

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 4 DECEMBER 2012, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)
Councillors M Alexander, L Haysey and
P Phillips.

ALSO PRESENT:

Councillors P Ballam, E Buckmaster, S Bull,
Mrs R Cheswright, G Jones, J Mayes,
G McAndrew, M McMullen, P Moore, T Page,
M Pope, J Ranger, C Rowley, P Ruffles,
S Rutland-Barsby, N Symonds and J Wing.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
Simon Drinkwater	- Director of Neighbourhood Services
Lorna Georgiou	- Communications Team Leader
Martin Ibrahim	- Democratic Services Team Leader
Marian Langley	- Scrutiny Officer
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services
Trevor Watkins	- Waste Services Manager

449 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press to the meeting. He also welcomed and introduced members of the LGA Peer Review team, who were visiting East Herts for three days.

450 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Carver and M Tindale.

451 FINAL TASK AND FINISH REPORT ON REVIEW OF GROUNDS MAINTENANCE CONTRACT

The Chairman of Environment Scrutiny Committee submitted a report detailing the results of the review of the Grounds Maintenance contract by a task and finish group. He referred to the review process, aims and objectives and the findings that the existing contract represented good value for money. The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had endorsed the findings of the task and finish group and had recommended a five year extension of the current contract. Finally, the Chairman thanked Officers for their hard work in supporting the task and finish group's work.

The Executive Member for Community Safety and Environment thanked the Environment Scrutiny Committee and the task and finish group. He accepted their findings and proposed a five year extension to the existing contract.

The Executive considered the review findings and the conclusion that extending the existing contract with the enhancements detailed in the report submitted would be a more favourable option than retendering the contract.

The Executive supported the recommendations as now

detailed.

RECOMMENDED – that (A) the comments of the Environment Scrutiny Committee as detailed in the report submitted, be received; and

(B) taking into account the risks of a longer period against the greater financial benefits, and in the context of the Council's Medium Term Financial Plan objectives, the current grounds maintenance contract be extended for a period of 5 years.

452 **COUNCIL TAX DISCOUNTS AND PREMIUM**

The Executive considered a report on the discretionary elements of council tax and premium to take effect from 1 April 2012. It was noted that as part of the localism agenda, the government now allowed local discretion to set discounts and to replace some currently prescribed exemptions and discounts.

The Executive noted the outcome of the government consultation paper and the purpose of allowing local authorities to keep the overall level of council tax down by adjusting tax relief on second homes and empty properties which did not merit special treatment.

The Executive supported the recommendations as now detailed.

RECOMMENDED – that the following discounts in respect of council tax be approved with effect from 1 April 2013:

(A) a discount of 50% for any period of up to six months in respect of dwellings which become empty and unfurnished;

(B) a discount of 50% where a dwelling is empty undergoing major repair for such minimum period as prescribed by regulation; and

(C) a discount of nil in respect of second homes.

453 **AFFORDABLE HOUSING: PLANNING POLICY
REQUIREMENTS**

The Executive considered a report on the potential impact of a temporary relaxation in affordable housing provision requirements. This detailed the current policy position and outlined the potential benefits and risks of adjusting this. The Executive noted the current economic conditions and the potential for stimulating development activity by the proposal.

The proposals, if approved, would result in amendments to Affordable Housing Policy HSG3 as detailed in the report submitted.

Various Members commented on the potential impact.

The Executive supported the recommendations as now detailed.

RECOMMENDED - that the Council's policy requirement for the provision of affordable housing in category 1 and 2 Villages be amended and the revised wording for policy HSG3(II) and (III) as set out in paragraph 4.1 of this report submitted, be agreed, resulting in the threshold and requirement for provision of affordable housing as follows:

a) Main Settlements:

Threshold: Sites over 15 units or 0.5ha

Provision: Up to 40%

b) Category 1 and 2 Villages

Threshold: Sites of up to 3 units or 0.12ha

Provision: none

Threshold: Sites of 4-14 units or 0.12 – 0.5ha

Provision: Up to 25%

**Threshold: Sites over 15 units or 0.5ha
Provision: Up to 40%**

The time period for the commencement of development of any planning permissions that come forward as result of this policy change shall be one year.

454 SUB-DISTRICT POPULATION AND HOUSEHOLD FORECASTS - PARISH GROUPINGS AND TOWNS: PHASES 1 AND 2 (OCTOBER 2012)

The Executive considered and supported the recommendation of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Sub-District 'Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2' (October 2012) technical study.

RECOMMENDED - that the Sub-District 'Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2' (October 2012) technical study at Essential Reference Paper 'B' to the report submitted, be supported as part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 471)

455 STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) - ROUND 2 INITIAL REPORT AND WINDFALL ANALYSIS (OCTOBER 2012)

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Strategic Land Availability Assessment (SLAA) Technical Study: Initial Report - Rounds 1 and 2 (October 2012) and the Windfall Analysis (October 2012).

