

# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that the annual meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 16th May, 2012 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 3<sup>rd</sup> day of May 2012



Jeff Hughes  
Head of Democratic and  
Legal Support Services

*Note: Prayers will be said before the meeting commences. 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. Election of Chairman of the Council for the Civic Year 2012/13

*Following election, the Chairman to make the statutory declaration of acceptance of office.*

3. Appointment of Vice-Chairman of the Council for the Civic Year 2012/13

*Following appointment, the Vice-Chairman to make the statutory declaration of acceptance of office.*

4. Further Chairman's Announcements

*To receive any announcements of the newly-elected Chairman.*

5. Minutes (Pages 7 - 14)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 4 April 2012.*

6. Declarations of Interest

*To receive any Members' declarations of interest.*

7. Members' questions

*To receive any Members' questions.*

8. Executive Report - 6 March 2012 (Pages 15 - 20)

*To receive a report from the Leader of the Council.*

9. Executive Report - 4 April 2012 (Pages 21 - 26)

*To receive a report from the Leader of the Council.*

*Note – For Information only - the recommended items at Minutes 739 – 742 were approved by Council on 4 April 2012.*

10. Community Scrutiny Committee: Minutes - 28 February 2012 (Pages 27 - 36)

*Chairman: Councillor G McAndrew*

11. Development Control Committee: Minutes - 29 February 2012 (Pages 37 - 56)

*Chairman: Councillor W Ashley*

12. Licensing Committee: Minutes - 8 March 2012 (Pages 57 - 66)

*Chairman: Councillor M McMullen*

13. Environment Scrutiny Committee: Minutes - 13 March 2012 (Pages 67 - 74)

*Chairman: Councillor Mrs D Hollebon*

14. Audit Committee: Minutes - 14 March 2012 (Pages 75 - 82)

*Chairman: Councillor J Ranger*

15. Standards Committee: Minutes - 14 March 2012 (Pages 83 - 92)

*Chairman: Mr T Vickers*

*To consider the following recommendations:*

(A) IT protocol for Members (Pages 93 - 94)

*Minute 711 refers – the proposed protocol is also attached.*

16. Corporate Business Scrutiny Committee: Minutes - 20 March 2012 (Pages 95 - 102)

*Chairman: Councillor D Andrews*

17. Development Control Committee: Minutes - 21 March 2012 (Pages 103 - 114)

*Chairman: Councillor W Ashley*

18. Chief Executive and Director of XX Recruitment Panel: Minutes - 18 April 2012 (Pages 115 - 116)

*Chairman: Councillor A Jackson*

19. Development Control Committee: Minutes - 18 April 2012 (Pages 117 - 138)

*Chairman: Councillor S Rutland-Barsby*

20. Standards Committee: Minutes - 19 April 2012 (Pages 139 - 142)

*Chairman: Mr T Vickers*

*To consider the following recommendations:*

(A) Localism Act 2011 (Pages 143 - 202)

*Minute 782 refers – a report of the Monitoring Officer is also attached.*

21. Appointment of Statutory Officers (Pages 203 - 206)

*To consider a report of the Leader of the Council.*

22. Review of Constitution (Pages 207 - 226)

*To consider a report of the Monitoring Officer.*

23. Decision-Making Structure

*To consider a report (to follow) of the Head of Democratic and Legal Support Services.*

24. 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 6.

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

MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 4 APRIL 2012, AT 7.00 PM

PRESENT: Councillor S Rutland-Barsby (Chairman)  
Councillors D Abbott, D Andrews, W Ashley,  
P Ballam, S Basra, E Bedford, R Beeching,  
E Buckmaster, M Carver, Mrs R Cheswright,  
K Crofton, J Demonti, P Gray, L Haysey,  
T Herbert, Mrs D Hollebon, Mrs D Hone,  
A Jackson, G Lawrence, J Mayes,  
G McAndrew, M McMullen, P Moore,  
W Mortimer, T Page, P Phillips, M Pope,  
N Poulton, J Ranger, P Ruffles, N Symonds,  
J Taylor, G Williamson, J Wing, C Woodward  
and J Wyllie.

OFFICERS IN ATTENDANCE:

- |                    |  |
|--------------------|--|
| Simon Drinkwater   | - Director of<br>Neighbourhood<br>Services               |
| Jeff Hughes        | - Head of<br>Democratic and<br>Legal Support<br>Services |
| Martin Ibrahim     | - Democratic<br>Services Team<br>Leader                  |
| Alan Madin         | - Director of Internal<br>Services                       |
| George A Robertson | - Director of<br>Customer and<br>Community<br>Services   |

745 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everyone to the meeting and reminded Members that the meeting was being webcast.

The Chairman advised that she had agreed to accept onto the agenda an urgent item of business in respect of arrangements with regard to the post of Chief Executive, in order to avoid delay in considering the senior management structure of the Council.

Finally, the Chairman thanked Members for their support at the Civic Dinner in helping to raise over £2,000 for her chosen charities.

746 MINUTES

Council noted that Councillor J Taylor's attendance had been wrongly omitted from the Minutes of the previous meeting.

RESOLVED – that the Minutes of the Council meeting held on 7 March 2012, be approved and signed as a correct record by the Chairman, subject to the addition of Councillor J Taylor to the list of attendees.

747 DECLARATIONS OF INTEREST

In respect of the Local Development Framework matters referred to at Minutes 749 – 752 below:

- Councillor M Carver declared a personal and prejudicial interest by virtue of his position as Chairman of the Board of Governors at Hertford Regional College. He stated that he would leave the chamber, in the event of there being any substantial discussion related to the College.
- Councillor J Wing declared a personal interest in that his wife was the Vice-Chairman of the Board of Governors at Hertford Regional College.

748 EXECUTIVE REPORT - 4 APRIL 2012

The Leader of the Council gave a verbal report on the proceedings of the inquorate Executive meeting held on 4 April 2012.



In response to a question by Councillor J Wing, the Leader assured Members that the Executive had not proposed any changes to the recommendations of the Local Development Framework Executive Panel, as detailed at Minutes 25 – 28 of the report submitted.

RESOLVED – that the report be received.

(see also Minutes 749 – 752 below)

749 LOCAL DEVELOPMENT SCHEME (LDS) VERSION 3 -  
MAY 2012

---

Council considered and approved the recommendations of the inquorate Executive meeting held on 4 April 2012, in respect of the Local Development Scheme (LDS) Version 3 – May 2012.

RESOLVED – that (A) the Local Development Scheme (LDS) version 3 – May 2012, as detailed at Essential Reference Paper 'B' of the report now submitted, be agreed and take effect from 1 May 2012;

(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be given authority to make any consequential amendments to the Local Development Scheme (LDS) Version 3 following final publication of the Town and Country Planning (Local Planning) (England) Regulations, as appropriate;

(C) the Local Development Framework (LDF) and associated terminology be replaced with District Plan; and

(D) the Local Development Framework Executive Panel be renamed as the District Planning Executive Panel to reflect the change in terminology.

750 LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY:  
APPROACH, TECHNICAL WORK AND NEXT STEPS

The Executive Member for Planning Policy and Transport urged Members to look at the detail relating to their own areas and to advise Officers of any factual errors.

Council considered and approved the recommendations of the inquorate Executive meeting held on 4 April 2012, in respect of the Local Development Framework Core Strategy: Approach, Technical Work and Next Steps.

RESOLVED – that (A) the planning process, strategic planning tools, and approach to preparing the LDF Core Strategy, as set out in Essential Reference Papers ‘B’ and ‘C’ of the report now submitted, be agreed;

(B) the draft technical work contained within Essential Reference Paper ‘D’ of the report now submitted, be agreed for the purposes of preparing the Preferred Strategy for consultation;

(C) Planning Officers be authorised to undertake such duties as necessary to demonstrate soundness at Examination in Public, including, for example, the collection of further information from landowners and developers, and conducting joint technical work with neighbouring Local Planning Authorities; and

(D) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be authorised to update the draft technical work contained within Essential Reference Paper ‘D’ of the report now submitted, as necessary.

751 POPULATION AND HOUSEHOLD FORECASTS AND THE  
EAST HERTS HOUSING REQUIREMENT

Council considered and approved the recommendations of the inquorate Executive meeting held on 4 April 2012, in respect

of the Population and Household Forecasts and the East Herts Housing Requirement.

RESOLVED – that (A) the Population and Household Forecasts - Topic Paper, detailed at Essential Reference Paper 'C' of the report submitted, be agreed as the basis for considering a district housing target to 2031, and for inclusion as part of the evidence base for the Local Development Framework (District Plan); and

(B) on the basis of the key conclusions from the Topic Paper referred to in (A) above, a range of 500 - 850 dwellings per annum be subject to further investigation, to test the feasibility and implications of such a district housing requirement, against national planning policy requirements and the physical and environmental capacity of the district.

752 STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) PROGRESS

Council considered and approved the recommendations of the inquorate Executive meeting held on 4 April 2012, in respect of the Strategic Land Availability Assessment (SLAA) Progress.

RESOLVED – that (A) the SLAA sites being assessed under the initial Officer assessment, as detailed at Essential Reference Paper 'B' of the report submitted, be noted; and

(B) the SLAA Next Steps, be amended to omit 'Stage 2: LDF Executive Panel Ratification', as detailed at Essential Reference Paper 'C' of the report submitted, and stakeholders be engaged directly following completion of the initial Officer assessment.

753 ARRANGEMENTS WITH REGARD TO THE POST OF CHIEF EXECUTIVE

The Leader of the Council submitted a report on the Council's senior management structure, which also sought to appoint

interim statutory officers. The Council's three Directors left the chamber whilst this matter was considered.

The Leader referred to the interim arrangements that had been in place in the absence of the Chief Executive and suggested that this had worked well. He had taken advice from trusted colleagues across local government and proposed a new structure as detailed in the report now submitted. He referred to the additional responsibilities the proposed Chief Executive and Director of X post would be required to perform as detailed at Essential Reference Paper 'B' of the report submitted.

The Leader also drew attention to the need to formalise the interim arrangements operating in respect of statutory functions. Finally, he proposed that a recruitment panel of six Members (Councillors, M Alexander, E Buckmaster, L Haysey, A Jackson, J Ranger and M Wood) be established to consider and appoint to the new position. In order to ensure the participation of Members from all political groups, he suggested that political proportionality should not apply.

Councillor J Wing commented that Members had not been given sufficient time to consider the proposals and questioned why this matter had been dealt with in this way.

In reply, the Leader commented that he had been opportunistic in submitting these proposals to this meeting rather than the next meeting in May 2012. He believed that there were benefits to staff and Members in not delaying the issue any longer. He stated that he had discussed the proposals, although not the timescales, with the Leader of the Liberal Democrat Group some time ago.

In response to a question from Councillor T Page, the Leader confirmed that he expected the three Director posts to be full-time.

Council approved the proposals as now detailed.

RESOLVED – that (A) the current post of Chief Executive be deleted and an existing Director's post be

redesignated as “Chief Executive and Director of X”, with the Council proceeding to recruit and the Council’s Pay Policy 2012 being adjusted, as detailed at Essential Reference Paper ‘C’ of the report submitted;

(B) the Director of Customer and Community Services be appointed as acting Head of Paid Services until a permanent appointment is made, with the Director of Internal Services to act as deputy in the interim;

(C) the Director of Neighbourhood Services be appointed as acting Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983 and as Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983, until a permanent appointment is made; and

(D) the Chief Executive and Director of X Recruitment Panel be established and formed by the following six councillors, the rules of political proportionality not applying, with authority to interview and appoint to the newly created post of Chief Executive and Director of X

Councillors M Alexander, E Buckmaster, L Haysey, A Jackson, J Ranger and M Wood.

The meeting closed at 7.36 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 6 MARCH 2012, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)  
Councillors M Alexander, M Carver and  
M Tindale.

ALSO PRESENT:

Councillors D Andrews, S Bull,  
Mrs R Cheswright, M McMullen, M Newman,  
P Phillips, N Poulton, P Ruffles, N Symonds,  
M Wood and C Woodward.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

667 APOLOGIES

An apology for absence was submitted on behalf of Councillor  
L Haysey.

668 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 7 February 2012, be approved and signed by the Leader as a correct record.

669 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.

670 SERVICE PLANS 2012/13

The Leader of the Council submitted a report setting out planned service activity for 2012/13. He referred to the comments submitted by the joint meeting of Scrutiny Committees held on 14 February 2012, and stated that the Executive accepted these. He referred to the need for more measurable outcomes to be identified and encouraged Officers to look at a more focussed approach.

Councillor M Wood referred to previous comments he had made at other meetings in respect of leaf clearance and the impact this had on the elderly. He reiterated his request that greater priority be given by Officers to addressing the issues he had raised.

The Leader reminded Members that the District Council did not have primary responsibility for this issue and that Officers should be encouraged to work with partners. He suggested that, if there were particular problem locations, these should be referred to the relevant Executive Member. The Leader stated that resources were targeted at problem locations.

In response to a question by Councillor N Poulton, the Leader commented that Officers could look at how leaf collection was dealt with in rural locations.



In response to a question by Councillor N Symonds relating to the establishment of Friends of Waytemore Castle, Councillor C Woodward stated that this had been a County Council initiative and that he would make further enquiries.

The Executive approved the recommendations as now detailed.

RESOLVED – that (A) the comments of the joint meeting of Scrutiny Committees, as now submitted, be received and accepted; and

(B) the service plan activity for 2012/13, as now submitted, be approved.

#### 671 RESIDENTS SURVEY 2010 ANALYSIS AND ACTION PLAN

The Leader of the Council submitted a report detailing the results of the 2011 Residents Survey. He summarised the main findings and suggested that more detailed analysis should be undertaken, in order that a better understanding could be achieved. To this end, he proposed that a small informal Member working group be established to develop an action plan around the priorities identified for further investigation.

The Leader also referred to the comments submitted by the joint meeting of Scrutiny Committees held on 14 February 2012, which in the main, the Executive supported. Councillor D Andrews, as the Chairman of that meeting, highlighted the enthusiasm of Members for further investigation into the choice based lettings scheme and giving greater emphasis on the awarding of points on a more local basis than the District level.

Some Members commented that the findings showed a generally high satisfaction rating with the Council. It was agreed to record Members' thanks and appreciation for the hard work of staff in achieving such successful results.

The Executive Member for Finance commented on the methodology used in the Survey and suggested that the working group could also look at options for future surveys. This was supported by the Executive.

The Executive approved the recommendations as now detailed.

RESOLVED – that (A) the ORS Residents Survey and the comments of the joint meeting of Scrutiny Committees be received;

(B) a small number (possibly 4 or 5) priority areas for further investigation / action by Officers be identified; and

(C) the Leader be authorised to convene an informal working group of Members (to include an Opposition Member) to develop an action plan and to consider the best methodology for future Residents Surveys, the outcome to be reported back to the Executive.

## 672 2011/12 ESTIMATES AND 2012/13 FUTURE TARGETS

The Leader of the Council submitted a report setting out the performance indicators the Council was required to publish in its Annual Report. He advised the Executive of estimated performance for 2011/12 and the proposed targets for the next three years.

The Executive approved the recommendations as now detailed.

RESOLVED – that (A) the estimates for 2011/12 and the comments of the joint meeting of Scrutiny Committees, be noted;

(B) the targets, as set out in paragraph 5.1 – 5.3 of the report submitted, to either improve, reduce or retain performance, be approved;

(C) the data quality spot checks that are currently being undertaken, as detailed at paragraph 6.3 of the report submitted, be noted; and

(D) the non inclusion of Unit Cost indicators in the list of PI estimates and targets, as detailed at paragraph 7.1 of the report submitted, be noted.

### 673 MONTHLY CORPORATE HEALTHCHECK - JANUARY 2012

The Leader of the Council submitted an exception report on finance, performance and risk monitoring for January 2012.

The Executive approved the proposals now detailed.

RESOLVED – that (A) the budgetary variances set out in paragraph 2.1 of the report be noted;

(B) £317,900 of the Bircherley Green multi storey car park capital budget be re-profiled from 2011/12 into 2012/13;

(C) £50,000 of the Hertford Theatre Renew Roof Covering capital budget be re-profiled from 2011/12 into 2012/13;

(D) £92,100 of the Footbridge over the River Stort capital budget be re-profiled from 2011/12 into 2012/13;

(E) £16,500 of the North Drive (reconstruct road and drainage) capital budget be re-profiled from 2011/12 into 2012/13;

(F) £45,000 of the Energy Efficiency and Carbon Reduction Measures capital budget be re-profiled from 2011/12 into 2012/13; and

(G) action taken to control strategic risks during the period October 2011 to January 2012, be noted.

The meeting closed at 7.58 pm

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

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 4 APRIL 2012, AT 6.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)  
Councillors M Carver and L Haysey.

ALSO PRESENT:

Councillors D Andrews, W Ashley, P Ballam,  
P Gray, Mrs D Hone, M McMullen, P Phillips,  
N Poulton, J Ranger, P Ruffles, S Rutland-  
Barsby, N Symonds and C Woodward.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Democratic Services Team Leader
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services
Claire Sime	- Team Leader Planning Policy
Bryan Thomsett	- Planning Policy Manager

736 APOLOGIES

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

737 LEADER'S ANNOUNCEMENTS

The Leader advised that, as the meeting was inquorate, no decisions could be taken. Recommendations arising from the Local Development Framework Executive Panel meeting (see Minutes 739 – 742 below) would be referred onto Council for decision and the remaining business would be deferred until the next Executive meeting.

738 DECLARATIONS OF INTEREST

In respect of the matters referred to at Minutes 739 – 742 below, Councillor M Carver declared a personal and prejudicial interest by virtue of his position as Chairman of the Board of Governors at Hertford Regional College. He stated that he would leave the chamber, in the event of there being any substantial discussion related to the College.

739 LOCAL DEVELOPMENT SCHEME (LDS) VERSION 3 - MAY 2012

---

**The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 29 March 2012, in respect of the Local Development Scheme (LDS) Version 3 – May 2012.**

**RECOMMENDED – that (A) the Local Development Scheme (LDS) version 3 – May 2012, as detailed at Essential Reference Paper 'B' of the report now submitted, be agreed and take effect from 1 May 2012;**

**(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be given authority to make any consequential**

amendments to the Local Development Scheme (LDS) Version 3 following final publication of the Town and Country Planning (Local Planning) (England) Regulations, as appropriate;

(C) the Local Development Framework (LDF) and associated terminology be replaced with District Plan; and

(D) the Local Development Framework Executive Panel be renamed as the District Planning Executive Panel to reflect the change in terminology.

740 **LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY:  
APPROACH, TECHNICAL WORK AND NEXT STEPS**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 29 March 2012, in respect of the Local Development Framework Core Strategy: Approach, Technical Work and Next Steps.

**RECOMMENDED** – that (A) the planning process, strategic planning tools, and approach to preparing the LDF Core Strategy, as set out in Essential Reference Papers ‘B’ and ‘C’ of the report now submitted, be agreed;

(B) the draft technical work contained within Essential Reference Paper ‘D’ of the report now submitted, be agreed for the purposes of preparing the Preferred Strategy for consultation;

(C) Planning Officers be authorised to undertake such duties as necessary to demonstrate soundness at Examination in Public, including, for example, the collection of further information from landowners and developers, and conducting joint technical work with neighbouring Local Planning Authorities; and

(D) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be authorised to update the draft technical work contained within Essential Reference Paper 'D' of the report now submitted, as necessary.

741 **POPULATION AND HOUSEHOLD FORECASTS AND THE EAST HERTS HOUSING REQUIREMENT**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 29 March 2012, in respect of the Population and Household Forecasts and the East Herts Housing Requirement.

**RECOMMENDED** – that (A) the Population and Household Forecasts - Topic Paper, detailed at Essential Reference Paper 'C' of the report submitted, be agreed as the basis for considering a district housing target to 2031, and for inclusion as part of the evidence base for the Local Development Framework (District Plan); and

(B) on the basis of the key conclusions from the Topic Paper referred to in (A) above, a range of 500 - 850 dwellings per annum be subject to further investigation, to test the feasibility and implications of such a district housing requirement, against national planning policy requirements and the physical and environmental capacity of the district.

742 **STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) PROGRESS**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 29 March 2012, in respect of the Strategic Land Availability Assessment (SLAA) progress.

**RECOMMENDED** – that (A) the SLAA sites being



**assessed under the initial Officer assessment, as detailed at Essential Reference Paper ‘B’ of the report submitted, be noted; and**

**(B) the SLAA Next Steps, be amended to omit ‘Stage 2: LDF Executive Panel Ratification’, as detailed at Essential Reference Paper ‘C’ of the report submitted, and stakeholders be engaged directly following completion of the initial Officer assessment.**

**743 LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL - MINUTES: 29 MARCH 2012**

---

RESOLVED – that the Minutes of the Local Development Framework Executive Panel meeting held on 29 March 2012, be received.

(see also Minutes 739 – 742 above)

**744 MINUTES**

RESOLVED – that the Minutes of the Executive meeting held on 6 March 2012 be deferred to the next meeting.

The meeting closed at 6.20 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
COMMUNITY SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
28 FEBRUARY 2012, AT 7.00 PM

---

PRESENT: Councillor G McAndrew (Chairman)  
Councillors E Buckmaster, S Bull, T Herbert,  
Mrs D Hone, J Mayes, P Moore, N Poulton,  
P Ruffles and C Woodward

ALSO PRESENT:

Councillors D Andrews, W Ashley, K Crofton,  
P Gray, L Haysey, P Phillips, C Rowley and  
B Wrangles

OFFICERS IN ATTENDANCE:

Claire Bennett	- Housing Strategy and Policy Officer
Lorraine Blackburn	- Democratic Services Officer
Cliff Cardoza	- Head of Environmental Services
Simon Drinkwater	- Director of Neighbourhood Services
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 Ltd.  
Alison Warner - SLM Ltd.

