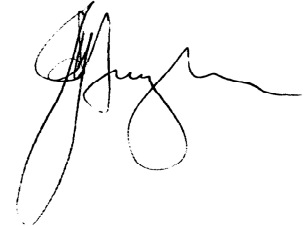


# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 23rd February, 2011 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 14<sup>th</sup> day of February 2011



Jeff Hughes  
Head of Democratic and  
Legal Support Services

*Note: The meeting will commence with prayers. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion.*

### **AGENDA**

1. Chairman's Announcements

*To receive any announcements.*

2. Minutes (Pages 7 - 24)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meetings held on 8 December 2010.*

3. Declarations of Interest

*To receive any Members' declarations of interest.*

4. Petitions (Pages 25 - 26)

*To receive any petitions.*

5. Public Questions

*To receive any public questions.*

6. Members' questions

*To receive any Members' questions.*

7. Executive Report

*To receive a report from the Leader of the Council, and where necessary, approve the recommendations of the Executive meetings held on:*

(A) 11 January 2011 (Pages 27 - 34)

(B) 8 February 2011

*To follow*

*Note - Members are asked to bring to the meeting their copy of the Executive agendas for these meetings.*

8. Minutes of Committees

*To receive, and where necessary approve, the Minutes of the following Committees:*

(A) Development Control Committee - 15 December 2010 (Pages 35 - 68)

*Chairman: Councillor W Ashley*

(B) Human Resources Committee - 12 January 2011 (Pages 69 - 74)

*Chairman: Councillor D A A Peek*

(C) Development Control Committee - 12 January 2011 (Pages 75 - 114)

*Chairman: Councillor W Ashley*

- (D) Joint Meeting of Scrutiny Committees - 18 January 2011 (Pages 115 - 124)

*Chairman: Councillor D Andrews*

- (E) Audit Committee - 19 January 2011 (Pages 125 - 130)

*Chairman: Councillor J O Ranger*

- (F) Community Scrutiny Committee - 25 January 2011 (Pages 131 - 140)

*Chairman: Councillor C Woodward*

- (G) Development Control Committee - 9 February 2011

*Chairman: Councillor W Ashley*

*To follow*

- (H) Joint Meeting of Scrutiny Committees - 15 February 2011

*Chairman: TBA*

*To follow*

9. Amendments to the Constitution (Pages 141 - 184)

*To receive a report of the Monitoring Officer.*

10. Members Allowances

*To receive a report of the Independent Remuneration Panel.*

*To follow.*

11. Motions on Notice

*To receive Motions on Notice.*

## PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
  - any other body to which they have been appointed or nominated by the authority
  - any other body exercising functions of a public nature (e.g. another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
  - the matter does not fall within one of the exempt categories of decisions
  - the matter affects your financial interests or relates to a licensing or regulatory matter
  - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
- setting council tax
  - any ceremonial honour given to Members
  - an allowance, payment or indemnity for Members
  - statutory sick pay
  - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
  - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.
8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.
9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.
10. Members intending to make a declaration of interest, are invited to complete the form below and to hand this to Jeff Hughes or Martin Ibrahim, prior to the meeting. This will assist in recording all declarations. Members are still required to make a verbal declaration at agenda item 3.

<b>Member:</b>			
<b>Minute or item number</b>	<b>Subject</b>	<b>Personal or Personal and Prejudicial</b>	<b>Nature</b>

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MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 8 DECEMBER 2010, AT 7.00  
PM

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PRESENT:

Councillor A D Dodd (Chairman)  
Councillors M R Alexander, D Andrews,  
W Ashley, P R Ballam, K A Barnes,  
R Beeching, 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,  
L O Haysey, J Hedley, Mrs D L E Hollebon,  
Mrs D Hone, A P Jackson, G E Lawrence,  
J Mayes, G McAndrew, M P A McMullen,  
M Newman, R L Parker, M Pope,  
N C Poulton, R A K Radford, 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, N Wilson, M Wood,  
C Woodward and B M Wrangles

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
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

#### 433 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the meeting was being webcast and that Members should remain seated when speaking.

He referred to the recent by-election in Hunsdon ward and welcomed Councillor M Newman to his first Council meeting.

The Chairman reminded Members that, "purdah" rules applied until the Sawbridgeworth by-election was held on 23 December 2010. Purdah rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

The Chairman congratulated Councillor R N Copping on being nominated for the Beacon Fellowship 2010 prize for people who had made an exceptional contribution to charitable causes.

The Chairman highlighted a number of his recent engagements and drew attention to his raffle, in which over £800 had been raised. He also commented favourably on the recent Members' visit to the refurbished Hertford Theatre.

Finally, the Chairman concluded by inviting all Members to join him in meeting staff for Christmas refreshments at Wallfields and Buntingford on 15 December and Bishop's Stortford on 16 December. He also invited all Members and Officers to join him for light refreshments at the end of that night's meetings.



434 MINUTES

Arising from Minute 289 – Members' Questions, Councillor C Woodward sought an update on the written response the Executive Member for Planning Policy and Transport had undertaken to provide in respect of consultation on the Traffic Regulation Order and the market in Bishop's Stortford.

The Executive Member for Planning Policy and Transport stated that he had met with Councillor Mrs M H Goldspink instead of providing a written response. He had explained that there had never been any condition or compulsion imposed on any market stallholder and reiterated that the aim was to seek an enlarged and enhanced status of the market. Therefore, he had been disappointed with the unhelpful comments made by Councillor Mrs M H Goldspink in the local press, which he believed had undermined the work of Officers in seeking to improve the retail offer for visitors to Bishop's Stortford. He hoped that this would not affect the success of the project.

RESOLVED – that the Minutes of the Council meeting held on 29 September 2010, be approved as a correct record and signed by the Chairman.

435 DECLARATIONS OF INTEREST

Councillor K Darby declared a personal and prejudicial interest in the matter referred to at Minute 441 – Independent Remuneration Panel, on the basis that she was a relative of one of the candidates.

436 PETITIONS

Mr G Nickson submitted a petition comprising 84 signatures on behalf of residents as follows:

“We, the undersigned, call on East Herts District Council to install appropriate traffic calming measures on The Ridgeway road way, Sele Farm, Hertford opposite the Ridgeway Local Park to safeguard local

residents visiting the park.”

Mr Nickson commented that the Council, as the planning authority, should have considered safe access to the park for local people, particularly children and young people, when agreeing its upgrade, as safe access was not just at the park boundary but across the roadway next to the park, which people had to cross to get to it.

He congratulated the Council and its Officers for the development of Ridgeway local park, which was popular with local people. However, the signatories were concerned about the danger posed by the roadway. He hoped that the Council would pass this petition to the Highways Panel with a request that they work with local people to agree appropriate traffic calming measures before a tragic accident forced action to be taken.

In response, the Executive Member for Planning Policy and Transport thanked Mr Nickson for the petition and expressed his understanding of the concerns of local residents. He stated that he had raised the matter with the Chairman of the Highways Panel, County Councillor P A Ruffles, and that the matter would be reported at the first meeting in the new year. He had also asked Officers to begin addressing the issues raised.

Councillor J Hedley, as a local ward member, supported the petition and stated that he would work with the County Council in seeking to resolve the concerns raised.

#### 437 MEMBERS' QUESTIONS

On a point of order, Councillor Mrs M H Goldspink requested an opportunity to respond to the earlier comments made by the Executive Member for Planning Policy and Transport under the Minutes of the previous meeting item. The Chairman advised that this matter should be dealt with at a later meeting.

Councillor Mrs M H Goldspink asked the Leader of the

Council if he could outline which shops and businesses in Bishop's Stortford were offering their toilets as public conveniences and how much the Council was paying them. She also asked if he considered that the signs were good enough for members of the public to find the facilities.

The Leader referred the question to the Executive Member for Community Safety and Protection to respond to. The Executive Member reminded Members of the scheme to implement community toilets in towns where possible in 2008. Its aim was to provide more and better facilities for the public, support to local businesses and efficiencies to the Council.

The scheme had been implemented successfully in Bishop's Stortford and he specified the three participating businesses. The Council also contributed to the Town Council's opening of the toilets on The Causeway during the summer months and public toilets were also available in Jackson's Square, Market Square and to customers visiting the Council's offices at Charringtons House. He believed this provision was a significant improvement over previous arrangements.

The Executive Member stated that businesses participating in the scheme were paid a sum of between £600 and £1000 per annum as a contribution towards their operating costs depending on the level of facilities provided. A number of new signs had been erected in the town centre, including in the windows of the participating businesses, and leaflets were also available. He concluded by commenting on the many positive comments from residents that had been received compared to only three complaints.

Councillor M Wood referred to the letter from Grant Thornton, dated 22 October 2010, to two residents regarding their objection to the Annual Accounts for the year ending 31 March 2010, and asked the Leader if he agreed that the Council seemed to have escaped any form of censure from the External Auditors by a seemingly narrow margin.

In response, the Leader did not agree and wondered whether Councillor M Wood had read the same letter. The Leader

read several extracts from the Auditors' letter which he felt demonstrated that Councillor Wood's view was ill-informed.

Councillor M Wood read an extract from the letter and asked a supplementary question on whether he agreed that paragraphs 34 and 45 of the letter were hardly a ringing endorsement for certain aspects of the C3W process.

In reply, the Leader did not agree with Councillor M Wood's interpretation. He referred to a number of other extracts within the letter which he believed represented positive comments. The Council had taken a pragmatic and proportionate approach, which had been recognised by the External Auditor.

He stated that the Council had been grateful for the comments made in respect of the lack of an expressed discussion on the wider social and economic impact of the move to Hertford and had accepted them as a lesson for the future. The Leader reiterated the External Auditors' view that a public interest report was not warranted.

Councillor K A Barnes asked the Executive Member for Housing and Health if he was aware of, and able to confirm, that two properties in Scott Road, Bishop's Stortford, owned by Circle Anglia Housing Association and part of the stock transfer arrangement, were recently taken out of the stock available to applicants on the Council's housing register and were re-designated as intermediate rent properties, having been made available via Lea Valley Homes to applicants outside of the East Herts District who qualified for, and were able to afford intermediate rent. He also asked if he could explain the reasons for this and if any similar exchanges had taken place within the District. Finally, he sought an assurance that East Herts residents were given preference to Housing Association properties, within East Herts, whilst there were large waiting and homeless lists.

In reply, the Executive Member for Housing and Health stated that the Housing Options Team had become aware of the two Scott Road properties being offered as intermediate rent

properties after carrying out a random trawl of Residential Social Landlord (RSL) websites. He reminded Members of the social housing arrangements with Riversmead and Circle Anglia housing associations and the nomination rights on relets that the Council held, as a result of the stock transfer in 2002. Officers had been surprised at these particular lets and he reiterated that the Council only made nominations from within its own register.

The Executive Member stated that he had been unhappy with the Scott Road lets and had discussed the need for a strategy or formal understanding with Circle Anglia. He would be having a further meeting to take this forward.

The Executive Member commented on the improved standards of housing as a result of the partnership working with RSLs. He provided reassurance on nomination rights and procedures and the additional points awarded to people with a local connection.

He confirmed that he was aware of one other such sale, which had involved a property adapted for special needs.

He concluded by commenting that the Scott Road lets had perhaps served as the key to unlocking the provision of 34 social housing units at Plaw Hatch Close. He believed that the outcome, if not the method, should be seen as positive and that, he hoped that the future would bring improved transparency of such developments to match that of the choice based lettings scheme.

In response to a supplementary question, the Executive Member for Housing and Health stated that he was not aware of the additional furnishings included within the sale of the two properties. It was possible that, as they had been sold by a third party housing association, different standards had applied. He hoped to obtain more details from his forthcoming meeting with Circle Anglia.

Councillor V Shaw asked the Executive Member for Planning Policy and Transport why he had dismissed her proposal and

Ware Town Council's for town enhancements without consulting the Planning Department, who supported long term funding for Tudor Square and consequently felt it met the sufficient criteria for funding.

The Executive Member for Planning Policy and Transport advised that a formal proposal had now been submitted and a number of questions would need to be answered. He reiterated his support for enhancements in Ware, but that issues relating to joint funding, revenue costs and an appraisal of economic benefits had to be addressed. He referred to the Bishop's Stortford town centre scheme, where the Council had provided £50k capital funding. He reminded Members that this scheme had involved funding from other partners, one of whom had led the project.

The Executive Member commented that the Tudor Square outline planning application was a development control matter in which he had no role.

The Executive Member reminded Members of the key principles for capital funding from the town centre enhancements budget. These concerned economic sustainability, strategic priorities, match funding from other partners and complementing existing and ongoing developments elsewhere in the town centre. He reiterated his support for an acceptable scheme which met the criteria.

Councillor V Shaw asked a supplementary question on how the criteria for her scheme could not be justified when Riversmead Housing Association were on board and enhancements had been included within the section 106 agreement relating to the Asda planning application.

In reply, the Executive Member reiterated he had no role within the planning process. Officers were in discussion with Ware Town Council on its proposal, but the three key issues he referred to earlier had to be addressed.

438 EXECUTIVE REPORT

The Leader reported on the work of the Executive and presented the Minutes of the Executive meetings held on 12 October, 9 November and 1 December 2010.

In respect of Minute 427 – Bishop’s Stortford 2020 Vision and Mill Site Brief, Councillor K A Barnes expressed support for the recommendations and sought assurance for the employees of the Mill that they would not be forced to vacate the site.

Councillor Mrs M H Goldspink expressed similar concerns for the employees and proposed an additional recommendation, seconded by Councillor M Wood, as follows:

“that this Council reassures the owner of the Mill site in Bishop’s Stortford that they are not being asked to move from their site and regards them as good employers who make a valuable contribution to the town and District economy.”

The Leader shared these frustrations and endorsed the sentiments of the comments made. He reiterated his comments made at the Executive meeting that the purpose of the Brief was to provide an outline for potential developers if any proposal came forward. The Mill owners would determine their own destiny and nobody was forcing anyone to move.

He believed that some had sought to make mischief from the inaccurate reports in the local press. He opposed the amendment on the grounds that it would refuel the mischief. He did not believe that the amendment was necessary and that he had been very clear on the record.

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

RESOLVED – that the Minutes of the Executive meetings held on 12 October, 9 November and 1 December 2010, be received, and the

recommendations contained therein, be adopted.

439 MINUTES OF COMMITTEES

(A) DEVELOPMENT CONTROL COMMITTEE – 22  
SEPTEMBER 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 22 September 2010, be received.

(B) DEVELOPMENT CONTROL COMMITTEE – 30  
SEPTEMBER 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 30 September 2010, be received.

(C) HUMAN RESOURCES COMMITTEE – 13  
OCTOBER 2010

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 13 October 2010, be received.

(D) DEVELOPMENT CONTROL COMMITTEE – 20  
OCTOBER 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 20 October 2010, be received.

(E) COMMUNITY SCRUTINY COMMITTEE – 26  
OCTOBER 2010

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 26 October 2010, be received.



(F) LICENSING COMMITTEE – 4 NOVEMBER 2010

RESOLVED - that the Minutes of the Licensing Committee meeting held on 4 November 2010, be received, and the recommendation contained therein be adopted.

(G) ENVIRONMENT SCRUTINY COMMITTEE – 16 NOVEMBER 2010

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 16 November 2010, be received.

(H) DEVELOPMENT CONTROL COMMITTEE – 17 NOVEMBER 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 17 November 2010, be received.

(I) AUDIT COMMITTEE – 24 NOVEMBER 2010

RESOLVED – that the Minutes of the Audit Committee meeting held on 24 November 2010, be received.

(J) CORPORATE BUSINESS SCRUTINY COMMITTEE – 30 NOVEMBER 2010

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 30 November 2010, be received.

440 COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE 2011/12

The Executive Member for Resources and Internal Support submitted a report recommending to Council the calculation of the council tax base for the whole District, and for each parish and town council, for 2011/12.

Council approved the recommendations as now detailed.

RESOLVED – that (A) the calculation of the Council's tax base for the whole District, and for the parish areas, for 2011/12 be approved, with the continuation of the 90% of the full charge for second homes and long term empty properties, and

(B) pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by East Hertfordshire District Council as its council tax base for the whole area for 2011/12 shall be 58123 and for the parish areas for 2011/12 as listed in Table 1 of the report now submitted.

#### 441 INDEPENDENT REMUNERATION PANEL

The Director of Internal Services submitted a report updating Council on progress made in seeking potential recruits to the Independent Remuneration Panel (IRP). Following the decisions taken at the Annual Council meeting on 12 May 2010, Officers had sought expressions of interest and these were detailed in the report now submitted. The Head of Democratic and Legal Support Services had updated Members on the latest information that had been received since the report had been issued and it was noted that responses to the questionnaire had been received from 9 of the candidates.

The Leader suggested that the size of the IRP be increased to 9 members and that the 9 candidates who had provided responses to the questionnaire submitted, all be appointed. He further suggested that the quorum for IRP meetings be 5.

In response to a question from Councillor A M Graham, the Leader confirmed that, as each IRP member was entitled to an allowance of £250, this proposal would cost an additional £1,000. He stated that it would be important for each IRP member to understand that full and active involvement would be required and that confidentiality would need to be

observed.

In response to a query on whether one of the candidates, as a current County Councillor, met the criteria, Officers confirmed that the candidate did meet the criteria, as a former District Councillor.

Council approved the recommendations as now detailed.

RESOLVED – that the size of the Independent Remuneration Panel be increased to 9 members and the following be appointed:

Mrs N Burdett, Mr P Boylan, Mr B C Engel, Mr D Filer, Mr C Harris, Miss C Lofthouse, Mr D McNeill, Mrs S Newton and Mr J Pool.

#### 442 REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

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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 Hunsdon ward. He advised that notification had been received that a group of Independents had been formed. 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 M Newman to serve on Environment 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, 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, be approved.

At this point, Councillor R Taylor raised a point of order by suggesting that Minute 427 - Bishop's Stortford 2020 Vision and Mill Site Brief (referred to at Minute 438 above) had not been approved as the substantive motion had not been put. The Chairman advised that he believed the substantive motion had been put and approved. However, to allay Members' concerns, the substantive motion was put and CARRIED.

443 PROCUREMENT REGULATIONS

The Leader of the Council submitted a report setting out proposed amendments to the Contract Procurement Rules which were now entitled the Procurement Regulations. A Member/Officer Group had reviewed these and had proposed the changes now described in the report submitted.

In response to a query from Councillor M Wood on the procedures for opening tenders, the Head of Democratic and Legal Support Services advised that Members could still be present at opening.

Council approved the Procurement Regulations as now submitted.

RESOLVED – that (A) the Procurement Regulations, as now submitted, be approved; and

(B) the Chief Executive and the Director of Neighbourhood Services be authorised to make minor amendments to the Financial Regulations in consultation with the Member/Officer Group.

The meeting closed at 8.20 pm

Chairman .....
Date .....

MINUTES OF AN EXTRAORDINARY  
MEETING OF THE COUNCIL HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 8  
DECEMBER 2010, AT 8.20 PM

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PRESENT:

Councillor A D Dodd (Chairman).  
Councillors M R Alexander, D Andrews,  
W Ashley, P R Ballam, K A Barnes,  
R Beeching, S A Bull, A L Burlton,  
M G Carver, R N Copping, K Darby,  
A F Dearman, J Demonti, A D Dodd,  
R Gilbert, Mrs M H Goldspink, A M Graham,  
L O Haysey, J Hedley, Mrs D L E Hollebon,  
Mrs D Hone, A P Jackson, G E Lawrence,  
J Mayes, G McAndrew, M P A McMullen,  
M Newman, R L Parker, M Pope,  
N C Poulton, R A K Radford, 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, N Wilson, M Wood,  
C Woodward and B M Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
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

#### 444 EXECUTIVE ARRANGEMENTS

The Leader of the Council submitted a report on the results of the public engagement exercise on executive arrangements as required by the Local Government and Public Involvement in Health Act 2007. The Act had introduced two models on which the Council had been required to consult on, namely, a directly elected Mayor and Executive and an elected Leader and Executive.

The Executive, at its meeting held on 12 October 2010 (Minute 316 refers), having considered the economy, efficiency and effectiveness of the current elected Leader and Executive model, supported the adoption of this model.

Councillor M Wood described the public response to the consultation as pathetic. He suggested that a better response might have been achieved if a third choice of a committee-based system, had been included. He praised the Observer newspaper for its consultation exercise, which had demonstrated a preference for the committee system. He hoped that the coalition Government would publish legislation that would permit local authorities to consider introducing such a system.

