terms of this Council's priorities.

The Leader responded by stating that he did support the "Big Society" as it facilitated opportunities for residents to contribute to their communities. There was not a "one size fits all" and that different areas would define for themselves what worked best for them. He believed East Herts Council had been doing this for many years and that the only new thing was the label itself. He gave examples of such activity, such as at Ware Drill Hall, the Rhodes Arts Complex, summer playschemes and the campaigns to fight post office closures. These helped to demonstrate the Council's priorities to "leading the way and working together" in providing community leadership and to take "pride in East Herts".

Councillor A M Graham asked the Executive Member for Planning Policy and Transport, in respect of the latest unemployment gloom in which the young, i.e. 16-24 year olds have been worst hit, in what ways was the Council addressing positively the support it gives to this age group.

The Executive Member for Planning Policy and Transport referred to the Council's engagement of two apprentices and to the ongoing dialogue with Job Centre Plus and LSP partners. He stated that the Council was working closely with Hertford Regional College and local businesses in looking to

create further apprenticeships by obtaining funding support in the business sector. He emphasised that the Council was being proactive despite the difficult economic climate.

In response to a supplementary question, the Executive Member agreed that the Council would actively pursue all opportunities for young people, including voluntary work experience activities, where the young could develop learning skills.

Councillor V Shaw understood that Ware Town Councillors had now successfully persuaded East Herts Council to provide funding, not only for Tudor Square, but also for further projects in the town. She asked the Executive Member for Planning Policy and Transport when this was agreed, what the further projects were, and how they had answered the questions as set out in the Executive Member's letter to Ware Town Council on 7 September.

In reply, the Executive Member for Planning Policy and Transport stated that the question contained factual errors. There had been an exchange of correspondence in which Ware Town Council had been given clarification, but there had been no discussion since.

Councillor V Shaw asked a supplementary question on why therefore, the local Conservatives had issued a leaflet stating that the Council had provided funding. In reply, the Executive Member stated that he could not comment on this.

Councillor V Shaw referred to funds in the region of £400,000 that had been provided to the Drill Hall in Ware in the past few years. She asked the Leader of the Council how this sum had been spent, when there appeared to be very little material difference to the building and she understood on good advice, that only basic repairs had been made.

In response, the Leader detailed the revenue support provided by the Council since 2001, when control of the facility had been handed over to a management committee on the basis that the Council's funding would taper on a reducing

scale to £10,000 per annum. In total, the Council had provided £120,000 over this period. In the past four years, £9,200 had been provided for repairs and maintenance. In addition, there had been two capital schemes totalling £65,000 relating to the upgrade of disabled and kitchen facilities.

He concluded by stating that the capital programme currently included provision of £200,000 for improvements that would assist the management committee in attracting additional community use, subject to the trustees taking on a full repairing lease and thus reducing the Council's revenue support even further. The sum of all these revenue and capital schemes amounted to approximately £400,000.

Councillor V Shaw stated that Hertford Museum had been provided with a very generous £100,000 for their refurbishment and was recently given a further £10,000 to cover a shortfall, from East Herts Council. Ware Museum had been given just £5,000 for their refurbishment. Ware Museum had embarked on an ambitious project to bring the Great Bed of Ware to the Museum in 2012 and had made an application for £10,000 from East Herts Council to help support this exciting scheme. The Great Bed would generate civic pride, visitors, and economic benefit to the town in the Olympic year. To deny this grant had been very unfair to Ware, who continually missed out on funding compared to the money being invested in other East Herts towns. She asked the Executive Member for Community Development, Leisure and Culture why this request had been turned down, and why the trustees had been told there was no likelihood of funds being granted.

On behalf of the absent Executive Member, the Leader responded by advising that no such application had been received. Discussions over a possible application had taken place with Ware Museum in November 2010, in which Officers had advised that the draft scheme was unlikely to meet the criteria for a revenue grant, although there was a capital element that might do so. Officers had further advised that an application for capital support in 2011/12 might best be

submitted after awaiting the outcome of a bid for Heritage lottery development funding. Reassurance had also been given that Officers would be happy to provide further assistance in this process. There had not been any recent correspondence and at this stage, no application had been received.

Councillor V Shaw asked the Executive Member for Community Safety and Protection if she had been right in thinking that, if any towns defaulted on their payment for CCTV cameras, East Herts Council would have to pick up the cost because of the way the contract had been written.