635 APOLOGIES

An apology for absence was received from Councillor N Symonds. It was noted that Councillor N Poulton was substituting for Councillor N Symonds.

636 MINUTES

In respect of Minute 438 Councillor P Ruffles sought an update in relation to the working group which had been set up to discuss Community Grants. The Director of Customer and Community Services advised that this update had been circulated electronically and was now being advertised in the community.

RESOLVED – that the Minutes of the meeting held on 22 November 2011 be confirmed as a correct record and signed by the Chairman.

637 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Mathew Nicolson and Alison Norman from Sport and Leisure Management (SLM) to the meeting.

638 HEALTH ENGAGEMENT PANEL

Councillor D Hone, Chairman of the Health Engagement Panel provided a summary of the work of the Panel. It was noted that Hertfordshire County Council's Health Scrutiny had taken place on 9 February 2012 when the main item had been a seminar on modern nursing and the challenges faced in ensuring high quality patient care. It was noted that a programme of topic groups had also been organised which the Chairman was also involved with.

It was noted that Councillor G McAndrew had been in attendance at the meeting on 12 December 2011 and not Councillor D Andrews as shown in the minutes. The Health Engagement Panel would be asked to amend the minutes as necessary at their next meeting.

The Committee received the report.

RESOLVED – that the report be received.

639 ANNUAL REVIEW OF LEISURE CONTRACT - YEAR 3:  
SPORT AND LEISURE MANAGEMENT LTD (SLM)

The Leisure Services Manager submitted a report reviewing the annual performance of the leisure contract by Sport and Leisure Management (SLM) Limited. Mathew Nicolson provided an overview of the contract to date. The Council's investment of £3.58m had transformed leisure facilities in the District. It was noted that membership throughout the District had increased generally, although there had been a slight decrease in membership at Ward Freman. This was explained. It was anticipated that there might be a growth in swimming in 2012 due to the Olympics.

Mr Nicolson referred to a recent survey of customer satisfaction via Gov.Metric which sought feedback on five specific areas. Generally, this had been positive. It was noted that SLM planned to invest an additional £20,000 at Grange Paddocks on fitness equipment which currently had 100 stations. Updates were provided in relation to leisure facilities at Fanshawe (which had received 3<sup>rd</sup> place in a national health club award), Leventhorpe and Presdales. It was noted that East Herts was the third top performing contract in the South East Region.

Mr Nicolson outlined SLM's eight-point leisure plan to mark the Olympics.

Councillor S Bull queried the cessation of free swimming for

the 60plus age group. Mr Nicolson explained that this was consistent with what was happening with other contracts locally. In terms of encouraging the 60plus age group to swim, he explained that the swimming timetable had been amended by the inclusion of another swimming "slot" for this age group.

The Chairman queried what SLM was doing to minimise energy usage and reduce its "carbon footprint". Mr Nicolson explained that that a variable speed device would be bought by the end of March 2012 which would reduce electricity usage by between 45-50%. The use of pool covers was also being investigated.

Councillor N Poulton commented that the rural villages were not provided with promotional leisure literature and asked that Councillors be provided with this information for dissemination.

Councillor C Woodward praised SLM for their award winning successes. Mr Nicolson stated that SLM would be submitting their "Quest" award status entry at the end of March. Councillor C Woodward referred to the comments submitted in relation to football, littering and complaints. Ms Norman stated that she was receiving less and less complaints on this issue.

Mr Nicolson provided guidance on the percentage of the respondent group involved in the survey.

Councillor E Buckmaster queried what new initiatives' SLM might be undertaking. Ms Norman provided a summary.

Councillor P Ruffles complemented SLM on the "good news" and welcomed the report. He sought assurances from SLM that more comparative information be included within the report. By way of an example, he referred to his difficulty in being able to understand the certain scores contained in the report.

Councillor T Herbert expressed concern at the distinctions on

gym usage between those who paid by direct debit and those who used the “pay as you go” arrangement. Mr Nicholson explained the need to incorporate elements of control which were not intimidating, for those not paying by direct debit.

The Chairman referred to the card system and that this did not record those who were using the gym and swimming on the same occasion. Mr Nicolson outlined how the software worked in terms of it making a “percentage guess”.

The Chairman, on behalf of Members congratulated SLM on their award successes and on the progress made.

Members received the report.

RESOLVED – that the report be received.

640 EAST HERTS HOUSING STRATEGY 2008-2011 - UPDATE AND ACTION PLAN; DRAFT HOUSING STRATEGY 2012-2015

---

The Executive Member for Health, Housing and Community Support submitted a report which highlighted the successful performance of the Housing Strategy Action Plan 2008 - 2011 in achieving the three strategic objectives set out in the report now submitted. Members’ comments were also sought on the draft Housing Strategy for 2012 - 2015, the detail of which was set out in Essential Reference Paper ‘B’ of the report now submitted.

Councillor N Poulton referred to the need to promote homes which were under occupied and expressed his concern regarding a response he had received involving a particular case. The Housing Services Manager agreed to investigate this matter with Circle Anglia.

In response to queries from Councillor E Buckmaster and T Herbert regarding the definition of affordable housing and its application, the Housing Services Manager explained the Council’s policy. The Housing Services Manager referred to the District’s high levels of rent and property prices and the

disparity in incomes which was particularly hard for young people.

Councillor K Crofton referred to the Council's Housing Policy (the points system) and the anti-social behaviour of some families which was making life difficult for residents in some villages. He stated that these families did not have community ties with the area and contributed to their dysfunctional attitude. Councillor K Crofton suggested that the points system be modified and that the policy should be applied flexibly. The Housing Services Manager explained how the points policy was applied and that the Localism Bill did allow an element of discretion in this regard.

Councillor C Woodward expressed concern at the level of empty homes in the District which currently stood at 585. He referred to the Council's reliance on the public to report those empty homes.

Councillor P Ruffles referred to under-occupation and sought clarification on the bedroom standard. He said that it was important that the character of neighbourhoods should be retained and of the aspirations of individuals in home owning. The Housing Services Manager explained the links with planning policy and the Local Development Framework. She undertook to provide a written response regarding the bedroom standard.

Members received the report.

RESOLVED – that (A) progress on the Housing Strategy Action Plan 2008-2011 be noted; and

(B) the draft Housing Strategy 2012 – 2015 be supported for the purpose of consultation with external partners and stakeholders.



641 COMMUNITY SAFETY REVIEW: REPORT OF THE TASK AND FINISH GROUP ADDRESSING THE ISSUE OF REASSURANCE

---

The Head of Community Safety and Health Services submitted a report on the findings of the Task and Finish group investigation into the public perception of crime and public reassurance, the detail of which was set out in Essential Reference Paper 'B' to the report now submitted. Councillor D Andrews, the Chairman of the Task and Finish Group, stated that it was a question of continuing to work with partners to target decreasing resources at public reassurance to get the message across that East Herts was a safe place to live and work.

The Head of Community Safety and Health Services outlined the remit of the Task and Finish Group and drew attention to the discussion points and conclusions set out in the Essential Reference Papers. He referred to the need to launch a positive marketing campaign to illustrate what a safe place East Herts was to live and work in and to the need to continue to work with partners to deliver focussed information relating to community safety, including improving communication with vulnerable groups to get the message across. The need to continue to deal with anti-social issues in a timely manner such as littering and graffiti was raised as this was felt to create negative impressions.

Notwithstanding a recent newspaper article, the Head of Community Safety and Health Services commented on the good working relationship the Council had with the police. This was confirmed by the Director of Customer and Community Services. Councillor T Herbert commented on the need to get the Council's point across to the newspaper. The Head of Community Safety and Health Services suggested that any campaign should not have the Council's brand or logo but be undertaken independently. The good work of the PCSOs was recognised.

Members received the report and supported the action set out in the report now submitted.

RESOLVED – that (A) the Council’s Communications Team, work with partners to design and deliver a common positive marketing campaign message aimed at promoting East Herts as a safe place to live for use by all partners and Members;

(B) the Council and its partners identify and improve communications with vulnerable target groups to deliver better focussed information and solutions relating to community safety; and

(C) the Council and its partners (including private / commercial concerns where appropriate) continue to deal with graffiti cleaning, litter collection, dog fouling, fly-posting and fly tipping in a timely manner to minimise any risk of creating negative impressions.

642 AGEING WELL - HOW IS EAST HERTS WORKING TO MAKE THE DISTRICT A GOOD PLACE TO GROW OLD IN?

The Executive Member for Health, Housing and Community Support submitted a report which considered how East Herts could make the District a good one to grow older in. Following consideration of the issue at Community Scrutiny Committee on 22 November 2011, Members agreed to review the issue in an effort to initiate a discussion with the Executive to establish the Council’s resilience and sustainability in terms of an “ageing well” and the “later life” agenda.

An overview of the population from a national and local perspective was detailed in the report now submitted. The report acknowledged that the Council did not have direct liability for issues such as retirement pensions or NHS health care, but that the “knock on” effect that constrained public finances could have on second and third tier authorities. That said, the Executive Member for Health, Housing and Community Support suggested that strategic questions centred on key themes set out in the report now submitted, be the basis on which to structure discussion with the Executive. The Executive Member stressed the need for a partnership

and “joined up” approach in terms of the Council’s policies and best practice.

Councillor P Gray urged Members to establish a general picture on how the Council approached age, what people wanted and what the Council could do in the future.

Councillor J Mayes suggested that the Church groups be approached given their involvement with the elderly and referred to their wish to retain financial independence.

Councillor C Rowley commented on the need for intergenerational involvement. Councillor P Ruffles referred to the rural element and problems of isolation particularly so, should there be an issue of ethnicity given that cultural backgrounds could have serious issues for small groups of people. Councillor K Crofton reaffirmed the issue of the Council’s points system and the need to keep people together.

Members supported the report.

RESOLVED – that (A) Corporate Management Team and Senior Officers be asked to look at best practice around the “ageing well” agenda and to report back to Community Scrutiny Committee on 28 August 2012 on what action the Council might take and the financial implications of such action;

(B) an informal Member Group of six be established to look at Members’ role within respective wards; and

(C) the Council continue to work with its partners to establish where it can be of mutual help to one another.

643 COMMUNITY SCRUTINY: CORPORATE HEALTH CHECK  
OCTOBER TO DECEMBER 2011

The Director of Customer and Community Services submitted a report on the performance of key indicators relating to Community Scrutiny Committee during the period October – December 2011. The Director drew Members’ attention to the fact that there was one issue of concern which referred to the

time taken to process Housing and Council Tax new claims. He assured Members that this had not been due to staff shortages, but related to a peak in demand.

Members received the report.

RESOLVED – that the report be received.

644 COMMUNITY SCRUTINY WORK PROGRAMME

The Committee considered items for scrutiny during the civic year 2012/13 and supported the inclusion of a report concerning “Ageing Well in East Herts” in August 2012.

The Scrutiny Officer stated that workshops would be established in April 2012 to consider future items for scrutiny.

The Committee approved the Work Programme as amended.

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

The meeting closed at 9.30 pm

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

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 29 FEBRUARY 2012, AT 7.00  
PM

---

PRESENT: Councillor W Ashley (Chairman).  
Councillors M Alexander, S Bull, A Burlton,  
Mrs R Cheswright, J Demonti, G Lawrence,  
M Newman, T Page, S Rutland-Barsby,  
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors D Andrews, E Buckmaster,  
L Haysey, P Moore and P Ruffles.

OFFICERS IN ATTENDANCE:

- |                  |  |
|------------------|--|
| Liz Aston        | - Development Control Team Leader        |
| Glyn Day         | - Principal Planning Enforcement Officer |
| Simon Drinkwater | - Director of Neighbourhood Services     |
| Tim Hagyard      | - Development Control Team Leader        |
| Peter Mannings   | - Democratic Services Officer            |
| Paul Pullin      | - Economic Development Manager           |
| Kevin Steptoe    | - Head of Planning and Building Control  |

Alison Young

- Development  
Control Manager

645 APOLOGY

An apology for absence was submitted on behalf of Councillor G Jones. It was noted that Councillor T Page was in attendance as substitute for Councillor Jones.

646 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman thanked the Conservation Officers and the Head of Planning and Building Control for a very useful training session on Listed Buildings and Conservation Areas.

The Chairman advised that the following applications had been withdrawn from the agenda:

- 3/11/1616/FP – Erection of 14 dwellings and new veterinary surgery with associated landscaping and access roads and demolition of existing house at 306 – 310, Ware Road, Hertford for Tudorwood Ltd.
- 3/11/1818/FP – Erection of stock proof post and rail fencing, post and barbed wire fencing, scalping to entrance and dropped kerb, (retrospective) at land adjacent to Lower Hatfield Road, Hertford for Mr George Smith.

The Chairman further advised that application 3/11/2048/FP would be moved up the agenda and determined after application 3/11/1924/FP.

The Chairman reported that Officers were arranging a visit to the Sainsbury's Store in Hertford around the end of March 2012 and details would be e-mailed to Members as soon as possible.

Finally, the Chairman advised that localism training was being organised and should take place in April 2012. Members would be notified of the details in plenty of time prior to the training taking place.

647 DECLARATIONS OF INTEREST

Councillor M Newman declared a personal interest in application 3/11/2156/FP, as he was Chairman of the Executive for Hunsdon Scout Group and was associated generally with the Scouting movement in East Herts.

Councillor Mrs R Cheswright declared a personal interest in application 3/11/1932/FP, on the grounds that she was acquainted with the owner of the property that was the subject of the application.

Councillor E Buckmaster declared a personal interest in application 3/11/2156/FP, in that his son was a Member of the Sawbridgeworth Scouts Group.

Councillor L Haysey declared a personal interest in application 3/11/1641/FP, in that she was a Member of the Hertingfordbury Conservation Society and was acquainted with the architect for this application.

Councillor S Rutland-Barsby declared a personal interest in application 3/11/1641/FP, in that she was acquainted with both the applicant and the architect for this application.

Councillor Rutland-Barsby also declared a personal interest in application 3/11/1932/FP, in that she was acquainted with the owner of The Gage, Bucks Alley, Little Berkhamsted Hertford.

Councillor W Ashley declared a personal interest in application 3/11/2006/FP, in that he was acquainted with two of the people who had written to the Authority in respect of this application.

648 MINUTES

RESOLVED – that the Minutes of the meeting held on 1 February 2012 be confirmed as a correct record and signed by the Chairman.

649 3/11/1927/FP – ERECTION OF 16 DWELLINGS AND CREATION OF ACCESS AT LAND SOUTH OF 10 ACORN STREET, HUNSDON FOR CROUDACE HOMES LTD

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1927/FP, planning permission be granted subject to the conditions now detailed.

Councillor M Newman commented that this application had demonstrated the excellent co-operation that often existed between this Authority and Parish Councils. He stated that the comments of the Parish Council had been pragmatically addressed by Officers. He endorsed the Officer's report and in particular the contributions made by County Highways.

In response to a request from Councillor Newman, the Director stated that Officers would be happy to consult him in relation to the traffic calming measures due to be put in place prior to the occupation of the development.

In response to concerns from Councillor Newman relating to the condition regarding renewable energy, the Director stressed that this condition was fairly standard and was one that Officers applied to most major developments across the District.

Councillor M Newman proposed and Councillor Mrs R Cheswright seconded a motion that application 3/11/1927/FP be approved subject to the provision of six affordable dwellings of which 33% should be rented (2 dwellings) and 66% shared ownership (4 dwellings).



The Director commented that, in terms of viability, such a split would prove to be beneficial to the developer as the shared equity element of the application would prove to be cheaper to implement should the application be approved.

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, subject to the applicant entering into an amended legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/11/1927/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into an amended legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the following amended matters:

1. The provision of six affordable dwellings comprising of 4no. 2 bed units and 2no. 3 bed units of which 33% should be rented (2 dwellings) and 66% shared ownership (4 dwellings);
2. A financial contribution of £38,210 towards secondary education, £2,484 towards childcare, £722 towards youth and £2,776 towards libraries;
3. A financial contribution of £28,000 towards the provision for traffic calming and safety enhancement measures and to promote sustainable transport measures;
4. A financial contribution of £5,100 towards Parks and Public Gardens, £13,250 towards Outdoor Sports Facilities and £2,295 towards Children and Young People;

5. 15% of the dwellings shall be constructed to 'Lifetime Homes' standard;
6. The provision of fire hydrants.

in respect of application 3/11/1927/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

650 3/11/2048/FP – PROPOSED YOUNG PEOPLES HOUSING SCHEME CONSISTING OF 14 2 BED BEDSIT FLATS AND ASSOCIATED STAFF AND TRAINING FACILITIES PLUS PARKING AND GARDEN AREAS ON A SITE CURRENTLY USED AS A COUNCIL CAR PARK AT BAKER STREET, HERTFORD FOR ALDWYCK HOUSING GROUP

Hannah Radwell addressed the Committee in opposition to the application. Peter Salsbury spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2048/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Rutland-Barsby expressed some sympathy regarding the purpose of the development. However, she did have some concerns regarding the dominant effect of the proposals on Hampton House and the loss of car parking.

She also commented that obscure glazing had been included to address overlooking. She stated that Hertford had a significant number of historic buildings and this was a very modern development.

Councillor M Newman referred to the issue of car parking and commented on whether Officers could clarify the usage levels of the Baker Street car park. The Director advised that the residential elements of Hampton House

were at first and second floor level and obscured glazing was proposed to mitigate potential overlooking.

The Director stated that the Authority's Parking Officers had confirmed that Baker Street car park was one of the least used in Hertford. He stressed that residents' usage would typically take place outside of the controlled hours in a car park that was very much on the periphery of the town centre.

Councillor R Cheswright referred to the disappointing and unimaginative design of the proposed development and invited Officers to comment on the potential loss of light for Hampton House residents. The Director stated that a judgement had to be made on the extent to which the new development had a visual or dominant impact on surrounding residential properties.

The Director stated that Hampton House residents would face a situation not uncommon to many situations across the District whereby residents at first and second floor level would see residential development at the same level. Members would have to consider whether the need and benefits relating to this application outweighed the potential harmful impacts of the proposed development.

Councillor B Wrangles commented that there was a need for this type of housing provision and although the design was out of character, the application fitted into the modern housing needs of today. She further commented that the parking issues could be resolved and referred to parking provision on London Road.

Councillor S Rutland-Barsby proposed and Councillor J Taylor seconded, a motion that application 3/11/2048/FP be refused on the grounds that the application would have a domineering effect on Hampton House and due to the poor quality of design.

After being put to the meeting and a vote taken, this motion was declared LOST on the Chairman's casting

vote.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2048/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

651 3/11/2050/FP – CONTINUED USE OF LAND TO ALLOW MARKET STALLS TO BE POSITIONED IN THE CENTRE OF NORTH STREET ON THURSDAYS AND SATURDAYS AT NORTH STREET, BISHOP'S STORTFORD FOR EAST HERTS DISTRICT COUNCIL

---

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2050/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

In response to a query from Councillor A Burlton, the Director confirmed that the application site for the full length of North Street was the same as for the previously approved application.

Councillor Burlton queried how the traffic was to access side roads leading off North Street, namely Water Lane and Barrett Lane. The Director confirmed there was alternative access via Bridge Street. Members were reminded that the Traffic Regulation Order (TRO) was still in force and should ensure that traffic circulation was maintained in this part of Bishop's Stortford.

In response to a number of comments from Councillor T Page, the Director summarised the application that was before Members for a decision. He stressed that Members must only consider the planning issues relevant to this application when making a decision.

In response to further concerns from a number of Members and a specific request from Councillor Burlton, the Director stated that Officers could attach a condition whereby the applicant would have 14 days to submit a plan detailing the position of the market stalls to ensure vehicular access was maintained between North Street, Barrett Lane, Water Lane and Bridge Street.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted, subject to the amended conditions.

RESOLVED – that in respect of application 3/11/2050/FP, planning permission be granted subject to the following amended conditions:

1. The use hereby permitted shall cease on or before 28th February 2013.

Reason: To allow the impact of the proposed road closure on the free flow of traffic in the area to be monitored and assessed in the interests of highway safety.

2. The use of the market hereby permitted shall be restricted to the hours of 0500 to 1600 on Thursdays and Saturdays only.

Reason: In the interests of highway safety.

3. Within 14 days of the date of this decision, a plan detailing the position of the market stalls to ensure vehicular access can be maintained between North Street, Barrett Lane, Water Lane and Bridge Street, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall accord with the approved details.

Reason: To ensure continued access and

convenient use of the public highway.

Directive:

1. You are reminded that the temporary TRO (Traffic Regulation Order) terminates on the 30 December 2012 and you will therefore need to apply for an extension to the TRO for the remaining period of this permission if the market is to continue in the centre of North Street.

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 and STC1. The balance of the considerations having regard to those policies and the approval of planning permission within LPA reference 3/10/1152/FP and the acceptability of the development in highway terms, is that permission should be granted.