The Leader disagreed with these views and referred to other areas of the country where the public had also been underwhelmed by this consultation exercise. He believed that the public believed that the Council did a good job and were not concerned about this issue.

Councillor K A Barnes agreed with Councillor M Wood and commented that the Council was being asked to agree something that people did not want.

Councillor J Hedley suggested that the public had shown great maturity by rejecting the directly elected Mayor and Executive model, which he believed would be a disaster in East Herts.

Councillor V Shaw believed that the low response could be explained by the lack of a third choice. Councillor Mrs M H Goldspink expressed her preference for the committee system.

Council noted the consultation and approved the Executive’s recommendation as now detailed.

RESOLVED – that (A) the results of the consultation exercise in respect of the two models be noted; and

(B) having regard for the economy, efficiency and effectiveness of the elected Leader and Executive model , this option be adopted and implemented three days after the next District elections in May 2011.

(Note – Councillors K A Barnes, Mrs M H Goldspink, A M Graham, M Newman, V Shaw and R Taylor asked that their abstention from the decision above be recorded.)

The meeting closed at 8.29 pm

Chairman .....
Date .....

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## EAST HERTS COUNCIL

COUNCIL – 23 FEBRUARY 2011

### PETITION

The following petition, comprising 72 signatures, has been submitted by Mr D Annetts, Vantorts Road, Sawbridgeworth:

*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 basket ball/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.*

Note

Members are reminded that the lead petitioner is permitted to address Council for up to three minutes. The relevant Executive Member will respond to the petition. There is no provision for any general debate by Members, however, local ward Members may comment if they wish.

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 11 JANUARY 2011, AT 7.00 PM

PRESENT: Councillor A P Jackson (Chairman/Leader)  
Councillors M R Alexander, L O Haysey,  
R L Parker and M J Tindale

ALSO PRESENT:

Councillors D Andrews, S A Bull, J Demonti,  
A D Dodd, R Gilbert, J O Ranger, V Shaw  
and J P Warren

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Senior Democratic Services Officer
Alan Madin	- Director of Internal Services
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager
George A Robertson	- Director of Customer and Community Services

466 APOLOGY

An apology for absence was submitted on behalf of Councillor M G Carver.

467 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press and public to the meeting. He also introduced Scott Crudgington, Stevenage Council, who was the Deputy Section 151 Officer for East Herts Council.

468 DECLARATIONS OF INTEREST

Councillor L O Haysey declared a personal interest in the matter referred to at Minute 476 – Hertford Museum Request for Capital Allocation, in that she was a member of Hertford Civic Society.

469 EAST HERTS LOCAL INVESTMENT PLAN

**The Executive Member for Housing and Health submitted a report seeking adoption of the Local Investment Plan. In 2009/10 the Homes and Community Agency (HCA) had initiated a process of 'Local Investment Planning' with all housing authorities. This covered all aspects of housing and regeneration in a local area in order to produce a clearly prioritised Local Investment Plan (LIP). The purpose of the East Herts LIP was to guide investment in housing in East Herts, particularly HCA funding.**

**The Executive Member set out the process used for developing the LIP and commented that, in general, the Council and its housing partners expected most affordable housing development to be delivered through the market and/or section 106 arrangements without the need for public subsidy. The LIP would be subject to continual review as projects are completed and new ones came forward.**

**The Executive Member stated that the LIP had been subject to the HCA's peer review process once at a local level and secondly at a regional Peer Assurance Group. They had considered the document to be well structured and complete, indeed, East Herts was the first LIP to have gone through both processes in Hertfordshire and had**

been used as an example of a good practice document. The Executive Member congratulated Officers for their work on the LIP.

Various Members made a number of comments. The Executive Member corrected a couple of the figures and stated that a number of typographical changes would also be made to the final document.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that (A) the Local Investment Plan as now submitted, be adopted; and

(B) the Director of Neighbourhood Services, in consultation with the Executive Member for Housing and Health, be authorised to make minor additions and changes to the Local Investment Plan.

470 **SAYESBURY COTTAGE AND THE HAILEY DAY CENTRE, SAWBRIDGEWORTH**

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The Executive Member for Resources and Internal Support submitted a report proposing the transfer of ownership of Sayesbury Cottage and the Hailey Day Centre, Sawbridgeworth, to Sawbridgeworth Town Council. These properties represented the remaining elements of East Herts Council's property ownership at Sayesbury Manor.

The Executive Member detailed the history of the Council's ownership of the site. He stated that the Town Council wished to purchase Sayesbury Cottage for conversion and extension to establish a new base for the Town Council. They would also take on full responsibility for the Hailey Day Centre, as owners, enhancing and supporting the use as a Day Centre for the elderly while also making some beneficial use of the premises for meetings, etc.

The Town Council would pay the full current market value for Sayesbury Cottage, subject to confirming planning permission for the change of use to offices and an improved access from the rear. The Hailey Day Centre would be transferred for a nominal value as a community asset, which would continue to function and receive investment under local management and ownership. The benefit of this transaction would be to transfer assets into local control, which were important to the local community and would generate a capital receipt, at full market value, for East Herts without the uncertainty of marketing Sayesbury Cottage.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that (A) East Herts Council agrees, in principle, to transfer the ownership of Sayesbury Cottage and the Hailey Day Centre, Bell Street, Sawbridgeworth, to Sawbridgeworth Town Council, on terms to be agreed; and

(B) the Director of Internal Services be authorised to agree appropriate terms which will include the transfer of Sayesbury Cottage at full market value.

#### 471 **PROPOSED ACQUISITION OF LEASED CAR PARKS**

The Executive Member for Resources and Internal Support submitted a report proposing the acquisition of two surface car parks currently leased from Hertfordshire County Council. He advised that terms had been agreed to purchase the freehold on Apton Road, Bishop's Stortford and Baldock Street, Ware car parks.

The Executive Member outlined the financial benefits as well as the service implications for the proposal. He commented that the financial analyses detailed in the report demonstrated the advantages for the Council in purchasing the car parks. He also stated that the

**proposal would secure the future provision of an important service to residents by enabling the Council to plan and influence the future of these sites.**

**The Executive supported the recommendations as now detailed.**

**RECOMMENDED – that (A) the acquisition of the sites of the car parks at Apton Road, Bishop’s Stortford and Baldock Street, Ware from Hertfordshire County Council, on the terms agreed, be approved; and**

**(B) the Capital Programme be amended to include costs of £670k with revenue budgets for car park rents and investment income to be amended as set out in the report.**

472 MINUTES

**RESOLVED – that the Minutes of the meeting held on 1 December 2010, be approved as a correct record and signed by the Leader.**

473 ISSUES ARISING FROM SCRUTINY

The Executive received a report detailing those issues referred to it by the Scrutiny Committees. The Leader reflected on the valuable work of the Scrutiny Committees throughout 2010 in helping to inform policy development.

**RESOLVED – that the report be received.**

474 CAR PARK CHARGES 2011/12

The Executive Member for Planning Policy and Transport submitted a report on options for car park charges in 2011/12. In his absence, the Leader outlined the options as presented in the report and proposed that charges be frozen.

The Leader commented on the current economic situation and

the need for the Council to support town centre businesses. Therefore, he proposed that charges for 2011/12 be frozen and that the VAT increase be absorbed by the Council and not passed on to car park users. He referred to the financial implications of this for the Council, representing a reduction in income of 4.2%.

Various Members expressed their support for this option. In response to questions, the Leader reminded Members of the Transport Strategy that was due to be reported to the Executive in due course.

The Executive agreed that car park charges for 2011/12 be frozen.

RESOLVED – that car park pay and display charges for 2011/12, be frozen.

#### 475 PROPOSED INCORPORATION OF THE HERTFORDSHIRE CCTV PARTNERSHIP

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The Executive Member for Community Safety and Protection submitted a report reviewing the governance and structure of the Hertfordshire CCTV Partnership.

The Executive Member detailed the history of the Partnership and its growth since 1996. The Partnership had decided, following a consultation exercise, to expand the network commercially as well as entering new partnerships with other local authorities, which would realise economies of scale and reduce costs to core partners. Various governance models were being explored and a legal consultant had been engaged to provide advice on this.

The Executive approved the proposals as now detailed.

RESOLVED - that the Joint CCTV Committee's intentions to:

- (A) provide a detailed business plan reflecting the likely future growth of the network, the



consequential reduction in service costs and other benefits to Partners;

- (B) investigate the most appropriate model for accommodating this growth, including the possibility of incorporation; and
- (C) seek external legal advice to advise on the governance options, including possible company structures and agreements, and that the partners share the cost of this work (approximately £4,000 each partner);

be approved.

#### 476 HERTFORD MUSEUM - REQUEST FOR CAPITAL ALLOCATION

The Executive Member for Community Development, Leisure and Culture submitted a report on a request from Hertford Museum for an additional £10,000 capital grant towards the cost of a major redevelopment project. The Executive recalled that, this matter had been deferred at its meeting held on 9 November 2010, as further clarification was sought (Minute 365 refers).

The Executive Member detailed the additional information that had been obtained and emphasised that, if the Executive was minded to approve the grant, this would be the final payment.

The Executive Member for Resources and Internal Support expressed his disappointment at the overspend on the project resulting in the need for additional funding. However, he supported the proposal on the basis of protecting the Council's previous investment and as a final payment.

The Executive approved the additional capital allocation as now detailed.

RESOLVED – that a supplementary capital estimate of £10,000 for Hertford Museum, be approved.

477 MONTHLY CORPORATE HEALTHCHECK - OCTOBER 2010

The Leader of the Council submitted an exception report on finance and performance monitoring for October 2010.

In response to a question from Councillor A D Dodd on the cost of the recent by-elections, the Director of Internal Services undertook to provide a written response.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.2 of the report be noted;

(B) £100,000 of the Hertford Theatre budget be re-profiled from 2011/12 into 2010/11; and

(C) the addition to the capital programme of a scheme “Bishop’s Stortford Riverside and Markets Improvements” at a cost of £256,300, be approved.

478 MONTHLY CORPORATE HEALTHCHECK - NOVEMBER 2010

The Leader of the Council submitted an exception report on finance and performance monitoring for November 2010.

The Executive noted the report.

RESOLVED – that the budgetary variances, as set out in paragraph 2.2 of the report submitted, be noted.

The meeting closed at 8.08 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 15 DECEMBER 2010, AT  
7.00 PM

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PRESENT: Councillor W Ashley (Chairman).  
Councillors M R Alexander, K A Barnes,  
S A Bull, A L Burlton, R N Copping,  
J Demonti, R Gilbert, Mrs M H Goldspink,  
G E Lawrence, D A A Peek, S Rutland-  
Barsby, J J Taylor, R I Taylor and  
B M Wrangles.

ALSO PRESENT:

Councillors J O Ranger, P A Ruffles,  
V Shaw, A L Warman and N Wilson.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

ALSO IN ATTENDANCE:

Huw Williams - Chase and Partners

445 APOLOGY

An apology for absence was submitted on behalf of Councillor Mrs R F Cheswright.

446 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

He reminded Members that, "purdah" rules applied until the Sawbridgeworth by-election was held on 23 December 2010. Purdah rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

The Chairman advised that he had agreed to accept two urgent items of business onto the agenda in respect of E/10/0416/A – Urgent works to a Grade II\* Listed Building at 30 High Street, Bishop's Stortford, Herts, CM23 2LX to avoid undue delay in determining this matter in the interests of the structural integrity of a listed building. This item would be determined as Agenda Item 5p, following the other enforcement matters.

The Chairman also advised that the item relating to application 3/10/1746/SV – Modification of Section 106 Unilateral Undertaking (ref 3/07/1546/FO) to omit clause 5.1 removing the requirement to provide a Car Club at Former TXU Site, Mead Lane, Hertford, SG13 7AH for Weston Homes Plc had been withdrawn.

The Chairman further advised that the item relating to application 3/10/1574/FP – Change of Use of land to Horse Keeping. Erection of Cattle Shed and Stable Block. Re-Establishment and Upgrading of Existing

Access and Driveway at Land at Sacombe Corner Wood, Frogmore Hill, Watton at Stone for Mr Gary Madgin had been withdrawn.

The Chairman invited the Head of Planning and Building Control to provide Members with a further update in respect of the East of England Plan.

447 DECLARATIONS OF INTEREST

Councillors R I Taylor declared a personal interest in application 3/10/1728/FP in that he was a police community volunteer.

Councillor M R Alexander declared a personal and prejudicial interest in application 3/10/1774/FP in that he used to work for the company that was the applicant and he also received a pension from that company. He left the room during consideration of this matter.

Councillors B M Wrangles declared a personal interest in application 3/10/0619/FP in that she was an acquaintance of the applicant.

Councillors R N Copping declared a personal interest in application 3/10/0619/FP in that he often was a customer of the garden centre.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/10/0619/FP in that her house overlooked the site and she was a customer of the garden centre.

448 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 17 November 2010 be confirmed as a correct record and signed by the Chairman.

449 3/10/0386/FP - REDEVELOPMENT OF 2.15HA BROWNFIELD SITE TO INCLUDE NEW ASDA FOODSTORE (2601 SQM NET); 13 DWELLINGS (5 AFFORDABLE) WITH 21 CAR PARKING SPACES; RETENTION AND REDESIGN OF CHILDREN'S NURSERY; RETENTION AND REFURBISHMENT OF KILN AND MALTINGS BUILDINGS TOGETHER WITH ASSOCIATED ACCESS, 283 CAR PARKING SPACES (INCLUDING 10 SPACES FOR NURSERY), SERVICING AND LANDSCAPING, ASSOCIATED HIGHWAYS AND PEDESTRIAN IMPROVEMENTS (AS AMENDED) AT CINTEL SITE, WATTON ROAD, WARE SG12 OAE FOR ASDA STORES

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Mr Robeson addressed the Committee in objection to the application. Mrs Scholey and Mrs Fish spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0386/FP, planning permission be refused for the reasons now detailed.

The Director reminded Members of the recent planning history of the application. He stressed that no decision had been reached on these proposals and it was entirely appropriate for Members to consider all the information before them and then reach a decision.

The Director referred to the planning documents Members should take into account when determining this application. He referred, in particular, to East Herts Local Plan national planning guidance in PPS4 and the sequential test considerations. He stressed that Members should not directly compare sites but should consider the availability, suitability and viability of sites to determine which was sequentially preferable.

In response to a query from Councillors M R Alexander and R Gilbert, the Director detailed the land ownership arrangements on the Crane Mead site.

The committee were in agreement with the view of the Chairman that, in this case, there was an alternative site, the Crane Mead site, which could be identified as a well connected 'edge of centre' site. The application site is an 'out of centre' site. It was necessary therefore for the committee to consider that alternative site to establish whether it was sequentially preferable. He indicated that the committee should consider separately the issues of availability, suitability and viability.

In relation to the first of these, availability, Councillor J J Taylor proposed and Councillor R N Copping seconded a motion that the Crane Mead site was available for development.

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

Councillors M R Alexander, K A Barnes, S A Bull, A L Burlton, D A A Peek and R I Taylor requested that their abstention from voting be recorded.

With regard to suitability, Councillor J J Taylor stated that the Crane Mead site was within a short walking distance of the edge of Ware town centre and was suitable. Councillor R Gilbert sought and was given clarification in respect of local plan policies in relation to the Crane Mead site.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that the Crane Mead site was suitable to meet the needs of improved choice in Ware and on the grounds that the site did not have to be of the same scale and form as the applicant's proposal and the onus was on the applicant to demonstrate that development on the more central site could not meet the same or similar need as the site for application 3/10/0386/FP.

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

motion was declared CARRIED.

Councillors M R Alexander, A L Burlton, S A Bull, J Demonti, G E Lawrence, D A A Peek, R I Taylor and B M Wrangles requested that their abstention from voting be recorded.

With regard to viability, Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that the Crane Mead site was a viable location for a supermarket in Ware.

After being put to the meeting and a vote take, this motion was declared CARRIED.

Councillors M R Alexander, K A Barnes, A L Burlton, S A Bull, J Demonti, R Gilbert, G E Lawrence, D A A Peek, R I Taylor and B M Wrangles requested that their abstention from voting be recorded.

The Chairman invited Members to consider the issue of any impact that the proposed development would have in terms of the guidance in PPS4. The Director stressed that given that Members had determined that the Crane Mead site was sequentially preferable, the expectation would now be that the application detailed in the report would be refused. However, it remained appropriate to consider impact to ensure that if this was unacceptable, it was also taken account of in any decision.

Councillor R Gilbert proposed and Councillor M R Alexander seconded, a motion that the proposals would result in no unacceptable impact.

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

Councillor W Ashley reminded Members that, given the decisions that the committee had taken, it would now be expected that the proposals would be refused. There had to be clear and cogent reasons for doing otherwise.



The Director stated that exceptions to policy, particularly where another site had been judged to be sequentially preferable, would be few and far between. He stressed that any exception to policy would very likely be subject to challenge. This required the Council to be clear about the reasons for its decision and would be likely to result in delay to any final decision.

Councillor R Gilbert proposed and Councillor M R Alexander seconded, a motion that application 3/10/0386/FP be approved. It was considered that the issues now detailed outweighed the guidance to ensure that such development takes place on sequentially preferable sites. It was considered appropriate to support the proposals due to the regeneration and reuse of the currently derelict brownfield site for a development ready to go ahead on a site in single ownership, due to the restoration and reuse of historical assets in particular the Kiln and Malting's Building located on the site, bringing forward an opportunity for the provision of private and affordable housing with particular emphasis on securing affordable housing sooner rather than later, bringing forward an employment generating development opportunity sooner rather than later and the provision of a mixed use development by virtue of the nursery provision.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/0386/FP be refused planning permission for the reasons now detailed.

RESOLVED - that, subject to referral to the Secretary of State, in respect of application 3/10/0386/FP, planning permission be granted and authority delegated to Officers, in consultation with the Chairman, to finalise conditions and appropriate planning obligations broadly in line

with those set out in Appendix 'B' to the report now submitted.

450 3/09/1728/FP - DEMOLITION OF EXISTING POLICE STATION BUILDINGS AND CONSTRUCTION OF NEW MIXED USE DEVELOPMENT COMPRISING 90 RESIDENTIAL FLATS, 36 HOUSES, 80 BED HOTEL, 60 BED NURSING HOME, 2 RETAIL UNITS AND NURSERY TOGETHER WITH UNDERGROUND AND OFF STREET PARKING FOR 258 CARS AND 107 CYCLE SPACES AT HERTFORD POLICE STATION, WARE ROAD, HERTFORD, HERTS, SG13 7HD FOR ZBV AND HERTFORDSHIRE POLICE AUTHORITY

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Mr Apostolos addressed the Committee in opposition to the application. Mr White spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1728/FP, planning permission be refused for the reasons now detailed.

Councillor N Wilson, as the local ward Member, urged the Committee to uphold the Officer's recommendation for refusal. He referred to two public consultations arranged to address public demand. Neither meeting had resulted in an assurance in relation to the continuance of the only school in this ward if this school was unable to expand.

Councillor Wilson commented that an application for an 80 bedroom hotel adjacent to a school was inept in planning terms. He stressed that the application had not addressed local concerns and would result in serious community problems.

Councillor Wilson stated that residents accepted that development would occur on this site. He commented however, that priority must be given to educational and community need in what was the largest residential ward in Hertford.

Councillor W Ashley sought and was given assurance

that Members were satisfied with how Officers had reached their recommendation in relation to the sequential test. Councillor B M Wrangles stated that this was not a high quality layout and the application was out of keeping with the locality of the surrounding area.

Councillor Wrangles also stated that, in relation to the proposed retail provision, there were already two excellent local shops. She expressed concerns that the application made insufficient provision for children's play space and landscaping. She also referred to the busy nature of Stanstead Road and Ware Road, with both roads suffering from tailbacks during rush hour periods.

Councillor Wrangles commented that Stanstead Road had a weight restriction and a speed limit of 30 mph. She stated that the hotel was the greatest concern for residents and the application was contrary to policy STC6 of the East Herts Local Plan Second Review April 2007. She also stated that she would have preferred a section 106 obligation for a residents parking scheme. She stressed that residents of this ward were against the application and had the support of Mark Prisk MP. Councillor Wrangles acknowledged that some form of development would occur on this site, however, this application was detrimental to residents and the surrounding area.