RECOMMENDED – that (A) the Officer responses to the feedback received from stakeholders as part of Round 2: Stakeholder Engagement of the Strategic Land Availability Assessment (SLAA), be supported;

(B) the Strategic Land Availability Assessment (SLAA) Technical Study: Initial Report - Rounds 1 and 2 (October 2012), be supported as technical work to inform the preparation of the East Herts District Plan and for housing supply purposes;

(C) the district-wide SLAA Round 2 capacity of 2,350 dwellings be supported for informing ongoing work in developing the District Plan: Part 1; and

(D) the ‘windfall’ allowance of 1,700 dwellings be supported for informing ongoing work in developing the District Plan: Part 1.

(see also Minute 471)

456 **EMPLOYMENT FORECASTS AND STRATEGIC ECONOMIC DEVELOPMENT ADVICE (OCTOBER 2012)**

The Executive considered and supported the recommendation of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Employment Forecasts and Strategic Economic Development Advice (October 2012).

RECOMMENDED – that the Employment Forecasts and Strategic Economic Development Advice (October 2012) be supported and published as technical advice, forming part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 471)

457 **DISTRICT PLAN: EVIDENCE BASE – TECHNICAL STUDIES 2011/12, 2012/13 AND 2013/14**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan Evidence Base – Technical Studies 2011/12, 2012/13 and 2013/14.

RECOMMENDED – that (A) it be noted, or as appropriate supported, that the technical studies listed in Essential Reference Paper ‘B’ to this report, which are due for completion, already underway or proposed to be undertaken during 2012/13, contribute to the District Plan Evidence Base; and

(B) the technical studies referred in (A) above be completed or undertaken by means of:

(i) seeking competitive quotes or tenders, as appropriate, to engage consultants, with the costs being met from the 2012/13 or 2013/14 Planning Policy related budgets for such purposes; and/or

(ii) partnership working where appropriate, with neighbouring authorities and other relevant partners; and

(C) the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, be given authority to approve funding, within the limits of the 2012/13 and 2013/14 Planning Policy budgets, for such other relevant planning policy studies, as may be deemed appropriate.

(see also Minute 471)

458 **THE DUTY TO CO-OPERATE AND EAST HERTS
DISTRICT PLAN**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Duty to Co-Operate.

RECOMMENDED – that (A) an approach to the Duty to Co-Operate based on a clearly defined plan-making process, objective assessment, positive preparation, and serious consideration of cross-boundary strategic matters, be supported as the basis for continued work on the District Plan; and

(B) the Executive Member for Strategic Planning and Transport, or other nominated Executive Member, be authorised to attend meetings with Members from local planning authorities, Hertfordshire and Essex County Councils, and other relevant bodies as necessary, to demonstrate compliance with the Duty and further progress the District Plan.

(see also Minute 471)

459 **DISTRICT PLAN PART 1 - STRATEGY SUPPORTING
DOCUMENT: MEMBER COMMENTS**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan: Part 1 - Strategy Supporting Document Member Comments.

RECOMMENDED – that (A) the responses made by Members in respect of agenda items 6 to 10 of the District Planning Executive Panel on 26 July 2012 be noted; and

(B) the Officer responses to the comments made

and any consequent amendments to the District Plan: Part 1 - Strategy Supporting Document be supported.

(see also Minute 471)

460 DISTRICT PLAN PART 1 - STRATEGY SUPPORTING DOCUMENT: UPDATE REPORT

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan Part 1 – Strategy Supporting Document Update.

RECOMMENDED – that (A) the proposed approach to the remainder of the strategy selection process for the District Plan, as illustrated in Essential Reference Paper ‘C’ of the report submitted, be supported; and

(B) Essential Reference Paper ‘D’ of the report submitted, including the first three sections of Chapter 5: Options Refinement, be supported, subject to a period of Member comment in respect of factual content until 21 December 2012.

(see also Minute 471)

461 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 6 November 2012, be approved and signed by the Leader as a correct record.

462 ISSUES ARISING FROM SCRUTINY

The Executive received a report detailing those issues referred to it by the Scrutiny Committees. Issues relating to specific reports for the Executive were considered and detailed at the relevant report of the Executive Member.

RESOLVED – that the report be received.

463 CARDBOARD IN THE ORGANIC WASTE STREAM

The Head of Environmental Services gave a presentation on recycling which highlighted the problems associated with collecting and processing cardboard within organic waste. He advised that alternative collection and processing arrangements were needed. The Executive Member for Community Safety and Environment submitted a report detailing these issues which set out a range of options to take the service forward. He emphasised that no decisions were sought at this stage, but to instruct Officers to bring forward fully costed options to the next meeting.