In reply, the Executive Member for Community Safety and Protection reminded Members of the vandalism and anti-social behaviour problems experienced in Ware before CCTV cameras had been introduced. He also recalled the difficulties faced by the Town Council, of which he was a Member, in attempting to source funding from private partners. Thankfully, East Herts Council had stepped in and provided funding for a scheme and had sought a contribution from the Town Council for this investment.

He stated that funding for 2011/12 only had been agreed, subject to a review of community safety that would be undertaken, and that an alternative funding mechanism would have to be identified. There was no contract as a service level agreement existed.

In response to a supplementary question, the Executive Member for Community Safety and Protection confirmed that East Herts Council would not pick up the bill if the Town Council refused to pay for the scheme.

Councillor K A Barnes asked the Leader of the Council to explain why meeting dates had been altered in the lead up to the local elections on 5 May 2011, and whether he was aware that neighbouring local authorities were holding meetings as late as 18 and 19 April. He also asked, if it was so important to observe purdah in such a strict manner, whether he could explain why meetings had taken place in the lead up to the

two recent by-elections in November and December 2010 and the 2007 local elections of this Authority.

In response the Leader stated that he had no remit on this matter and that his view was irrelevant. This was an issue for the Returning Officer and as such, should be referred to her directly.

In response to a supplementary question on whether it should be Council that made such a decision, the Leader reiterated that it was not a matter for him.

568 EXECUTIVE REPORT

The Leader reported on the work of the Executive and presented the Minutes of the Executive meetings held on 11 January and 8 February 2011.

In respect of Minutes 531 – 535, which were all items relating to the Council's budget, the Executive Member for Resources and Internal Services gave a presentation.

The Executive Member referred to this being the last budget to be set by this Council before elections in 2011 and so took the opportunity to provide an overview of the four years since the last elections. He referred to the transformation of the Council and reminded Members of the key budgetary objectives that had been set in 2007. He highlighted the major achievements, such as recycling, leisure and cultural investments and reducing the net cost of services. The Executive Member concluded by referring to the proposed council tax increase of 0% in 2011/12 and the undertaking to repeat this in 2012/13.

Councillor M Wood responded by referring to the national picture where many job losses had been reported and estimated from the budget proposals, that up to eight posts in could be made redundant. He questioned whether the full impact of the C3W programme, which was due to be completed in 2011, had been assessed sufficiently. He believed that some of the proposed cuts, such as leaf

clearance and weed control were unnecessary and could have been avoided by using reserves. Whilst supporting the freezing of council tax, he opposed the budget proposals because of what was in the detail.

Councillor K A Barnes supported Councillor M Wood's comments.

In respect of Minute 535 – Consolidated Budget Report: Probable Outturn 2010/11: Revenue Budget 2011/12: Medium Term Financial Plan 2011/12 – 2014/15, Councillor A M Graham proposed, and Councillor Mrs M H Goldspink seconded, an amendment to recommendation (C) to the effect that savings relating to community and cultural elements totalling £121k be deleted and that budgets for leaf clearance (£14k) and weed control (£10k) be reinstated resulting in an increasing contribution from the General Reserve to £197k.

Councillor A M Graham spoke on the impact of the cuts for the vulnerable in society and suggested that in the current economic climate, such support needed to be increased and not reduced. He referred to the Council's level of Reserves and reminded Members that these belonged to the council taxpayer. He believed that using 1% of them to reduce the impact of savings was sustainable in the short and medium term. He referred to his many years on the Council and the work undertaken during that time to develop partnerships and pleaded for the Council not to undo that investment in one go.

Councillor Mrs M H Goldspink referred to the Council's priorities and questioned how these would be met by reducing community grants. She acknowledged the need for prudence and supported the freezing of council tax, but stated her belief that such savings could be avoided by utilising the Council's large level of Reserves. She referred to the health and safety issues that would be caused by deleting the leaf clearance programme.

The Leader acknowledged the genuine concerns raised, but suggested that they demonstrated the philosophical differences between some Members. He reminded Council of

the significant investments in Hertford Theatre and the leisure facilities. He commented that the Council now had to operate in a very different world and could not continue funding certain items indefinitely. Instead, the Council was working with partners to perhaps widen choices in later years. He reminded Members of the significant decisions made by other local authorities in terms of staffing and front-line services. These were uncertain times and tough decisions were needed now, as avoiding nearly £200k of savings this year would equate to nearly £800k over the life of the medium term financial plan.