The Director stated that any section 106 obligation would have to be reasonable and must meet the appropriate tests for such obligations. In relation to parking, Members were advised that a section 106 obligation could not seek to solve an existing parking problem. An obligation could however, seek to address problems if these would be exacerbated by a planning application.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1728/FP be refused planning permission for the reason now detailed.

RESOLVED - that in respect of application 3/10/1728/FP, planning permission be refused for the following reason:

1. The applicant has failed to prove that there are no sequentially more suitable sites in Hertford or Ware likely to be capable of meeting the same requirements, in respect of the hotel use, as the application is intended to meet. The proposal does not therefore meet the tests of national planning policy in PPS4 and is contrary to Policy STC6 of the adopted East Herts Local Plan Second Review April 2007.

451 3/10/1598/FP - FARM BASED ANAEROBIC DIGESTER AT BUTTERMILK HALL FARM, BALDOCK ROAD, BUNTINGFORD, SG9 9RH FOR HALLWICK LTD

Mr Pitman and Mrs Snell addressed the Committee in opposition to the application. Mr Fenwick and Mr Bayles spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1598/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that Officers had requested an additional condition to ensure that the proposed gas flare did not result in any damage to existing trees on the site.

Councillor J O Ranger, as the local ward Member, commented that there was nothing wrong with anaerobic digesters so long as these were provided in the right location and in the right way.

Councillor Ranger stressed that the crucial issue was the location. He commented that a key problem was that the buildings would make the site more industrial. He also stated that the buildings themselves would not look like

normal farm buildings.

Councillor Ranger expressed concerns that many of the measurements in relation to the size of the structures were inaccurate in the report now submitted. He provided a number of examples of incorrect measurements.

Councillor Ranger stated that the residents were particularly concerned in relation to the potential loss of heat from the site. Residents were concerned in relation to potential future developments that could make use of the lost energy, such as further industrial buildings of residential development.

Councillor Ranger stressed that Members might wish to consider deferring the application to clarify details of the measurements of the proposed development. He suggested that some of the conditions should be reworded if the Committee was minded to approve the application.

Councillor S A Bull expressed concerns in relation to the highways impact of the application. He suggested that a condition be added to ensure that the bunding close to the site access track was removed due to the size of vehicles using the surrounding roads.

Councillor Bull expressed concerns in relation to the wildlife implications of the proposals and stated that he would be voting against the application. Councillor R N Copping commented that he was going to suggest the application be refused for lack of information.

Councillor R Gilbert suggested that this application did not comply with policy SD3 of the East Herts Local Plan Second April 2007. He expressed concerns in relation to the emissions of methane and carbon dioxide.

Councillor Mrs M H Goldspink proposed and Councillor R N Copping seconded a motion that application 3/10/1598/FP be deferred to enable Officers to seek

further information in relation to the issues raised by Cottered Parish Council, to confirm the reported dimensions of the development and to investigate possible alternative siting options to reduce visual impact on the countryside.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1598/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1598/FP, planning permission be deferred to enable Officers to seek further information in relation to the issues raised by Cottered Parish Council, to confirm the reported dimensions of the development and to investigate possible alternative siting options to reduce visual impact on the countryside.

452 3/10/1758/FP - ADDITIONAL 6 NO. MOBILE HOMES PITCHES WITH PARKING SPACES, ACCESS ROAD AND CHILDREN'S PLAY AREA AT NINE ACRES, HIGH ROAD, HIGH CROSS, SG11 1BA FOR MR BOLESWORTH

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1758/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1758/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1758/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E102) – ‘LP1; SLP2; PGY2; RLSP3; RLSP3a’.
3. The site shall not be permanently occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To ensure that the caravans are occupied by Gypsy and Travellers in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

4. A detailed internal layout plan of the site, including the precise siting of caravans, details of the children’s play equipment, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities shall be submitted at a scale of 1:500 or 1:200, for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The approved scheme shall thereafter be carried out and completed in accordance with the approved timetable.

Reason: To ensure the provision of amenity afforded by appropriate layout and landscape design, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

5. The development hereby permitted shall not commence until a scheme to dispose of foul and surface water has been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the site which is within a Source Protection Zone 3, an area vulnerable to groundwater contamination, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. You are advised of the need to apply for a site license under the Caravans and Control of Development Act 1960. You are advised to contact the Environmental Health Department on 01279655261.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC2, HSG10, ENV1 and TR7. The balance of the considerations having regard to those policies and the amendments to the scheme following application reference 3/10/0156/FP is that permission should be granted.

453 3/10/1774/FP - ERECTION OF TWO-STOREY BUILDING FOR STABILITY CHAMBERS FOR RESEARCH AND DEVELOPMENT PURPOSES AT GSK RESEARCH AND DEVELOPMENT SITE, PARK ROAD, WARE, SG12 0AE FOR GLAXO SMITH KLINE LTD



The Director of Neighbourhood Services recommended that, in respect of application 3/10/1774/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had been particularly concerned in relation to pre commencement conditions as they wanted to commence development sooner rather than later, in order to replace outdated buildings on the site.

Members were advised that Officers had tried to meet the applicant's requirements where possible. The Director stated that the County Archaeologist had stressed the need for pre commencement archaeological works.

The applicant had stated a preference that they would prefer to avoid such works but Officers felt that a condition should be applied to meet this requirement.

Councillor J J Taylor stated that she regretted the loss of car parking spaces resulting from this application and the subsequent risk of overspill parking in surrounding residential areas. She commented that she had received no objections from residents of her ward.

Councillor J J Taylor also expressed concerns in relation to the loss of trees and requested that Officers liaise with the Arboricultural Officer to supervise the replacement of the lost trees.

The Director advised that the landscaping included in the application to offset the loss of trees was the main cause of the loss of car parking referred to by the local Member. He commented that the landscaping was more than an adequate replacement for the loss of trees.

The Director referred to the loss of 43 parking spaces and stated that, given the employment benefits of the application and the improvements on the site, this was an acceptable loss.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1774/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1774/FP, planning permission be granted subject to the following conditions:

1. Three Year Time limit (1T121)
2. Unless otherwise agreed in writing with the Local Planning Authority the external surface of the building shall be clad in powder coated metal boarding as specified in the application and all exposed steel, rainwater goods, external doors, window frames and roof sheeting shall be finished in Kingspan Goosewing Grey (RAL 080 70 05).

Reason: To ensure an appropriate appearance to the development in accordance with 'saved' policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. The approved development shall not be occupied until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables.

Reason: To ensure the provision of amenity

afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review, April 2007.

4. Landscape works implementation (4P133)
5. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 1136729v1 dated 1<sup>st</sup> July 2010 and the following mitigation measures detailed within the FRA:
  1. Finished floor levels are set no lower than 35.57m above Ordnance Datum (AOD) as set out in the FRA.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with 'saved' policy ENV19 of the East Herts Local Plan Second Review April 2007.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is located in a very sensitive location with respect to the potential contamination of groundwater and any subsequent contamination identified will need to be addressed with extreme care in accordance with 'saved' policy ENV20 of the East Herts

Local Plan Second Review April 2007.

7. Approved plans (2E102; 200361-48-DR-0030, 200361-48-DR-0031, 200361-48-DR-0032, 200361-48-DR-0034, 200361-48-DR-0070, 200361-48-DR-0080, 200361-48-DR-0081, 200361-48-DR-2000, 200361-48-DR-2100 and 200361-48-DR-2200 received on the 7<sup>th</sup> October 2010).
8. No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. No use or occupation shall take place until the approved written scheme of investigation for archaeological works has been implemented in full, and the planning authority has received and approved an archaeological report of all the required works, and if appropriate a commitment to publication has been made.

Reason: To ensure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1).
2. Groundwater protection zone (28GP1, Musley Lane Pumping Station).

Summary of Reasons for Decision

The proposal has been considered with regard to

the policies of the Development Plan (East of England Plan 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV2, ENV19, ENV20, ENV21, EDE1, WA8 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

454 3/09/1405/OP - DEMOLITION OF 39 AND 41 HAYMEADS LANE TO PROVIDE ACCESS AND RESIDENTIAL DEVELOPMENT AT LAND AT 37-57 HAYMEADS LANE, BISHOP'S STORTFORD, CM23 5JJ FOR EUROPEAN LAND HOLDINGS LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1405/OP, planning permission be refused for the reasons now detailed.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1405/OP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/10/1405/OP, planning permission be refused for the following reason:

1. The proposal fails to make adequate provision for affordable housing on the site or financial provision for infrastructure improvements to support the proposed development and mitigate against its impact on the area. It is thereby contrary to policies IMP1 and HSG3 of the East Herts Local Plan April 2007.

455 3/07/0822/FP - ERECTION OF 29 RETIREMENT DWELLINGS INCLUDING 10 AFFORDABLE 2 BED UNITS PLUS A MANAGER'S FLAT, GARAGING AND MANAGEMENT FACILITIES AT PENTLOWS FARM, BRAUGHING, SG11 2QR FOR ENGLISH COURTYARD DEVELOPMENTS

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/0822/FP, planning permission be refused for the reasons now detailed.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/0822/FP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/07/0822/FP, planning permission be refused for the following reason:

1. The proposal fails to make adequate provision for affordable housing or adequate financial provision for infrastructure improvements to support the proposed development and mitigate against its impact on the area. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

456 3/10/0619/FP - ERECTION OF A HORIZONTAL CLOSE BOARDED FENCING AND PLANTER WITH ROOF EXTENSION TO REAR (RETROSPECTIVE) AT RIVERSIDE GARDEN CENTRE FOR MR RUSSELL JEFFREY

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/0619/FP, planning permission be granted subject to the conditions now detailed.

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

Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0619/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0619/FP, planning permission be granted subject to the following conditions:

1. Approved plans(2E102) - 'HD09014/40 B'
2. Within 1 month of the date of this permission, details of measures to provide permeability to flood water within the side (west) fencing of the structure, shall be submitted to and approved in writing by the local planning authority. The measures shall thereafter be implemented within 3 months of the date of this decision unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of flood water management and to ensure the development does not obstruct flood water flows from the Bayford Brook and increase the risk of flooding in accordance with Policy ENV19 of the adopted East Herts Local Plan 2007.

3. Notwithstanding any notation shown on drawing HD09014/40 B, details of any external lighting to be fixed to the structure shall be submitted to and approved in writing by the local planning authority within 1 month of the date of this decision. Such lighting shall be provided in accordance with those agreed details within 3 months of the date of this decision unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the development and the visual amenity of the Green Belt and in accordance with policy

ENV1 of the adopted East Herts Local Plan 2007 and national planning guidance in PPG2.

4. The structure created by the fence and roof hereby permitted shall be used for storage purposes ancillary to the Riverside Garden Centre only and for no other purpose, including any additional sales space.

Reason: Having regard to the inappropriateness of the development within the Metropolitan Green Belt in accordance with policy GBC1 of the East Herts Local Plan 2007 and the justification for the building.

Directive:

1. Other legislation

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1 and ENV19. The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

457 3/10/1601/FP - MAINTENANCE AND MATERIAL STORAGE COMPOUND INCLUDING METAL CONTAINERS AND COVERED MAINTENANCE VEHICLE STORAGE AT HARWOOD PARK CREMATORIUM, STEVENAGE, SG2 8XT FOR HARWOOD PARK CREMATORIUM LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1601/FP, planning permission be granted subject to the conditions now



detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1601/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1601/FP, planning permission be granted subject to the following conditions:

1. Approved Plans (2E10 - 6038 A900, 6038 A901, 6038 A902 A).
2. A planted screen to the east and south of the compound fence shall be retained for the lifetime of the development, and full details shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this decision, including (a) Planting plans (b) Written specifications (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities, where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

3. All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out in accordance with a timetable to be agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning

Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. This permission relates solely to the land edged in red on the site plan. Any storage of materials or equipment beyond the site boundary would also require planning consent, and the applicant is advised that the Council would be concerned over further encroachment into the countryside.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC14, ENV1, ENV2 and BH1. The balance of the considerations having regard to those policies is that permission should be granted.

458 3/10/1901/FP - CAR PARK EXTENSION AND RE-GRADE  
EARTH MOUND AT HARTHAM LEISURE CENTRE,  
HARTHAM LANE, HERTFORD, SG14 1QR FOR SPORTS  
AND LEISURE MANAGEMENT LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1901/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1901/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1901/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 – ARCH/2008-214/(-0)003/A, ARCH/2008-214/(-0)004/A, ARCH/2008-214/(-0)005/A, ARCH/2008-214/(-0)006/A, ARCH/2008-214/(-0)007/A, BGC1/HARTHAM/TCP Rev 0, BGC1/HARTHAM/TPP Rev 0)
3. No further external lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

4. All existing trees and hedges shall be retained, and protected from damage as a result of works on the site in accordance with

drawing BGC1/HARTHAM/TPP Rev 0 and relevant British Standards for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular SD2, TR7, ENV1, ENV2, ENV11, ENV19 and ENV23. The balance of the considerations having regard to those policies is that permission should be granted.

459 3/10/1742/FP - CHANGE OF USE FROM RETAIL (A1) TO RESTAURANT (A3), NEW SHOP FRONT AND PLANT EQUIPMENT TO REAR AT 16 NORTH STREET, BISHOP'S STORTFORD, CM23 2LL FOR CAFÉ ROUGE RESTAURANTS

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Mr Thackeray addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1742/FP, planning permission be refused for the reasons now detailed.

Councillor R Gilbert stated that he did not feel that the reason for refusal was valid as the number of retail units would remain the same. He emphasised that this was a large unit that had been divided to facilitate a retail unit and a café or restaurant. He commented that this would create more vitality in North Street.

Councillor J Demonti stressed that although she would like the unit to remain in retail use, she would prefer to see the unit in use rather than remaining empty.

Councillor K A Barnes expressed concerns in relation to the parking situation in North Street in the evenings, as this was getting worse by the day. He commented that there were free car parks in the town in the evenings after a certain time but people seemed unwilling to get out of their cars and walk.

The Director confirmed that this was primary shopping frontage and the policy position was very clear in that a change of use from A1 retail to A3 restaurant should not be permitted. The Committee was advised that this policy sought to maintain an appropriate number of retail units and Members must consider the mix of uses in the overall town centre.

Councillor D A A Peek sought and was given clarification

as to whether approving this application would weaken the Council's policy position on similar applications in future.

Councillor Mrs M H Goldspink proposed and Councillor A L Burlton seconded a motion that application 3/10/1742/FP be granted on the grounds that the application would enhance the vitality and viability of the town centre.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1742/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1742/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E102) FM1, 184/00-10 A, 184/00-11 A, 184/00-12 C, 184/00-13 B, 184/00-20 A, 184/00-21 A, 184/00-22 A, 184/00-23 D, 184/00-30 A, 184/00-31 A
3. Materials of construction (2E11)
4. External Timber Work (2E16) – delete 'development' and replace with 'shopfront'.

Reason: In the interests of the appearance of the development, and in accordance with policy BH14 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the use hereby permitted a scheme for the ventilation of the

premises, including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

Reason: In the interests of the appearance of the building and the amenities of nearby occupiers in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. You are advised that advertisement consent is required for the proposed signage that has neither been sought nor granted.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies STC2, ENV1 and BH14. The balance of the considerations, having regard to these policies; the large size of the unit and its sub-division thus enabling some element of retail use to be retained in the shopping frontage, is that planning permission should be granted.

460 E/09/0443/A - UNAUTHORISED ERECTION OF RESIDENTIAL OUTBUILDING, AT HIGHLANDS, FRIARS ROAD, BRAUGHING FRIARS, CM23 3JH

The Director of Neighbourhood Services recommended

that, in respect of the site relating to E/10/0443/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0443/A on the basis now detailed.

RESOLVED – that in respect of E/10/0443/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised building from the land.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The cumulative effect of the outbuilding, together with the extensions previously added to the property and other outbuildings erected at the site, has disproportionately altered the size of the original dwelling to the detriment of the character and appearance of the dwelling and the rural character of the area. It is therefore contrary to saved policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007.
2. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development is prejudicial to this policy, set out at policies GBC2 and



GBC3 within the East Herts Local Plan  
Second Review April 2007.

461 E/10/0269/B - UNAUTHORISED ATTACHMENT AND  
DISPLAY OF ADVERTISEMENTS ON A LISTED BUILDING  
AT MONEY MATTERS WORLDWIDE, 8 MARKET PLACE,  
HERTFORD, SG14 1DF

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0269/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0269/B on the basis now detailed.

RESOLVED – that in respect of E/10/0269/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised advertisements from the land.

Period for compliance: 14 days.

Reasons why it is expedient to issue an enforcement notice:

1. The advertisements attached to both the exterior and interior of the building are detrimental to the historic character and appearance of the Listed Building, a designated heritage asset. The unauthorised advertisements are therefore contrary to policy HE9 of PPS5.

462 E/10/0416/A - URGENT REPAIRS TO A GRADE II\* LISTED BUILDING AT 30 HIGH STREET, BISHOP'S STORTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0416/A, enforcement action be authorised on the basis now detailed.

Councillor A L Burlton stressed that the fabric of the building was falling into disrepair prior to a recent decision of a Licensing Sub-Committee to reduce the permitted hours of operation.

Councillor R Gilbert stated that the recommendation should relate to 30 - 34 High Street, Bishop's Stortford. He also commented on whether the enforcement notice could request that the rendering be put back once the building had been weatherproofed.

The Director stressed that an urgent works notice was only aimed at securing the weatherproofing of the building. Members were advised that Officers would be working with the owners to secure proper repairs in due course.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0416/A on the basis now detailed.

RESOLVED – that in respect of E/10/0416/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to serve an urgent works notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the implementation of urgent works required in order to protect the building from further decline.

Period for compliance: 14 Days

Reason why it is expedient to issue an Urgent Works notice:

1. The exposed condition of parts of the building is damaging to its historic fabric and threatens its long term retention. The building is at such risk from further decline that, should the owner fail to comply with the Notice, the Council will be required to carry out works in default.

463 PLANNING APPEALS PERFORMANCE: APRIL - SEPTEMBER 2010

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering April to September 2010.

The Director stated that appeal performance was once of the worst figures for a number of quarters. He stressed that Officers had not been able to identify any particular reason for the drop in performance in relation to appeals.

Councillor D A A Peek stated that he felt that the Council was doing a good job and commented on whether Officers could liaise with other local authorities in relation to appeals performance.

The Committee noted the report as now detailed.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

464 PROPOSED SHELTERED HOUSING DEVELOPMENT 135 STANSTED ROAD, BISHOP'S STORTFORD: PLANNING APPEAL

The Director of Neighbourhood Services submitted a report inviting the Committee to reconsider its position in relation to the refusal of the proposals now detailed,

which were now the subject of an appeal.

The Committee was advised that an informal appeal hearing was due for late March 2011. The Director advised that Officers felt that the Authority was vulnerable in respect of the second reason for refusal on the adequacy of car parking provision. Members were advised that Officers felt that the second reason for refusal should not be pursued.

The Committee received the report.

RESOLVED - that the Council does not continue to contest the issue of parking provision for the development proposal at appeal and confirms to the Planning Inspectorate that it will be offering no evidence in relation to this matter.

465 ITEMS FOR REPORTING AND NOTING

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 9.50 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 12 JANUARY 2011, AT 3.00  
PM

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PRESENT: Councillor C Woodward (in the Chair)  
Councillors J O Ranger, S Rutland-Barsby  
and M Wood

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Emma Freeman	- Head of People and Organisational Services
Alan Madin	- Director of Internal Services
Graham Mully	- Risk Assurance Officer

479 APOLOGIES AND APPOINTMENT OF CHAIRMAN FOR THE MEETING

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Apologies for absence were submitted on behalf of Councillors J Mayes, D A A Peek and N Wilson.

In the absence of the Chairman it was moved by Councillor M Wood and seconded by Councillor J O Ranger that Councillor C Woodward be appointed Chairman for the meeting.

RESOLVED – that Councillor C Woodward be appointment Chairman for the meeting.

480 MINUTES

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 13 October 2010 be confirmed as a correct record and signed by the Chairman.

481 DEFAULT RETIREMENT AGE - IMPLEMENTATION ARRANGEMENTS

The Head of People and Organisational Services submitted a report outlining the up and coming changes to East Herts policies and procedures following a decision to remove East Herts Council's retirement age arising from changes by the Government.

