

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

PRESENT:

Councillor A D Dodd (Chairman)
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes,
R Beeching, 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

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