652 3/11/2216/FO – VARIATION OF CONDITION 6 OF LPA REF 3/11/0544/FP WHICH STATES "THE USE OF THE TEMPORARY CAR PARK AS SHOWN ON PLAN: 4156/05 SHALL CEASE UPON THE COMPLETION OF THE APPROVED WORKS TO THE CAR PARKS AND THE TEMPORARY SURFACING SHALL BE REMOVED AND THE LAND REINSTATED WITHIN 1 MONTH OF THAT DATE" TO ALLOW THE TEMPORARY CAR PARK TO BE USED UNTIL END OF APRIL 2012 AT LAND ADJACENT TO THE RIVER STORT (EAST SIDE - GRANGE PADDOCKS TO CASTLE GARDENS), BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

---

The Director of Neighbourhood Services recommended

that, in respect of application 3/11/2216/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2216/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

653 3/11/1641/FP – ERECTION OF 2 NO MARKET HOUSES AND 1 NO LIVE/WORK UNIT (AMENDED SCHEME) AT 279 - 280 HERTINGFORDBURY ROAD, HERTINGFORDBURY, SG14 2LQ FOR MRS SHEPHERD

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1641/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1641/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

654 3/11/1932/FP – CONSTRUCTION OF A REPLACEMENT BARN WITH ALTERATION TO THE VEHICLE ACCESS TO THE BARN YARD AT THE GAGE, BUCKS ALLEY, LITTLE BERKHAMSTED HERTFORD SG13 8LR FOR MR DAVID CARR

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1932/FP, planning permission be granted subject to the conditions detailed

in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1932/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

655 3/11/2156/FP – ERECTION OF SCOUT HUT AND ASSOCIATED EXTERNAL WORKS AT REAR OF 14 – 21 KECKSY'S, SAWBRIDGEWORTH FOR 1ST SAWBRIDGEWORTH SCOUT GROUP

---

Lee Griffin addressed the Committee in opposition to the application. Nick Jones spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2156/FP, planning permission be refused for the reasons now detailed.

The Director referred to the letter that had been circulated to Members in advance of the meeting. Members were advised of the amendments to the application in that the Scout Hut would be further away from nearby houses and would also be lower down within the site.

The Director also advised that the applicant had lowered the proposed roof height by 0.8 metres. These changes had not been subject to the usual consultation but Officers felt that Members would not be unduly concerned as the changes would reduce the impact of the application.

Councillor E Buckmaster, as the local ward Member, stated that the future of the scouts in Sawbridgeworth was very much at risk. He referred to the very special circumstances that had been highlighted by the public speaker. He also stated that the concerns of the Officers



centred around inappropriate development in the Green Belt and the proximity of the site to local residential dwellings.

Councillor Buckmaster commented that almost every church, pub, school and community hall was surrounded by residential dwellings and would experience many more comings and goings than a scout hut in this location. In reference to parking concerns, he believed that there was sufficient parking within two minutes of the site.

Councillor Buckmaster also stated that flooding would not be a problem as the building would be sufficiently high up within the site so would not be at risk. He referred to East Herts Local Plan Policy GBC3, which stipulated that development could be permitted on Green Belt land if development was for small scale facilities for outdoor sport and recreation.

Finally, Councillor Buckmaster commented that Councillor R Beeching had also written a letter in support of the application. Councillor S Bull also spoke in support of the application.

Councillor J Taylor stated that this application constituted inappropriate development due to the visual impact of the proposed development on the Green Belt. She stated that she would be supporting the Officer's recommendation for refusal and commented that, whilst there was no doubt that Members supported the scouting movement, this was not a planning issue.

In response to comments from Councillor Mrs R Cheswright regarding the roof height of the proposed development, the Director commented that the height proposed would allow for storage within the roof space, thereby maximising the available floor area.

The Director commented that Green Belt policy allowed for small scale facilities such as changing rooms and spectator facilities. Members were reminded that this

application was for a scout hut where the principal use would remain inside the building.

The Committee was advised that there would inevitably be some ancillary use of the site and Members must judge whether the community use outweighed the potential harm to the Green Belt.

The Director stated that the amendments to the scheme suggested by the applicant gave Members the option of either approving the application or supporting the amended scheme and delegating the conditions to Officers, in consultation with the Chairman of the Committee and local ward Members.

Councillor S Bull proposed and Councillor M Alexander seconded, a motion that application 3/11/2156/FP be approved on the grounds that the exceptional community benefit outweighed any potential harm to the Green Belt.

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 as now submitted.

RESOLVED – that in respect of application 3/11/2156/FP, planning permission be granted and authority be delegated to the Head of Planning and Building Control to formulate appropriate conditions in consultation with the Chairman of the Committee and local ward Members.

656 3/11/2110/FP – CONVERSION OF GARAGE WITH THE ADDITION OF A FIRST FLOOR TO CREATE ANNEXE WITH A SINGLE STOREY LINK TO MAIN DWELLING AND CAR PORT TO SIDE OF GARAGE CONVERSION AT OAKLEIGHS, 1 CROSSROADS, EPPING GREEN, HERTFORD, HERTFORDSHIRE, SG13 8NG FOR MR AND MRS R AND S PERRY

---

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2110/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2110/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 657 3/11/2185/FP – CONVERSION OF CAR PORT TO FORM RESIDENTIAL ANNEXE INCLUDING RAISING OF ROOF TO CREATE FIRST FLOOR ACCOMMODATION AT BROMLEY HOUSE, BROMLEY LANE, WELLPOND GREEN, SG11 1NW FOR MR AND MRS THOMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2185/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2185/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 658 3/11/2006/FP – REAR EXTENSION AND RAISED ROOF WITH FRONT AND REAR DORMERS AT HIGH HEDGES, THE STREET, HAULTWICK SG11 1JQ FOR MR JOHN DORAN

Mr Strevens addressed the Committee in opposition to the application. Mr Doran spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2006/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull expressed concerns that this application constituted overdevelopment of the site and was contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007. He commented that the Parish Council had objected to the application and believed that the dwelling would be out of reach for first time buyers.

The Director confirmed there were policy restraints on development in rural areas. Members were advised however, that Officers were comfortable with this particular application. The Director confirmed that the applicant had adopted a good design approach and this area already contained a number of single and two storey properties.

The Director stated that Members should have regard to policy ENV5 of the East Herts Local Plan Second Review April 2007, in relation to the character, amenity and appearance of the proposed development and neighbouring properties.

The Director also commented that Officers felt there would not be overlooking or loss of privacy for neighbouring properties. The relationship of the proposed development to neighbouring dwellings was not dissimilar to many other locations in East Herts.

Councillor S Bull proposed and Councillor J Demonti seconded, a motion that application 3/11/2006/FP be refused as the proposed development was contrary to 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.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2006/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 659 3/11/1849/FP – CHANGE OF USE FROM OFFICE TO DOG GROOMING PARLOUR (SUI GENERIS) WITH NEW FRONT ENTRANCE DOOR AND THE PROVISION OF AN AIR CONDITIONING UNIT AT 30-34 PARLIAMENT SQUARE, HERTFORD, HERTS SG14 1EZ FOR MR LEO CUNNINGHAM
- 

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1849/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1849/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 660 E/11/0274/B – UNAUTHORISED ERECTION OF A SECOND FLOOR REAR EXTENSION ABOVE THE REAR WING OF THE PROPERTY AT 8 TRINITY ROAD, WARE, SG12 7DB
- 

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0274/B, it be noted that Officers, in consultation with the Chairman, had exercised delegated powers to act in cases of emergency to serve an enforcement notice on the basis now detailed.

The Committee noted the emergency action taken by Officers, as now detailed.

RESOLVED – that in respect of E/11/0274/B, it be noted that Officers, in consultation with the Chairman, had exercised delegated powers to act in cases of emergency to serve an enforcement notice on the basis now detailed.

661 E/11/0246/A – UNAUTHORISED ADVERTISEMENTS DISPLAYED ON A GRADE II LISTED BUILDING WITHOUT LISTED BUILDING AND ADVERTISEMENT CONSENT AT 39 HOCKERILL STREET, BISHOP'S STORTFORD, CM23 2DH

---

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0246/A, legal proceedings be authorised on the basis now detailed.

The Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/11/0246/A on the basis now detailed.

RESOLVED – that in respect of E/11/0246/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings on the basis now detailed.

662 E/12/0046/A – PROPOSED DEVELOPMENT OF A PEDESTRIAN FOOTBRIDGE AND RAMPS OVER THE RAILWAY TRACK, WITH TEMPORARY COMPOUND AND ACCESS, AT JOHNSON'S CROSSING AT LAND OFF GRANGE Paddock, RYE STREET, BISHOP'S STORTFORD, CM23 2HD

---

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0046/A, no formal enforcement action be taken on the basis now detailed.

In response to a query from Councillor J Demonti, the Director confirmed that Officers had not received a planning application in respect of the proposed footbridge and associated development.

The Committee accepted the Director's recommendation for no formal enforcement action to be taken in respect of the site relating to E/12/0046/A on the basis now detailed.

RESOLVED – that in respect of E/12/0046/A, no formal enforcement action be taken on the basis now detailed.

663 UPDATE ON ENFORCEMENT STATISTICS AND  
AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

664 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT  
COUNCIL TREE PRESERVATION ORDER (NO. 2) 2011  
P/TPO 558 'CHRIST CHURCH VICARAGE, 15 HANBURY  
CLOSE, WARE, HERTS

The Director of Neighbourhood Services submitted a report recommending that a Tree Preservation Order be confirmed as an opposed order to protect trees at Christ Church Vicarage, 15 Hanbury Close, Ware.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that Tree Preservation Order (No. 2) 2011 P/TPO 558 be confirmed as an opposed Order.

RESOLVED – that Tree Preservation Order (No. 2) 2011 P/TPO 558 be confirmed as an opposed

Order and the Director of Neighbourhood Services be authorised to bring it into operation.

665 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 8) 2011 P/TTPO 564' WOODLAND TO THE SOUTH OF RECTORY FARM, MEESDEN HERTS

---

The Director of Neighbourhood Services submitted a report recommending that a Tree Preservation Order be confirmed as an opposed order to protect trees in woodland to the south of Rectory Farm, Meesden.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that Tree Preservation Order (No. 8) 2011 P/TPO 564 be confirmed as an opposed Order.

RESOLVED – that Tree Preservation Order (No. 8) 2011 P/TPO 564 be confirmed as an opposed Order and the Director of Neighbourhood Services be authorised to bring it into operation.

666 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; and

(C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 8.50 pm

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



MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 8 MARCH  
2012, AT 4.30 PM

---

PRESENT: Councillor M McMullen (Chairman).  
Councillors W Ashley, P Ballam, E Bedford,  
R Beeching, E Buckmaster, A Burlton,  
Mrs R Cheswright, K Crofton, J Demonti,  
N Poulton and J Taylor.

ALSO PRESENT:

Councillor P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager

679 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A Warman and N Wilson.

680 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that John Ivens, Hertfordshire Constabulary, was in attendance as on observer in relation to Police related matters.

681 DECLARATIONS OF INTEREST

Councillor M McMullen declared a personal and prejudicial interest in respect of the matter referred to at Minute 689 – Expression of Interest from Road Worthiness Garages, on the grounds that he had his car serviced at one of the 10 garages authorised to conduct vehicle condition tests on behalf of East Herts Council.

He left the room and Councillor A Burlton chaired the meeting during the debate on this matter.

Councillor P Ruffles declared a personal and prejudicial interest in respect of the matter referred to at Minute 689 – Expression of Interest from Road Worthiness Garages, on the grounds that he had his motorcycle serviced at MRH Motor Repairs Ltd. He left the room during the debate on this matter.

682 MINUTES - 3 NOVEMBER 2011

RESOLVED – that the Minutes of the meeting held on 3 November 2011 be approved as a correct record and signed by the Chairman.

683 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 19 December 2011, 20 January and 6 February 2012 be received.

684 REVIEW OF TAXI LICENSING CONDITIONS AND PROPOSED AMENDMENTS TO TAXI LICENSING POLICY

The Director of Neighbourhood Services submitted a report on proposed amendments to Taxi Licensing Policy and also in relation to a review of Taxi Licensing Conditions.

Members were advised that the Authority currently had a policy whereby no taxis would be dual plated. The Interim Licensing Manager advised that Officers now considered it appropriate to make the dual plating of vehicles available but only as a grandfather right.

The Committee was advised that the new DVLA two part driving licences meant that the photo card licence must be valid and in date before a taxi drivers' licence could be granted or renewed, otherwise insurance policies might be invalid.

The Interim Licensing Manager advised that Members should consider whether to scrap the age limit on licensed vehicles and instead consider whether to licence or relicense a vehicle based on its current mileage. Members were requested to consider the level at which a vehicle should not be relicensed.

Councillor A Burlton stated that the figure of 350,000 miles as a limit for not relicensing a vehicle was too high and should be 250,000 miles at the most. He commented that limits of 100,000 miles for a first licence and 140,000 miles for purpose built taxis were largely irrelevant and should be removed from the proposed policy amendment. This was agreed by Members.

Councillor R Beeching stressed that both parts of the DVLA driving licence had to be presented in court. The Interim Licensing Manager advised that Officers could already request to see both parts of a taxi driver's DVLA licence.

In response to a query from Councillor Mrs R Cheswright, the Interim Licensing Manger provided a definition of the grandfather rights of taxi drivers under the provisions of the Licensing Act 2003.

Councillor B Wrangles raised an issue relating to Herford Taxi Drivers parking on the pedestrian footway adjacent to Bircherley Green Multi-storey Car Park. She commented on whether the Police or Civil Enforcement Officers (CEOs) could take any action to prevent taxis parking in this location, as pedestrians, particularly disabled people, were having to move out into the road to get past.

The Interim Licensing Manager advised that CEOs had to observe an illegally parked vehicle for 5 minutes before a Penalty Charge Notice (PCN) could be issued. He believed that this was unlikely to be a high priority issue for Hertfordshire Constabulary.

Members were advised that Officers could issue penalty points to address a particular pattern of illegal parking, but an accumulation of 12 points would result in a Licensing Sub-Committee hearing. Members were advised that on receipt of a third warning letter, a Taxi Driver would attend a hearing and Members would have to consider whether it was appropriate to revoke the licence.

The Interim Licensing Manager commented that Members could consider whether to extend the period for penalty points remaining live on a Taxi Driver's Licence. Members would need to consider whether it was appropriate to jeopardise a Taxi Driver's livelihood for parking in a pedestrian area.

The Committee received the report.

RESOLVED – that (A) amendments to the Taxi Licensing Policy, as now amended, be approved;

(B) amendments to the code of conduct and penalty points scheme be approved; and

(C) the Committee Chairman write to the Executive Member for Planning Policy and Economic Development in respect of options to address the issue of Hertford Taxi Drivers parking on the pedestrian footway adjacent to Bircherley Green Multi-storey Car Park.

685 REPORT ON HOME OFFICE FEEDBACK TO CONSULTATION: RELAXATION OF ALCOHOL LICENSING HOURS FOR THE QUEEN'S DIAMOND JUBILEE ON FRIDAY 1 JUNE TO TUESDAY 5 JUNE 2012

The Director of Neighbourhood Services submitted a report informing Members about feedback to Home Office Consultation in respect of licensing restrictions in alcohol licensed premises from 1 to 5 June 2012. Members were referred to page 49 of the report now submitted for the analysis of the consultation responses.

The Committee received the report.

RESOLVED – that the report be received.

686 HOME OFFICE CONSULTATION ON SECONDARY  
LEGISLATION FOR EARLY MORNING RESTRICTION  
ORDERS AND THE LATE NIGHT LEVY

The Director of Neighbourhood Services submitted a report seeking Members' views for an Officer response to the Home Office consultation in respect of secondary legislation to implement Early Morning Restriction Orders and the Late Night Levy.

Members advised that Early Morning Restriction Orders (EMROs) and the Late Night Levy were mutually exclusive so it was a case of one or the other in East Herts. The Interim Licensing Manager explained the rationale behind both options. He stated that 70% of the Late Night Levy would go to the police with the remaining 30% going to East Herts Council. Members were reminded that the funds raised could only be used to mitigate the effects of the late night economy.

The Interim Licensing Manager explained that the Late Night Levy could be allocated very specifically in East Herts. The Police had indicated a preference for EMROs so that resources could be allocated in advance across the District.

Councillor N Poulton suggested that a small informal group of Licensing Committee Members meet with Hertfordshire Constabulary and review the consultation in detail and respond accordingly. John Ivens indicated that he was happy to attend a meeting with a fellow senior Officer from Hertfordshire Constabulary.

Members received the report and decided to authorise the Interim Licensing Manager, in consultation with the informal group of Licensing Committee Members to respond to the Home Office Consultation now detailed.

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

(B) the Interim Licensing Manager, in consultation with the informal group of Licensing Committee Members (Councillors Mrs R Cheswright, K Crofton and M McMullen), be authorised to respond to the Home Office Consultation on secondary legislation for Early Morning Restriction Orders (EMROs) and the Late Night Levy.

687 GAMBLING ACT 2005 - TIMETABLE FOR REVISION OF STATEMENT OF LICENSING PRINCIPLES

---

The Director of Neighbourhood Services submitted a report detailing the timetable for review and implementation of the Statement of Licensing Principles under the Gambling Act 2005.

The Interim Licensing Manager set out the full timescale for the consultation and stated that he would submit a further report on this matter to the next Committee meeting. The revised Statement of Licensing Principles would be submitted for approval at the first meeting of the Committee in 2013.

The Committee received the report.

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

(B) Officers submit a further report to the next Committee meeting.

688 REPORT ON LICENSING ACTIVITY QUARTER 4 2011

The Director of Neighbourhood Services submitted a report updating Members on activity in the Licensing Section including the processing of licences, enforcement activity and the implementation of the Service Plan.

The Interim Licensing Manager advised that there was one additional private hire operator in Hertford and some progress had been made in the operations of this new

operator. Members were referred to pages 127 and 128 of the report now submitted for a full breakdown of the quarter 4 licensing activity.

Members were advised that 21 in-car CCTV systems had been purchased and there had been a number of positive outcomes achieved in collaboration with Hertfordshire Constabulary. Members were also advised that, under the penalty points system, a total of 60 points had been imposed against 28 licence holders.

Officers hoped that this would contribute to improving drivers' and proprietors' behaviour, particularly as Taxi Drivers generally tried to avoid being called to attend Licensing Sub-Committee hearings to address issues of sub-standard behaviour.

The Committee received the report.

RESOLVED – that the report be received.

689 EXPRESSION OF INTEREST FROM ROAD WORTHINESS GARAGES

---

The Director of Neighbourhood Services submitted a report relating to expressions of interest from MOT testing stations to provide taxi vehicle condition certificate testing facilities, and whether an increase in the number of garages was appropriate.

The Interim Licensing Manager stated that two new expressions of interest had been received, as detailed on page 130 of the report now submitted. Councillor N Poulton believed that the existing number of testing stations was sufficient.

The Committee received the report and decided that the number of roadworthiness garages should remain at 10.

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

(B) the number of roadworthiness garages should

remain at 10.

690 FEEDBACK ON CONSULTATION WITH THE TAXI TRADE -  
NEXT FARE TABLE INCREASE

---

The Director of Neighbourhood Services submitted a report relating to feedback from the licensed taxi trade in respect of consultation on whether a fare increase was appropriate.

Members were advised that any increases would be the first in East Herts for 18 months. The Interim Licensing Manager referred to inflation and in particular, rising fuel costs and VAT increases pushing up prices for tyres and general repairs.

The Committee was advised that Officers had consulted the taxi trade in January 2012 and there appeared to be no appetite for price increases in East Herts. The Interim Licensing Manager stated that Officers hoped to maintain 3 monthly contact with the taxi trade and would report back to the Licensing Committee if there was a subsequent appetite for price increases. Officers would ensure all relevant parties were consulted.

The Committee received the report.

RESOLVED – that the report be received.

691 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee since 18 May 2011.

The Chairman stated that Officers had secured a balanced level of attendance at Licensing Sub-Committee meetings and he hoped this could continue. He referred to the training sessions planned for 25 and 26 April 2012. Members were reminded that, having attended this training they should have attended a minimum of two Sub-Committee meetings as an



observer, before being eligible to sit on a Sub-Committee.

Members considered the number of Members that made up the Licensing Committee and felt that the status quo should be maintained.

The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 5.45 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
ENVIRONMENT SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
13 MARCH 2012, AT 7.00 PM

---

PRESENT: Councillor Mrs D Hollebon (Chairman).  
Councillors D Abbott, W Ashley, E Bedford,  
R Beeching, P Gray, C Rowley, M Wood and  
J Wyllie.

ALSO PRESENT:

Councillors P Ballam, E Buckmaster and  
P Ruffles.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Andrew Pulham	- Parking Manager
George A Robertson	- Director of Customer and Community Services

692 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors S Basra and N Poulton. It was noted that  
Councillor E Bedford was substituting for Councillor N  
Poulton.

693 MINUTES

RESOLVED – that the Minutes of the meeting held  
on 15 November 2011 be confirmed as a correct

record and signed by the Chairman.

694 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the fact that it was the last meeting of the Civic Year and thanked Committee Members and Officers for their continued support and hard work in respect of Task and Finish Groups and meetings of the Committee.

The Chairman welcomed Councillors P Ballam, E Buckmaster, G McAndrew and P Ruffles to the meeting.

695 EAST HERTS PARKING AND TRANSPORT STRATEGY 2012/2022: REPORT OF THE TASK AND FINISH GROUP

The Chairman of the Parking and Transport Strategy Task and Finish Group submitted a report providing Members with an update in respect of the progress made regarding completion of the Council's Parking and Transport Strategy.

Councillor G McAndrew, as the Chairman of the Task and Finish Group, provided an overview relating to the evolution of the Strategy. He advised that Members had kept in mind the Council's strategic aims and had included a glossary of key terms early on in the strategy document.