It was noted that the removal of the Default Retirement Age (DRA) would begin in April 2011 with transitional arrangements covering the period until 1 October 2011. East Herts Council's retirement age would cease on 6 April 2011. The transitional arrangements were explained. The changes to the retirement age would also necessitate changes to the Council's policies and procedures. The timeline for effecting the changes was set out in the report now submitted including the implications of the Council's Group life insurance and personal accident cover.

In response to a query from Councillor J O Ranger regarding the pension scheme and whether an individual could still contribute at 65 years of age, the Director of Internal Services confirmed that the individual could still contribute beyond 65 and that it was up to the individual.

Members noted the programme for the repeal of the default retirement age.

RESOLVED – that the Council's programme for the repeal of the default retirement age be noted.

482 CAUTIONARY PERSONS' REGISTER

The Executive Member for Resources and Internal Support submitted a report concerning the establishment of a new Cautionary Persons' Register in order to fulfil the Council's duty of care to staff to protect them where an employee could be exposed to aggressive behaviour from a person or an animal. It was noted that the old policy had been based on "hearsay" and was considered unlawful. The register would be reviewed annually and was last reviewed on 21 December 2010. UNISON was happy with the new register.

In response to a query from Councillor J O Ranger concerning the term "partners" the Risk Assurance Officer explained the definition and that the sharing of information with partners needed to be relevant. It was suggested that the use of "partner organisations" offered more clarity to the definition and that this term should be used in the register. This was supported.

Councillor S Rutland-Barsby raised the possibility of refuse collectors being at risk from an animal and whether the collector could ask for a dog to be included on the register. The Risk Assurance Officer stated that the Courts' view was that this information could not be shared as this would be considered "hearsay". If there was clear evidence which could be used such as a court conviction then this information could be used.

In response to a query from Councillor M Wood regarding whether parking enforcement officers would be covered, the Risk Assurance officer explained that the Contractor had a duty of care to its employees and that the Council had a duty to ensure that the Contractor was managing its staffs' welfare.

Members agreed to the adoption of the new policy and that the definition "partner organisations" be used within the register.

RESOLVED – that the new policy be agreed and adopted as amended.

483 HUMAN RESOURCES MANAGEMENT STATISTICS -  
APRIL 2010 - NOVEMBER 2010

The Head of People and Organisational Services submitted a report detailing the turnover and sickness absence statistics for the period April to November 2010. Updates were also provided in relation to training and development and performance management.

The Committee was advised that the current turnover rate for the Council was 6.04% against a target of 12%. The current voluntary leaver's rate was 4.39% against a target of 8%. It was noted that there were 22 leavers to date. Short term sickness was 2.85 days per FTE against a target of 5 days and that the above average long term sickness was 1.19 days against a target of 2.5 days.

In response to a query from Councillor M Wood regarding an upsurge in short absences, the Head of People and Organisational Services confirmed that these figures did not take account of staff affected by winter flu.

The Head of People and Organisational Services advised that the outturn for corporate induction was currently 40% with fifteen new staff starting this year. Of those staff, six had been on an induction course. Councillor C Woodward expressed concern about the induction levels and the role to be played by the Head of Service. The Head of People and Organisation Services undertook to report back on this issue at the next meeting.

Updates were provided in relation to the Council's Performance and Development Review (PDR) scheme with Revenues and Benefits achieving an outturn of 95.74%. The outturn for the mid year review 2010/11 was 64.99% overall against a target of 100%. Human Resources continued to push to improve on the overall target but it was recognised that it was the efforts of the Head of Revenues and Benefits that had achieved such good results. It was suggested that such successes needed to be included in Team Update and



people thanked for their efforts. It was noted that a letter had already been forwarded to the Head of Service for her efforts.

It was noted that to date, 31.01% had received corporate training. The target for 2010/11 was 85.44%.

In response to a query from Councillor J O Ranger concerning redundancies in relation the number of leavers, the Head of People and Organisational Services confirmed that there had been two.

In response to a query from Councillor C Woodward concerning vacancies and the sharing of services, the Head of People and Organisational Services explained that the Council used Manpower and that staff would have to apply for a role as an external applicant. The Council's vacancy lists were not shared externally. She further confirmed that the Council was still actively recruiting.

The Director of Internal Services confirmed that before vacancies could be advertised they had to first be approved by Corporate Management Team. The preference was to move staff around internally. Fixed term contracts were offered to new recruits. In response to a query from Councillor J O Ranger about deleting posts, the Director confirmed that some posts affected by organisational change could be deleted and that 25 FTE posts might be affected over the next five years.

In response to a query concerning the training budget, the Head of People and Organisational Services confirmed that this was sufficient and that there had been a focus on engagement and behaviour and values which had been given via staff briefings.

Councillor J O Ranger stated that staff within the new organisation would need a lot more training once matters had settled down and would not wish to see the training budget cut. The Director of Internal Services confirmed that there was nothing in the Medium Term Financial Plan to cut the budget. The Head of People and Organisational Services

confirmed that there would be a focus on up-skilling and looking at the skills staff currently had and the roles they played.

In response to a query from Councillor C Woodward regarding an evaluation of the FISH training, the Head of People and Organisational Services confirmed that she would respond to the Member by email.

Members considered the benefits to the Council of using apprenticeships and the role of the Government in this process.

RESOLVED – that the report be noted.

The meeting closed at 3.35 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 12 JANUARY 2011, AT 7.00  
PM

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PRESENT: Councillor W Ashley (Chairman).  
Councillors M R Alexander, D Andrews,  
K A Barnes, S A Bull, R N Copping,  
J Demonti, R Gilbert, Mrs M H Goldspink,  
G E Lawrence, P A Ruffles,  
S Rutland-Barsby, J J Taylor, R I Taylor and  
A L Warman.

ALSO PRESENT:

Councillors P R Ballam, J O Ranger and  
V Shaw.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

484 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors A L Burlton, Mrs R F Cheswright, D A A Peek  
and B M Wrangles. It was noted that Councillors D  
Andrews, P A Ruffles and A L Warman were substituting

for Councillors D A A Peek, B M Wrangles and A L Burlton respectively.

485 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman advised that the item relating to application 3/10/1865/FP – Erection of 3 two storey offices and 6 detached 4-bedroom houses with access road at Land at Jeans Lane, Bishop's Stortford for Arlberg Properties Ltd had been withdrawn.

486 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal interest in application 3/10/2027/FP in that he was an acquaintance of the applicant.

Councillors S Rutland-Barsby and W Ashley declared personal interests in application 3/10/1890/FP in that they were acquainted with the public speaker in objection to the application.

487 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 15 December 2010 be confirmed as a correct record and signed by the Chairman.

488 3/10/1598/FP - FARM BASED ANAEROBIC DIGESTER AT BUTTERMILK HALL FARM, BALDOCK ROAD, BUNTINGFORD, SG9 9RH FOR HALLWICK LTD

Mr Pitman and Mrs Snell addressed the Committee in objection to the application. Mr Fenwick spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1598/FP, planning

permission be granted subject to the conditions now detailed.

The Director referred to the late representations schedule that had been circulated to the Committee. In reference to government guidance in PPS22, he advised that Officers always encouraged consultation with local residents. Members were advised that any lack of consultation in itself was not a planning issue, but a procedural matter. Additional consultation may not have raised any new issues.

Members were advised that Officers had suggested an additional condition, as detailed in the late representations schedule.

Councillor J O Ranger, as the local ward Member, suggested that condition 16 be amended as follows:

‘The anaerobic digester plant hereby permitted shall use only whole crops grown on the land identified within the application as ‘Buttermilk Farm Land’ as shown on Plan SD1 which falls within a six mile radius of the Scott and Scotts site. The plant shall be operated in accordance with the details contained within the submitted application. No additional crops shall be brought onto the site for use within the digester unless otherwise agreed in writing by the local planning authority.’

Councillor Ranger suggested an additional condition in that no vehicles used for the transportation of crops to the digester shall be routed through the village of Aspenden to allay the concerns of residents. He suggested a similar condition be applied to Buntingford High Street.

Councillor Ranger requested a condition stating that waste heat must be used within the site of the Hallwick Ltd Plant or for agricultural purposes on the Scott and Scotts site. He referred to the possibility of the heat being converted to electricity via technology being tested in Germany. He stated that the waste heat could also be used to produce fertiliser or to dry grain.

Councillor Ranger stated that there was a concern that the waste heat should not be used for industrial purposes or for housing. Councillor S A Bull stressed that traffic from the site should be made to use the Buntingford bypass rather than coming through the High Street. He referred to the significant local objections that had been raised against the application.

Councillor Bull referred to the need to reduce the bunding close to the site access. He expressed concerns in relation to the impact of the application on the countryside and also the traffic implications of extra vehicles exiting onto the A507. He expressed concerns in relation to the sustainability of the application, which was more of a commercial use than farm diversification.

Councillor R N Copping stated that this application had national policy support via policy SD3, a renewable energy policy that had been set by the previous government. He objected in principle to an application that resulted in the loss of valuable food producing land.

Councillor R Gilbert stated that this application did not satisfy the policies or aspirations of the East Herts Local Plan Second Review April 2007. He emphasised that this application was not an appropriate use for 450 hectares of agricultural land.

Councillor Mrs M H Goldspink stated that Members should treat this application as agricultural diversification. She stated that the project would be generating electricity from renewable sources and was in line with government policies on farm diversification.

Councillor Goldspink emphasised that the scheme would generate electricity from the anaerobic digestion of maize and any carbon dioxide would be reabsorbed by subsequent crops of maize, making the scheme carbon neutral.

Councillor Goldspink stressed that there were many

similar sized agricultural buildings in East Herts and these buildings would be set down in a natural hollow and would be screened by a coppice and nearby trees. The buildings would subsequently be no higher than existing buildings on the site.

Councillor Goldspink commented that the colour of silage clamps could be changed from black and this could be controlled by conditions. She stressed that the plant would produce minimal noise and no smell.

Councillor Goldspink emphasised that lorry movements would be at a minimum as all the crops were grown and processed on the one site. She stated that there were be a reduction in fertiliser requirements as the slurry would return nutrients to the soil.

The Director reminded Members that this application was in the rural area beyond the green belt. He advised that the policies sought to restrict development in the green belt and the rural area beyond it. He commented however, that policy SD3 sought to encourage in principle renewable energy projects, in particular the cultivation of biomass fuels.

The Director stressed that although the application did not sit comfortable with policy GBC3, Members should not consider this policy in isolation and should take into account the wider planning considerations related to this application.

The Director advised that although the proposed buildings were large, the applicant had sought to take advantage of the best possible location of these on the site and Officers felt that, on balance, the scheme was acceptable in the rural area.

In response to a query from Councillor S A Bull, the Director summarised the provisions of policy GBC8 of the East Herts Local Plan Second Review April 2007.

Councillor R Gilbert proposed and Councillor J J Taylor

seconded a motion that application 3/10/1598/FP be refused due to visual impact of the application and also on the grounds that the application did not comply with green belt policy generally and in particular, did not comply with policy GBC3 of the East Herts Local Plan Second Review April 2007.

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

In response to a query from Councillor D Andrews in relation to the condition on wheel washing facilities being made permanent, the Director reminded the Committee of government guidance on the tests that should be met for planning conditions. Members were advised that conditions must be reasonable, precise and enforceable and must also relate to appropriate planning issues.

The Director accepted Councillor Ranger's amendment to condition 16, so long as it was understood what was meant by the term whole crops. He stressed that the amendment in relation to the Scott and Scotts site and the 6 mile radius be amended to 'the application as 'Buttermilk Farm Land', as shown on Plan SD1, which fell within a six mile radius of the application site', as this was a clearly identifiable area and land could change ownership over time.

The Director stated that a condition of no traffic associated with the proposed travelling through Aspenden was entirely reasonable. He stressed that a similar restriction for Buntingford High Street was less appropriate as this was a through route to other locations where as Aspenden High Street was not.

The Director cast doubt on whether a condition in relation to the reuse of the waste heat for agricultural purposes and also in respect of future uses would meet the tests for conditions. He advised the concerns in relation to bunding and the highways issues was covered by condition 7. Members were reminded that planning conditions on a new development could not be applied to



solve existing problems.

Councillor Bull expressed further concerns that a condition for Buntingford High Street should be applied. The Director reiterated that this was a condition which was unenforceable and could be judged to be unreasonable.

In response to a query from Councillor M R Alexander in respect of the condition on external lighting, the Director stressed that this did not prohibit external lighting and this meant no lighting without the prior agreement of Officers.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded a motion that application 3/10/1598/FP be granted.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1598/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1598/FP, planning permission be granted subject to the following conditions:

1. Three year Time limit (1T12)
2. Levels (2E05)
3. Approved Plans (2E10) L10414-LV1A Report Appendix 1-01, L10414-LV1A Report Appendix 1-02, L10414-LV1A Report Appendix 1-03, L10414-LV1A Report Appendix 1-04, L10414-LV1A Report Appendix -05, L10414-LV1A Report Appendix 1-06, P10-BMLK-001, P10-BMLK-002, P10-BMLK-003, P10-BMLK-004, P10-THFB-005, P10-BMLK-006, TCP-01, SD1.

4. Materials of Construction (2E11)
5. No external lighting (2E26)
6. Notwithstanding the details shown on the approved plans, and prior to the commencement of the development, details of additional noise attenuation measures for the exhaust stack, together with its siting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented, retained and maintained in accordance with those details to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of residents of nearby properties in accordance with Policy ENV25 of the East Herts Local Plan second review April 2007.

7. No development shall take place until a scheme for the improvement of the access has been submitted to and approved in writing by the local planning authority and an agreement under s.278 of the Highways Act signed, for Highways works to the carriageway of the A507 abutting the access to the site at Buttermilk Hall Farm. The highway works shall thereafter be completed in accordance with the approved scheme prior to the first use of the development hereby permitted.

Reason: To ensure that the improvements to the carriageway at the point of access to the site is constructed to the specification of the Highway Authority as required by the Local Planning Authority.

8. Hard Surfacing (3V21)

9. Construction Parking and Storage (3V22)
10. Wheel Washing facilities (3V25)
11. Hedge protection and retention (4P06)
12. Tree/natural feature protection: fencing (4P07)
13. Landscape design proposals (4P12) l, j, k, l.  
'Adapt 'to include landscaping in the form of hedgerows for the bunds at the main access to the site from the A507'
14. Landscape works implementation (4P13)
15. Prior to the commencement of the development hereby permitted, details of the management of surface water to include sustainable drainage systems shall be submitted to and approved in writing by the Local planning Authority.

Reason: In the interests of the management of surface water on the site and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007

16. The anaerobic digester plant hereby permitted shall use only whole crops grown on the land identified within the application as 'Buttermilk Farm Land' as shown on Plan SD1 which falls within a six mile radius of the application site. The plant shall be operated in accordance with the details contained within the submitted application. No additional crops shall be brought onto the site for use within the digester unless otherwise agreed in writing by the local planning authority.

Reason: To prevent an unacceptable increase in traffic to and from the site in the interests of amenity and highway safety and in

accordance with policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007.

17. Notwithstanding the details shown on the approved plans, and prior to the commencement of the development, the precise siting of the gas flare in relation to the adjoining trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented, retained and maintained in accordance with those details to the satisfaction of the Local Planning Authority.

Reason: To safeguard the health of the adjoining trees in the interests of amenity in accordance with policies ENV1; ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007”

18. No vehicles used for the transportation of crops to the digester hereby permitted shall be routed through the village of Aspenden.

Reason: In order to ensure an acceptable level of residential amenity is maintained in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Highway Works (05FC)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County

Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD3, GBC3, ENV1, ENV2, ENV11, ENV21, ENV25, LRC9 and national planning guidance PPS22. The balance of the considerations having regard to those policies is that permission should be granted.

489 3/10/1968/FP - ERECTION OF 76 DWELLINGS, OPEN SPACE, LANDSCAPING, PARKING AND ACCESS FROM WIDBURY HILL AT THE DEPOT AND COACHWORKS, LEASIDE DEPOT, WIDBURY HILL, WARE, SG12 7QE FOR TAYLOR WIMPEY NORTH THAMES

Mr Lambert addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1968/FP, subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director referred to the late representations schedule and advised Members that condition 13 had been removed. Members were advised that clauses 9 and 11 of the section 106 obligation had been reworded as detailed in the schedule now submitted.

Councillor P R Ballam, as the local ward Member, expressed concerns in relation to the lack of an equipped play area in the plans for this application. She stressed that the King George Road playing fields were a considerable distance away and there was not a footpath for part of that walk and the speed of traffic made this dangerous.

Councillor V Shaw, as the local ward Member, referred to the Local Development Framework (LDF) Core Strategy and the reference to the inappropriate provision of flats

which were unsuitable for families with young children. She stressed that more one and two bed houses were needed in Ware.

Councillor Shaw commented that 3 and 4 bed houses were out of reach to many potential householders. She stated that there were no play facilities in the vicinity of this site and the area close to the river was unsuitable. She expressed concern that the section 106 contributions would not benefit Ware.

Councillor Mrs M H Goldspink expressed concerns in relation to the lack of a children's play space. The Director stressed that Officers considered a play space close to the semi wild area adjacent to the Lea Valley Park as inappropriate.

Councillor R I Taylor referred to the tiny gardens in the plans, which could be judged to be inadequate for three and four bed family houses. He stated that the developer could consider some provision of play space as a gesture of goodwill for the residents. The Director referred to potential nature and conservation issues of converting part of a semi wild area in to play space.

The Director commented that incorporating play space raised the issue of separation distances between such provision and the proposed dwellings. Such separation was essential to protect resident's amenity, and the developer might well be unwilling to reduce the number of dwellings in order to incorporate a designated play area.

Councillor D Andrews expressed concerns relating to the parking provision proposed in this application. Councillor Mrs Goldspink commented on whether a condition could be applied to secure the provision of children's play space. The Director considered that this would be unreasonable as it would change the nature of an application.

Councillor A L Warman proposed and Mrs M H Goldspink seconded a motion that application 3/10/1968/FP be

deferred to enable Officers to seek the agreement of the applicant to include the provision of an equipped children's play space within the site, to seek an amendment to the design of the properties to include energy efficiency measures, increasing parking provision at the site and to enable Officers to seek the views of the County Architectural Liaison Officer.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1968/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1968/FP, planning permission be deferred to enable Officers to seek the agreement of the applicant to include the provision of an equipped children's play space within the site, to seek an amendment to the design of the properties to include energy efficiency measures, increasing parking provision at the site and to enable Officers to seek the views of the County Architectural Liaison Officer.

- 490 (A) 3/10/1959/FP - CONVERSION OF GRADE II LISTED BARNs TO OFFICE AND RESIDENTIAL USE AND THE ERECTION OF FIVE RESIDENTIAL DWELLINGS AS ENABLING DEVELOPMENT; (B) 3/10/1960/LB – REPAIR AND CONVERSION OF GRADE II LISTED BARNs TO OFFICE AND RESIDENTIAL USE AT WICKHAM HALL, HADHAM ROAD, BISHOP'S STORTFORD, CM23 1JQ FOR MR DAVID HARVEY
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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1959/FP, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 by midday on 2 February 2011, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1960/LB, listed building consent be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Director of Neighbourhood Services that, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 by 2 February 2011, application 3/10/1959/FP be granted subject to the conditions now detailed and, in respect of application 3/10/1960/LB, listed building consent be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matter:

1. The provision of a phased schedule of repairs for the listed central barn, the first phase of which will be undertaken before the occupation of any of the residential units. The second phase shall be undertaken before the occupation of the second dwelling. The final 4 dwellings shall not be occupied before the completion of all the agreed repairs.

in respect of application 3/10/1959/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved plans (2E10)  
209187DWG001B, 209187DWG002A,  
209187DWG003A, 209187DWG004A,  
209187DWG005A, 209187DWG006A,



209187DWG007A, 209187DWG008A,  
209187DWG009A, 209187DWG010A,  
209187DWG011B, 209187DWG012A,  
209187DWG013D, 209187DWG014C,  
209187DWG015C, 209187DWG016C,  
209187DWG017C, 209187DWG018C,  
209187DWG019B, 209187DWG020D,  
209187DWG021C, 209187DWG022C,  
209187DWG023A

4. Samples of materials (2E12)
5. Withdrawal of PD (unspecified) (Part1, Classes A, B and E)
6. Refuse disposal facilities (2E24)
7. Lighting details (2E27)
8. Materials arising from demolition (2E32)
9. Contaminated land survey and remediation (2E33)
10. Hard surfacing (3V21)
11. Provision and retention of car parking spaces (3V23)
12. Wheel washing facilities (3V25)
13. Green travel plans (3V27) delete 'new building' insert 'new office units'
14. Tree retention and protection (4P05)
15. Landscape design proposals (4P12)  
Include b, c, d, e, f, h, i, j, k, l
16. Landscape works implementation (4P13)
17. Landscape maintenance (4P17)

18. No infiltration of surface or foul water drainage into the ground is permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ground water is properly protected as the site is located within a source protection zone around a portable public water abstraction borehole, in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review 2007

19. Measures for the protection of great crested newts, their habitats and access points and necessary compensatory measures, shall be carried out in accordance with the recommendations set out in the approved Great Crested Newt Survey received on 4 November 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of great crested newts which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

20. Measures for the protection of bats, their roosts and access points and necessary compensatory measures, shall be carried out in accordance with the recommendations set out in the approved Bat Report received on 4 November 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in

accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, GBC1, GBC9, TR7, ENV1, ENV2, ENV11, ENV16, ENV20, ENV21, BH1, BH2, BH3 and BH17 and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the need to repair and retain the 17<sup>th</sup> century central barn is that permission should be granted.