The Executive Member for Resources and Internal Support acknowledged the frustration shown, but suggested that the level of detail raised would have been more effective during the scrutiny stage of the budget process.

The Leader suggested that, if Councillor A M Graham was prepared to withdraw his amendment, then the leaf clearance item could be reinstated for 2011/12 only, subject to further review next year. In respect of the community and cultural items, the Leader gave an assurance that Officers would continue to explore partnership options and opportunities for leveraging funds.

Councillor A M Graham, with the consent of his seconder, withdrew his amendment.

RESOLVED – that (A) in respect of Minute 535 – Consolidated Budget Report: Probable Outturn 2010/11: Revenue Budget 2011/12: Medium Term Financial Plan 2011/12 – 2014/15, the recommendations be approved, subject to the reinstatement of leaf clearance (£14k) in 2011/12 and consequent increase in contribution from the General Reserve; and

(B) the Minutes of the Executive meetings held on 11 January and 8 February 2011, be received, and the recommendations contained therein, be adopted.

569 MINUTES OF COMMITTEES

- (A) DEVELOPMENT CONTROL COMMITTEE - 15
DECEMBER 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 15 December 2010, be received.

- (B) HUMAN RESOURCES COMMITTEE - 12 JANUARY
2011

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 12 January 2011, be received.

- (C) DEVELOPMENT CONTROL COMMITTEE - 12
JANUARY 2011

RESOLVED – that the Minutes of the Development Control Committee meeting held on 12 January 2011, be received.

- (D) JOINT MEETING OF SCRUTINY COMMITTEES - 18
JANUARY 2011

RESOLVED – that the Minutes of the joint meeting of Scrutiny Committees held on 18 January 2011, be received.

- (E) AUDIT COMMITTEE - 19 JANUARY 2011

RESOLVED – that the Minutes of the Audit Committee meeting held on 19 January 2011, be received.

- (F) COMMUNITY SCRUTINY COMMITTEE - 25
JANUARY 2011

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 25 January 2011, be received.

(G) DEVELOPMENT CONTROL COMMITTEE - 9
FEBRUARY 2011

RESOLVED – that the Minutes of the Development Control Committee meeting held on 9 February 2011, be received.

(H) JOINT MEETING OF SCRUTINY COMMITTEES - 15
FEBRUARY 2011

RESOLVED – that the Minutes of the joint meeting of Scrutiny Committees held on 15 February 2011, be received.

570 AMENDMENTS TO THE CONSTITUTION

The Monitoring Officer submitted a report proposing amendments to the Constitution and drew attention to some typographical errors, which he corrected.

Councillor E Buckmaster opposed the proposal for Members' questions to not be read out, on the basis that it would disadvantage the public watching the webcast. He believed that the proposed change on supplementary questions detailed at paragraph 4.1.3 of the report, was unnecessary as the Chairman had this right in any case.

In response to a question from Councillor E Buckmaster, the Director of Internal Services confirmed that the establishment and application of earmarked reserves would still be subject to approval by Council.

Councillor Mrs M H Goldspink proposed, and Councillor V Shaw, seconded an amendment to the effect that the proposed amendments be approved, subject to deleting the proposed changes detailed at paragraphs 4.1.2 and 5.1.1.

Councillor Mrs M H Goldspink echoed the comments of Councillor E Buckmaster in respect of Members' questions and believed that approving this change would be a disservice

to the public. In respect of the scrutiny process, she believed that the proposed change would hamper the opportunity for Members to contribute to the decision-making process if items were not submitted to scrutiny.

Councillor V Shaw supported the amendments and referred to the need for transparency in the Council's decision-making processes.

Various Members agreed that the proposed change at paragraph 4.1.2 relating to Members' questions not being read out should be deleted. After being put to the meeting, and a vote taken, this element of the amendment was declared CARRIED.

In respect of the amendment relating to scrutiny, a number of Members commented on its meaning and impact on the work of scrutiny. After being put to the meeting, and a vote taken, this element of the amendment was declared LOST.

Councillor J O Ranger moved, and Councillor A Burlton seconded, an amendment that the proposed changes at paragraph 5.1 of the report, be deferred for clarification by Officers until the next meeting of Council. After being put to the meeting, and a vote taken, this amendment was declared CARRIED.

Council approved the recommendations as now amended.