Councillor G McAndrew stated that the strategy had taken account of the key differences and community priorities between the towns and rural areas across East Herts. He detailed the areas covered by the chapters contained in the strategy document. Members were reminded of the RING – GO system where by the public could extend parking tickets via a short phone call.

The Committee was advised that the Task and Finish Group would meet a further 2 or 3 times before the Strategy was presented to the Executive for approval in 6 weeks time. The Parking Manager stressed that the work

of the Task and Finish Group had highlighted that there were no right or wrong answers and the Strategy would provide a framework for future decision making over at least the next 10 years.

Councillor R Beeching commented that two key concerns from the public perspective were accessibility and commerce. He also stated that economic wellbeing was very important to the towns and villages. In response to a query from Councillor Beeching, Members were advised that the Authority was not permitted to make any profit on parking enforcement.

Members and Officers had a general debate around the methodology and balance of enforcement deployed in East Herts and also in respect of whether the Authority should heavily enforce against illegal on-street parking as opposed to car park enforcement.

The Parking Manager confirmed that Officers had considered whether to suspend the first charging period in car parks and increase the tariff for the subsequent time periods in car parks and stated that a 6 month trial of this methodology was planned for a Sawbridgeworth car park. Members were advised that tear-off refundable tickets were already in use in Bishop's Stortford and this could be used more widely at any time, if a town's traders agreed to set up such a scheme.

The Parking Manager advised that future enforcement would be simplified when the existing pay and display machines came to the end of their useful life and were replaced by newer technology which might be a pay on exit system enforced by Automatic Number Plate Recognition (ANPR) cameras. This would enable Officers to support the economy of the high streets by tackling congestion caused by on-street contraventions. The Parking Manager advised that the budgets agreed for the new contract included the provision of an ANPR vehicle to tackle hot spots in respect of illegal parking which will be particularly important for ensuring safety

around schools.

Members had a general debate in respect of bus service provision across East Herts. The Parking Manager commented that opportunities were being explored by the LSP to improve accessibility through a Community Transport approach.

The Director of Customer and Community Services stated that Officers of the LSP were attempting to map transport options across the district. Councillor M Wood suggested that that the only reason the two principal bus routes in Bishop's Stortford were still viable was the significant subsidy provided by BAA Stansted as these routes serviced Stansted Airport.

Members were invited to identify any further areas where they needed further information or clarity in respect of the progress that had been achieved to date. Members were asked to ensure this feedback was provided to the Parking Manager by 5 pm on Friday 16 March 2012.

Members received the report.

RESOLVED – that (A) any further feedback be submitted to the Parking Manager by 5 pm on Friday 16 March 2012;

(B) Officers incorporate salient feedback from the Environment Scrutiny Committee into the draft Parking and Transport Strategy document; and

(C) the draft Parking and Transport Strategy document be recommended to the Executive for approval.

## 696 CLIMATE CHANGE ACTION PLAN - REVIEW OF PROGRESS

The Head of Environmental Services submitted a report updating the Committee on progress achieved during the

first two years of implementation of the East Herts Climate Change Strategy and Action Plan. Members were provided with a detailed background to the report.

The Committee was also reminded that the Climate Change Strategy and Action Plan had been produced following meetings of a Task and Finish Group led by the late Councillor D Peek. Members were advised that the actions detailed in the report had been determined by the Task and Finish Group.

Councillor R Beeching referred to the viability of the 15KW wind turbine at Buntingford. He stated that wind turbines had a payback period of 14 years whereas the lifespan of a typical wind turbine was 10 years. Members had a general debate in relation to the use of gray water and carbon filters at Wallfields.

In response to a Member's query regarding the Local Development Framework, the Director of Customer and Community Services advised that he would ask Planning Policy Officers to provide a written response.

Members received the report and agreed to receive a further report in a year's time which would set out the data for carbon and financial savings and the environmental benefits arising from the action plan.

RESOLVED – that the progress achieved in implementing the East Herts Climate Change Action Plan since its adoption by the Council in December 2009, be noted.

697 ENVIRONMENT SCRUTINY HEALTH CHECK: SEPTEMBER TO DECEMBER 2011

---

The Director of Customer and Community Services submitted a report on the performance of key indicators relating to Environment Scrutiny Committee during the period September to December 2011, the detail of which was set out in the report now submitted.

The Director referred to EHPI 6.8 – Turnaround of pre Notice to Owner (NTO) Penalty Change Notice (PCN) challenges. He stated that performance had slipped below target following the Christmas holidays and stewarding undertaken by the team in support of Christmas shoppers.

The Director also referred to NI 157a – Processing of planning applications: 'Major' applications. He advised that Performance had been 'Red' for December 2011 due to the decision making timescale taking longer on three applications as they required the completion of Section 106 legal agreements.

In response to a query from Councillor M Wood, the Head of Environmental Services clarified the criteria whereby a motor vehicle was classified as abandoned.

In response to a further query from Councillor Wood, Members were advised that it was often possible to trace the owners of caravans parked on the highway via the CRiS database. The Committee was advised that all caravans manufactured since 1992 were recorded on the CRiS database via a unique 17 digit Vehicle Identification Number (VIN). This meant that it was a simple task for Officers to identify the owner and clarify whether a caravan was abandoned.

Members received the report.

RESOLVED – that the report be received.

#### 698 2012/13 WORK PROGRAMME

The Committee considered items for scrutiny during the civic year 2012/13. The Scrutiny Officer provided an update on future items for consideration, in particular a report relating to recycling that would be submitted to the June 2012 meeting.



The Scrutiny Officer advised that the Climate Change report would be moved back to the June 2013 meeting to ensure that a full year's worth of data was available for scrutiny by Members.

The Committee approved the Work Programme as amended.

RESOLVED – that the amended work programme be approved.

The meeting closed at 8.10 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
AUDIT COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 14 MARCH  
2012, AT 7.00 PM

---

PRESENT: Councillor J Ranger (Chairman)  
Councillors W Mortimer, P Phillips, M Pope  
and J Wing.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

ALSO IN ATTENDANCE:

Margaret Mulkerrin	- Shared Internal Audit Services (SIAS)
Nick Taylor	- Grant Thornton

699 INTRANET TRAINING - PRESENTATION BY THE DIRECTOR OF CUSTOMER AND COMMUNITY SERVICES

An Intranet training presentation was provided by the Director of Customer and Community Services. The Director provided Members with an insight into what information was currently available on the Council's website and how this could be accessed. A step by step tour was provided through the Members' pages.

Councillor J Wing queried what access there was to committee reports. The Director of Customer and Community

Services demonstrated how Members could access this information. Councillor J Wing also referred to the inclusion of non-key decision items in the Members' Information Bulletin, adding that it would be more helpful to show when the last non-key decision had been made. The Director undertook to review both these issues.

The Chairman, on behalf of Members thanked the Director of Customer and Community Services for the presentation.

RESOLVED – that the presentation be received.

700 APOLOGIES

Apologies for absence were submitted from Councillors R Radford and N Wilson.

701 MINUTES

Members were advised that the names of the two External Auditors had been omitted from those in attendance at the meeting.

RESOLVED – that the Minutes of the meeting held on 18 January 2012, as amended, be confirmed as a correct record and signed by the Chairman.

702 EXTERNAL AUDIT REPORT - PROGRESS TO MARCH 2012

---

The External Auditor provided a summary of the report. He explained that the objection to the 2010/11 accounts was being processed and hoped that the matter would be concluded shortly following the receipt of comments from the Council.

It was noted that dates for the Interim Audit had been agreed. The results from that work would be fed into the Audit Approach Memorandum which would be presented to the next Audit Committee meeting. The External Auditor advised that in terms of the accounts, there were no changes or issues

from what was undertaken last year. In terms of the Audit Fee, the External Auditor advised that it was anticipated that there would be a future reduction in 2012/13 from the £103,312 previously advised. Updates would be provided.

It was noted that Grant Thornton would be the Council's designated External Auditors for the next five years.

Members received the report.

RESOLVED – that the report be received.

### 703 INTERNAL AUDIT - TERMS OF REFERENCE

The Shared Internal Audit Service (SIAS) Manager submitted a report formally defining its terms of reference for its internal audit function, as required by the CIPFA Code of Practice for Internal Audit in Local Government (2006).

The Chairman drew attention to the reference to "North Herts" in the report which should have read "East Herts".

The Chairman queried the high degree of independence afforded to the Head of Assurance and the SIAS Management in relation to audit coverage. The Director of Internal Services confirmed that other Authorities would be adopting the same approach and assured Members that should there be any issues or areas of concern, then this would be discussed thoroughly and in detail with the Head of Assurance.

Members approved the SIAS Terms of Reference.

RESOLVED – that the SIAS Terms of Reference be approved.

### 704 INTERNAL AUDIT SERVICE - PROGRESS REPORT

The Shared Internal Audit Service (SIAS) Manager submitted a report updating Members on the progress made in delivering the Council's Internal Audit Plan for 2011/12; the findings for the period 10 December 2011 to date for audits

assessed as “Limited” or “No Assurance”; the proposed amendments to the approved 2011/12 Audit Plan; the status of previously agreed high priority audit and an update on performance management information. It was noted that over 80% of actions had been completed in relation to the Audit Plan. Those issues outstanding were summarised.

The Chairman referred to the financial management information in relation to Hertford Theatre. The Director of Customer and Community Services explained that a report had been requested at his behest, as whilst he was not concerned about probity, there was a need to ensure that management information available to help run the Theatre in a commercial environment was better and “fit for purpose”. He advised that SIAS were asked to take part as a “critical friend” and to advise the Council how the financial information systems could be adapted to be better suited to running a commercially based operation. The Director explained why this was necessary and how the Theatre currently operated. As a result of the exercise, more codes had been established providing more detailed information concerning spend and income. Decisions had also been made to increase staff support in relation to marketing. The Director informed the Committee that the SIAS report had proved extremely helpful in suggesting ways that systems might be improved. He believed that such use of internal audit provided an exemplar for how the SIAS was able to add value, way beyond what had been the traditional audit styles and approaches he had experienced elsewhere.

The Chairman referred to the need to obtain information about pre-bookings and referred to initiatives undertaken by other local Councils to promote programmes. It was noted that SIAS would monitor progress and report back to Members in six months.

Councillor J Wing raised the issue of grounds maintenance and auditing in terms of value for money and quality of performance. The SIAS Manager provided an overview and explained that much depended on the remit of the contract. She explained that grounds maintenance had been

programmed into the Audit Plan next year.

Members noted the progress report and approved the amendments to the Audit Plan as set out in the report now submitted.

RESOLVED – that (A) the progress report be noted and;

(B) the amendments to the Audit Plan set out in the report now submitted, be approved.

705 INTERNAL AUDIT PLAN 2012/13

The Shared Internal Audit Service (SIAS) Manager submitted a report setting out the Audit Strategy and the proposed Internal Audit Plan for 2012/13. She thanked Council Officers for their help in what had been a very productive process. It was noted that the Audit Plan did not stand alone, but had to be considered as part of the SIAS plan. SIAS would continue to look at 2012/13 to identify where efficiencies could be made.

The Chairman referred to the “Focus on what is important Box” and suggested that there had been a change in emphasis in terms of what SIAS looked into. The SIAS Manager stated that there was a need to ensure that issues fitted with corporate objectives and priorities. In response to a query by Councillor M Pope concerning audits carried out, the Director of Internal Services clarified the position regarding audit days, staffing levels and the use of external auditors to provide expertise whilst the SIAS service shadowed in order to develop their skill set.

Councillor P Phillips referred to the number of Freedom of Information requests (Strategic Risk 6) and the cost implications for the Council. The Director of Internal Services explained that where possible, as much information was included on the Council’s website. He explained that some companies sought information in order to sell on that information. The Director referred to the need to protect the

Council's reputation.

Members received the SIAS Audit Strategy 2012/13 and approved the proposed Audit Plan 2012/13.

RESOLVED – that the Audit Strategy be received and the Audit Plan for 2012/13 be approved.

706 UPDATE ON IMPLEMENTATION OF ANNUAL GOVERNANCE ACTION PLAN

The Director of Internal Services submitted a report concerning the progress made against the nine actions within the 2010/11 Annual Governance Statement Action Plan aimed at enhancing the Council's internal control framework, as set out in Essential Reference Paper 'B' of the report now submitted.

The Chairman referred to the action concerning the risk of failure to deliver an effective, efficient and economic IT service. The Director of Internal Services advised that a report would be presented to Corporate Business Scrutiny Committee on 20 March 2012. He stated that the audit programme completion date in relation to the Health and Safety Risk Assessment would be pushed back to May 2012.

Councillor M Pope referred to the need for resilient IT business continuity to be in place. The Director of Internal Services stated that substantial resources had been spent on reviewing IT priorities. He suggested that at this point in time, it would be appropriate for the Council to bring in resources to make quicker progress in terms of resilience in IT.

The Chairman referred to an action regarding the use of Plain English on the Council's website. The Director of Internal Services advised that a full audit of the website would be costly. He suggested that a better way forward would be to "refresh" pages as and when the need arose.

The Chairman referred to the Residents' Survey wherein it was found that residents did not want to contact the Council



via the website, preferring other methods instead. He queried whether it was because the District had a lot of elderly residents. The Director of Internal Services stated that many companies adopted a strategy which made it difficult for people to contact them other than via the web, adding that the Council did not want to adopt such a strategy.

Members noted the progress made against the Action Plan contained in the 2010/11 Annual Governance Statement.

RESOLVED – that the progress made against the Action Plan contained in 2010/11 Annual Governance Statement be approved.

707 RISK MANAGEMENT: MONITORING REPORT 1 OCTOBER 2011 - 31 JANUARY 2012

---

The Leader of the Council submitted a report setting out what action had been taken to mitigate and control strategic risks during the period October 2011 to January 2012. The Director of Internal Services stated that there were no significant issues to report.

Members noted the action take to control and mitigate strategic risks.

RESOLVED – that the report be noted.

708 AUDIT COMMITTEE - WORK PROGRAMME

The Manager of Corporate Risk submitted a report detailing a proposed Work Programme for Audit Committee. In considering the report, the Chairman suggested that training on accounts be provided as the first item of business at the next meeting of Audit Committee. This was supported.

RESOLVED – that the Work Programme, as amended, be approved.

The meeting closed at 8.45 pm

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE HELD IN THE  
ROOM 27, WALLFIELDS, HERTFORD ON  
WEDNESDAY 14 MARCH 2012, AT 7.00 PM

PRESENT:

District Council Members:

Councillors M Carver, N Poulton and  
M Wood.

Town Councils' Representatives:

Mrs E Woods.

Parish Councils' Representatives:

Mr J Jones, Mr C Marks.

Independent Members:

Mr S Bouette  
Mr D Farrell  
Mr J Morphew  
Mr T Vickers (Chairman)

ALSO PRESENT:

Councillor P A Ruffles.

SUBJECT MEMBER:

Hormead Parish Councillor J Kilby (and his representative  
Mrs M Kilby).

OFFICERS IN ATTENDANCE:

Monica Bett	- Legal Services Advisor
Simon Drinkwater	- Director of

Jeff Hughes

Neighbourhood  
Services  
- Head of  
Democratic and  
Legal Support  
Services

709 APOLOGY

An apology for absence was submitted on behalf of Councillor A L Burlton.

710 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Hormead Parish Councillor J Kilby and his wife to the meeting and also Councillor P A Ruffles who was attending as an observer.

With the Committee's consent, the Chairman advised that the order of business on the Agenda would be altered to allow for consideration of items 8, 9 and 10 before item 4.

711 IT PROTOCOL FOR MEMBERS

**The Monitoring Officer submitted a report upon a proposed IT Protocol for Members.**

**The new protocol was intended to replace an existing Member IT Protocol.**

**The Monitoring Officer explained that the proposed protocol, appended to his report, concentrated on the important areas of the ownership of IT equipment and insurance and also covered issues relating to passwords, data protection and freedom of information.**

**The Monitoring Officer confirmed that Member training would be provided on the subjects of data protection and freedom of information.**

**The Committee welcomed the updated protocol and agreed to recommend its adoption to Council.**

**RECOMMENDED – that the proposed IT Protocol for Members, appended to the report now submitted by the Monitoring Officer, be adopted.**

712 MINUTES

RESOLVED – that the Minutes of the meeting held on 16 August 2011 be confirmed as a correct record and signed by the Chairman.

713 LOCALISM ACT 2011

The Monitoring Officer submitted a report on the changes to the councillors' standards regime under the provisions of the Localism Act 2011.

Members noted the changes to the system of regulation of standards of conduct for elected and co-opted councillors, particularly in relation to:

- (a) the abolition of the requirement for a principal local authority to establish a Standards Committee;
- (b) the repeal of the Model Code of Conduct and the introduction of a requirement for a local authority to adopt a new code of conduct;
- (c) a new framework whereby a local authority was required to adopt "arrangements" for dealing with complaints of code breaches by councillors;
- (d) the appointment of at least one "independent" person who must be consulted before a local authority makes a finding as to whether or not a member has failed to comply with a code of conduct's provisions, and

- (e) the abolition of the concept of personal and prejudicial interests and its replacement, under regulations, of “Disclosable Pecuniary Interests”.

The Monitoring Officer advised that the Chairman of the Committee had prepared a draft Members’ Code of Conduct and framework proposals to administer the new standards regime (both appended to the report now submitted).

The Committee considered the proposed draft code and standards regime in detail, indicating, where necessary, the preferred option where choices existed. For example, the Committee supported the establishment of a “standards” advisory committee whose composition would include independent members with voting rights.

The Committee agreed to request the Monitoring Officer, in consultation with the Committee Chairman, to update the code and standards regime documents now submitted to reflect Members’ directions on the issues debated. The updated documents should then be considered at a further meeting of the Committee in April 2012. The Committee, at its April meeting, would then determine its recommendations on this matter for consideration by Council at its meeting on 16 May 2012.

RESOLVED – that (A) the Monitoring Officer, in consultation with the Committee Chairman, be requested to update the code and standards regime documents now submitted, to reflect Members’ directions on the issues debated, and

(B) the updated documents referred to in (A) above be considered at a further meeting of the Committee in April 2012 to enable it to determine its recommendations on this matter for consideration by Council at its meeting on 16 May 2012.

714 EXCLUSION OF THE PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the items of business at Minutes 712 and 713 below on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972. Both the Investigating Officer and the subject member confirmed they had no objection to the business being considered in public. The Committee agreed that these items should be considered in public.

The Committee also agreed that the report (but not the supplementary witness papers) and Parish Councillor Kilby's submission on the complaint did not contain any exempt information or personal data and should therefore be made available for public inspection.

RESOLVED – that (A) the matters detailed in Minutes 712 and 713 below be considered in public, and

(B) as the report (but not supplementary witness papers) and Parish Councillor Kilby's submission on the complaint do not contain any exempt information or personal data, they be made available for public inspection.

715 COMPLAINT IN RESPECT OF A PARISH COUNCILLOR:  
REFERENCE HORM/03/2011: CONSIDERATION

The Monitoring Officer submitted a report in respect of a complaint detailing an allegation that Parish Councillor J Kilby had breached Hormead Parish Council's Member Code of Conduct.

The complaint had been referred to the Monitoring Officer for investigation by the Assessment Sub-Committee.

The Committee noted the details of the allegation.

The Committee considered the Investigating Officer's report on the allegation and the conclusion reached.

The Monitoring Officer advised that the Committee was required to consider the Investigating Officer's report and make one of the following findings:

- (a) the matter should be considered at a hearing (of the Committee) conducted under Regulation 18, or
- (b) the matter should be referred to the First-Tier Tribunal (Local Government Standards in England).

The Committee noted the criteria for referring a matter to the First-Tier Tribunal.

It was agreed that the matter should be considered at a hearing of the Standards Committee.

RESOLVED – that, in respect of the complaint referenced HORM/03/2011, the Investigating Officer's findings on the allegation be considered at a hearing of the Committee pursuant to the provisions of Regulation 18 of The Standards Committee (England) Regulations 2008.

716 COMPLAINT IN RESPECT OF A PARISH COUNCILLOR:  
REFERENCE HORM/03/2011: HEARING

The Chairman confirmed the meeting was quorate.

The Committee noted the procedure to be followed in determining the matter detailed below.

The Monitoring Officer submitted a report in respect of a complaint concerning Hormead Parish Councillor J Kilby.

The Committee noted that it was required to consider the Investigating Officer's report and make one of the



following findings:

- (A) that the Member had not failed to comply with Hormead Parish Council's Code of Conduct;
- (B) that the Member had failed to comply with the Parish Council's Code of Conduct but that no action needed to be taken in respect of the matters considered at the hearing;
- (C) that the Member had failed to comply with the Parish Council's Code of Conduct and that a sanction should be imposed.

The subject Member, through his representative, Mrs M Kilby, confirmed that he did not disagree with any findings of fact detailed within the Investigator's report.

The Chairman drew the Committee's attention to the submission submitted by the complainant on the Investigator's report.

The Investigator presented her report and summarised her findings in respect of the complaint.

The Committee asked questions of both the Investigator and subject Member.

Each Committee Member, at the invitation of the Chairman, confirmed that he/she was satisfied that they had sufficient information to enable them to determine whether or not the subject Member had failed to comply with the Code of Conduct.

The Committee retired to consider its determination. On its return, the Chairman announced that the instance of conduct breach alleged by the complainant had been proven by the findings of fact stated in the Investigator's report.