(B) where the legal agreement referred to in (A) above is not completed by midday on 2 February 2011, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

1. The proposal fails to securely and enforceably link the proposed enabling development to the repair and preservation of the listed barns on the site via an appropriate legal agreement. The development would thereby be contrary to policy BH17 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS5.

(C) in respect of application 3/10/1960/LB, listed building consent be granted subject to the following conditions:

1. Listed Building three year time limit (1T14)

2. Listed Building (timber structure) (8L01)
3. Listed Building (new timber frame) (8L02)
4. Listed Building (new window) (8L03)
5. Listed Building (new doors) (8L04)
6. Listed Building (new brickwork) (8L06)
7. Listed Building (new boarding) (8L07)
8. Listed Building (new external rendering) (8L08)
9. Listed Building (new rainwater goods) (8L09)
10. Listed Building (making good) (8L10)
11. Listed Building (repairs schedule) (8L11)
12. Prior to the commencement of works investigative structural surveys which shall include a report outlining the findings and any repair works required shall be submitted to and approved in writing by the Local Planning Authority for all the listed buildings. The approved repair works shall thereafter be carried out as part of the Repairs schedule.

Reason: To ensure the historic and architectural character of the buildings are properly maintained in accordance with PPS5: Planning for the Historic Environment.

Directive:

1. Listed Building advice (25LB)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

491 3/10/1866/LC - ERECTION OF 3 TWO STOREY OFFICES AND 6 DETACHED 4-BEDROOM HOUSES WITH ACCESS ROAD AT LAND AT JEANS LANE, BISHOP'S STORTFORD FOR ARLBERG PROPERTIES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1866/LC, conservation area consent be granted subject to the conditions now detailed.

In response to concerns from Councillor Mrs M H Goldspink in respect of the loss of buildings with no planning application for replacement structures, the Director stressed that Officers felt that the buildings had no architectural merit and the demolition would not have a detrimental impact on the surrounding area.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1886/LC be granted conservation area consent subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1866/LC, conservation area consent be granted subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Conservation Area (clearance of site) (8L13)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

492 3/10/1458/FP - REPLACEMENT DWELLING AT EDGEWOOD FARM, BROXBOURNE COMMON, BROXBOURNE, EN10 7QS FOR MR D FELTHAM

Mr Howard addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1458/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley summarised his reasons for requesting that this application be reported to the Committee. He stated that it was acknowledged that the current dwelling offered poor living conditions for the applicant. Councillor Ashley commented that Officers had no objection in principle to a replacement dwelling.

Councillor Ashley emphasised that Officers considered the design and appearance of the proposed dwelling to be acceptable. He stressed however, that Officers were concerned that the replacement dwelling was more visually intrusive than the dwelling that was to be replaced.

Councillor Ashley stated that the application would enhance the area and would improve health and safety in relation to the busy nature of Cock Lane. He referred in particular, to the proposed two entrances, one for the dwelling and the other for the equestrian centre. The

applicant would also be able to ensure enhanced monitoring of security on the site.

Councillor M R Alexander commented that he was at a loss to see why this application had been recommended for refusal. He stated that this application proposed a small dwelling on what was a very large site. He referred to the landscaping and screening that should shield the building from the road. He stressed that motorists would be concentrating on the road so would not be aware of the height of the proposed dwelling close to the hedgerow.

Councillor Alexander stressed that the existing building was not fit for purpose and no applicant would spend many thousands of pounds on a new replacement dwelling unless this was really necessary.

Councillor R I Taylor stated that Officers had generally accepted that this application did not comply with all the provisions of policy HSG8 of the East Herts Local Plan Second Review April 2007. He commented that the Officers had accepted that the application was generally appropriate.

Councillor R I Taylor referred to a number of developments in the area that were very large and he did not see how this application could be judged as inappropriate in this location.

The Director stated that the fundamental issue was that this was a green belt location and applications for new properties in the green belt were clearly against policy. The policy was very clear in stating that new dwellings were harmful to the greenbelt, irrespective of the physical manifestations of the development.

The Director stressed that Members must consider the impact of the proposed application on the openness of the green belt. He commented however that green belt policy did allow for some form of development as a replacement dwelling.

Members were reminded that such replacements should not be unreasonably large, particularly where the existing property was small to start with. The Director stated the importance of a condition that defined the residential curtilage of the proposed development, as well as a condition stating that the existing dwelling must be demolished.

Councillor Mrs M H Goldspink proposed and Councillor M R Alexander seconded, a motion that application 3/10/1458/FP be granted on the grounds that the proposed development was not any larger than the existing dwelling and the planning conditions be delegated to Officers in consultation with the Chairman of the Development Control Committee.

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

Councillor A L Warman requested that his vote against the motion be recorded.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1458/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1458/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T21)
2. Approved plans (2E102) HI1, 615-2-COM-01 and 615-2-PLN 01 C
3. Programme of archeological work (2E023)
4. Landscape design proposals (4P124)
5. Landscape works implementation (4P133)



6. Within 3 months of first occupation of the new dwelling hereby approved, the existing dwelling shall be demolished and all rubble and debris removed from the site. The land shall be re-landscaped in accordance with details pursuant to Conditions 4 and 5 of this permission.

Reason: The construction of a new dwelling would otherwise be inappropriate development in the Green Belt.

7. Prior to first occupation of the dwelling hereby permitted, the modified vehicular access shall be constructed to the specification of the Highway Authority and surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of at least 6m into the site measured from the carriageway edge, and arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To ensure that the access is satisfactorily constructed in the interests of highway safety and convenience.

8. Withdrawal of P.D (Part 1 Class A) (2E203)
9. Withdrawal of P.D (Part 1 Class E) (2E223)
10. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority, and appropriate mitigation measures implemented as approved in writing.

Reason: To ensure adequate protection of

human health and the environment in accordance with PPS23 'Planning and Pollution Control'.

11. Prior to the commencement of development, a drawing indicating the proposed residential curtilage of the dwelling shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with this approved drawing.

Reason: For the avoidance of doubt and to ensure that the residential curtilage does not encroach into the Green Belt.

Directives:

1. Other legislation (01OL1)
2. The applicant is advised to contact Kirsty Gilmour at the Environment Agency on 01707 632566 as the development will require an Environmental Permit under the Environmental Permitting Regulations 2010, unless an exemption applies.
3. Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) for further information and to determine the necessary procedures.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, GBC14, HSG8, TR2, TR7, ENV1, ENV2, ENV11, BH1, BH2 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

493     3/10/1890/FP - REPLACEMENT TWO-STOREY DWELLING  
AT 232 HERTINGFORDBURY ROAD,  
HERTINGFORDBURY, SG14 2LB FOR MJL  
DEVELOPMENTS LIMITED

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Mr Brewer addressed the Committee in objection to the application. Mr Ledger spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1890/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that comments had now been received from the Landscape Officer which had stressed the need for additional landscaping conditions for additional landscaping for the frontage of the site.

The Director stated that Officers would apply a condition to remove the permitted development rights on this site to control any further development of this property. Councillor S Rutland-Barsby, as the local ward Member, commented on whether the permitted development rights extended to the provision of garages and boundary treatments.

The Director stated that class E permitted development rights related to garages and outbuildings. Members were advised that a garage could not be constructed to

the front of this property but this could be done to the side or rear. Officers however had considered it unreasonable in relation to the planning tests for conditions to remove the permitted development rights on this new application.

The Director stated that walls and fences up to one metre in height would be covered by permitted development rights in any event.

In response to comments from Councillor P A Ruffles, the Director stressed that whilst Officers felt that the application was on balance acceptable, there was the possibility of an improved design.

Councillor P A Ruffles proposed and Councillor D Andrews seconded a motion that application 3/10/1890/FP be deferred to enable Officers to seek improvements to the design and appearance of the proposed dwelling.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1890/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1890/FP, planning permission be deferred to enable Officers to seek improvements to the design and appearance of the proposed dwelling.

494 3/10/1905/FP - SINGLE STOREY REAR EXTENSION AT 58 BAYFORD GREEN, BAYFORD, HERTFORD, SG13 8PU FOR MR P BENSTED

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1905/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1905/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1905/FP, planning permission be granted subject to the following conditions:

1. Three Year time limit (1T12)
2. Approved plans (2E10) – 2010/58/1, 2010/58/2, 6009/3, 6009/4
3. Matching materials (2E13)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and that the proposed extension would not result in significant harm to the character or appearance of the dwelling itself or the open rural character of the site is that permission should be granted.

495 3/10/1999/FP - CHANGE OF USE OF FIRST FLOOR FROM B1 (BUSINESS) TO D2 (ASSEMBLY AND LEISURE) AT UNIT 3, MIMRAM ROAD, HERTFORD FOR MR GEORGE ANTONOIU

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Mr Antoniou addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1999/FP, planning

permission be granted subject to the conditions now detailed.

Councillor S Rutland-Barsby expressed a certain sympathy with the applicant, in that this unit had been unoccupied for some time. She commented on whether conditions in the event of a future change use should be applied in relation to the hours of operation and to prevent the overlooking of the gardens of neighbouring properties.

The Director stated that any such conditions must meet the standard tests referred to previously throughout this meeting. Members were advised that details such as the hours of operation and opaque windows could be delegated to Officers to liaise with the applicant with any such details being agreed in writing.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1999/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1999/FP, planning permission be granted subject to the following conditions:

1. Temporary permission – buildings and use (1T07) amended to read:-

This permission shall be for a limited period only, expiring 12<sup>th</sup> January 2014 and the use hereby permitted shall cease on or before that date.

Reason: The development is a temporary expedient only, having regard to the amenities of the area and in accordance with Policies EDE2 and HE8 of the East Herts Local Plan Second Review April 2007.

2. Approved plans (2E10) – 1306/A1/100

3. Provision and retention of parking spaces (3V23)
4. Prior to the commencement of the use hereby permitted details of the proposed hours of opening shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: To protect the amenities of nearby residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the use hereby permitted details of the treatment of the first floor windows to the east elevation of the property shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: To prevent any overlooking of or loss of amenity to adjacent residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular EDE1, HE8, ENV1 and TR7. The balance of the considerations having regard to

those policies is that permission should be granted.

496 3/10/1932/FP - FIRST FLOOR SIDE AND REAR EXTENSION AT WELLBURY, DASSELS, BRAUGHING SG11 2RP FOR SILVERLINE PROPERTY DEVELOPMENTS

Mr Argent addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1932/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull proposed and Councillor R N Copping seconded a motion that application 3/10/1932/FP be approved subject to the conditions now detailed.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1932/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1932/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Matching materials (2E133)
3. Approved Plans (2E102) (insert 01, WELBREXT1, WELBREXT1A)

Directive:

1. Other legislation (01OL1)



### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and that the proposed extensions would not result in significant harm to the character or appearance of the dwelling or the open rural character of the site is that permission should be granted.

497 3/10/2027/FP - TWO STOREY SIDE EXTENSION AT 47 AMWELL END, WARE, HERTS SG12 9JE FOR COUNCILLOR T MILNER

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2027/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2027/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2027/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) TM/10/PL/01 A; TM/10/PI/02
3. Matching Materials (2E13)

#### 4. Replacement Tree planting (4P15)

##### Directive:

##### 1. Other Legislation (01OL)

##### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV2, ENV5, ENV6, ENV11 and BH5. The balance of the considerations having regard to those policies and the previous appeal decisions on LPA refs: 3/95/1683/FP, 3/95/1684/FP and refs: 3/00/0073/FP and 3/0074/LB is that permission should be granted.

498 3/10/1931/FP - FIRST FLOOR FRONT EXTENSION, GROUND FLOOR REAR EXTENSION, CONSERVATORY AND NEW PITCHED ROOFS TO REAR AT CARDINALS RISE, 18 HAY STREET, BRAUGHING, SG11 2RQ FOR MR LONGTHORPE

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1931/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink commented on whether Officers could advise on the ridge height of the roof of the proposed development and whether there would be an adverse impact on the neighbours to the north of the site. She commented on whether this could be controlled by condition.

The Director referred to the plans and advised that the roof height was shown as being very similar to nearby properties and certainly would not be any higher.

Councillor Goldspink requested that Officers attach a condition that there be no roof lights in the proposed development.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded a motion that application 3/10/1931/FP be approved subject to a condition that there be no roof lights installed as part of the extensions to the dwelling.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1931/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1931/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (insert A1, A2, A3 and 66-04.1 Rev F)
3. Withdrawal of P.D. (2E233)  
“Part 1, Class B and C”

Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5 and ENV6. The

balance of the considerations having regard to those policies and the decision within LPA reference 3/04/1866/FP and that the proposals would not result in significant harm to the character, appearance or openness of the dwelling or rural area is that permission should be granted.

499 E/10/0212/A - THE UNAUTHORISED REPLACEMENT OF WINDOWS IN A GROUND FLOOR FLAT FROM BROWN WOOD TO WHITE UPVC AT 5 HERON COURT, BISHOP'S STORTFORD, HERTS, CM23 2AY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0212/A, enforcement action be authorised on the basis now detailed.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded a motion that no action be taken in respect of the site E/10/0212/A on the grounds that the white UPVC windows are better than brown examples in neighbouring properties and the white UPVC significantly added to the attractiveness of the property.

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

The Committee rejected the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/00212/A on the basis now detailed.

RESOLVED – that in respect of E/10/0212/A, no further action be taken.

500 E/10/0125/A - UNAUTHORISED ERECTION OF TWO POLE MOUNTED CCTV CAMERAS, AT BURTON HOUSE, BURTONS MILL, MILL LANE, SAWBRIDGEWORTH, CM21 9PL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0125/A, enforcement action be authorised on the basis now

detailed.

The Director advised that following discussions with the owner and/or agent for the property, they had offered to paint the poles a dark green colour or black. The owner had also undertaken to add landscaping in the form of evergreen style plants that would grow up around the CCTV poles.

Members were advised that Officers considered that these measures would overcome the second reason for issuing the enforcement notice. In respect of the first reason for taking action, Officers had been advised that it was technically possible to block the views of neighbouring buildings.

Officers had also been advised that a website link could be made available to the Authority so that Officers could view the CCTV footage from each camera. The Director advised however that it was impractical from an enforcement perspective and also for the neighbours to avoid the perception of residents being overlooked.

The Director stated that visual screening and cowling could block the views of the cameras from outside any given property. The Police and the site owner/agent had expressed a positive view of this suggestion of a solution.

Members were asked to still approve enforcement action as a fall back position for Officers, in case the aforementioned amendments failed to materialise. The Committee was reminded that this case had been subject of planning application that had been submitted and refused.

Councillor R Gilbert stated that at least one of the CCTV poles was already shielded by vegetation. He stressed the importance of CCTV in being particularly helpful in deterring and detecting crime.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the

sites relating to E/10/0125/A on the basis now detailed.

RESOLVED – that in respect of E/10/0125/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised poles and cameras.

Period for compliance: 2 months.

Reasons why it is expedient to issue an enforcement notice:

1. The pole mounted cameras result in an unacceptable loss of privacy to residents of adjoining dwellings, in particular, 15 and 32 Burtons Mill, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The pole mounted cameras are of a height, siting and design that is unduly conspicuous and dominant within the street scene, to the detriment of the character and appearance of the locality and the Sawbridgeworth Conservation Area, contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 5: Planning for the Historic Environment.

501 E/10/0369/B - UNAUTHORISED SHOPFRONT AND UNAUTHORISED ADVERTISEMENTS ON A GRADE II LISTED BUILDING AT 8 THE WASH, HERTFORD, HERTS, SG14 1PX

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0369/B, legal proceedings and enforcement action be authorised on the

basis now detailed.

The Director advised that Officers were working with the agent to secure a replacement shop frontage. Members were advised that Officers had sought to take enforcement action and commence legal proceedings as the previous shop frontage had been ripped out of what was a listed building opposite Hertford Theatre.

In response to a query from Councillor R Gilbert, the Director detailed his recommendations and the reasons for them. Officers were in discussions with the applicant to secure the removal of the unauthorised shop front and banner fascia.

The Committee supported the Director's recommendation to commence legal proceedings and take enforcement action to be authorised in respect of the site relating to E/10/0369/B on the basis now detailed.

RESOLVED – that (A) in respect of E/10/0369/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings in respect of the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the removal of the original shop front and the display of advertisements without consent under section 224 of the Town and Country Planning Act 1990.

(B) in respect of E/10/0369/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and/or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised shopfront and unauthorised banner

fascia sign.

Period for compliance: 2 months.

Reasons why it is expedient to take legal action and/or issue an enforcement notice:

1. The unauthorised shopfront and banner advertisement on the front elevation are detrimental to the historic and architectural character of the Listed Building and fail to sustain and enhance the significance of this designated heritage asset. The harm caused to the listed building is not outweighed by the criteria detailed in policy HE9 of PPS5 and the development is therefore contrary to policies HE7 and HE9 of PPS5.
2. The shopfront by reason of its materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. It is thereby contrary to saved policies ENV1 and BH14 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.
3. The unauthorised signage by reason of its size, siting, materials of construction is detrimental to both the character of the Grade II listed building and the visual amenities and character of the area. It is thereby contrary to saved policy BH15 of the East Herts Local Plan Second Review April 2007.

502 E/10/0330/A - UNAUTHORISED INSTALLATION OF AIR CONDITIONING UNIT AT 92 SOUTH STREET, BISHOP'S STORTFORD, HERTS, CM23 3BG

The Director of Neighbourhood Services recommended



that, in respect of the site relating to E/10/0330/A, enforcement action be authorised on the basis now detailed.

Councillor R Gilbert stated that he had not initially been able to locate the unauthorised air conditioner unit, but that when he had returned on foot he had felt that the ground level unit did not adversely affect the building.

Councillor Gilbert disagreed that the unauthorised unit adversely affected the street scene when considering the near derelict South Street Commercial Centre and nearby derelict houses and former petrol station. He stated that approving the Officers' recommendation would be an unreasonable course of action.

Councillor S A Bull expressed concerns relating to noise and health and safety if children could put their hands through gaps in the exposed unit. He stated that the unit should be boxed in and concealed as it was currently dangerous.

Councillor Mrs M H Goldspink stated that the unit could be boxed in with a brick enclosure in keeping with the building. The Director stressed that an application for a protective cage had been refused. He stated that Officers would like authority to take enforcement action as a fall back position in case it was not possible to regularise the air conditioning unit.

Councillor R Gilbert proposed and Councillor Mrs M H Goldspink seconded a motion that application E/10/0330/A be deferred to enable Officers to seek alternative proposals in respect of the siting and/or appearance of the unauthorised development.

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

Councillors M R Alexander, S A Bull and A L Warman requested that their votes against this decision be recorded.

The Committee rejected the Director’s recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0330/A on the basis now detailed.

RESOLVED – that in respect of E/10/0330/A, enforcement action be deferred to enable Officers to seek alternative proposals in respect of the siting and/or appearance of the unauthorised development.