Various Members commented on the different options highlighted in the report and considered the implications and risks associated with them.

The Executive approved the recommendation as now detailed.

RESOLVED - that the issues associated with cardboard in the organic stream be noted and Officers be instructed to bring forward costed options for modifying recycling services in the new year.

464 VEHICLE REMOVALS POLICY

The Executive Member for Economic Development submitted a report seeking approval of a policy framework and priorities for the operation of a vehicle removal service in East Herts and the mechanism by which associated charges would be set.

The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had recommended the adoption of the policy and priorities as now detailed.

The Executive recalled the letting of the current enforcement

contract and the provision made for a vehicle removal service. The Executive Member emphasised that the policy would ensure that dangerous parking would be targeted and “hot spots” could be dealt with as a priority.

In response to Members’ comments, the Leader stated that the income from penalty charge notices could only cover the costs of the enforcement activity and could not generate a surplus. The Executive Member commented that Scrutiny might want to review the policy given a reasonable period of experience.

Officers confirmed that off-street contraventions would be classed as low priority unless they were persistent offenders and that an appeals procedure was included within the policy.

The Executive approved the proposals as now detailed.

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

(B) the policy framework and priorities for the operation of the East Herts vehicle removal service as set out in Essential Reference Paper ‘B’ of the report submitted, be adopted; and

(C) the inclusion of the proposed removal, storage and disposal charges within the Council’s forthcoming Fees and Charges report, be approved.

465 POLICY ON MOBILE (ANPR) ENFORCEMENT

The Executive Member for Economic Development submitted a report seeking approval for a policy framework and priorities for the operation of a mobile Automatic Number Plate Recognition (ANPR) based parking enforcement service in East Herts.

The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had supported the adoption of the policy and priorities as now detailed.

The Executive Member linked this item with the Vehicle Removal Policy (Minute 464 refers) and commented that enforcement would be focussed on “hot spots”.

The Executive approved the proposals as now detailed.

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

(B) the policy framework and priorities for the operation of the mobile ANPR based enforcement service as set out in Essential Reference Policy ‘B’ of the report submitted, be adopted.

466 CAR PARK FEES AND CHARGES

The Executive Member for Economic Development submitted a report on options for changing the operating terms and charging structures of some car parks.

He referred to discussions with retail and business representatives and encouraged comments to be submitted via the formal Traffic Regulation Order consultation mechanisms. He reminded the Executive that the Council’s policy towards car parks was based on the “user pays” principle and set out options for changes which might be considered appropriate. He stated the Executive’s intention that any changes that might be agreed would be cost neutral.

The Leader commented that no decisions were being sought at this meeting and that other options might come forward as part of the budget consultation process.

Various Members commented on the options. The Executive Member took these on board and undertook to have conversations with all interested parties.

The Executive approved the proposals as now amended.

RESOLVED - that (A) it is the Executive’s intention that

the 2.5% uplift to the pay and display income budget required by the MTFP, be funded from elsewhere, subject to further consideration within the budget process;

(B) the options for change relating to 30 minute bandings, evening charges, a discounted 2 hour tariff and varying the Saturday charging regime as outlined in the report submitted, be explored further for consideration alongside other options that may come forward in the budget process;

(C) Officers be instructed to undertake further evidence gathering/research to inform decision making and bring a further report to the Executive in the New Year;

(D) Officers be instructed to advertise separate Traffic Regulation Orders to facilitate each of the changes being considered; and

(E) Officers be instructed to promote a further Traffic Regulation Order to bring about the change to Gascoyne Way car park as proposed in this report.

467 COMMUNITY RIGHT TO CHALLENGE

The Leader of the Council submitted a report proposing the arrangements which the Council should adopt in order to operate the new Community Right to Challenge.

The Executive noted that the Localism Act 2011, had introduced a right for Parish Councils, community and voluntary bodies, charitable trusts and 2 or more local Council employees to submit an Expression of Interest in taking over the provision of a service on behalf of the Council. Where a valid Expression of Interest is received, the Council would be required to undertake a procurement exercise for that service, which might lead to the Council awarding a contract for its provision.