The Chairman advised that the Committee had noted the vagueness, common in varying degrees to all the witness

statements, about what was actually said to constitute the alleged conduct complained of and at what point or points in the agenda of the meeting of the Parish Council. That uncertainty was considered to be understandable given the failure of anyone to react at the time and the delay first in proposing an amendment to the minutes of the meeting and subsequently in agreeing (or disputing) the accuracy of the minute as amended. What was clear was that something untoward had been said. In the circumstances, the Committee had judged it best to accept the subject member's admission that he had used the form of words: 'If this was an MP's expenses then he could have been accused of fraud.' The subject member had acknowledged that the remark had been unwise and ill-expressed.

The Committee concluded that there had been a failure to comply with the Members' Code of Conduct amounting to a breach of Clause 3: a failure to treat others with respect. The offence might well have been a marginal one if in vigorous discussion with and about another member, but the remark was seriously inappropriate when made about an officer and in the documented circumstances of this particular case.

The Committee noted all the submissions made both orally and in writing.

It agreed to impose a sanction requiring Councillor Kilby to write to Mr Marks, apologising for the form of words used and making clear that no imputation of fraudulent conduct had been intended. Further, given that the matter was now a matter of public record, the letter of apology should be copied to the Parish Council and written into its minutes at the first opportunity and should be published in the Parish Newsletter. The letter should also be copied to the Chairman of the Standards Committee.

RESOLVED – that (A) Hormead Parish Councillor J Kilby has failed to comply with his Authority's

Code of Conduct; and

(B) the following sanction, consequent upon the decision referred to in (A) above be applied:

Councillor Kilby to write to Mr Marks, apologising for the form of words used and making clear that no imputation of fraudulent conduct had been intended. Further, given that the matter was now a matter of public record, the letter of apology should be copied to the Parish Council and written into its minutes at the first opportunity and should be published in the Parish Newsletter. The letter should also be copied to the Chairman of the Standards Committee.

The meeting closed at 9.55 pm

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

This page is intentionally left blank

## MINUTE 711 REFERS

### **Protocol for the Loan of IT Facilities to, and their Use by, Members**

**A copy of this protocol is on the desktop of each laptop on loan.**

- 1 In this protocol, *IT facilities* means computers and pre-loaded software, together with any ancillary equipment, e.g., power-supplies and cables, issued on loan to members and signed for individually in the register maintained by the Council's IT Support Team. **The member's signature indicates both agreement as to which facilities are on loan to him/her and acceptance of the terms of this protocol.** All facilities remain the Council's property and must be returned on demand and immediately membership ceases. If need be, the Council may take steps to repossess facilities.
- 2 A Member is responsible for arranging any necessary provision of an internet connection and for payment of all charges made by his/her chosen Internet service provider. The IT Support Team will advise how the IT facilities provided can share a broadband connection, printer(s) or files or other computing facilities available to the member.
- 3 The Member is personally responsible for the safe-keeping of IT facilities while they are on loan to him/her. The Council's insurance policies will, however, normally cover the facilities against the risks of fire, flood, theft and accidental damage. Any such occurrences or any other damage, faults or failures, however arising, must be reported without delay to the IT Support Team and, if necessary, e.g., for the assessment and repair of damage, the equipment returned. Although the pre-loaded software, if damaged, can be re-loaded by the Support Team, the Member is personally responsible for backing up any stored data-files whose loss would be significant. The Council will not pay for data to be retrieved from (e.g.) damaged or failed hard drives.
- 4 The Member may not use, or permit others to use, the equipment for any purpose unrelated to his/her Council duties and activities as a member. The Council's software licences may not extend to such purposes.
- 5 Without prior approval of the Council's IT Support Team, the Member may not install any software (other than updates to the operating system and other pre-loaded programs), or disable or change security-settings, including those of internet security systems, or connect any items of ancillary hardware other than those provided.
- 6 The Member must not use the facilities, or permit their use by others, in any manner or for any purpose that is unlawful and/or which might

bring the Council or the Member into disrepute. By law, the Council may not publish any material of a party-political nature, and the IT facilities provided must not be used for the preparation and/or dissemination of any such material.

- 7 The Council may require any of the loaned facilities to be made available, on reasonable notice, for inspection and for maintenance. Access may on occasion be undertaken remotely and without notice to the Member. The Council may remove or disable any software or equipment or delete any inappropriate information stored on the computer.
- 8 The Member must keep secret any password(s) issued to him/her for the purpose of accessing restricted information and is accountable for the continued security of any such information if stored on the computer or otherwise retained by the Member. The unauthorised and inappropriate possession of personal information relating to identifiable individuals and the processing and/or disclosure of such information are prohibited under the Data Protection Act and the Member is responsible for compliance.
- 9 Any member with special responsibilities (e.g., as a member of the executive or as a committee chairmen) will need to consider whether and when material held on his/her computer has to be retained and preserved – and possibly made available under the Freedom of Information Act – as part of documentation of council business. A member's accountability under this head will be discharged by ensuring that any such material is duplicated in the Council's records.
- 10 The Council disclaims responsibility in any legal action, or for any claim, loss, costs or liability incurred by the Member (or any other person), consequential upon any failure to abide by the terms of this protocol.

MINUTES OF A MEETING OF THE  
CORPORATE BUSINESS SCRUTINY  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 20 MARCH 2012, AT 7.00 PM

---

PRESENT: Councillor D Andrews (Chairman)  
Councillors E Bedford, G Jones, W Mortimer,  
T Page, P Phillips, M Pope, J Ranger,  
G Williamson and J Wing.

ALSO PRESENT:

Councillors S Bull.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Marian Langley	- Scrutiny Officer
Alan Madin	- Director of Internal Services
Paul Pullin	- Economic Development Manager
George A Robertson	- Director of Customer and Community Services
Neil Sloper	- Head of Customer Services and Parking

717 MINUTES

RESOLVED – that the Minutes of the meeting held on 29 November 2011 be confirmed as a correct record and signed by the Chairman.

718 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that an item on Data Sharing, which should have been reported to this meeting, was part of a wider review of Data Protection which was due to be completed by the end of April 2012. A one-year action plan was anticipated, which would include Data Sharing.

719 HERTFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP

The Director of Customer and Community Services submitted a report providing an update on the development of Local Enterprise Partnerships (LEPs) nationally and locally and the progress made by Hertfordshire LEP in setting its priorities.

The Economic Development Manager provided a summary of the background leading to the establishment of the LEPs, which had superseded the Regional Development Agencies. Their objective was to provide vision, knowledge and strategic leadership to drive sustainable private sector growth and job creation in the locality within a set of priorities established by a LEP Board, the detail of which was set out in Essential Reference Paper 'C' of the report now submitted. The Economic Development Manager stated that East Herts was well represented on the Board.

The Chairman clarified the position with regard to the Hertfordshire Community Covenant, which aimed to ensure that armed forces personnel were not disadvantaged because of their mobility in terms of access to schools, dentistry and services.

Councillor J Ranger referred to the small amount of money LEPs had access to in comparison to the East of England Development Agency (EEDA) and stressed that business should be leading and proactive in order to achieve any beneficial outcomes.

The Economic Development Manager assured Members



that the business leaders were very committed to the proposal. Councillor J Ranger asked that Officers ensure that they linked up with Ashridge Business School and the University of Hertfordshire to support the LEP to reach its full potential.

Councillor T Page expressed concern regarding East Herts Member representation on the LEP. He questioned why the Hertfordshire Nature Partnership should be considered a priority. The Chairman explained the basis of Member representation and the role played by Stevenage Borough Council.

Councillor J Wing stressed that LEPs should be driven by business or they would fail. He referred to the success of the Shropshire LEP and their pro-activity within the business community and in involving ministers in central Government. He sought clarification on how the Council was contributing to the LEP. The Economic Development Manager explained that its contribution was in “kind” i.e. that of Officers’ time, knowledge, and advice.

The Committee noted the report.

RESOLVED – that the report be noted.

720 CHANGING THE WAY WE WORK (C3W) - PROGRAMME REVIEW

---

The Head of Customer Services / C3W Programme Head submitted a report reviewing the Council’s vision, the benefits achieved following the Changing the Way We Work (C3W) programme and in respect of the lessons learnt for future programmes. The projects were categorised under the key themes, the detail of which was set out in the report and attached at Essential Reference Paper ‘B’ of the report now submitted.

The Chairman referred to page 28 (and page 35 of the subsequent report) and reminded Members that the report inferred that between 20 July 2010 and 20 March

2011 there had been no reports to members regarding progress on C3W. It was noted that a CBS meeting had been cancelled during the 2010/11 civic year but that Members had been provided with timely information via the Members' Information Bulletin in October 2010.

Councillor J Ranger referred to the External Auditors' review of the programme and their three recommendations relating to future large project work. He felt that the report should have specifically highlighted the lessons learnt from the exercise and how these could be used in the future. Councillor Ranger stated that keeping a formal record of the key strategic lessons learned as a result of the C3W process, would be a valuable exercise and asked that this be undertaken and reported back to Members. This was supported.

In response to a query from Councillor J Wing regarding the separate or dual roles of Officers in managing the change process, the Director of Internal Services explained that having dedicated staff for particular functions came about as a result of the learning process around IT. The Council now had a Business Improvement Team which provided project management as their "day job".

The Committee noted the report and asked that Officers report back on the key strategic lessons learned as a result of the C3W process.

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

(B) Officers report back on the key strategic lessons learnt as a result of the C3W process.

721 CHANGING THE WAY WE WORK (C3W) - REVIEW OF PROGRAMME SCRUTINY

---

The Head of Customer Services and C3W Programme Head submitted a report concerning the governance and scrutiny of the Changing the Way We Work (C3W)

programme, the detail of which was set out in Essential Reference Paper 'B' of the report now submitted.

A review by the External Auditor of audit and scrutiny arrangements recommended that six monthly reports be delivered to Members including a scrutiny evaluation of the programme. It was noted that Members had received a total of 10 detailed reports on the C3W programme and governance arrangements. The C3W programme had now concluded.

The Chairman, as in the earlier report, reminded Members that they had received regular, brief updates via the Members' Information Bulletin and a full/detailed report in October 2010.

The Committee received the report.

RESOLVED – that the report be received.

722 MONTHLY CORPORATE HEALTH CHECK – JANUARY 2012

---

The Leader of the Council submitted an exception report on the finance and performance monitoring for East Herts Council for the period January / Quarter 3: 2012.

The Director of Internal Services clarified the position regarding the Net Projected Variance of £182,000 and assured Members that the payroll estimates were within budget, advising that a saving of £400,000 would be achieved within the next financial year. Updates were provided on the capital programme and clarification was provided in relation to Capital Monitoring 2011/12 following a query by Councillor T Page regarding the Apton Road Car Park.

Councillor J Ranger expressed concern regarding the "red" issue relating to payment of invoices. He also expressed concern regarding an increase in short term sickness levels. The Director of Internal Services

explained how the sickness levels were recorded, stating that an element of “seasonality” should be read within the target to avoid any misrepresentation of the figures as presented. This was understood and Members informed that the targets for the forthcoming 2012/13 year had already been set and agreed.

The Committee received the report and agreed that an element of “seasonality” be considered within the short term sickness targets at the next round of target setting to avoid any misrepresentation of the figures.

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

(B) that a ‘seasonally adjusted’ target be considered in future for the short term sickness indicator in order to avoid the figures being misrepresented.

#### 723 WORK PROGRAMME 2012/13

The Chairman submitted a report setting out the Committee’s future provisional work programme for 2012/13, the detail of which was set out in Essential Reference Paper ‘B’ of the report now submitted. It was noted that committee dates for the start of the 2013/14 civic year had now been agreed.

It was a request by the Director of Neighbourhood Services and Head of Customer Services to bring the report on ‘Comments, Compliments and Complaints’ to the first meeting of the new civic year rather than to the second one. This was supported. It was also agreed that a further report by the Head of Customer Services (C3W - Key Strategic Lessons Learnt) and a report on Data Protection and Data Sharing would both need to be included within the 2012/13 work programme.

The Scrutiny Officer advised that there would be two Scrutiny workshops arranged for 17 and 24 April 2012, which would cover Evaluation and consider future topics

for scrutiny. An item would also be included in the new LINK Magazine asking the public for potential scrutiny topics.

Councillor G Jones expressed concern concerning the start time of 6.30pm for the workshops. Members were advised that if attendance provided difficult, comments could be forwarded electronically or on paper if necessary. Councillor J Ranger suggested that attendance at these workshops should be mandatory for all Scrutiny Chairmen. The Chairman undertook to contact his fellow Chairmen in this regard.

Councillor J Ranger referred to the need for further clarification in terms of where services fell in terms of responsibility. The Scrutiny Officer advised that, given the recent changes within the council, it was time to review the committees' Terms of Reference as currently set out in the Constitution and this was under consideration.

The Committee approved the report, as amended.

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

The meeting closed at 8.10 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 21 MARCH 2012, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman).  
Councillors M Alexander, S Bull, A Burlton,  
Mrs R Cheswright, G Jones, G Lawrence,  
M Newman, S Rutland-Barsby, T Page,  
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors K Crofton, P Moore and  
P Ruffles.

OFFICERS IN ATTENDANCE:

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

724 APOLOGY

An apology for absence was submitted on behalf of Councillor J Demonti. It was noted that Councillor T Page was in attendance as substitute for Councillor J Demonti.

## 725 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 following application had been withdrawn from the agenda:

- 3/11/2203/FP – Demolition of existing LaFarge depot buildings and structures. Construction of a sustainable housing development consisting of eleven new dwellings and associated works including access to highway, garages, roads, parking, pedestrian paths, allotments, wetland area and general landscaping at Land adjoining Sacombe Road, Waterford for John Duffield.

The Chairman advised that application 3/11/1616/FP would be moved up the agenda and determined before application 3/11/1886/FP.

The Chairman reminded Members of the meeting due to take place in the Charis Centre, Water Lane, Bishop's Stortford on Tuesday 27 March 2012, in respect of Bishop's Stortford North. The Chairman also reminded Members of the Local Development Framework (LDF) Executive Panel meeting due to take place on Thursday 29 March 2012, in the Council Chamber, Wallfields, Hertford.

## 726 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of the matter referred to at Minute 734 – Erection of a Single Wind Turbine and Associated Development: Benington: Potential Appeal (Planning Application 3/11/1190/FP) on the grounds that the applicant was a director of a company where Councillor Ashley was also a director. He left the room and Councillor S Rutland-Barsby chaired the meeting during the debate on this matter.



727 MINUTES

RESOLVED – that the Minutes of the meeting held on 29 February 2012 be confirmed as a correct record and signed by the Chairman.

728 3/11/1616/FP – ERECTION OF 14 NO. DWELLINGS AND NEW VETERINARY SURGERY WITH ASSOCIATED LANDSCAPING AND ACCESS ROADS AND DEMOLITION OF EXISTING HOUSE AT 306-310, WARE ROAD, HERTFORD, SG13 7ER FOR TUDORWOOD LTD

Mr Green addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1616/FP, planning permission be granted subject to the conditions now detailed.

The Director referred to the additional representations schedule. Members were reminded that the applicant had requested that the item be deferred from the 29 February 2012 meeting to allow further review and negotiation regarding the provision of affordable housing.

The Committee was advised that Officers had since been provided with information regarding the costs associated with the remediation of the site. A figure of £205,000 had now been built into the latest viability assessment on this application.

The Director reminded Members that consultants are engaged on behalf of the Council to provide expert advice. The Committee was advised however that Officers and Members were permitted to make a judgement regarding the weight that should be given to such advice.

Councillor B Wrangles, as the local ward Member, stated that this site needed to be developed as it had been boarded up for 2 years. She commented that, although the provision of affordable housing was less than the usual 40%, the scheme was considered to be viable with the reduced affordable housing provision.

Councillor B Wrangles stated that the application, if approved, would fill a gap between houses to the west and commercial development to the east. She commented that the site needed to be developed and this application would enhance this part of Ware Road.

Councillor G Jones commented on the level of affordable housing. He also referred to the value of the land and stated that he would be supporting the Officer's recommendation for approval.

In response to a query from Councillor M Newman, the Director advised that the applicant had indicated a clear concern that, if a return on investment of less than 20% was achieved, then the development would not be viable. However, Officers considered that the market was more variable and the developer must be prepared to accept the risk of a lower rate of return.

The Director commented on variations in land values in that residential development would very likely increase the value of the site. A decision of the Committee would therefore be likely to have an impact on value. Members were advised that there was the potential for this additional value to enable the costs of affordable housing to be met, along with the return of a reasonable profit on development.

The Director advised that it was not unreasonable to expect the applicant to be flexible in respect of the risks relating to a lower investment return and the potential offsetting of affordable housing costs against land values.

In response to a query from Councillor M Alexander regarding policy HSG3 of the East Herts Local Plan Second Review April 2007, the Director confirmed that this policy stated that affordable housing provision should be up to 40%. The Director stated that this flexible policy approach demonstrated that the Authority's planning policies were not out of touch with the current financial climate.

After being put to the meeting and a vote taken, the Committee accepted the recommendation 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, application 3/11/1616/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1616/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

729 3/11/1886/FP – TWO STOREY REAR EXTENSION AT WEST COTTAGE, BROMLEY LANE, MUCH HADHAM, SG10 6HU FOR MR S FITZGERALD

---

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1886/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1886/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

730 E/12/0014/B – UNAUTHORISED WORKS FOR THE ALTERATION OF A GRADE II LISTED BUILDING AT 6 – 8 DIMSDALE STREET, HERTFORD, SG14 1PH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0014/B, prosecution proceedings be authorised on the basis now detailed.

The Director referred Members to the additional representations schedule relating to comments from the owner of the site and also in respect of his response to those comments.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/12/0014/B, prosecution proceedings be authorised on the basis now detailed.

RESOLVED – that in respect of E/12/0014/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence prosecution proceedings on the basis now detailed.

731 E/11/0369/B – UNAUTHORISED ERECTION OF A TIMBER PERGOLA WITH POLYCARBONATE ROOF AT 33 CASTLE STREET, HERTFORD. HERTS, SG14 1HH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0369/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0369/B, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0369/B, the

Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

732 E/11/0359/B – UNAUTHORISED CHANGE OF USE OF AGRICULTURAL LAND TO DOG TRAINING AND ERECTION OF ANCILLARY SHELTER AT LAND EAST OF THORLEY STREET, THORLEY, BISHOP'S STORTFORD, HERTS, CM23 4AP

---

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0359/B, enforcement action be authorised on the basis now detailed.

The Director advised that Officers had been told the unauthorised use was to be moved away from this site in April. Members were requested to authorise enforcement action in case the use had not ceased within the timescale referred to by the owner of the site.

Councillor A Burlton referred to the significant noise nuisance resulting from the unauthorised use on the site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0359/B, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0359/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

733 E/11/0217/A – UNAUTHORISED MATERIAL CHANGE OF USE OF THE LAND, FROM A DWELLING HOUSE TO A RESIDENTIAL INSTITUTION, AT 18 MILLERS CLOSE, BISHOP'S STORTFORD, CM23 4FJ

---

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0217/A, enforcement action be authorised on the basis now detailed.

The Director advised that the Council's Solicitor had reviewed the contents of the Committee report and had sought additional clarification from Officers regarding the precise nature of the use and the details of the numbers of people living and working at the house. Officers had provided additional information, and had not changed their view that the use fell within use class C2.

Councillor G Jones stated that the use should not be seen as one which is highly institutionalised, such as a hospital or care home. He stressed that the carers were assisting the occupants in the same way carers assisted the elderly at home.

Councillor G Jones commented that, in his opinion, 2 children by themselves were capable of forming a single household if one occupant was over the age of 16. He also stated that, where there were live-in carers for residents with learning difficulties, the occupants were again quite capable of forming a single household.

The Director confirmed that this site was not being seen as one which was highly institutionalised. Members were advised that Officers considered the characteristics of the use of the site were such that it is different from a conventional C3 residential use.

The Director reminded Members that the occupants were young adults who had been placed by Hertfordshire and Essex County Councils. The young adults required a level of care and direction to enable them occupy the property.

In response to a query from Councillor M Newman, the Director confirmed that, following the dialogue between Officers and the Council's Solicitor, there was general

agreement that the unauthorised use was different from a conventional C3 residential use.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/11/0217/A, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/11/0217/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

734 ERECTION OF A SINGLE WIND TURBINE AND ASSOCIATED DEVELOPMENT: BENINGTON: POTENTIAL APPEAL (PLANNING APPLICATION 3/11/1190/FP)

The Head of Planning and Building Control submitted a report inviting the Committee to consider issues relating to a potential appeal in respect of application 3/11/1190/FP, for the erection of a single wind turbine and associated development in Benington.

Councillor S Rutland-Barsby stated that Officers felt that the middle ground, in the form of an informal hearing, was the most appropriate way of dealing with the potential appeal. Members were reminded of the options for dealing with appeals, i.e. written representations, an informal hearing or a full public inquiry.

Councillor K Crofton, as the local ward Member, stated that the overriding local view was that there should be a full public inquiry to ensure that the gravity of the issues relating to this application were fully addressed.

The Director advised that Councillor N Poulton, as the local ward Member for Watton-at-Stone, had stated that there should be a full public inquiry as the word limits for written evidence at an informal hearing were too restrictive to allow a full airing of all the issues.

The Director advised that although Officers did not have a definitive view, they felt that the most appropriate way forward was an informal hearing. Members were reminded that the final decision rested with the planning inspectorate and the Authority could only indicate what it felt was the appropriate way forward.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed that, unless there were exceptional circumstances, any evidence brought by the Council must be limited to the reasons for refusal.