503 ITEMS FOR REPORTING AND NOTING

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 9.27 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
JOINT MEETING OF SCRUTINY  
COMMITTEES HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 18 JANUARY 2011, AT 7.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors W Ashley, R Beeching,  
R N Copping, A D Dodd, R Gilbert,  
Mrs M H Goldspink, J Hedley,  
Mrs D L E Hollebon, Mrs D Hone, J Mayes,  
G McAndrew, M Newman, N C Poulton,  
J O Ranger, V Shaw, J P Warren, M Wood  
and C Woodward

ALSO PRESENT:

Councillors M G Carver, L O Haysey,  
A P Jackson, S Rutland-Barsby and  
M J Tindale

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Philip Hamberger	- Programme Director of Change
Marian Langley	- Scrutiny Officer
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

504 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J O Ranger and seconded by Councillor C Woodward that Councillor D Andrews be appointed Chairman for the meeting.

RESOLVED - that Councillor D Andrews be appointed Chairman for the meeting.

505 APOLOGIES

Apologies were submitted on behalf of Councillors P Ballam, P Grethe, G E Lawrence, D A A Peek, J J Taylor and N Wilson.

506 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed Councillor M Newman to the meeting.

507 MINUTES

RESOLVED –that the Minutes of the meeting held on 1 June 2010 be confirmed as a correct record and signed by the Chairman.

508 PRESENTATION - BUDGET ITEMS

The Director of Internal Services gave a short presentation on all the budget reports to be considered at the meeting. He explained briefly the topics covered by them, how they linked together and the questions Members needed to consider.

Councillors R Gilbert and J Mayes raised the comments made by Unison on the reports. The Director explained these would be considered by the Local Joint Panel and comments on the Unison response to the budget would be passed to the Executive with the budget reports.

509 CAPITAL PROGRAMME 2010/11 (REVISED) TO 2013/14

The Executive Member for Resources and Internal Support submitted a report setting out proposals for the Council's Capital Programme for the period 2010/11 (Revised) to 2013/14. The Capital Programme had been amended for items of slippage and rephrasing. Other amendments had

been approved through the Council's monthly healthcheck. Lead Officers had submitted proposals for new schemes and investment requirements had been identified through the Medium Term Financial Plan process.

The Programme was presented with various detailed schemes having been combined which would facilitate the overall management of resources. The aggregate of proposed spend on individual schemes had been adjusted by a provision for slippage to produce a programme total against which total spending would be performance managed.

Existing rolling programmes of work had been continued up to 2013/14. These provided funding in areas such as affordable housing, private sector renovation grants, provision of play equipment, community grants, information technology upgrades and various environmental initiatives. The provision of replacement litter bins had been extended and the ongoing budget for commercial waste bins reflected growth in that area.

The Programme, in the Essential Reference Paper attached to the report now submitted, included proposals for a number of new schemes which were shown in bold type.

The details of how the programme would be funded were given. The Council would need to consider the sustainability of the programme.

Members raised questions on a number of topics. These included the renewal of the disabled lift in Wallfields reception area, which it was explained, was going to be refurbished and would be managed and maintained by a new company in future. In response to a question, the Director of Community and Customer Services explained the purchase of Baldock Road and Apton Road car parks would save money in the long term. He also undertook to give a written response on expenditure on shared-facility swimming pools. Members queried expenditure on the footbridge in Bishop's Stortford and a replacement Land Rover and Officers explained the need for this. One Member suggested it would be more

useful to spend money allocated for a new pedestrian bridge at Grange Paddock on improving the footpath leading to the town centre.

The Committees decided to make the comments now detailed to the Executive.

RESOLVED - that (A) the Executive be informed that the Joint Scrutiny Committees note the invest to save aspects of the Capital Programme and consider it is appropriately phased and the Programme should be approved; and

(B) a written response be provided on shared-facility swimming pools' expenditure.

510 TREASURY MANAGEMENT STRATEGY STATEMENT  
2011/12 AND MINIMUM REVENUE POLICY STATEMENT

The Executive Member for Resources and Internal Support reported on the Council's Treasury Management Strategy.

The Council's Annual Investment Strategy, as included in the report now submitted, set out the Council's policies for managing its investments and for giving relative priority to the security and liquidity of investments as against investment returns. The Council had recently approved the use of some structured deposits which involved maturity beyond that recommended by the Council's treasury advisors following recommendations from Corporate Business Scrutiny Committee.

The Council needed to agree options for the Minimum Revenue Provision (MRP) (the provision to repay debt) annually. Details of the options for capital expenditure on or after 1 April 2009 were given together with methods for repayment of borrowing for capital expenditure incurred before 1 April 2008. The Committee decided to recommend the option/method detailed below to the Executive.

In response to a question, the Director of Internal Services

explained the figure which was still included in the report for the sale of The Causeway office building. The Leader of the Council explained that paying off another sum raised by a consortium of authorities had been thoroughly investigated but would be too expensive.

RESOLVED - that the Executive be informed that the Joint Scrutiny Committees consider that the Treasury Management Strategy Statement and Annual Investment and Prudential Indicators 2011/12 should be approved and the option/method recommended for the Minimum Revenue Provision in the report now submitted (Option 1 and Method 2) should be approved.

#### 511 FEES AND CHARGES 2011/12

The Executive Member for Resources and Internal Support submitted a report on increasing discretionary fees and charges in 2011/12 to generate additional income.

The Committees were reminded that the Council had adopted a fees and charges strategy and a set of key principles on which fees and charges should be set. Officers had been requested to bring forward proposals for charges having regard to the principles of the strategy. A proportional approach having regard to the level of income generated within each service had also been advocated. Information on proposals for individual services was given.

Members considered the charges for local land charge services, Hackney Carriage services and development pre-application by charities and Parish and Town Councils and decided to make the comments detailed below to the Executive.

Councillor R Gilbert suggested a concession could be made for OAPs for residents' parking. The Director of Community and Customer Services undertook to give a written reply to Councillors V Shaw and C Woodward on new charging arrangements for CCTV cameras.

The Committees decided to inform the Executive that the fees and charges should be approved with the additional comments detailed below.

RESOLVED - that the Executive be informed that, the Joint Scrutiny Committees consider the fees and charges as set out in Essential Reference Paper 'B' of the report now submitted, should be approved, including a concessionary rate of planning pre-application fees for charities and Parish and Town Councils, changes to fees for the land charges service in line with neighbouring authorities and setting the Hackney carriage fees to reduce the subsidy.

512 SERVICE ESTIMATES - REVENUE BUDGET PROBABLE  
2010/11 - ESTIMATES 2011/12

The Executive Member for Resources and Internal Support submitted a report on the estimate of all general fund services. The probable estimate showed a favourable variance from the original estimate for 2010/11. The use of £10,000 from the Legal Reserve would be required.

The 2011/12 estimate showed a decrease from the 2010/11 estimate. The use of earmarked reserves was included in the 2011/12 estimate. The estimates presented did not show recharges of divisional and support costs.

Efficiency savings from the emergency budget in September had been incorporated into the estimates. Members had been consulted on further efficiency savings.

In answer to a question from Councillor Mrs M H Goldspink, the Director of Internal Services confirmed that staffing efficiencies would involve loss of jobs and staff who left not being replaced.

The Director of Community and Customer Services undertook to provide a written response to Councillor M Wood on the public toilets in Bishop's Stortford. He confirmed reductions in



the cost of the refuse contract could lead to a surplus for markets which could contribute to overheads.

The Committees decided to make the comment detailed below to the Executive.

RESOLVED - that the Executive be informed that, the Joint Scrutiny Committees consider the budget variances in the report now submitted are reasonable and the estimates should be approved.

513 CONSOLIDATED BUDGET REPORT: PROBABLE  
OUTTURN 2010/11: REVENUE BUDGET 2011/12: MEDIUM  
TERM FINANCIAL PLAN 2011/12 TO 2014/15

The Executive Member for Resources and Internal Support submitted a report recommending the consolidated budget for 2011/12 and seeking the comments of the Joint Scrutiny Committees.

The budget had been prepared in the light of constraints imposed by the Government. The Council's revenue grants had been reduced and savings proposals had been reviewed. Grants would be further reduced over the next four years. The Secretary of State had agreed reserves should be called on to offset the first year impact of this reduction. Interest rates were also expected to remain low reducing the Council's income from investments.

The Government had set out a plan to pay a grant equal to income from a 2.5% increase in Council Tax to Councils agreeing to freeze their tax. As a consequence, the budget proposed no increase in Council Tax.

Details of the opening balances for 1 April 2010 were given. The general and earmarked reserves put the Council in a better position to meet the challenge of the Government's Comprehensive Spending Review. The report contained details of reductions in grants and savings which had been agreed.

Councillor J O Ranger asked for provision to be made for a Member Development Officer (1 day a week) and the Committee agreed to suggest this to the Executive.

Councillor M H Goldspink asked that reserves be used to avoid job losses and to reinstate leaf clearance and PCSOs. Other Members expressed support for continuing to fund PCSOs and the Leader of the Council expressed a wish that this would be possible for one year to allow a wider review of Community Safety to take place during 2011/12. Both points were supported by Members. The Leader of the Council also explained that it was hoped reserves could be used to freeze Council Tax for a further year after 2011/12.

The Committees decided to inform the Executive that the budget should be approved subject to the comments detailed below.

RESOLVED - that the Executive be informed that the Joint Scrutiny Committees consider that the Consolidated Budget should be approved subject to the following comments:

- (A) an addition of a Member Development Officer (1 day a week) should be considered;
- (B) support for PCSOs should be continued for one year;
- (C) a review of Community Safety be supported;
- (D) the aim to freeze Council Tax for a further year after 2011/12 be supported;
- (E) proposals for savings in support for the Chairman and Museum Service and Sunday and Bank Holiday car park charges should not be implemented; and
- (F) the decision to freeze car park charges from April 2011 be noted.

The meeting closed at 9.20 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
AUDIT COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 19  
JANUARY 2011, AT 7.00 PM

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PRESENT: Councillor J O Ranger (Chairman)  
Councillors Mrs M H Goldspink, J Hedley,  
M Pope, R A K Radford and J P Warren

ALSO PRESENT:

Councillors D Andrews and P A Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Alan Madin	- Director of Internal Services
Graham Mully	- Risk Assurance Officer

ALSO IN ATTENDANCE:

Nick Taylor – Grant Thornton

514 APOLOGIES

Apologies for absence were received from Councillors K Darby and A Graham. It was noted that Councillor Mrs M H Goldspink was substituting for Councillor A M Graham.

515 MINUTES

RESOLVED – that the Minutes of the Audit Committee meeting held on 24 November 2010 be confirmed as a correct record and signed by the Chairman.

516 TRAINING - FRAUD AWARENESS AND ANTI-FRAUD ARRANGEMENTS

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The Internal Audit and Business Improvement Manager provided a training session on Fraud Awareness.

The Chairman, on behalf of Members, thanked the Officer for the detailed presentation.

RESOLVED – that the training be received.

517 TRAINING - RISK MANAGEMENT

The Risk Assurance Officer provided a training session on Risk Management.

The Director of Internal Services stated that because of the work undertaken on risk management, largely due to the efforts of the Risk Assurance Officer, the Council had been asked to pilot an initiative for Zurich Insurance. He congratulated Officers on their achievements.

The Chairman, on behalf of Members, thanked the Officer for the detailed presentation and congratulated him on being asked to pilot the initiative.

RESOLVED – that the training be received.

518 EXTERNAL AUDIT - PROGRESS REPORT

Nick Taylor of Grant Thornton submitted a report on audit progress to January 2011. He stated that no problems had been identified.

In response to a query from Councillor M Pope concerning the Audit Commission's disbandment and who might in future, produce documents such as the one referred to by the Internal Audit and Business Improvement Manager in his training session regarding Fighting Fraud against Local Government and Local Taxpayers, Nick Taylor stated that things were as yet, uncertain. He added that another

Government department might take over matters such as publications.

The Chairman was pleased to see that there would be a reduction in Audit Fees.

The Committee received the report.

RESOLVED – that the report be received and noted.

519 UPDATE ON IMPLEMENTATION OF ANNUAL GOVERNANCE ACTION PLAN

The Internal Audit and Business Improvement Manager submitted a report reviewing the progress made against the 2010/11 Annual Governance Statement Action Plan and the nineteen issues requiring action to enhance internal control.

The Internal Audit and Business Improvement Manager stated that one issue requiring action was considered to be complete in relation to the risk of action by key strategic partnerships occurring in an uncoordinated way. Other actions were mostly at the “Amber” stage and there had been limited movement due to the relatively short period between meetings.

Councillor Mrs M H Goldspink asked that her thanks to the Officer for changes made to the template to show issues requiring action in place of milestones be recorded.

Members sought further information regarding the proposed county-wide shared audit service. The Director of Internal Services provided some background regarding the proposed arrangements and decisions taken by the County Council to invigorate their internal audit services. He advised that the intention was for a report to be presented to Members at the Executive on 8 March 2011 recommending that East Herts Council join the partnership. He added that by joining from the beginning, the Council would be best placed to provide an active steer within the initiative. The Director of Internal

Services stated that there would be a lot of new “blood” at County level and that some staff would be coming from the Districts. He praised the Interim Hertfordshire County Council Chief Internal Auditor for moving the partnership initiative forward.

In response to a query from Councillor J Hedley regarding the implications for staff who might not be offered posts within the new arrangement, the Director of Internal Services referred to East Herts Council’s redeployment procedures and indicated that normal policies would apply.

The Chairman referred to the need to learn the lessons from other shared internal audit services, specifically in the South West.

The Committee received the report.

RESOLVED – that the progress made be noted.

## 520 INTERNAL AUDIT SERVICE - POSITION STATEMENT

The Internal Audit and Business Improvement Manager submitted a report detailing the position statement on internal audit activity undertaken within the Internal Audit Service since the previous Audit Committee. It was noted that Internal Audit had continued to work on reviews of Passwords, Cashiers, Development Control, Section 106 monies, Payroll, Main Accounting, Treasury Management, Creditors, Car Parks and Grounds Maintenance. Internal Audit support had also been provided to Hertford Town Council. The final Payroll report had been issued the previous day.

The Internal Audit and Business Improvement Manager reported that thirteen recommendations had been resolved since the previous meeting.

In response to a query from Councillor Mrs M H Goldspink, concerning cheque accounting, the Internal Audit and Business Improvement Manager explained how increased electronic working would enhance the control regime.



The Committee was pleased to see a number of the actions had been resolved and received the report.

RESOLVED – that the report be received and noted.

521 WORK PROGRAMME

The Internal Audit and Business Improvement Manager submitted the Audit Committee work programme for the 2010/11 Civic Year. The detail of the programme was set out in the report now submitted.

The issue of the county-wide shared Internal Audit service was considered. The Director of Internal Services proposed that, given the next meeting of the Audit Committee was scheduled for a later date than the Executive meeting on 8 March 2011, he keep the Chairman of the Audit Committee fully informed of progress towards a shared service. This would ensure Member involvement in the process before the matter was formally considered by the Executive on 8 March. The Committee supported this proposal.

RESOLVED – that the work programme for Audit Committee be approved and that the Audit Committee Chairman be kept fully informed of the progress towards a shared county-wide Internal Audit Service.

The meeting closed at 8.25 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
COMMUNITY SCRUTINY COMMITTEE  
HELD IN THE WAYTEMORE ROOM, THE  
CAUSEWAY, BISHOP'S STORTFORD ON  
TUESDAY 25 JANUARY 2011, AT 7.00 PM

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PRESENT: Councillor C Woodward (Chairman)  
Councillors P R Ballam, A D Dodd,  
G McAndrew, J O Ranger, V Shaw and  
J J Taylor

ALSO PRESENT:

Councillors R Beeching, E Buckmaster,  
L O Haysey

OFFICERS IN ATTENDANCE:

Claire Bennett	- Housing Strategy and Policy Officer
Lorraine Blackburn	- Committee Secretary
Mark Kingsland	- Leisure Services Manager
Marian Langley	- Scrutiny Officer
Will O'Neill	- Head of Community and Cultural Services
George A Robertson	- Director of Customer and Community Services

ALSO IN ATTENDANCE:

Mathew Nicolson      - SLM Limited

522      APOLOGIES

Apologies for absence were submitted from Councillors P Grethe, D Hone and G E Lawrence. It was noted that

Councillors G McAndrew and J O Ranger were substituting for Councillors p Grethe and G E Lawrence respectively.

523 MINUTES

RESOLVED – that the Minutes of the meeting held on 26 October 2010 be confirmed as a correct record and signed by the Chairman.

524 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that Hertford Theatre was now operational. There had been a sell out of tickets for the first showing of The King's Speech. It was anticipated that a full report would be presented to Members at a further meeting.

525 HEALTH ENGAGEMENT PANEL

In the absence of Councillor D Hone, the Committee Chairman read out a written update from her. Members noted that the last meeting of Hertfordshire County Council's Health Scrutiny had taken place on 14 December 2010. There had been a Scrutiny Café exercise on their budgets with Members split into groups and Councillor D Hone had taken part in the Group examining Performance Standards and Targets. The issue would be considered further at the meeting on 18 February.

It was noted that a review of the pilot urgent care centres in Hertford and Cheshunt was underway.

The Minutes of the Health Engagement Panel held on 19 October and 9 December 2010 were received.

RESOLVED – that (A) the Minutes of the Health Engagement Panel held on 19 October 2010 and 9 December 2010 be received; and

(B) the update from Hertfordshire County Council's Health Scrutiny be noted.

526 ANNUAL REVIEW OF THE LEISURE CONTRACT -  
PRESENTATION BY SLM LIMITED

The Chairman welcomed Mathew Nicolson from SLM to the meeting. It was noted that apologies had been submitted from Duncan Jefford. The Chairman referred Members to the agenda where further information concerning SLM's performance was set out in a number of Essential Reference Papers attached to the report now submitted.

Mathew Nicholson gave a presentation on the progress made so far. Members were reminded that the contract had commenced on 1 January 2009 following a £3.58M investment by the Council. Hartham Leisure Centre had been re-launched on 30 January and Grange Paddocks on 6 February 2010.

In terms of key performance indicators in relation to gym membership:-

Fanshawe (998) December 2009 compared to (850)  
December 2010

Grange Paddocks (1382) December 2009 compared to (2676)  
December 2010

Hartham (1920) December 2009 compared to (2328)  
December 2010

Leventhorpe (141) December 2009 compared to (150)  
December 2010.

In summary, there had been a total of 1563 new members overall with membership at all centres totalling 6004. Key performance indicators were provided in relation to the swim scheme.

Mathew Nicholson referred to the customer satisfaction surveys which had been carried out covering five key areas: swimming lessons, group exercise classes, fitness, reception and cleanliness. In summary, 80% + of respondents to the

survey overall had rated the centres positively. The results were broken down on individual centre basis with issues of cleanliness being highlighted at Leventhorpe and Ward Freman. It was suggested that, as these centres were used by a lot of school children and were not as aesthetically as up to date as the other fitness centres, this might contribute to the overall perception of the centres.

SLM managers would be monitoring the situation and take steps as necessary.

Updates were provided in relation to the Presdales development, a modular building comprising changing rooms, officials' room, toilet and shower rooms. The building was also DDA (Disabilities Discrimination Act) compliant. It was noted that a Clubhouse facility would be started once the lease agreements had been completed with Bury Rangers and Ware Cricket Club. Assurances were provided that local users would not be prejudiced by lease arrangements with other clubs.

Mathew Nicholson reported on the success of community events in 2010 including the Dance in the Park on Hartham Common and the community event in Jackson Square, Bishop's Stortford. The Chairman congratulated SLM on their achievements. He appreciated the openness and acknowledgement of any shortfalls. He stated that Grange Paddocks was excellent and welcomed the establishment of crèche facilities at more centres.

Councillor J J Taylor congratulated SLM on their achievements. She was pleased to see the high customer satisfaction rating in relation to Fanshawe and of the efforts which would be made by SLM to increase gym membership.

Councillor Mrs P R Ballam raised the issue of a fitness leaflet which she had received over Christmas. Mathew Nicholson agreed to look into the matter for her. She also raised the issue of the Presdales development and whether Ware teams would be disadvantaged in any way. Assurances were provided that no one would be disadvantaged by the proposal

envisaged for the Presdales facility. The Head of Community and Cultural Services added that no users would be disadvantaged. He explained how and who would use the facility.