RESOLVED - that the amendments to the Constitution, as now submitted, be approved, subject to:

(A) deleting the proposed changes at paragraph 4.1.2 of the report submitted; and

(B) deferring the proposed changes at paragraph 5.1 to the next Council meeting, pending further clarification.

571 MEMBERS ALLOWANCES

Council considered a report detailing the recommendations of the Council's Independent Remuneration Panel (IRP) following its review of Members' Allowances.

The Head of Democratic and Legal Support Services stated that the Panel's report referred to the Chief Executive's comments on the time and commitment of the Leader being perhaps more comparable to that of the Leader in a unitary council because of the local expectations of the role. The report interpreted these comments as indicating support for the benchmark for allowances being that of unitary councils. He advised that the Chief Executive had pointed out that this was not the intention.

The Head of Democratic and Legal Support Services also referred to Appendix 1 setting out the recommended Allowances and advised that the list had omitted the Chairman of Health Engagement Panel at £2,373.

The Leader commented that his Group would be accepting the IRP's recommendations with a couple of minor amendments. In doing so, he suggested the Panel be asked to take on board the following comments. He suggested that the same Panel should be invited to review Allowances in 2011/12 in order that it could start its work earlier, as even by its own admission, there had been insufficient time to consider some aspects fully. He also suggested that the Panel should be requested to include a mechanism in the review process for Members to seek clarity on its draft findings. Finally, he also sought clarity on the issue of benchmarking and the need to go beyond the headline figures.

The Leader proposed, and the Deputy Leader seconded, that the IRP's recommendations be approved, subject to Special Responsibility Allowance (SRA) for Development Control Committee members being payable to all of its members regardless of whether they were in receipt of another SRA. Also, that the SRA for leaders of minority groups be set at a multiple of 0.1 of the Basic Allowance multiplied by the

number of members within the group. Finally, that the changes take effect from the start of the next civic year (i.e. the date of the Annual Council meeting – 18 May 2011) and not 1 April 2011 (with the existing allowance scheme being retained for the period 1 April to Annual Council Meeting date).

The Leader commented that he did not believe that the IRP intended to introduce a mileage allowance for development control site visits that could only be claimed by some members. He suggested that it would be inequitable for a minority group leader of perhaps 3 Members to receive the same level of SRA as a minority group leader of perhaps 21 Members.

Councillor M Wood supported these proposals and thanked the IRP for their work in such a short space of time. He believed there were still many areas of unfinished work and hoped that the IRP might look at escalating petrol costs when considering mileage allowances in the next review.

Councillor M Newman opposed the Leader's proposal in respect of the SRA for minority group leaders as he believed the proposition to be divisive. He suggested that the IRP's recommendations should be accepted fully.

In response, the Leader refuted this. His proposal would take effect for the next Council and therefore could not be related to specific individuals. He suggested that his proposal reflected the realities of managing different sizes of groups.

After being put to the meeting and a vote taken, the proposals, as now detailed, were CARRIED.

RESOLVED – that (A) the recommendations of the Independent Remuneration Panel be approved, subject to the following amendments:

- (1) the SRA for Development Control Committee members being payable to all of its members regardless of whether a member was in receipt

of another Special Responsibility Allowance (SRA);

- (2) the SRA for leaders of minority groups be set at a multiple of 0.1 of the Basic Allowance multiplied by the number of members within the group;
 - (3) the new scheme take effect from the start of the next civic year (i.e. the date of the Annual Council meeting – 18 May 2011) and not 1 April 2011 (with the existing allowance scheme being retained for the period 1 April to Annual Council Meeting date);
- (B) the Independent Remuneration Panel be thanked and invited to continue their work in 2011/12, with a request that the issues now detailed, be considered.

572 REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

The Head of Democratic and Legal Support Services submitted a report reviewing the allocation of seats to political groups following the recent by-election in Sawbridgeworth ward. He advised that notification had been received that Councillor E Buckmaster had joined the Group of Independents. As a consequence of this, the proposed allocation of seats was detailed in the report now submitted.

Council noted that the Group of Independents had nominated Councillor E Buckmaster to serve on Community Scrutiny Committee. All other places remained unchanged.

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

- (B) the membership of Scrutiny Committees, Regulatory Committees be as now detailed, with Members being appointed in accordance with the

wishes of the political groups to whom the seats on these bodies have been allocated.

The meeting closed at 9.45 pm

Chairman
Date