Members were advised however that third parties would be in the position of formulating their own cases, which may differ from that of the Council. At a hearing, the extent to which matters could be addressed was very much at the discretion of the Inspector.

Councillor J Taylor proposed and Councillor S Bull seconded, a motion that, in the event of an appeal against refusal of planning application 3/11/1190/FP, Officers advise the planning inspectorate that the appeal should be addressed by means of a full public inquiry.

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

Councillor M Alexander proposed and Councillor S Bull seconded, a motion that the Head of Planning and Building Control be granted delegated authority, in consultation with the Vice-Chairman of the Committee, the Executive Member for Community Safety and Environment and the local ward Members for Walkern and Watton-at-Stone, to make appropriate operational decisions in relation to the appeal, including the sign off of submitted documents and the level and degree of representation.

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



RESOLVED – that (A) in the event of an appeal against refusal of planning application 3/11/1190/FP, Officers advise the planning inspectorate the appeal should be addressed by means of a full public inquiry; and

(B) The Head of Planning and Building Control be granted delegated authority, in consultation with the Vice-Chairman of the Committee, the Executive Member for Community Safety and Environment and the local ward Members for Walkern and Watton-at-Stone, to make appropriate operational decisions in relation to the appeal, including the sign off of submitted documents and the level and degree of representation.

735 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 7.52 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
CHIEF EXECUTIVE AND DIRECTOR OF XX  
RECRUITMENT PANEL HELD IN THE  
ROOM 1.11, WALLFIELDS, HERTFORD ON  
TUESDAY 17 APRIL 2012, AT 10.30 AM

---

PRESENT: Councillor A Jackson (Chairman)  
Councillors M Alexander, E Buckmaster,  
L Haysey, J Ranger and M Wood.

OFFICERS IN ATTENDANCE:

Claire Kirby - Human Resources  
Officer

ALSO IN ATTENDANCE:

Caroline Tapster - Chief Executive,  
Hertfordshire County  
Council

754 TERMS OF REFERENCE

The Panel noted that its term of reference was “to interview and appoint to the post of Chief Executive and Director of XX.”

755 EXCLUSION OF THE PRESS AND PUBLIC

The Panel passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 757 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

756 APPOINTMENT OF CHAIRMAN

RESOLVED – that Councillor A Jackson be elected Chairman of the Chief Executive and Director of XX Recruitment Panel for the 2012/13 Civic Year.

757 INTERVIEWS FOR THE POST OF CHIEF EXECUTIVE AND DIRECTOR OF XX

---

The Panel interviewed two candidates for the post of “Chief Executive and Director of XX”.

Following the interviews of the two candidates, the Sub-Committee agreed to offer the appointment of “Chief Executive and Director of Customer and Community Services” to George A Robertson, subject to no objection by any member of the Executive in accordance with relevant provisions within the Council’s constitution. The Panel further agreed that a report be submitted to the Council meeting in May 2012 inviting it to confirm the interim appointments of Head of Paid Service, Electoral Registration Officer and Returning Officer as approved at its meeting held on 4 April 2012.

RESOLVED – that (A) George A Robertson be offered the appointment of “Chief Executive and Director of Customer and Community Services” subject to the procedural requirements set out in the Council’s constitution, and

(B) a report be submitted to the Council meeting on 16 May 2012 inviting it to confirm the interim appointments of Head of Paid Service, Electoral Registration Officer and Returning Officer as approved at its meeting held on 4 April 2012.

The meeting closed at 2.00 pm

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

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 18 APRIL 2012, AT 7.00 PM

---

PRESENT: Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, S Bull, A Burlton,  
Mrs R Cheswright, J Demonti, G Jones,  
G Lawrence, M Newman, T Page and  
J Taylor.

ALSO PRESENT:

Councillors D Andrews, P Moore and  
P Ruffles.

OFFICERS IN ATTENDANCE:

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

758 APOLOGY

An apology for absence was submitted on behalf of Councillor B Wrangles. It was noted that Councillor T Page was in attendance as substitute for Councillor B Wrangles.

759 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that Officers would circulate a new training schedule to Members once the Committee's membership was known in the 2012/13 civic year.

The Chairman also advised that the following application had been withdrawn from the agenda:

- 3/11/1863/FP – Change of use from public house with letting rooms to residential dwelling at Kick And Dicky, Wellpond Green, Standon, SG11 1NL for Mr Aspin.

760 DECLARATIONS OF INTEREST

Councillor G Jones declared a personal and prejudicial interest in application 3/12/0141/FP, in that he was a Governor of St Elizabeth's College and the application related to the access to the college building. He left the room during consideration of this matter.

Councillor T Page declared personal interests in applications 3/11/2191/FP and 3/11/2192/FP, in that his daughter had attended Bishop's Stortford College some 12 years ago.

Councillor S Rutland-Barsby declared a personal interest in application 3/12/0141/FP, in that St Elizabeth's School and Home was one of her nominated charities in her capacity as Chairman of the Authority.

761 MINUTES

RESOLVED – that the Minutes of the meeting held on 21 March 2012 be confirmed as a correct record and signed by the Chairman.

762 3/11/1615/FP - CHANGE OF USE TO HORSE GRAZING AND FRUIT FARM WITH NEW SITE ENTRANCE AND PARKING INCLUDING THE ERECTION OF 4NO. POLYTUNNELS, FIELD SHELTER AND SHED AT LAND AT FARNHAM ROAD, BISHOP'S STORTFORD CM23 1JB FOR MS L LAMPRELL

---

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1615/FP, planning permission be refused for the reasons detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1615/FP, planning permission be refused for the reason detailed in the report now submitted.

763 3/12/0108/FP - 3 BEDROOMED DETACHED DWELLING AT ASHENDENE STUD, WHITE STUBBS LANE, BAYFORD, SG13 8PZ FOR SALLY FITZGERALD

---

Mr Martin Ledger addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0108/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director referred Members to the additional representations schedule. Councillor S Bull stated that the site was within the green belt. He expressed a degree of sympathy with the applicant but commented that he was unaware of any policies that could be used to overturn the Officer's recommendation.

Councillor J Taylor commented that the application constituted inappropriate development within the green

belt and there were no special circumstances for approving the application.

Councillor A Burlton stated that the viewpoint of the Campaign for the Protection of Rural England (CPRE) was unrealistic as a dwelling house could not easily be removed should the stud business cease and a use of similar standing not replace the business at Ashdene Stud. He commented that the application should be refused.

The Director stressed that previous national guidance and the Councils policies sought to encourage temporary style accommodation in such situations, for the very reason that it would be unreasonable to expect a brick built house to be removed if the associated business ceased to exist. Members were reminded that this issue was largely hypothetical in relation to this application as there was no current basis to speculate that the use would not remain and, in any event, Officers had recommended refusal.

Councillor Mrs R Cheswright stated that approving this application would set a precedent in the District. She referred to other sites in East Herts where mobile homes had been replaced with permanent brick-built houses.

Councillor J Taylor stated that a planning permission for a mobile home was not a prerequisite for the approval of a permanent dwelling. She reiterated that there were no special circumstances for approving this application.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0108/FP, planning permission be refused for the reason detailed in the report now submitted.



764 3/11/2096/FP - AMENDMENTS TO PLOT 17 OF PLANNING PERMISSION REFERENCE 3/09/1370/FP; CHANGE TO ORIENTATION OF DWELLING, CHANGES TO INTERNAL LAYOUT, CAT SLIDE ROOF TO BE REPLACED WITH GABLE, CHANGES TO FENESTRATION AND ADDITION OF SLIDE DOWN ROOF OVER PORCH AT LAND AT GRAVELLY LANE, BRAUGHING FOR LINDEN HOMES LTD

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/09/1370/FP to include reference to application 3/11/2096/FP, planning permission be granted subject to the conditions now detailed.

The Director highlighted an error in the report in that the proposal did not involve any additional bedrooms but involved a reorganisation of the first floor accommodation to create five larger bedrooms, not four as detailed in paragraph 1.2 of the report now submitted.

Councillor Mrs R Cheswright expressed her regret over the problems that had been encountered in respect of this site, in particular, the numerous changes to the scheme since the approval of planning permission. She emphasised the local frustration in relation to this site and commented that, had all the changes been presented to Members as part of the original application, the Committee may not have approved planning permission.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/09/1370/FP to include reference to this application, application 3/11/2096/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant

entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/09/1370/FP to include reference to application 3/11/2096/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 765 3/12/0141/FP - ERECTION OF VEHICULAR AND PEDESTRIAN GATES, RAILINGS, FENCING AND CCTV AND LIGHTING COLUMNS TO EXISTING SCHOOL AND SERVICE ENTRANCES AT ST ELIZABETH'S SCHOOL AND HOME, SOUTH END, PERRY GREEN, MUCH HADHAM, SG10 6EW FOR ST ELIZABETH'S SCHOOL AND HOME

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0141/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0141/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 766 3/12/0245/FP - PROPOSED COVERED ROOF AREAS TO EXISTING CHILDREN'S PLAY AREA AND ADJACENT RABBIT WORLD AREA AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BAYFORD, BROXBOURNE, HERTS, EN10 7QA FOR MR PETER SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0245/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director

of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0245/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

767 3/11/1941/FP - RETENTION OF EXTENSION TO SPEEDWAY MUSEUM AND ADJACENT COVERED VISITOR PICNIC AREA AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BAYFORD, BROXBOURNE, HERTS, EN10 7QA FOR MR PETER SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1941/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor A Burlton commented that the applicant should be reminded that applications should be submitted to the Authority in advance of works being carried out, particularly in light of the size and status of Paradise Wildlife Park.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1941/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

768 3/11/2191/FP - ERECTION OF CLASSROOM BLOCK AND LINK TO JUNIOR SCHOOL, AT BISHOP'S STORTFORD COLLEGE, MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PJ FOR BISHOP'S STORTFORD COLLEGE

Dr Kamilia El Farra addressed the Committee in opposition to the application. Mr Jeremy Gladwin spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2191/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones acknowledged that Bishop's Stortford College had no intention to increase its intake as a result of this application. He referred to the distance between the proposed development and nearby residential dwellings. He also noted that nearby dwellings were located higher than the application site so should not be overlooked.

Councillor G Jones was supportive of the application. He concurred, in particular, with the Officer's conclusions detailed at the end of the report now submitted.

Councillor J Taylor refuted the concerns raised by neighbours, in particular relating to traffic, loss of outlook, overbearing impact and loss of privacy due to overlooking from the proposed building and car park. Councillor J Taylor also refuted the concerns relating to potential noise nuisance caused by the car park. She stated that the application should be approved.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2191/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

769 3/11/2192/FP - NEW SCIENCE CLASSROOM AND ENTRANCE LOBBY EXTENSION TO EXISTING JUNIOR SCHOOL AND ADDITIONAL PARKING AT BISHOP'S STORTFORD COLLEGE, MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PJ FOR BISHOP'S STORTFORD COLLEGE

---

Mr Greg Burns addressed the Committee in opposition to the application. Mr Jeremy Gladwin spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2192/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones stated that he had noted the comments of the objecting speaker regarding the extended car parking spaces not being shielded by fencing. He commented however, that the additional spaces were further away from the neighbouring dwellings so there should be less associated noise.

Councillor G Jones commented that residents would welcome the tidying up of traffic movements around the site and he would hold the college to account in respect of the pledge that there would be no increase in student intake. He concluded that he was prepared to support this application.

In response to a query from Councillor Mrs R Cheswright, the Director stressed that it was very difficult to say there would never be any overlooking of neighbouring residential properties. However, Members were advised that Officers had considered the distance between the site and neighbouring dwellings and their view was that any overlooking would be minimal and would not justify a refusal of planning permission.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2192/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

770 3/12/0152/FP - REPLACEMENT 6 BEDROOM DWELLING  
AT 2 MAPLE AVENUE, BISHOP'S STORTFORD, CM23 2RR  
FOR MR AND MRS J SANDFORD

Mr Richard Cave addressed the Committee in opposition to the application. Mr Ian Abrams spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0152/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones commented on whether the new National Planning Policy Framework (NPPF) had resulted in a shift in approach in respect of sustainability. He believed that the NPPF stated that applications that failed to improve the quality and character of an area should not be approved.

The Director advised that introductory text to policy HSG7 of the East Herts Local Plan Second Review April 2007, stated that properties that were capable of economic repair should be retained in the interests of sustainability. However, these words do not appear in the policy. Members were advised that the new NPPF indicated that sustainable development should be approved.

The Director advised that Officers had been of the view that this application was not of a poor design and the policies in the East Herts Local Plan Second Review April 2007 were, in principle, supportive of such development.

Councillor T Page expressed concerns relating to the recommendation for refusal from the Landscape Officer. In particular, he was concerned in respect of the impact of the stand alone garage and the overall negative impact of the proposed development on the street scene.

Councillor M Newman commented that he viewed this

application as very much a like for like replacement of the existing dwelling. He stated however, that any new house should be built to the very latest standards in respect of environmental insulation and water usage.

Councillor Mrs R Cheswright raised concerns relating to loss of light and overlooking from a property that was going to be 3 stories high. The Director stated that Officers felt that the use of obscure glazing, the distance between the proposed dwelling and adjacent properties and also the location of trees meant that the impact of the application was judged by Officers to be acceptable.

In response to further concerns from Councillor Mrs R Cheswright relating to the garage roof height and also the pitch of the garage roof, the Director advised that the garage was proposed as a ground floor space and Officers could add conditions relating to the implementation of further north facing windows. Members were further advised that any windows in the garage would be likely to require planning permission if they were of a dormer style.

In response to further comments from Councillor G Jones, the Director stated that condition 9 could be amended so that there were no further windows in the north facing flank elevation of the dwelling and also the north facing roof slope of the garage.

The Director stated that a condition regarding the land ownership of the site or subdivision of the plot would be unreasonable and would not satisfy the standard tests applied to conditions.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted, subject to the amended condition relating to the north facing flank elevation of the dwelling and also the north facing roof slope of the garage.

RESOLVED – that in respect of application 3/12/0152/FP, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) 7360-1; 7630-2; 7360-3; 58110.01 Rev A; 58110.02 Rev A; 58110.03 Rev A; 58110.04 Rev A
3. Samples of materials (2E12)
4. Tree retention and protection (4P05)
5. Tree/natural feature protection: fencing (4P07)
6. Tree protection: excavations (4P09)
7. Landscape design proposals (4P12)
8. Landscape works implementation (4P13)
9. No further windows (2E17) insert 'north facing flank elevation of the dwelling and the north facing roof slope of the garage'
10. Obscure glazing (insert: to the first floor windows to the northeast elevation) (2E18)

Directive:

01OL – 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 SD2, HSG7, ENV1, ENV2, ENV11 and TR7) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

- 771 3/12/0080/FP - ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS TO DETACHED DWELLING; ERECTION OF SINGLE STOREY EXTENSION TO EXISTING OUTBUILDING; ERECTION OF DETACHED DOUBLE GARAGE AT 2, LONG LANE, ASTON, STEVENAGE, HERTFORDSHIRE, SG2 7HG FOR MR AND MRS P AND H LOVETT

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0080/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0080/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 772 3/12/0179/FP - CONSTRUCTION OF SELF CONTAINED ANNEXE AT 6 KINGSMEAD ROAD, BISHOP'S STORTFORD FOR MR R MALYON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0179/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones expressed concerns regarding a residential annexe in this location. He stated that a separate access could in fact be created from the adjacent private roadway. He further stated that if

Officers considered this to be a factor in recommending approval then he would query this point of view.

In response to a query from Councillor M Alexander relating to the National Planning Policy Framework (NPPF) and any wording contained therein regarding garden developments, the Director stated that central government had issued advice in 2011 that local planning authorities should seek to avoid development in residential gardens.

The Director advised that the NPPF now stated that local authorities should consider whether to have a policy in relation to development in residential gardens. Members were advised that whilst East Herts Council did have policies regarding residential annexes, there was currently no explicit policy that covered the issue of development in residential gardens.

Councillor M Alexander commented that the Authority would be setting a dangerous precedent should this application be approved. He stated that he always considered an annexe to be adjoined to the main property and not a separate structure some way down a residential garden.

The Director advised that the NPPF gave Local Authorities more ability to exercise discretion and apply local policy. The wording in the NPPF was, if anything, more favourable towards annexes in residential gardens.

Councillor J Taylor proposed and Councillor J Demonti seconded, a motion that application 3/12/0179/FP be refused on the grounds that the proposed development had the potential to be occupied as a separate residential unit due to its distance from the existing dwelling and the ability for separate access to be created, and as a result it had the potential to be harmful to neighbouring residential amenity and was therefore contrary to Policy ENV8 of the East Herts Local Plan Second Review April 2007.

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 as now submitted.

RESOLVED – that in respect of application 3/12/0179/FP, planning permission be refused for the following reason:

1. The proposed development has the potential to be occupied as a separate residential unit due to its distance from the existing dwelling and the ability for separate access to be created. As a result, it has the potential to be harmful to neighbouring residential amenity and therefore contrary to Policy ENV8 of the East Herts Local Plan Second Review April 2007.

773 A) 3/12/0070/FP AND B) 3/12/0069/LB - SINGLE STOREY REAR ORANGERY EXTENSION AT HOPLANDS HOUSE, GREEN TYE, MUCH HADHAM, SG10 6JP FOR MR DONOVAN

Mr John Donovan addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/0070/FP and 3/12/0069/LB, planning permission and listed building consent be refused for the reasons detailed in the report now submitted.

Councillor J Demonti commented that the proposed orangery was in keeping and in scale with the very long house located on this site. She stated that the proposed development was a high quality extension that would enhance the listed building. Also, she believed that the proposed development was not visible from the front so there would be no harm to the environment or the

conservation area.

Councillor T Page stated that the existing building represented a vibrant living history of building styles. He commented that the proposed orangery would complement and enhance the balance of the existing listed building. He also believed that the proposed orangery would enhance the natural lighting of the listed building in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007. He also stated that the application would not cause a nuisance to the neighbours.

Councillor J Taylor commented that the application should be refused on the grounds that it was contrary to national planning policy guidance in the National Planning Policy Framework (NPPF).

Councillor T Page proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/0070/FP be granted planning permission on the grounds that the proposed orangery would complement and enhance the balance of the existing listed building, and would enhance the natural lighting of the listed building in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

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

Councillor T Page proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/0069/LB be granted listed building consent on the grounds that the proposed orangery would complement and enhance the balance of the existing listed building, and would enhance the natural lighting of the listed building in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

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

The Committee rejected the recommendations of the Director of Neighbourhood Services as now submitted.

Councillors M Alexander and J Taylor requested that their dissent from these decisions be recorded.

RESOLVED – that (A) in respect of application 3/12/0070/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved Plans (2E10) ..4096-1
3. Materials of construction (2E11)

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, ENV5 and ENV6,); guidance in the National Planning Policy Framework and the limited impact that the proposed extension would have on the character and the appearance building. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/12/0069/LB, listed building consent be granted subject to the following conditions:

1. Three year time limit (1T14)
2. Listed building (new windows) (8L03)

3. Listed building (new doors) (8L04)
4. Listed building (new brickwork) (8L06)

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 guidance in the National Planning Policy Framework. The balance of the considerations having regard to those policies is that consent should be granted.

774 3/12/0051/FP - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS AT 3, ABBOTTSFIELD COTTAGES, FANHAMS HALL ROAD, WARESIDE, SG12 7RY FOR MR MAHMOUD

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0051/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0051/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

775 3/12/0178/FP - PROPOSED SINGLE STOREY SIDE/REAR EXTENSION AT APPLEWOOD, 7 ERMINE STREET, BUNTINGFORD, SG9 9AZ FOR MR R G HILBORN

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0178/FP, planning

permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0178/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

776 E/12/0052/A - THE ERECTION OF TWO DWELLINGHOUSES WITH A ROOF RIDGE HEIGHT WHICH EXCEEDS THAT GRANTED PLANNING PERMISSION UNDER PLANNING REFERENCE 3/09/1370/FP, AT PLOTS 13 AND 14, LINDEN HOMES DEVELOPMENT, LAND SOUTH OF GRAVELLY LANE, BRAUGHING, (NOW ALSO KNOWN AS 1 AND 2 TOTTS COTTAGES, POUND CLOSE, BRAUGHING), SG11 2BH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0052/A, it was not expedient to issue and serve a planning enforcement notice

The Director advised that the planning agent acting for the developer had indicated that a planning application seeking permission for the unauthorised development was due to be submitted within the next two weeks. The Director further advised that Members could defer consideration of this matter pending that submission. Officers had also received a request that this matter be withdrawn from the agenda.

Officers would reintroduce the matter to the next Committee meeting if an application was not forthcoming or if other matters suggested that the issue should be re-addressed.

The Committee accepted that the matter be deferred to

the next meeting of the Committee on the basis now detailed.

RESOLVED – that in respect of E/12/0052/A, the matter be deferred to the next meeting of the Committee on the basis now detailed.

777 E/12/0002/A - UNAUTHORISED ATTACHMENT AND DISPLAY OF ADVERTISEMENTS TO A GRADE II LISTED BUILDING AT PREZZO, THE GEORGE HOTEL, 1 NORTH STREET, BISHOP'S STORTFORD, CM23 2LD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0002/A, enforcement action be authorised on the basis now detailed.

The Director advised that a representative of the freeholder of the site had confirmed that the unauthorised signage had been displayed by the tenants of the upper floors and that, as freeholders, they were seeking the removal of the signs as soon as possible.