Councillor G A McAndrew stated that he was impressed with the statistics and to have doubled the gym figures at Grange Paddocks in the current economic climate was an achievement. He commented on the efforts made to keep Leventhorpe afloat and congratulated both staff and SLM on their achievements.

Councillor V Shaw referred to the cleanliness issue at Fanshawe. Mathew Nicolson stated that cleanliness issues could be notorious for getting low scores in a survey. He added that a new contact cleaning company had been employed. He stated that the issues might be around perceptions of cleanliness given the age of the buildings. He referred to the fact that a lot of school children used Leventhorpe and who could create the impression of the facility not being clean in moments. The Director of Customer and Community Services stated that the figures from the survey had collated using Gov.Metric adding that it was not a scientific method of assessment but was a useful indicator of areas which needed further investigation.

Councillor E Buckmaster stated that part of the issues about cleanliness might be because of the design of the area and of children passing through with dirty shoes. SLM accepted that the cleaners needed to get out there quicker to clean when needed.

The Chairman, on behalf of Members, thanked Mathew Nicolson for attending and giving the presentation. He stated that he appreciated the developments and improvements reported by both SLM and Officers and that plans for improvement outlined by SLM would be monitored.

RESOLVED – that (A) the presentation and update be received and noted,

(B) that SLM and officers be congratulated for achieving such positive outcomes and that future plans for improvement be monitored.

527 EAST HERTS HOUSING STRATEGY ACTION PLAN:  
UPDATE

The Executive Member of Housing and Health submitted an update highlighting the successful performance on the Housing Strategy Action Plan 2008-11. The report also sought support for a revision to the priorities to be incorporated within the new Housing Strategy due in October 2011 and which would cover the period 2011 to 2014. The aims and objectives of the current strategy were outlined in the report now submitted.

The Housing Strategy and Policy Manager stated that the Council and its partners had made significant progress in the actions contained within the plan, the detail of which was set out in the report now submitted. Of particular note:-

Action 1: the Council's success in increasing the supply of affordable housing including affordable rented housing and shared ownership and carrying out a strategic Housing market Assessment with partner local authorities.

Action 6: continuing to secure funding that provides an optimum mix of affordable housing in terms of type and tenure in the right location;

Action 16: Undertaking a comprehensive house condition survey in 2009/10.

The Housing Strategy and Policy Manager explained that with help from Planning Policy and Private Sector housing the housing service has begun the process of developing the next Housing Strategy. The Government was also proposing significant changes to housing, planning laws and policies which would impact on the Council's housing strategy and planning policies. She referred to the recent agreement with the Housing and Communities Agency of a Local Investment



Plan and their ability to provide grant funding for affordable housing and other powers relating to provision and explained the role of the Council's Local Investment Plan (LIP) in seeking funding from the HCA for affordable housing. The LIP had been developed from four overarching "Challenges" these were:

Challenge 1: to maximise the delivery of a range of new affordable homes whilst ensuring the best use of existing housing

Challenge 2: meeting the needs of a growing elderly populating

Challenge 3: meeting the needs of vulnerable people and stronger communities

Challenge 4: Economic Development, employment and skills

The Housing Strategy and Policy Manager explained that the East Herts' LIP focussed on affordable housing developments and identified priorities for housing specific groups of people and vulnerable groups. Officers therefore felt that Challenges 1, 2 and 3 identified in the LIP be used to develop the next Housing Strategy and associated Action Plan.

Councillor G McAndrew referred to the £100m proposed by the Government to bring empty homes back into use and referred to a number of empty homes in Bishop's Stortford. The Housing Strategy and Policy Manager referred to the Government's Localism Bill which was proposing that more work be done around empty homes.

The Chairman suggested that Councillor McAndrew speak on the matter to Officers separately and referred to the 700 empty homes in around the county of which, 200 were in Bishop's Stortford. He referred to a previous request to the Executive for more housing Officers to progress the issue of empty homes. Councillor G McAndrew suggested that the Executive be reminded about this. Councillor J O Ranger said that the Council's target of bringing 10 empty homes back into

use was being met.

In respect of the Choice Based Letting Scheme, Councillor J O Ranger referred to the fact that he was aware that individuals might bid for a property which was located some distance away from their child/childrens' town based school and of the impracticalities of this arrangement when moving out to a rural location such as his ward.

The Housing Strategy and Policy Manager explained the points system, how individuals bid for properties and the Council's ability to exclude certain persons from the housing register.

Councillor V Shaw queried the issue of homelessness and the Council's role and affordable homes and choice. She was particularly concerned at the lack of two bedroom houses as only flats had been built recently. The Housing Strategy and Policy Manager explained the process and the Council's role in securing affordable homes from developers.

Councillor J O Ranger suggested that more should be done to encourage people to downsize from their homes which might now be too big for them and that they should be helped with the costs. The Housing Strategy and Policy Manager explained the Council's incentive scheme to free up larger homes. She stated that in addition to financial incentives, many needed physical help with the process and some did not want to move. She reported that the Registered Social Landlords (RSLs) were due to undertake an audit of occupation on their properties, with a view to identifying any under-occupation. Members asked that when this was completed, they would like to have a summary of the findings. She suggested that the Council and RSLs also needed to look at the way they were spending money on adaptations and review whether fully adapting larger property was cost effective when a move to a more appropriate property might mean far fewer or no changes were needed.

Members noted the progress on the Housing Strategy Action Plan 2008–11 and supported the revised strategic priorities

Challenges 1, 2 and 3 set out in the report now submitted for incorporation within the next Housing Strategy due in October 2011.

RESOLVED – that (A) the progress on the Housing Strategy Action Plan 2008-11 be noted; and

(B) the revised strategic priorities, Challenges, 1, 2 and 3 as set out in the report now submitted, be supported and agreed for incorporation within the next Housing Strategy due in October 2011.

528 CORPORATE HEALTHCHECK SEPTEMBER –  
NOVEMBER 2010

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The Director of Customer and Community Services submitted an exception report on the performance of key indicators relating to Community Scrutiny Committee for the period ending November 2010. It was noted that all the performance indicators were “green” and had either met or exceeded the target for November.

Councillor G A McAndrew referred to EHPI3a (Usage: number of swims (under 16) and EHPI3b (Usage: number of swims (16 – under 60 year olds) and stated that it was good to see targets being exceeded. The Director of Customer and Community Services referred to the strong start in gym membership which had provided a foundation on which SLM could build.

The Committee received the report.

RESOLVED – that the report be received.

529 WORK PROGRAMME

The Chairman invited Members to review the work programme of Community Scrutiny Committee.

The Scrutiny Officer drew attention to the Hertford Theatre which would be reported to a later meeting. She sought

guidance on Members' views for a crime report to the July meeting. Members supported a topic on CCTV usage. Guidance was sought in relation to annual reports by Housing Associations and the CAB.

Members were of the view that the last reports from Housing Associations and the CAB were too lengthy. The Director of Customer and Community Services referred to the fact that the CAB had worked hard to adjust its services in line with the reduction in its revenue and it had been appropriate to hear from them during this period of change. He referred to new rules relating to localism which would be unfolding over the next 12 months. Members supported a suggestion that these agencies be invited back at a later in the year, as the Localism Bill progressed and it became clearer where changes need to be made.

The Committee supported this approach.

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

The meeting closed at 8.20 pm

Chairman .....
Date .....

## EAST HERTS COUNCIL

COUNCIL - 23 FEBRUARY 2011

REPORT BY THE MONITORING OFFICER

AMENDMENTS TO THE CONSTITUTION

WARD(S) AFFECTED: All

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### **Purpose/Summary of Report**

- The report sets out proposed amendments to Constitution.

<b><u>RECOMMENDATION FOR DECISION:</u></b>	
<b>(A)</b>	That the amendments to the Constitution be approved.

#### 1.0 Background

1.1 The report considers amendments to the Council's Constitution. The Monitoring Officer monitors and reviews the Constitution on a regular basis. Recommended changes are included in **Essential Reference Paper 'A'** to the report.

#### 2.0 Report

2.1 Council at its meeting on 8 December 2010 resolved that

(A) the results of the consultation exercise in respect of the two models be noted; and

(B) having regard for the economy, efficiency and effectiveness of the elected Leader and Executive model, this option be adopted and implemented three days after the next District elections in May 2011.

2.2 To implement these decisions, minor changes are required to the Constitution. The sections of the Constitution which require changes are listed below together with a summary of the changes.

### 3.0 Introduction and Summary

#### 3.1 Minor changes to describe the new structure

#### 3.2 Article 7 – The Executive

3.2.1 This Article sets out the role and powers of the Leader, who determines the size of the Executive, who appoints and dismisses members of the Executive and who can delegate functions to individual Executive Members. This Article will now have to include provision for the Deputy Leader. To ensure accountability the Article should provide that such decisions should be effective only upon notification in writing to the Proper Officer

#### 3.2.2 Part 3 – Responsibility for Functions

3.2.3 The Scheme will now make it clear that it is the Leader who allocates Executive Portfolios and determines the powers of individual Executive Members, and approves the scheme of delegation of executive powers to Officers.

#### 3.2.4 Part 4 – Procedure Rules

3.2.5 Council Procedure Rules should be amended to provide for the Leader to report to Council on appointment and changes to the Executive. The standard procedure for Annual Council should now omit election of Leader (except in the year in which the current Leader's term of office expires) and the election of other Executive Members

### 4.0 Other Changes to the Constitution

#### 4.1 Members' Questions at Council

4.1.1 Two additional paragraphs are proposed for the Council Procedure Rules relating to Members' questions.

4.1.2 "The questioner should always state "I refer to the Order Paper" rather than reading out the full text of the question.

4.1.3 The Chairman has the right to prevent any Member asking or giving a protracted supplementary question or answer."

## 4.2 Member/ Officer Relations Protocol

4.2.1 Some changes to the Member/Officer Relations Protocol are suggested. The proposed changes are:

1. Members must use a Council email address when acting in capacity as Councillor

## 4.3 Audit Committee and Financial Regulations

4.3.1 Two changes to the terms of reference of the Audit Committee are proposed. The first proposal is that the Audit Committee rather than Council should approve the statement of accounts. Secondly, the Audit Committee should review the Council's finances (including borrowing , loans, debts investment and banking arrangements). If the Audit Committee is to approve the statement of accounts there is a consequential change to the Reserves Policy.

4.3.2 The current policy allows the Council to vary Executive recommendations on new reserves when it considers the final accounts. With delegation to the Audit Committee of the approval of the accounts a different approval procedure is needed.

4.3.3 The required change is

Delete paragraph 18 of the Reserves Policy and replace by an addition to Financial Regulations as follows:

## 4.4 Reserves

4.4.1 The Executive may establish an earmarked reserve and approve appropriations thereto from an under spending where the purpose of that reserve is to defer the expenditure of money included in a budget or supplementary estimate approved by the Council and where the later expenditure will be in respect of the service for which the budget or supplementary estimate was approved.

4.4.2 Proposals to appropriate more than £100,000 to a single reserve or more than £500,000 in aggregate in any year shall be subject to the prior approval of the Council.

#### 4.5 Members on Outside Bodies

4.5.1 It is suggested that Members on outside bodies report on their work to the Portfolio Holder on an annual basis.

#### 5.0 Scrutiny Committees

5.1 Members are asked to consider whether Scrutiny Committee's work plan should be determined entirely by the each Scrutiny Committee and not affected by the agenda for the Executive unless, of course, the Scrutiny Committee chooses to an item on the Executive agenda. This involves the deletion of the following paragraphs:

5.1.1 "To consider any item in the Forward Plan, within the remit of the Committee, to be considered by the Executive (except items of urgent business) before the item is considered by the Executive if requested by the Chairman of the Scrutiny Committee. The relevant report to the Executive will made available to the Scrutiny Committee.

5.1.2 The agenda for Executive meetings shall include an item entitled 'Issues arising from scrutiny'. The reports and recommendations of Scrutiny Committees referred to the Executive shall be included in the agenda within one month of the Scrutiny Committee completing its report/recommendations.

6.0 All the changes to the Constitution are contained in **Essential Reference Paper 'B'**.

#### 6.1 Implications/Consultations

6.2 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Local Government and Housing Act 1972

Local Democracy, Economic Development and Construction Act 2009

Constitution Guidance

Contact Officer: Simon Drinkwater – Director of  
Neighbourhood Services, ext 1405

Report Author: Simon Drinkwater



## ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/Objectives (delete as appropriate):	<p><b>Fit for purpose, services fit for you</b> <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i></p> <p><b>Leading the way, working together</b> <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
Consultation:	The Monitoring Officer has consulted the Section 151 Officer and the Head of Paid Service.
Legal:	The legal implications have been taken into account in amending the Constitution.
Financial:	N/A
Human Resource:	No comments.
Risk Management:	A Constitution which reflects the Council's structure and delegation is important to the smooth running of the organisation.

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## Executive

### Article 7 – The Executive

#### THE ROLE OF THE EXECUTIVE

##### 7.1 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

##### 7.2 Form and composition

The ~~E~~executive will consist of the ~~executive~~Lleader, ~~D~~deputy Lleader \_\_\_\_\_ together with at least 1, but not more than councillors appointed to the ~~E~~executive by the Leader of the Council. This body will be known as the Executive. The Council shall determine the number of Councillors appointed to the executive on receipt of a report by the Leader of the Council.

7.3 ~~From May 2011 to~~The Leader will be a Councillor elected to the \_\_\_\_\_ position of Leader \_\_\_\_\_ by the Council at the first annual meeting \_\_\_\_\_ following the ordinary \_\_\_\_\_ election of Councillors and holds office for \_\_\_\_\_ the period ~~of four years to the~~ ~~annual meeting after the next whole council election, unless~~ ~~within~~unless within that period:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a ~~C~~eouncillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a ~~C~~eouncillor; or

~~(d) is removed from the office of Leader by resolution of the Council following a written notice of motion signed by at least 15 Members including 5 Members of the same political party as the Leader and delivered not later than 10 working days before the meeting. In the event of the position of the Leader of the Council becoming vacant for any the reasons in 7.3 (a) to (c), the Council shall appoint another member of the Council to complete the remainder of the four year term of office.~~

### **7.3 Other executive members**

~~The Deputy Leader will be a Councillor appointed to the position by the Leader by the Council following the ordinary election of Councillors and holds office for the period to the Annual Meeting after the next whole council election, unless within that period. The Leader must appoint a Deputy Leader and a minimum of two and a maximum of eight executive members. The Leader may remove the Deputy Leader and Executive members will automatically be removed from office if:~~

- ~~(a) he/she resigns from the office; or~~
- ~~(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or~~
- ~~(c) he/she is no longer a councillor; or~~

~~(d) is removed from the office of Deputy Leader by resolution of the Council following a written notice of motion signed by at least 15 Members including 5 Members of the same political party as the Leader and delivered not later than 10 working days before the meeting.~~

~~Other executive members shall hold office until:~~

- ~~(a) they resign from office; or~~

~~(b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~

~~(c) they are no longer Councillors; or~~

~~(d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer and will be reported to the next meeting of the Council.~~

## **7.5 Proceedings of the Executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

## **7.6 Responsibility for functions**

The ~~Council shall initially~~Leader determines the allocation of Executive functions.

The Leader will ~~thereafter maintain~~maintain a list setting out which

individual members of the Executive, Committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions within their respective portfolio areas (see table at in Part 3, section 4 of this Constitution).

~~There shall be no committee of the executive without the consent of the Council.~~

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## **Executive Procedure Rules**

### **1.0 HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make Executive decisions?**

~~The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, these arrangements or T~~the Leader ~~may provide~~decides how the for executive functions ~~shall~~to be discharged by:

- (i) the Executive as a whole;
- (ii) a Committee of the Executive;
- (iii) an individual Member of the Executive;
- (iv) an officer;
- (iv) an area Committee;
- (v) joint arrangements; or
- (vii) another local authority.

#### **1.2 Delegation by the Leader**

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

(i) the size of the Executive;

(ii) the names, addresses and wards of the people appointed to the executive by the Leader;

(iii) the name address and ? of the person appointed to be the Deputy Leader;

(viii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;

(viii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;

(vi) the nature and extent of any delegation of Executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and

(vii) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### 1.3 Sub-delegation of Executive functions

(a) Any Executive function which is the responsibility of a Member or Members may be delegated, for example, to an officer. Where the executive, a committee of the executive or an individual Member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.

(b) ~~Unless the Council directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.~~

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~~(c) — Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.~~

(bd) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### 1.4 The Council's scheme of delegation and **E**xecutive functions

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) ~~If~~ the Leader ~~is able to decide whether to delegate executive functions, he/she~~ may amend the scheme of delegation relating to **E**xecutive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the **E**xecutive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a ~~e~~**C**ommittee, notice will be deemed to be served on that ~~C~~**C**ommittee when he/she has served it on its Chairman.

#### 1.5 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every Member of the **E**xecutive has a conflict of interest

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this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

- (c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

## 1.6 Executive meetings – when and where?

The Executive will meet at least 6 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's offices at Wallfields, Pegs Lane, Hertford, Hertfordshire or another location to be agreed by the Leader.

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## 1.7 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be 4 Members of the Executive.

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## 1.8 How are decisions to be taken by the Executive?

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

## 2.0 DECISION-MAKING

### 2.1 Definition of key decisions

Key decisions shall only be taken at a meeting of the Executive (ie not by the Leader or a Portfolio Holder or an officer). A key decision is defined in Article 13.3(b) (i) of the Constitution. Every matter which is to be the subject of a Key decision must have been included in the Forward Plan (see paragraph 14 of the Access to Information procedure rules in part 4 of the Constitution) or fall within the General Exception (paragraph 15 of the Access to Information procedure rules) or comply with the Special Urgency conditions (paragraph 16 of the Access to Information procedure rules).

## **2.2 How key decisions are made**

Prior to any key decision being taken, Scrutiny will be given the opportunity to consider the item, unless it is an urgent item (as defined in paragraph 16 of the Access to Information Rules). The Scrutiny Committee will receive a full report on the item and consider it before the meeting of the Executive where the decision is to be taken, if requested by the Chairman of the Scrutiny Committee. The Executive shall take account of the views of the Scrutiny Committee in reaching its decision.

## **2.3 Portfolio Holder (non key) decisions**

2.3.1 The Leader and Portfolio Holders are authorised to take executive decisions on all non-key matters within their respective portfolios, subject to the matter being considered by Members through intranet discussion.

2.3.2 Before taking any non-key decisions, the Leader or Portfolio Holder must consult all Members. A full report on the non-key decision shall be posted on the intranet and Members may respond within 7 working days.

2.3.3 All decisions will be recorded and signed off by the Leader or Portfolio Holder. Where a request is made for further information, the decision may be deferred for the information to be supplied.

## **2.4 Other (non key) Executive decisions**

2.4.1 Within its terms of reference, the Executive is authorised to make

- (1) decisions which are not key decisions and do not fall within the portfolios of the Leader or any Portfolio Holder or their respective delegations or the delegation to any officer; and
- (2) decisions on matters which, whilst falling within a portfolio or delegation, the Chief Executive or other chief officers think it more appropriate to put on the Executive agenda for decision.

## **2.5 Portfolio Holder Decisions: Supplemental Rules**

2.5.1 The following additional rules apply to Portfolio Holder decisions:

- (A) If the Leader or a Portfolio Holder has a personal or prejudicial interest in any matter which s/he is requested to consider, s/he shall immediately return the papers to the Chief Executive and ask for them to be re-allocated. It is incumbent on Council officers to brief themselves as well as possible to avoid this situation arising.
- (B) If a Portfolio Holder is absent or unavailable for any reason, the Leader of the Council (or in his/her absence the Deputy Leader) may, by written notice to the Chief Executive, have power to temporarily re-allocate that portfolio to another Executive Member until the next Executive meeting (when the Executive can decide the matter).
- (C) If a Portfolio Holder is unable to act for any reason (e.g. s/he has a personal or prejudicial interest), the Leader of the Council is authorised to make the decision or in his/her absence or at his/her request the Deputy Leader is authorised to make the decision. If the Leader is unable

to act, the Deputy Leader is authorised to make the decision.