In response to Members' comments, the Executive agreed an additional recommendation to the effect that local ward councillors would be informed in situations where an Expression of Interest relating to a particular locality, is received.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the Council appoints the Director of Neighbourhood Services to be the proper officer for the receipt, validation and acceptance or rejection of expressions of interest;

(B) the proper officer bring forward for approval by the Executive a timetable for the acceptance or rejection of expressions of interest;

(C) the proper officer be authorised, after consultation with appropriate Heads of Service, to determine whether grounds exist to reject an expression of interest, and, subject to prior consultation with the appropriate Portfolio Holder, to accept or reject an expression of interest on behalf of the Council, with an instruction to refer sensitive expressions of interest to the Executive for consideration;

(D) the proper officer report quarterly to the Executive on any expressions of interest received;

(E) the Chief Executive Officer is appointed deputy for the proper officer to act in the situation where the proper officer is absent or if a conflict situation exists between the proper officer and the expression of interest submitted;

(F) discussions take place with the authorities with whom the Council has joint arrangements about how expressions of interest are to be handled;

(G) the Executive designate a procurement officer to act as the project lead for any procurement exercises;

(H) the procurement officer be instructed to propose to the Executive timescales for the period between acceptance of an expression of interest and start of the procurement exercise;

(I) the proper officer (or deputy) be responsible for managing each procurement exercise, subject to the settlement of the specification for the service and the evaluation of tenders being joint with the appropriate Head of Service or Director;

(J) the procurement officer be instructed, after consultation with appropriate officers, to propose a timetable of periods within which expressions of interest for specified services will be received;

(K) where a Head of Service, after consultation with the relevant Portfolio Holder, decides that an in-house bid will be prepared and submitted, he must agree with his Director arrangements for the identification of separate commissioning and bid preparation teams;

(L) the Executive take a policy decision on whether it wishes to encourage community and voluntary participation, and/or staff mutual participation, in the provision of services;

(M) if so, that officers be instructed to report to the Executive on how such participation may be encouraged; and

(N) where an Expression of Interest involving a particular locality is received, the local ward Member(s) be informed.

468 COMMUNITY ASSETS

The Executive Member for Community Safety and Environment submitted a report on the provisions relating to the “Community Right to Bid” and the implications resulting

from the requirement to hold the list of assets of community value.

The Executive noted that the Localism Act 2011, had put in place provisions to help community interest groups take over local amenities called “assets of community value” that were threatened with closure. Such assets could be nominated for inclusion on a list and the disposal of listed assets would be delayed to allow local groups time to put together a bid to acquire them.

In response to Members’ comments and questions, it was noted that a simple guide for the public would be uploaded onto the Council’s website and made available to Parish and Town Councils. Officers advised that some potential sites had already been identified and that the list of assets would be publicised.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the proposal that internal reviews of listing decisions and compensation decisions are undertaken by the Director of Finance and Support Services, be approved; and

(B) the proposed process for compiling the list of assets of community value involving the Director of Neighbourhood Services in consultation with Executive Member for Community Safety and Environment and ward Members be approved.

469 AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING:
BISHOP'S STORTFORD

The Executive gave consideration to a report detailing an application by Bishop’s Stortford Town Council for the designation of a Neighbourhood Area, as detailed on the plan attached to the report submitted. The area comprised the two wards of Bishop’s Stortford Meads and Bishop’s Stortford Silverleys.

The Executive considered the application and the consultation undertaken. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

The Executive supported the application.

RESOLVED - that the application for the designation of a Neighbourhood Area, submitted by Bishop's Stortford Town Council, be supported.

470 BUILDING CONTROL SERVICE BUSINESS CASE

The Executive Member for Community Safety and Environment submitted a report concerning the future of the Building Control service. He outlined alternatives for delivering the service and setting up a separate entity for Building Control services as a mutual. He proposed further work on this matter and developing a business case.

The Executive noted that the Building Control Service had provided a high standard of quality assured services for many years with a high level of customer satisfaction (98%). However, the current economic position had seen a significant reduction in income due to a reduced volume of work. Therefore, it was felt that the service needed to respond to the changing market place by competing for much of its work.

Councillor J Ranger suggested that the business case might need to look beyond East Herts in order to achieve more resilience.

The Executive approved the proposals as now detailed.

RESOLVED - that the Council seeks quotations from business advisors and appoints a business advisor to advise the Building Control Service and develop a business case for the creation of a mutual to deliver Building Control Services.

471 DISTRICT PLAN EXECUTIVE PANEL - MINUTES OF THE MEETING HELD ON 28 NOVEMBER 2012

RESOLVED – that the Minutes of the District Planning Executive Panel meeting held on 28 November 2012, be received.

(see also Minutes 453 – 460)

472 MONTHLY CORPORATE HEALTHCHECK - OCTOBER 2012

The Leader of the Council submitted an exception report on the finance and performance monitoring for October 2012. Officers provided verbal updates in respect of performance data that was unavailable at the time the report had been issued.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.1 of the report submitted, be noted; and

(B) £1,139,080 of capital budgets are re-profiled from 2012/13 into 2013/14 for various schemes as outlined in Paragraphs 2.27 to 2.43 of the report submitted.

The meeting closed at 9.25 pm

Chairman
Date