The Director requested that authorisation be given as detailed in the report now submitted, although no formal action would be taken if the unauthorised signs were removed within a reasonable period of time.

In response to a query from Councillor T Page, the Director advised that Officers felt that 2 to 3 weeks should be considered a reasonable period of time for removal of the unauthorised signs.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation that, in respect of the site relating to E/12/0002/A, enforcement action be authorised on the basis now detailed.

RESOLVED – that in respect of E/12/0002/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be



authorised to take enforcement action on the basis now detailed.

778 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; and
- (C) Planning Appeals: Inquiry and Informal Hearing dates.
- (D) Planning Statistics.

The meeting closed at 8.45 pm

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

This page is intentionally left blank

MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE HELD IN THE  
ROOM 27, WALLFIELDS, HERTFORD ON  
THURSDAY 19 APRIL 2012, AT 7.00 PM

PRESENT:

District Council Members:

Councillors A Burlton and N Poulton.

Independent Members:

Mr S Bouette  
Mr D Farrell  
Mr J Morphew  
Mr T Vickers (Chairman)

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Democratic Services Team Leader

779 APOLOGIES

Apologies for absence were submitted on behalf of Councillor M Wood, Mr J Jones, Mr C Marks and Mrs E Woods.

780 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that in the absence of a Parish representative, the Committee could not consider any parish matters. The Monitoring Officer advised that the substantive item of business on the agenda would need to be a recommendation to Council.

781 MINUTES

In respect of Minutes 712 – 713 – Complaint in Respect of a Parish Councillor (Reference HORM/03/2011), it was noted that Mr C Marks had, in fact, as the complainer, declared a personal and prejudicial interest and had left the room whilst these matters were considered.

Arising from Minute 713 - Complaint in Respect of a Parish Councillor (Reference HORM/03/2011), the Committee noted that the letter of apology, as sanctioned by the Committee, had not yet been received. The Committee instructed the Monitoring Officer to ascertain from the Parish Clerk whether the letter had been received, and if not, to write to Councillor Kilby informing him that if the apology was not received within seven days, then the matter would be reported further to the Standards Committee.

RESOLVED – that (A) the Minutes of the meeting held on 14 March 2012, be approved as a correct record and signed by the Chairman, subject to the addition of Mr C Marks' declaration, as now detailed; and

(B) the Monitoring Officer be instructed to ascertain from the Parish Clerk whether the letter of apology had been received, and if not, to write to Councillor Kilby informing him that if the apology was not received within seven days, then the matter would be reported further to the Standards Committee.

782 LOCALISM ACT 2011

**Further to the Committee's consideration of this matter at the previous meeting (Minute 710 refers), the Monitoring Officer submitted a report proposing a new standards regime on the basis of the comments made.**

**In respect of the proposed code of conduct, the Committee noted that, once approved, the Monitoring Officer would produce separate codes for the District**

**Council and Town/Parish Councils. The Committee supported the draft code as detailed at Essential Reference Paper 'B' of the report submitted, subject to the inclusion of a reference to gifts and hospitality.**

**In terms of the complaints procedure, as detailed at Essential Reference Paper 'C' of the report submitted, the Committee agreed this in outline, subject to a number of further amendments. The Monitoring Officer undertook to circulate an updated version to Members.**

**The Committee also considered the terms of reference for the proposed Standards Committee and Standards Sub-Committee, as detailed at Essential Reference Paper 'D' of the report submitted. The Committee supported these, subject to a number of amendments. The Monitoring Officer undertook to circulate updated versions to Members.**

**The Committee agreed that the Monitoring Officer be authorised to refer the code of conduct, the complaints process and the terms of reference for the Standards Committee and Standards Sub-Committee to the Council meeting on 16 May 2012, on the basis of the comments now detailed. The Committee also agreed to delegate authority for making typographical and non-material amendments to the Monitoring Officer in consultation with the Committee Chairman.**

**RECOMMENDED – that (A) the code of conduct, the complaints process and the terms of reference for the Standards Committee and Standards Sub-Committee, as now amended, be approved; and**

**(B) authority for making typographical and non-material amendments be delegated to the Monitoring Officer in consultation with the Committee Chairman.**

The meeting closed at 9.00 pm

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

EAST HERTS COUNCIL

COUNCIL - 16 MAY 2012

REPORT BY THE MONITORING OFFICER

THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME

WARDS AFFECTED:                      NONE

---

## Purpose/Summary of Report

- To consider proposals for the implementation of the Localism Act as it relates to the new standards regime.

## RECOMMENDATIONS:

### Standards Committee

- (a) **Issue 1- The Standards Committee Recommendation:** To create an Advisory Committee with independent Members with voting rights operating in the same way as the current Standards Committee but advising full Council. The Members of the existing Standards Committee would be appointed to the Committee.
- (b) **Alternative Recommendation:** That the Council establish a Standards Committee comprising 5 elected Members of the District Council, appointed proportionally;
- (c) That the Leader of the Council be requested to nominate to the Committee only one Member who is a Member of the Executive;

### Code of Conduct

- (d) **Issue 2- The Standards Committee Recommendation:** The Standards Committee recommends the adoption of a code prepared by the Committee and contained in **Essential Reference Paper B**

- (e) **Alternative Recommendation:** Adopt the Local Government Association's "Template code and guidance note on conduct". (**Essential Reference Paper C**);
- (f) That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer, after consultation with the Leader of the Council, add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interests other than DPs.

### **Arrangements for Dealing with complaints**

- (g) **Issue 3-The Standards Committee recommendation:** Adopt the proposals set out in **Essential Reference Paper D**
- (h) **Alternative Recommendation:** Adopt the proposals set out in **Essential Reference Paper E**;

### **Independent Persons**

- (i) **Issue 4-** The Council join with other authorities with a pool of Independent Persons;
- (j) That the Independent Persons be reimbursed for travel and subsistence expenses

### **Register of Members' Interests**

- (k) **Issue 5-** That the Monitoring Officer prepare and maintain a new register of Members' interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
- (l) That the Monitoring Officer ensure that all Members are informed of their duty to register interests;
- (m) That the Monitoring Officer prepare and maintain new registers of Members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and



### **Standing Orders**

- (n) That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.
- (o) **Issue 6-** The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.
- (p) **Issue 7-** The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

### **Dispensations**

- (q) **Issue 8-** That Council delegate the power to grant dispensations –
- (r) on Grounds set out in Paragraphs 11.2 (a) and 11.2 (d) of this report to the Monitoring Officer with an appeal to Standards Committee, and;
- (s) on Grounds 11.2 (b), 11.2 (c), 11.2 (e) to the Standards Committee, after consultation with the Independent Person.

## 1.0 **Background**

- 1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The date for implementation of these changes is 1 July 2012.

## 2.0 Report

2.2 This report describes the changes and recommends the actions required for the Council to implement the new regime.

## 2.3 **Duty to promote and maintain high standards of conduct**

2.4 The authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

## 3.0 **Standards Committee**

3.1 The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. So, there will be no requirement for a Standards Committee. However, there will still be a need to deal with standards issues and case-work, so that it is likely to remain convenient to have a Standards Committee, it will be a normal Committee of Council, without the unique features which were conferred by the previous legislation. As a result –

- (a) The composition of the Committee will be governed by proportionality, unless Council votes otherwise with no Member voting against. The present restriction to only one Member of the Executive on the Standards Committee will cease to apply;
- (b) The current co-opted independent Members will cease to hold office. The Act establishes for a new category of Independent Persons (see below) who must be consulted at various stages, but provides that the existing co-opted independent Members cannot serve as Independent Persons for 5 years. The new Independent Persons may be invited to attend meeting so the Standards Committee and could be co-opted onto the Committee;
- (c) The District Council will continue to have responsibility for dealing with standards complaints against elected and appointed Members of Parish Councils, but the current Parish Council representatives cease to hold office. It is recognised that the Council may not want to reconstitute a Standards Committee as such or add responsibilities to another Committee (e.g. the Audit Committee). However, there is still a need for a Member body to consider complaints where informal

resolution is unsuccessful or inappropriate. To avoid legal challenge and demonstrate the application of natural justice, a hearing following an investigation and report is necessary. It enables the subject Member to respond and an impartial decision to be taken. Without a committee all matters would have to be considered by full Council.

### **3.2 Issue 1 – The District Council needs to decide whether to set up a Standards Committee, and if so, how it is to be composed. If not, how Standards issues should be considered.**

### **3.3 The Standards Committee recommendation**

To create an Advisory Committee with independent Members with voting rights operating in the same way as the current Standards Committee but advising full Council (**Essential Reference Paper ‘F’**). The Members of the existing Standards Committee would be appointed to the Committee.

#### **3.3.1 Alternative Recommendation**

- (a) That the Council establish a Standards Committee comprising 5 elected Members of the District Council, appointed proportionally (**Essential Reference Paper ‘G’**);
- (b) That the Leader of the Council be requested to nominate to the Committee only one Member who is a Member of the Executive;

### **3.4 The Code of Conduct**

3.5 The current ten General Principles and Model Code of Conduct will be repealed, and Members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted Member’s conduct when acting in that capacity. The Council’s new Code of Conduct must, viewed as a whole, be consistent with the following seven principles –

- (a) Selflessness
- (b) Integrity
- (c) Objectivity
- (d) Accountability

- (e) Openness
- (f) Honesty
- (g) Leadership

3.6 The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. However, regulations to be made under the Act will require the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority’s code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. The result is that it is not yet possible to draft Code provisions which reflect the definition of DPIs which will appear in regulations, but it is possible to give an indicative view of what the Council might consider that it might be appropriate to include in the Code in respect of the totality of all interests, including DPIs, other pecuniary interests and non-pecuniary interests. Accordingly, it might be sensible at this stage to instruct the Monitoring Officer to prepare a draft Code which requires registration and disclosure for those interests which would today amount to personal and/or prejudicial interests, but only require withdrawal as required by the Act for DPIs.

3.7 The Act prohibits Members with a DPI from participating in authority business, and the Council can adopt a Standing Order requiring Members to withdraw from the meeting room.

3.8 The Council’s new Code of Conduct will have to deal with the following matters –

General conduct rules, to give effect to the seven principles. This corresponds broadly with Paragraphs 3 to 7 of the current Code of Conduct. Registration and disclosure of interests other than DPIs – effectively, replacing the current personal interests provisions. The Act requires that the Code contains “appropriate” provisions for this purpose, but, until the regulations are published, defining DPIs, it is difficult to suggest what additional disclosure would be appropriate. The options are:

- (a) to adopt the code recommended by the Standards Committee  
**(Essential Reference Paper B)**

- (b) Adopt the Local Government Association’s “Template code and guidance note on conduct’. **(Essential Reference Paper C)**

### **3.9 Issue 2 – The Council has to decide what it will include in its Code of Conduct**

#### **3.10.1 The Standards Committee recommendation**

The Standards Committee recommends the adoption of a code prepared by the Committee and contained in **Essential Reference Paper B**

#### **Alternative Recommendation**

- (a) Adopt the Local Government Association’s “Template code and guidance note on conduct’. **(Essential Reference Paper C)**
- (b) That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer, after consultation with the Leader of the Council, add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interests other than DPIs.

### **4.0 Dealing with Misconduct Complaints**

#### **4.1 “Arrangements”**

4.1.1 The Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct both by District Council Members and by Parish Council Members, and such complaints can only be dealt with in accordance with such “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct.

4.1.2 The advantage is that the Act repeals the requirements for separate Referrals, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. As the statutory provisions no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to any Standards Committee and to the Monitoring Officer.

## 4.2 Decision whether to investigate a complaint

4.2.1 In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It is sensible to take advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person and the ability to refer particular complaints to the Standards Committee where he feels that it would be inappropriate for him to take a decision on it, for example where he has previously advised the Member on the matter or the complaint is particularly sensitive. These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation. If this function is delegated to the Monitoring Officer, it is right that he should be accountable for its discharge. For this purpose, it would be appropriate that he make a quarterly report to Standards Committee, which would enable him to report on the number and nature of complaints received and draw to the Committee's attention areas where training or other action might avoid further complaints, and keep the Committee advised of progress on investigations and costs.

## 4.3 "No Breach of Code" finding on investigation

4.3.1 Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement is that this is reported to the Standards Committee and the Sub-Committee take the decision to take no further action. In practice, it would be reasonable to delegate this decision to the Monitoring Officer, but with the power to refer a matter to Standards Committee if he feels appropriate. It would be appropriate if copies of all investigation reports were provided to the Independent Person to enable him to get an overview of current issues and pressures, and that the Monitoring Officer provide a summary report of each such investigation to Standards Committee for information.

## 4.4 "Breach of Code" finding on investigation

4.4.1 Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. However, it is suggested that at this stage it would only be appropriate for the

Monitoring Officer to agree a local resolution after consultation with the Independent Person and where the complainant is satisfied with the outcome, and subject to summary report for information to the Standards Committee.

4.4.2 In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for the Standards Committee (in practice a Hearings Panel constituted as a Sub-Committee of Standards Committee) to hold a hearing at which the Member against whom the complaint has been made can respond to the investigation report, and the Hearing Panel can determine whether the Member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

4.5 Action in response to a Hearing finding of failure to comply with Code

4.5.1 The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or requirements for training or an apology on Members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the Member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively. In practice, this might include the following –

- i. A formal letter to the Councillor found to have breached the code;
- ii. Formal censure by motion;
- iii. Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
- iv. Press release or other appropriate publicity

4.6 Appeals

4.6.1 There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

5.0 **Issue 3 – The Council has to decide what “arrangements” it will adopt for dealing with standards complaints and for taking action where a Member is found to have failed to comply with the Code of Conduct.**

## **The Standards Committee recommendation**

Adopt the proposals set out in **Essential Reference Paper D**

## **Alternative Recommendation**

Adopt the proposals set out in **Essential Reference Paper E.**

### **6.0 Independent Person(s)**

6.1 The “arrangements” adopted by Council must include provision for the appointment by Council of at least one Independent Person.

6.2 “Independence”

6.2.1 The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all Members of the District Council (not just of those present and voting).

6.2.2 A person is considered not to be “independent” if –

- (a) he is, or has been within the last 5 years, an elected or co-opted Member or an officer of the District Council or of any of the Parish Councils within its area;
- (b) he is, or has been within the last 5 years, an elected or co-opted Member of any Committee or Sub-Committee of the District Council or of any of the Parish Councils within its area (which would preclude any of the current co-opted independent Members of Standards Committee from being appointed as an Independent Person); or
- (c) he is a relative or close friend of a current elected or co-opted Member or officer of the District Council or any Parish Council within its area, or of any elected or co-opted Member of any Committee or Sub-Committee of such Council.

6.2.3 For this purpose, “relative” comprises –

- (a) the candidate’s spouse or civil partner;
- (b) any person with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate’s grandparent;



- (d) any person who is a lineal descendent of the candidate's grandparent;
- (e) a parent, brother, sister or child of anyone in Paragraphs (a) or (b);
- (f) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e); or
- (g) any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

### 6.3 Functions of the Independent Person

#### 6.3.1 The functions of the Independent Person(s) are –

- (a) They must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- (b) They may be consulted by the authority in respect of a standards complaint at any other stage; and
- (c) They may be consulted by a Member or co-opted Member of the District Council or of a Parish Council against whom a complaint has been made.

6.3.2 This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the Member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

#### 6.4 How many Independent Persons?

6.4.1 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

#### 6.5 Remuneration

- 6.5.1 As the Independent Person is not a Member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of Members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.
- 6.5.2 In comparison to the current Chairman of Standards Committee, the role of Independent Person is likely to be less onerous. He/she is likely to be invited to attend all meetings of the Standards Committee but not to be a formal Member of the Committee. He/she will need to be available to be consulted by Members against whom a complaint has been made, although it is unclear what assistance he/she could offer. Where he/she has been so consulted, he/she would be unable to be involved in the determination of that complaint. This report suggests that the Independent Person also be involved in the local resolution of complaints and in the grant of dispensations.

## **6.6 Issue 4 – How many Independent Persons are required?**

### **6.6.1 Recommendation**

- (a) the Council join with other authorities with a pool of Independent Persons
- (b) That the Independent Persons be reimbursed for travel and subsistence expenses

## **7.0 The Register of Members' Interests**

### **7.1 The register of Members' interests**

7.2 The Localism Act abolishes the concepts of personal and prejudicial interests. Instead, regulations will define "Disclosable Pecuniary Interests" (DPIs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council's website.

7.3 At present it is not known what Disclosable Pecuniary Interests will comprise, but they are likely to be broadly equivalent to the current prejudicial interests. The intention was to simplify the registration

requirement, but in fact the Act extends the requirement for registration to cover not just the Member's own interests, but also those of the Member's spouse or civil partner, or someone living with the Member in a similar capacity.

- 7.4 The provisions of the Act in respect of the Code of Conduct require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.
- 7.5 The Monitoring Officer is required by the Act to set up and maintain registers of interest for each Parish Council, available for inspection at the District Council offices and on the District Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.
- 7.6 Registration on election or co-option
- 7.7 Each elected or co-opted Member must register all DPIs within 28 days of becoming a Member. Failure to register is made a criminal offence, but would not prevent the Member from acting as a Member.
- 7.8 In so far as the Code of Conduct which the Council adopts requires registration of other interests, failure to do so would not be a criminal offence, but merely a failure to comply with the Code of Conduct.
- 7.9 There is no continuing requirement for a Member to keep the register up to date, except on re-election or re-appointment, but it is likely that Members will register new interests from time to time, as this avoids the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.
- 7.10 The preparation and operation of the register, not just for this authority but also for each Parish Council, is likely to be a considerable administrative task, especially where different Parish Councils adopt different Code requirements for registration and disclosure in respect of interests other than DPIs. There is no provision for the District Council to recover any costs from Parish Councils.
- 7.11 **Issue 5 – Preparation of the Registers**

### **7.11.1 Recommendation**

- (a) That the Monitoring Officer prepare and maintain a new register of Members' interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
- (b) That the Monitoring Officer ensure that all Members are informed of their duty to register interests;
- (c) That the Monitoring Officer prepare and maintain new registers of Members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and
- (d) That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.

## **8.0 Disclosure of Interests and Withdrawal from Meetings**

8.1 As set out above, DPIs are broadly equivalent to prejudicial interests, but with important differences.

- (a) The duty to disclose and withdraw arises whenever a Member attends any meeting of Council, a Committee or Sub-committee, or of the Executive or a Executive committee, and is aware that he/she has a DPI in any matter being considered at the meeting. So it applies even if the Member would be absent from that part of the meeting where the matter in question is under consideration.
- (b) Where these conditions are met, the Member must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). However, in a change from the current requirements, the Member does not have to make such a disclosure if he/she has already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a "pending notification"). So, Members of the public attending the meeting will in future need to read the register of Members' interests, as registered interests will no longer be disclosed at the meeting.

- (c) Where the Member does make a disclosure of a DPI, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests.

8.1.1 If a Member has a DPI in any matter, he/she must not –

- (a) Participate in any discussion of the matter at the meeting. The Act does not define “discussion”, but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or
- (b) Participate in any vote on the matter,
  - (i) unless he/she has obtained a dispensation allowing him/her to speak and/or vote.
- (c) Failure to comply with the requirements becomes a criminal offence, rather than leading to sanctions;
- (d) The Council’s Code of Conduct must make “appropriate” provisions for disclosure and withdrawal for interests other than DPIs, but failure to comply with these requirements would be a breach of Code of Conduct but not a criminal offence.
- (e) The requirement to withdraw from the meeting room can be covered by Standing Orders, which would apply not just to Council, Committees and Sub-Committees, but can apply also to Executive and Executive Committee meetings, so that failure to comply would be neither a criminal offence nor a breach of Code of Conduct, although the meeting could vote to exclude the Member.

**8.2 Issue 6 – What Standing Order should the Council adopt in respect of withdrawal from meetings for interests?**

**8.2.1 Recommendation**

The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

## **9.0 Disclosure and Withdrawal in respect of matters to be determined by a Single Member**

- (a) Matters can be decided by a single Member acting alone where the Member is an Executive Member acting under Portfolio powers, or where the Member is a Ward Councillor and the Council chose to delegate powers to Ward Councillors.
- (b) The Act provides that, when a Member becomes aware that he/she will have to deal with a matter and that he/she has a DPI in that matter –
- (c) Unless the DPI is already entered in the register of Members' interests or is subject to a "pending notification", he/she has 28 days to notify the Monitoring Officer that he/she has such a DPI; and
- (d) He/she must take no action in respect of that matter other than to refer it another person or body to take the decision.
- (e) Standing Orders can then provide for the exclusion of the Member from any meeting while any discussion or vote takes place on the matter.
- (f) Note that the Act here effectively removes the rights of a Member with a prejudicial interest to make representations as a Member of the public under Paragraph 12(2) of the current Code of Conduct

### **9.1 Issue 7 – In what circumstances should Standing Orders exclude single Members from attending meetings while the matter in which they have a DPI is being discussed or voted upon?**

#### **9.1.1 Recommendation**

The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

## **10.0 Sensitive Interests**

- 10.1 The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests.
- 10.2 So, where a Member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose) at a meeting or on the register of Members' interests would lead to the Member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest".
- 10.3 If the Monitoring Officer agrees, the Member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of Members' interests.