- (D) In respect of any ordinary business, the Leader or a Portfolio Holder may exceptionally decline to decide the matter and instead ask the relevant chief officer to put it on the agenda for the next Executive meeting.
- (E) In respect of any urgent business, if the Portfolio Holder delays or declines to make a decision the Chief Executives shall have power to seek a decision from the Leader or Deputy Leader.
- (F) Before making a decision, full consideration shall be given by the Leader and Portfolio Holders to all reports posted on the intranet and any comments made by Members.
- (G) Before making a decision, where necessary, consideration shall be given to the need for further consultation or information.
- (H) Decisions shall be published electronically and in accordance with Access to Information Procedure Rules.

### **3.0 HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

#### **3.1 Who presides?**

The Leader will preside at any meeting of the executive or its committees at which he/she is present, or may appoint another person to do so.

#### **3.2 What business?**

At each meeting of the Executive the following business will be conducted:

- (i) consideration of the minutes of the last meeting;

- (ii) declarations of interest, if any;
- (iii) matters referred to the **E**xecutive (whether by a **S**crutiny **C**ommittee or by the Council) for reconsideration by the **E**xecutive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from **S**crutiny **C**ommittees;
- and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

### 3.3 Consultation

All reports to the **E**xecutive from any Member of the **E**xecutive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant **S**crutiny **C**ommittees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

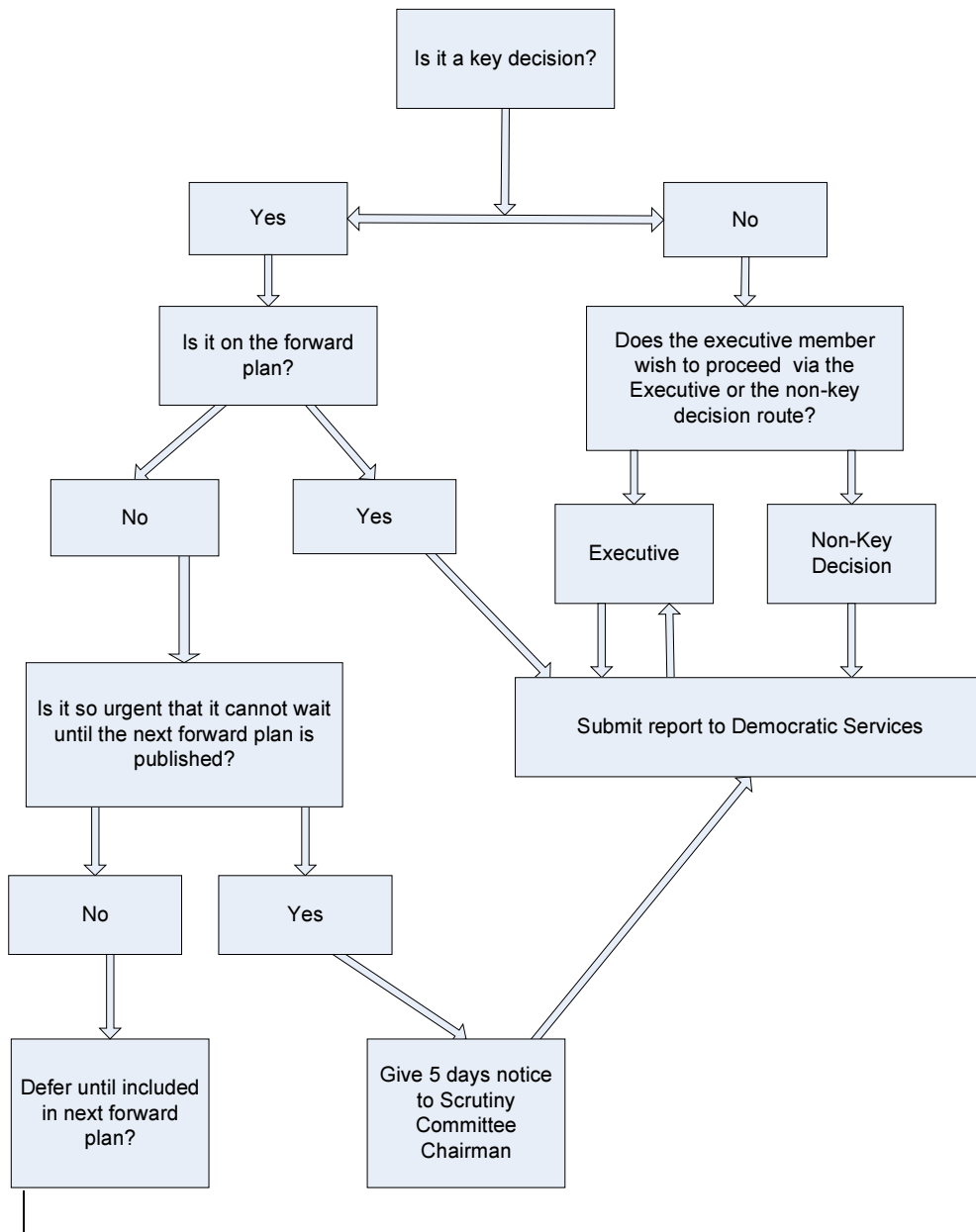
### 3.4 Who can put items on the **E**xecutive agenda?

The monitoring officer and/or the chief financial officer may request an item be included for consideration on the agenda of an **E**xecutive meeting and may request the Director of Internal Services to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the **E**xecutive needs to be called to consider a matter that requires a decision, they may jointly

request that an item be included on the agenda of an  
to Executive meeting. If there is no meeting of the Executive soon enough

deal with the issue in question, then the person(s) entitled to request that an item be included on the agenda may also request that a meeting be convened at which the matter will be considered.

## **EXECUTIVE DECISION-MAKING PROCESS**





## Member Questions

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### 11.5 Response

The question should always state: I refer to the order paper" rather than reading out the full

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the question

### 11.6 Supplementary question

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

The Chairman has the right to prevent any Members from asking a protracted supplementary question or giving a protracted answer.

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# **Member/Officer Relations Protocol**

## **(Including Guidance on Access to Information)**

### **A INTRODUCTION**

1. Following the adoption of the Code of Conduct for Members, the opportunity has been taken to produce the Protocol with regard to Member/Officer Relations. This protocol includes some general guidance on Access to Information.
2. Given the variety and complexity of Member and Officer relations, this Protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern. It is hoped, therefore, that the approach which this Protocol adopts will serve as a guide to dealing with other issues that may arise from time to time.
3. This Protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If Members are unsure about any matter, they should contact the Monitoring Officer for appropriate advice and assistance. If Officers are unsure about any matter, they should contact the Chief Executive the relevant Director, and/or the Monitoring Officer. If there is any disagreement in the interpretation of this Protocol, the opinion of the Monitoring Officer will prevail.
4. Where appropriate, the Monitoring Officer will also consult the Chief Finance Officer, the Head of Paid Service and the Leaders of the Political Groups on any further general guidance. In addition, there will be a specific code for planning matters and it is anticipated that a national code will be introduced for Officers. Members and Officers should, therefore, keep abreast of such issues and respect each other and not do anything to bring the Council, their offices or professions into disrepute.

## **B GENERAL MEMBER/OFFICER ISSUES**

5.1 The opportunity is taken to **reinforce** the following points:

- (i) In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the **key guiding principle** for Members and Officers has to be one of “**engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect**”;
- (ii) Officers, being employees of the Council, must act in the best interests of the Council, as a whole and must not give politically partisan advice. Anyone breaching this requirement will face disciplinary action;
- (iii) Political Group meetings, whilst they perform an important part in the preliminaries to Council decision-making, are **not** formal decision-making bodies of the Council and, as such, are **not** empowered, even under the new constitutional arrangements, to **make** decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as **Council** decisions and it is essential that **Members and Officers** understand and interpret such decisions accordingly;
- (iv) Officer support to Political Groups must **not** extend beyond providing information and advice in relation to **Council business** (not Party politics/business);
- (v) It is good practice for Party political debates and decision making to take place **in the absence of** Officers, in order to avoid any suspicion of impropriety or misunderstanding;
- (vi) Officers must respect the confidentiality of any Political Group discussions; and
- (vii) any breach of this part of the Protocol by an Officer must

be brought to the attention of the Head of Paid Service and/or the Monitoring Officer for consideration.

### **Legal and External Audit Considerations:**

- 5.2 Members of the Council do not, as elected Members, have any special immunity from civil or criminal wrongs that they may commit against fellow Members, Officers or members of the public. Members must abide by the Code of Conduct for Members and ensure they do not, for example, slander or libel another person. During the course of their normal duties for the Council, Members will, therefore, only have a qualified (not absolute) protection against prosecution or civil action.
- 5.3 Members must also not pressurise Officers to change their professional opinions on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for, or on behalf of the Council. It is also imperative that Members are clear about their roles and the roles of Officers, so as to avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, as the actions of the Member(s) may be held to be the actions of the Council, as an “employer”.

### **Standards ~~Board~~ for England Issues:**

- 5.4 Any member of the public (including Members and Officers) can complain to the Council’s Standards Committee against an alleged breach of the Code of Conduct for Members and/or bring private civil litigation proceedings against an elected Member. The External Auditor can also take legal action against an elected Member and the Council, as a whole, for any breaches of law.

### **Public Relations Issues:**

- 5.5 The Council’s Communications Section are responsible for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official

communication relating to the Council (but not party political or private matters) is dealt with by this Section, so as to ensure the proactive, effective and efficient management of the Council's public image, relations and interface.

## **C SPECIFIC POINTS ON MEMBER/OFFICER RELATIONS**

- 6.1 The relationship between Members and Officers generally is characterised by mutual trust, respect and courtesy. These are **essential** for good local government and serve to enhance local democracy.
- 6.2 Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided, therefore, that could give rise to suspicion and/or appearance of improper conduct of behaviour. This includes excessive socialising between Members and Officers.

6.3 Members shall use the Council email address provided for that member when acting in an official capacity as a member

### **Employer/Employee Issues:**

- 6.43 Any dealing between Members and Officers should, therefore, be conducted with mutual trust, respect and courtesy, and neither party should seek to take an unfair advantage. In particular, Members should recognise and pay due regard to their role as an employer in their dealings with Officers, as Officers could use inappropriate behaviour and conduct of Members in bringing employment cases against the Council. In particular, it is quite proper for a Member to make written/oral representations about a constituent employee to the Chief Executive or the relevant Director, but the Member should avoid taking a proactive part to represent or in any other way advocate on behalf of any such employee in any disciplinary procedures brought by the Council against any such employee.
- 6.54 Members must, in particular, guard against putting inappropriate pressure on junior officers and must ensure that

all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to the breakdown of mutual trust, respect and courtesy in Member/Officer relations.

- | 6.65 In seeking advice and support, Members should have due regard to the seniority of the Officer with whom they are dealing and recognise that, whilst those Officers owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and not to any individual Member. For this reason, Members should not give direct instructions to staff.

### **Equality Issues:**

- | 6.76 The Council has statutory duties with regard to equality issues and in accordance with the Code of Conduct for Members, Members must also promote equality by not discriminating against others. Members and Officers shall not, therefore, by their behaviour or speech act discriminatorily with regard to, for example, a person's gender, race, disability, religion, ethnicity, nationality or sexual orientation. Such principles will apply to the implementation of personnel policies, recruitment and promotion as they apply to day to day dealings with fellow human beings.

### **Officer Conduct or Capability Issues:**

- | 6.87 Members should not raise matters relating to the conduct or capability of an Officer (or of Officers, collectively) at meetings held in public or before the Press, as Officers have no means of responding to the same in public. If Members feels that they have not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an Officer, they should raise the matter, in private, with the relevant Officer and, if necessary, the Chief Executive or the relevant Director. Any concerns with regard to a Director should be discussed in private with the Chief Executive.

6.98 Members will be in breach of the Code of Conduct for Members if they require any Officer to:

- (a) change any professional advice; or
- (b) take any action which the Officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct (including professional codes of conduct).

**Monitoring Officer/Chief Finance Officer Consultation:**

6.109 Members are required to consult with the Monitoring Officer and the Chief Finance Officer over any legality, maladministration, financial impropriety, or probity issues or where they have any doubt as to whether particular decisions are or were likely to be contrary to the Council's policy framework, the budget or the law. Inappropriate or late consultation will not satisfy the need to consult those Officers at the relevant time.

**Political Groups:**

6.110 Members of the Executive, Scrutiny and Regulatory Committees shall, at all times, respect the political impartiality of Officers and must not expect or encourage Officers to give a political view on any matter.

6.124 For the avoidance of doubt, it must be recognised by all that, in discharging their duties, Officers serve the Council, as a whole, and not exclusively any Political Group, combination of groups, or any individual Members.

6.132 Officers may properly be called upon to support and contribute to the deliberations of Political Groups but they must at all times, maintain political neutrality. This applies, in particular, to Politically Restricted Officers, who are governed by the Local Government and Housing Act 1989. All Officers must, in their



dealings with Political Groups and individual Members, treat them in a fair and even handed manner.

6.143 Any request for advice given to a Political Group or Member will be treated with the strictest of confidence by the Officers concerned and will not be accessible to any other Political Group(s). Factual information upon which any advice is based will, if requested, be available to all Political Groups.

6.154 When attendance is requested for Political Group meetings:

6.154.1 the request to attend a Political Group meeting must be made through and approved by the Chief Executive;

6.154.2 such a request can only be made in relation to Council business; and

6.154.3 Officers will:

- (i) provide relevant factual advice and assistance;
- (ii) leave during the deliberations of the Political Group on the issue;
- (iii) respect the confidentiality of any Political Group decision at which they are present; and
- (iv) not champion, defend, action or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the Political Group(s), unless and until such decisions have become the formal decisions of the Council.

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## Audit/ Financial Regulations

### 4.7 Treatment of year-end balances

4.7.1 The Council's treatment of year-end balances enables the transfer of resources between accounting years i.e. a carry forward. The S.151 Officer will administer the scheme and report to the Chief Executive and Executive on all overspends and under spends proposed to be carried forward.

4.7.2 Any overspend on service estimates in total on budgets under the control of the Head of Service may be carried forward to the following year, and will constitute the first call on service estimates in the following year.

4.7.3 Proposals on any under spends to be carried forward will be made in the context of the Council's overall financial position and reported to the Executive and submitted to Council for approval.

### 4.8 Reserves

4.8.1 The Executive may establish an earmarked reserve and approve appropriations thereto from an under spending where the purpose of that reserve is to defer the expenditure of money included in a budget or supplementary estimate approved by the Council and where the later expenditure will be in respect of the service for which the budget or supplementary estimate was approved.

4.8.2 Proposals to appropriate more than £100,000 to a single reserve or more than £500,000 in aggregate in any year shall be subject to the prior approval of the Council.

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## **A.6 AUDIT COMMITTEE**

7 Members of the Authority

Terms of Reference

Audit Activity

1. To consider the Internal Audit and Business Improvement Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
2. To consider summaries of specific Internal Audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of Internal Audit services.
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the External Auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To liaise with the Audit Commission over the appointment of the Council's External Auditor.
9. To commission work from internal and external audit.

## Regulatory Framework

10. To maintain an overview of the Council's Constitution in respect of rules of procedure relating to contracts, financial regulations and financial procedures and codes of conduct and behaviour.
11. To review any issue referred to it by the Chief Executive or a Director or any Council body.
12. To monitor the effective development and operation of risk management and corporate governance in the Council.
13. To monitor Council policies on "Confidential Reporting" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
14. To oversee the production of the Authority's Annual
15. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
16. To consider the Council's compliance with its own and other published standards and controls.
17. To review arrangements for delivering value for money.
18. To review the Council's finances including borrowing, borrowing, loans, debts investments and banking arrangements.

## Accounts

To review-approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the

attention of the Council.

To consider the External Auditors' report to those charged with governance on issues arising from the audit of the accounts.

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## **Members on outside Bodies**

### **B.7 LOCAL STRATEGIC PARTNERSHIP**

#### LSP Board

1. Overall responsibility for shaping and sustaining a vibrant and outcome focused LSP.
2. Overall responsibility for the development and delivery of the Sustainable Community Strategy and the annual action plan.
3. Strategic responsibility for matters relating to the Hertfordshire-wide LSP and the LAA.
4. Strategic responsibility for influencing and responding to regional and national policy.
5. Responsibility for funding and commissioning.

#### LSP Strategy Group

1. To advise the board on all matters relating to the LSP, the community strategy and the LAA both reactively (in response to requests from the board) and proactively.
2. Responsibility for the development and delivery of the Sustainable Community strategy and annual action plan.
3. Responsibility for identifying positive local contributions to the delivery of the LAA.
4. To advise the board on agendas and forward work plans for the LSP.
5. To propose to the board and administer funding and commissioning programmes for the LSP.

6. To monitor, support and develop the work of the LSP sub partnerships and strategies.
7. To advise the board on new issues, opportunities and threats as they arise.

### LSP Forum

1. To provide an inclusive forum for:
  - sharing ideas and information,
  - identifying opportunities for achieving the priorities set out in the strategy, sub strategies and action plans,
  - developing understanding and strengthening partnerships,
  - creating new initiatives

2. Members who are appointed to represent the Council on outside bodies shall report once a year basis [to the relevant Portfolio Holder]

## Scrutiny

Committee	Scope
Community Scrutiny	<ol style="list-style-type: none"><li data-bbox="810 450 1350 1234">1. To develop policy options and to review performance and scrutinise the policies of the Council relating to Licensing, Environmental Health, Crime and Disorder Reduction, Emergency Planning, Community Development, young people, Leisure, sport, arts, markets, diversity, grants, frontline Councillor engagement, Community Voice, valuing people, housing strategy, private sector housing, disabled facility grants, houses in multiple occupation, housing options, community meals, citizens' advice, benefits, Local Strategic Partnership and health scrutiny.</li><li data-bbox="810 1279 1350 1402">2. To make recommendations to the Executive on matters within the remit of the Committee.</li><li data-bbox="810 1447 1350 1771">3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change and review the performance of outside bodies on matters within the remit of the Committee.</li><li data-bbox="810 1816 1350 1939">4. To consider issues referred by the Executive, or members of the Committee and where the</li></ol>

views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee.

5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee.

6. To appoint annually Standing Panels as may be determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.

7. To consider matters referred to the Committee by the Executive/Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.

Committee	Scope
Corporate Business Scrutiny	<ol style="list-style-type: none"> <li data-bbox="810 331 1350 864">1. To develop policy options and to review and scrutinise the policies of the Council relating to Communications, Corporate Performance and Risk Management, Local Strategic Partnership, Customer Service, Finance, Information and Communications Technology, Democratic Services, Member Support, Facilities Management, Asset Management, Legal, Revenues and Procurement.</li> <li data-bbox="810 913 1350 1032">2. To consider the budget setting proposals and strategies of the Council.</li> <li data-bbox="810 1081 1350 1200">3. To make recommendations to the Executive on matters within the remit of the Committee.</li> <li data-bbox="810 1249 1350 1487">4. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee.</li> <li data-bbox="810 1536 1350 1906">5. To consider issues referred by the Executive, including modifications to the Constitution, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee.</li> </ol>

6. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee.

7. To appoint annually Standing Panels as may be determined, which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.

~~8. To consider any item in the Forward Plan, within the remit of the Committee, to be considered by the Executive (except items of urgent business) before the item is considered by the Executive if requested by the Chairman of the Scrutiny Committee. The relevant report to the Executive will made available to the scrutiny committee.~~

89. To consider matters referred to the Committee by the Executive/Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.

Committee	Scope
Environment Scrutiny	<ol style="list-style-type: none"> <li data-bbox="810 331 1353 1025">1. To develop policy options and to review and scrutinise the policies of the Council relating to planning policy, local development framework, Building Control, Planning Enforcement, Development Control, transport policy (concessionary fares and subsidised bus routes), Highways Partnership, parking and economic development, energy conservation, waste management, parks and open spaces, historic buildings, conservation – green agenda, Local Strategic Partnership and street scene.</li> <li data-bbox="810 1077 1337 1193">2. To make recommendations to the Executive on matters within the remit of the Committee.</li> <li data-bbox="810 1245 1326 1525">3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee.</li> <li data-bbox="810 1576 1345 1906">4. To consider issues referred by the Executive, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee.</li> </ol>

5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee.

6. To appoint annually Standing Panels as may be determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee.

~~7. To consider any item in the Forward Plan, within the remit of the Committee, to be considered by the Executive (except items of urgent business) before the item is considered by the Executive if requested by the Chairman of the Scrutiny Committee. The relevant report to the Executive will be made available to the scrutiny committee.~~

8. To consider matters referred to the Committee by the Executive/ Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.