## **11.0 Dispensations**

- 11.1 The provisions on dispensations are significantly changed by the Localism Act. At present, a Member who has a prejudicial interest may apply to Standards Committee for a dispensation on two grounds –
- (a) That at least half of the Members of a decision-making body have prejudicial interests (this ground is of little use as it is normally only at the meeting that it is realised how many Members have prejudicial interests in the matter, by which time it is too late to convene a meeting of Standards Committee); and
  - (b) That so many Members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter (this ground would require that the Members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be inappropriate).
- 11.2 In future, a dispensation will be able to be granted in the following circumstances
- (a) That so many Members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business". In practice this means that the decision-making body would be inquorate as a result;

- (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so changed as to alter the outcome of any vote on the matter. This assumes that Members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
- (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
- (d) That, without a dispensation, no Member of the Executive would be able to participate on this matter (so, the assumption is that, where the Executive would be inquorate as a result, the matter can then be dealt with by an individual Executive Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or
- (e) That the authority considers that it is otherwise appropriate to grant a dispensation.

11.3 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

11.4 The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by Standards Committee, the Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. Grounds 11.2 (a) and 11.2 (d) are relatively objective, so it may be appropriate to delegate dispensations on these grounds to the Monitoring Officer, with an appeal to the Standards Committee, thus enabling dispensations to be granted "at the door of the meeting". Grounds 11.2 (b), 11.2 (c) and 11.2 (e) are rather more subjective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, after consultation with the Independent Person.

## **11.1 Issue 8 – What arrangements would be appropriate for granting dispensations?**

### **11.1.1 Recommendation**

That Council delegate the power to grant dispensations –



- (a) on Grounds set out in Paragraphs 11.2 (a) and 11.2 (d) of this report to the Monitoring Officer with an appeal to Standards Committee, and
- (b) on Grounds 11.2 (b), 11.2 (c), 11.2 (e) to the Standards Committee, after consultation with the Independent Person.

## **12.0 Transitional Arrangements**

12.1 Regulations under the Localism Act will provide for –

- (a) transfer of Standards for England cases to local authorities following the abolition of Standards for England;
- (b) a transitional period for the determination of any outstanding complaints under the current Code of Conduct.
- (c) removal of the power of suspension from the start of the transitional period; and
- (d) removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

## **13.0 Implications/Consultations**

13.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

### **Background Papers**

None

**Contact Officer:** Simon Drinkwater – Director of Neighbourhood Services and Monitoring Officer, Ext 1405  
[simon.drinkwater@eastherts.gov.uk](mailto:simon.drinkwater@eastherts.gov.uk)

**Report Author:** Simon Drinkwater – Director of Neighbourhood Services and Monitoring Officer

This page is intentionally left blank

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATION

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p><b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <ul style="list-style-type: none"> <li>• Enhance our local community engagement by working together with our partners such as Parish and Town Councils, for the benefit of our communities.</li> <li>• Maintain our core services to a good standard and ensure high satisfaction with the council as measured through the biennial Residents Survey. “</li> </ul>
<p>Consultation:</p>	<p>None</p>
<p>Legal:</p>	<p>The legal implications are set out in the report.</p>
<p>Financial:</p>	<p>None</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>The Council is required to implement the Localism Act in respect of the new standards regime. The Council is under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.</p>

This page is intentionally left blank

## **ESSENTIAL REFERENCE PAPER 'B'**

### **[DRAFT EHDC] MEMBERS' CODE OF CONDUCT**

#### **Introduction**

1. The Localism Act 2011 requires councils to promote and maintain high standards of conduct. Each council must have a Code of Conduct. As a member of this Council, you are accountable to it for compliance with this Code when you act, or claim to act, or might reasonably be thought to be acting, in your role as a member. Your role as a member includes any additional council duties or offices undertaken by you. The accountability does not extend to your conduct in private life.
2. The Act requires the Code to be consistent with the principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
3. The Code is in two parts. The first deals with general provisions and obligations. The second relates to the Act's requirements regarding members' interests other than pecuniary interests and pecuniary interests. This categorisation replaces the earlier personal interests and personal and prejudicial interests. Failures to register or to declare pecuniary interests or otherwise to fail to observe the related provisions of the Act are now potentially criminal offences. Some obligations in the first part of the Code also relate to potentially unlawful conduct. The Code aims both to warn against conduct that might make you or the Council itself liable in law, and also to signal the unacceptability of breaches that do occur but are below the threshold for legal action.
4. Members cannot be required, as a condition of office, to be bound by the Code, but you will be deemed to have read the Code and to be aware that the Council is required to provide for complaints alleging breaches of the Code to be determined, after any necessary investigation. The procedures for making a complaint and for the subsequent handling of a complaint are published on the EHDC website and are available from the EHDC Offices.

#### **Part 1**

##### **General provisions and obligations**

5. When you represent the Council on another body, you should, as a member of that body, comply, in the conduct of that authority's business, with any necessary provisions of that body's code of conduct; but you should also comply with this Council's Code of Conduct, except if and to

the extent that it conflicts with any over-riding lawful obligations of that other body. Such conflicts are improbable, but, if any arise the guidance of this Council's Monitoring Officer should be sought.

6. By leadership and example, you should assist the Council in its duty to promote and maintain high standards of conduct. To that end you must—
  - (a) aim to uphold the law and not do, or connive with or at others in doing, anything unlawful;
  - (b) comply with the Council's standing orders and with any relevant guidance that may be issued from time to time, including codes and protocols;
  - (c) at no time, in your role as a member and in the performance of your Council duties, conduct yourself in a manner that might reasonably be regarded as bringing, or being likely to bring, into disrepute you yourself, in your office of member, or the Council.
  
7. You should aim to promote equality and must treat others with respect and with due regard for them and to their rights as individuals. In particular, you must not—
  - (a) in any way discriminate, or show prejudice, on grounds of sex or sexual orientation, or of nationality, race, creed, disability or age. Nor should you do anything that might cause the Council itself to liable under any of the provisions of the Equality Act 2010;
  - (b) bully, harass or treat any person or persons in a manner that might be felt to be oppressive;
  - (c) intimidate or attempt to intimidate any person who is or might be (i) a complainant that any member has breached the Council's Code of Conduct, or (ii) a witness or potential source of other material evidence regarding such an allegation, or (iii) in any other way involved in any investigation or proceedings in relation to an allegation of misconduct;
  - (d) do anything that compromises or might compromise the impartiality, integrity and objectivity of those who work for, or on behalf of, the Council.
  
8. You must not disclose information, whether given to you or coming to your notice in any other way, that is confidential or that you ought reasonably to be aware is of a confidential nature, unless—

- (a) you have the consent of a person who has the authority to give such consent; or
  - (b) disclosure is required by law; or
  - (c) the disclosure is necessarily made to a third party for the purpose of obtaining professional advice and provided that the third party agrees not to disclose the information to any other person; or
  - (d) the disclosure is reasonable, in the public interest, and made in good faith and in compliance with the Council's policies or protocols on whistle-blowing and confidential information. For protection by the Public Interest Disclosure Act 1988, you must first have raised your concerns through the appropriate internal machinery, as set out in the Council's Disclosure Code.
9. You must not impede or prevent someone else from gaining access to information to which he or she is entitled by law.
10. You must not use, or attempt to use, your position to gain financial or other material benefits for yourself, your family, or your friends.
11. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
12. When using, or authorising or agreeing to others' use, of the resources of your authority, you must—
- (a) act in accordance with the Council's reasonable requirements and so far as possible ensure that the Council uses its resources prudently and in accordance with the law;
  - (b) ensure that the Council's resources are not used improperly for political purposes (including party political purposes).
13. When reaching decisions on any matter you must—
- (a) exercise independent judgement and act solely in the public interest;
  - (b) remember that a Council decision might be open to challenge on grounds of predetermination if a member (or members) involved in the decision had, or might reasonably have been thought by a disinterested observer to have had, a closed mind at the time the decision was taken. To avoid predetermination, if beforehand you have expressed a strong view on the matter for decision or indicated how you were minded to vote, you should keep an open

mind and have regard for all the facts, advice from officers and others' views, and ideally demonstrate that open-mindedness in discussion at the meeting;

- (c) heed any relevant professional advice from the Council's Chief Executive, Chief Finance Officer or Monitoring Officer.
14. As a holder of public office, you are accountable to the public and you should—
- (a) aim to be open about decisions and actions that involve you;
  - (b) be less open only when the law or confidentiality requires or if in the wider public interest;
  - (c) make clear, in any communications with members of the public and especially with representatives of the media, whether you are expressing personal views or speaking in any way on behalf of the Council;
  - (d) have regard to the Council's Code of Publicity, in particular if you initiate the communication by, for example, writing a letter to a newspaper.}

## **Part 2**

[To be inserted when/if regulations are issued.]



## ESSENTIAL REFERENCE PAPER 'C'

### Code of Conduct

As a member or co-opted member of East Hertfordshire District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in East Hertfordshire District Council this will be done as follows: *[to be completed when the regulations are made]*

As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

## ESSENTIAL REFERENCE PAPER 'D'

### **Complaints Procedure**

#### **1.0 Context**

- 1.1 These "Arrangements" set out, as required by law, how to make a complaint that an elected or co-opted Member of this authority (or of a Town or Parish council within its area) has failed to comply with the Councillors' Code of Conduct, and describe how the Authority will deal with such complaints.
- 1.3 Such arrangements must provide for the Authority to appoint at least one "Independent Person", whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member (or a Member or co-opted Member of a Town or Parish council) against whom an allegation has been made.

#### **2.0 The Code of Conduct**

- 2.1 The Council has adopted, again as required by law, a Code of Conduct for Councillors, which is available on the Authority's website and on request from Reception at the Council Offices.
- 2.2 Each Town or Parish Council is also required to adopt a Code of Conduct. Most of the councils of towns and parishes in East Herts have adopted a Model Code that differs only in detail from that adopted by the District Council. The Model Code, together with a list of those local councils that have adopted it, is on the Authority's website and is available from the Council Offices. Otherwise, potential complainants should either look on any website operated by the Town or Parish Council concerned or ask the Town or Parish Clerk to allow sight of the Town or Parish Council's Code of Conduct.

#### **3.0 Making a complaint**

- 3.1 In order to provide all the information necessary to process a complaint, a complainant should complete and send in the complaint form, which can be downloaded from the Council's website and is available on request from the Reception at the Council Offices. It can also be obtained by

writing or telephoning the Council's Deputy Monitoring Officer (Jeff Hughes) at:

East Herts Council Offices, Wallfields, Pegs Lane, Hertford SG13 8EQ (Tel: 01279 655261)

The form is accompanied with detailed advice on how to fill it in. If the complainant wants his or her name kept in confidence, the form provides for that to be requested. The Monitoring Officer, who is a senior officer of the Authority with responsibility for administering the system in respect of complaints of Member misconduct, will consider the request and, if granted, the complainant's name will not be disclosed, without prior consent, to the Member who is the subject of the complaint (the "subject Member") or to anyone not directly involved in the processing of the complaint. If the complainant has serious concerns, on grounds, for example, of victimisation or intimidation, the Council has a 'whistle-blowing' procedure that offers a high degree of confidentiality [REFERENCE].

- 3.2 The Authority does not normally pursue anonymous complaints unless clear factual evidence is provided of a breach of the Code of Conduct.
- 3.3 The Monitoring Officer will acknowledge receipt of a complaint within 2 working days of receiving it, and will keep the complainant informed of the progress of the complaint.
- 3.4 The Complaints Procedure Flowchart is annexed at Appendix 1.

#### **4.0 Will your complaint be investigated?**

- 4.1 The Monitoring Officer will review every complaint received, to establish that the matter is within the jurisdiction of the Standards Committee. If a complaint appears to disclose criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies. If, for any other reason, the complaint is not appropriate to be dealt with by the Council's Standards Committee, it will be directed into whichever procedure is available, if there is one, and the complainant will be told.
- 4.2 The subject Member will normally receive details of the complaint, including the name of the complainant (unless the Monitoring Officer has agreed not to disclose the complainant's name). The subject Member will be given the opportunity to respond to the complaint. In exceptional

cases, where disclosure of details of the complaint to the Member might prejudice the investigation of the complaint, because, for example, evidence might be destroyed, the Monitoring Officer may delay notifying the Member until the investigation has progressed sufficiently. The complaint, together with any response from the subject Member, will be considered in accordance with the Assessment Criteria annexed at Appendix 2. The Standards Sub-Committee will make a recommendation as to whether the complaint should be summarily dismissed, or, if there appears to be evidence of a significant breach of the Code, referred to the Monitoring Officer with a recommendation for formal investigation or for other specified action. Where the Sub-Committee requires additional information in order to make a recommendation, the Monitoring Officer may refer back to the complainant or to the subject Member for such information.

- 4.3 In appropriate cases, there may be a decision to attempt to resolve the complaint informally, without the need for a formal investigation. Such informal resolution might, for example, involve the Member accepting that his/her conduct was unacceptable and offering an apology, or the Sub-Committee might recommend other remedial action by the Authority, such as the issue of a caution by the Monitoring Officer. Where the Member or the Authority makes a reasonable offer of informal resolution, but the complainant is not willing to accept the offer, the Sub-Committee will take account of this in deciding whether the complaint merits further investigation. If the subject Member refuses to co-operate with the attempt at informal resolution, the complaint may be referred for formal investigation and a further complaint of a breach of the Code may also be considered.
- 4.4 Unless the complaint is complicated, the expectation is that the assessment will be completed and the recommendation notice issued within 28 days of receipt of the complaint.

## **5.0 How is a formal investigation conducted?**

- 5.1 The Council has adopted a procedure for the formal investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.
- 5.2 If the Standards Committee decides that a complaint merits formal investigation, the Monitoring Officer will normally appoint an "Investigating Officer", who may be another senior officer of the Authority, an officer of

- another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to gain a fuller understanding of events and to identify what documents needs to seen and who needs to be interviewed.
- 5.3 The Investigating Officer will normally contact the subject Member (who will already have a copy of the complaint), and ask the Member to provide his/her explanation of events, and to help further identify what documents may be material and who needs to be interviewed.
- 5.4 At the end of his/her investigation, the Investigating Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give the protagonists an opportunity to identify anything in that draft report which they disagree with or which they consider requires more consideration.
- 5.5 Having received and taken account of any comments on the draft Investigation Report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- 5.6 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.
- 6.0 What happens to the Investigating Officer’s Final Report, once cleared by the Monitoring Officer?**
- 6.1 The Monitoring Officer will submit the Investigation Report to the Sub-Committee which may either dismiss the complaint summarily if the investigation concludes there is inadequate evidence of a breach of the Code or may conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to recommend any action in respect of the Member.
- 6.2 The Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.
- 6.3 At the hearing, which will normally be held in public, the Investigating Officer or the Monitoring Officer will present the investigation report, call any necessary witnesses and make representations to substantiate the report's conclusions. For this purpose, the Investigating Officer or

Monitoring Officer may ask the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

- 6.4 The Sub-Committee may then conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should recommend as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to recommend in respect of the matter.

**7.0 What action can the Standards Sub-Committee recommend where a Member has failed to comply with the Code of Conduct?**

- 7.1 The Sub-Committee may make recommendations to take such actions in respect of an individual Member as are within the Council's power and may be appropriate to promote and maintain high standards of conduct. Accordingly the Sub-Committee may recommend:-

- 7.2
- i. A formal letter to the Councillor found to have breached the code;
  - ii. Formal censure by motion;
  - iii. Removal by the authority of the Member from Committee(s) and other bodies, subject to statutory and constitutional requirements;
  - iv. Press release or other appropriate publicity

- 7.3 The Sub-Committee may also consider systemic issues relevant to the case, such as a need for training or the issuing of guidance.

**8.0 What happens at the end of the hearing?**

- 8.1 At the end of the hearing, the Chairman will state the recommendation of the Standards Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to recommend.

- 8.2 As soon as reasonably practicable thereafter, the Monitoring Officer will, if the subject Member's authority is the District Council, prepare a report to

Council which will consider the recommendations and make a decision. The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Council, and send a copy to you, to the Member and to the Town or Parish Council, making that decision notice available for public inspection.

- 8.3 If the subject Member's authority is a Town or Parish Council, the Monitoring Officer will send the report to the clerk of that Council and the clerk will submit the report for the Council's consideration and report back to the Monitoring Officer that Council's decisions.

## **9.0 Who are the Standards Sub-Committee?**

- 9.1 It is a Sub-Committee normally comprising External Members, that is, persons appointed by the Council to the Standards Committee with no political allegiances or other involvement in or with the Authority or with any Town or Parish council in the District.
- 9.2 If the Councillor complained about is a Member of a Town or Parish Council a District Councillor who is a member of the Standards Committee will be invited to attend the Sub-Committee. If the Councillor complained about is a Member of the District Council, a Town or Parish Councillor who is a member of the Standards Committee will be invited to attend the Sub-Committee.

## **10.0 Who is the Independent Person?**

- 10.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council. He or she is required by law to have no recent involvement with the Council or with any town or parish council either personally or by being related to a member or officer. In addition to the role of the Independent member in the arrangements set out above, he or she will also act as Assessor to the Council and advise on any recommendation or advice to Council from the Standards Committee.

## **11.0 Revision of these arrangements**

- 11.1 The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.



## **12.0 Appeals**

- 12.1 There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer or of the Sub-Committee.
- 12.2 A complainant who considers that the Authority has failed to deal with his or her complaint properly can make a complaint to the Local Government Ombudsman.

## **Appendix 1**

### **Complaints Procedure Flowchart**

## **APPENDIX 2**

### **STANDARDS COMPLAINTS ASSESSMENT CRITERIA**

#### **Complaints which would not normally be referred for formal investigation**

1. The complaint is not considered sufficiently serious to warrant investigation or there is simply no case to answer;
2. It appears that the matter is not within the Standards Committee's jurisdiction, since for example, it relates to the Councillor's private life or is about dissatisfaction with a Council decision;
3. There is insufficient information available for a referral; or
4. The complaint has not been received within 1 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
5. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

**APPENDIX 3**

**STANDARDS COMPLAINTS INVESTIGATION PROCEDURE**

## **Appendix 4**

### **Complaints Standards Sub-Committee Procedure**

This page is intentionally left blank

## ESSENTIAL REFERENCE PAPER 'E'

### **Complaints Procedure**

#### **1.0 Context**

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this authority (or of a Town or Parish council within its area) has failed to comply with the Councillors’ Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority (or of a Town or Parish council within the authority’s area), or of a Committee or Sub-Committee of the authority, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member (or a Member or co-opted Member of a Town or Parish council) against whom an allegation has been made.

#### **2.0 The Code of Conduct**

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available for inspection on the authority’s website and on request from Reception at the Council Offices.
- 2.2 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should inspect any website operated by the Town or Parish Council and request the Town or Parish Clerk to allow you to inspect the Town or Parish Council’s Code of Conduct.

#### **3.0 Making a complaint**

- 3.1 If you wish to make a complaint, please write or email to:

The Deputy Monitoring Officer - Jeff Hughes  
East Herts Council  
Council Offices  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Tel: 01279 655261

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the Council has all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Reception at the Council Offices.
- 3.4 Please provide the Council with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.
- 3.5 The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance
- 4.0 Will your complaint be investigated?**
- 4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before referring it to the Standards Sub-Committee



- 4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria annexed at Appendix 2. The Standards Sub-Committee will make a recommendation as to whether the complaint should be investigated. Where the Sub-Committee requires additional information in order to come to a decision, the Monitoring Officer may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Town or Parish Council before submitting it to the Sub-Committee.
- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Sub-Committee will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

## **5.0 How is the investigation conducted?**

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.
- 5.2 If the Council decides that a complaint merits further investigation, the Council may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents needs to seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see

and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and from the papers given to the member, or delay notifying the Member until the investigation has progressed sufficiently.

5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

**6.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report and, if he is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Town or Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report. The Monitoring Officer will then report to the Standards Sub-Committee which will make a recommendation based on the report.

6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

**7.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report and will then either send the

matter for a hearing before the Standards Sub-Committee and in consultation with the Independent Person seek an informal resolution.

#### 7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you may consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Town or Parish Council for information, but will take no further action.

#### 7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the Councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Sub-Committee which may conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should recommend as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to recommend in respect of the matter.

**8.0 What action can the Standards Sub-Committee recommend where a Member has failed to comply with the Code of Conduct?**

8.1 The Sub-Committee may make recommendations to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may recommend:-

- 8.2 i. A formal letter to the Councillor found to have breached the code;
- ii. Formal censure by motion;
- iii. Removal by the authority of the Member from Committee(s) subject to statutory and constitutional requirements;
- iv. Press release or other appropriate publicity;

8.3 The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

**9.0 What happens at the end of the hearing?**

9.1 At the end of the hearing, the Chairman will state the recommendation of the Standards Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to recommend.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a report to Council which will consider the recommendations. Council will consider the recommendations and make a decision. The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Council, and send a copy to you, to the Member and to the Town or Parish Council, making that decision notice available for public inspection.

## **10.0 Who are the Standards Sub-Committee?**

- 10.1 It is a Sub-Committee comprising Independent Members.
- 10.2 If the Councillor complained about is a member of a Town or Parish Council a Town or Parish Councillor who is a member of the Standards Committee will also be invited to attend the Sub-Committee.
- 10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11.0 Who is the Independent Person?**

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.
- 11.2 A person cannot be "independent" if he/she:
  - 11.2.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
  - 11.2.2 *(Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area), or*
  - 11.2.3 Is a relative or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, a "relative" means:
    - 11.2.3.1 Spouse or civil partner;
    - 11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;
    - 11.2.3.3 Grandparent of the other person;
    - 11.2.3.4 A lineal descendent of a grandparent of the other person;
    - 11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

- 11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or
- 11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

## **12.0 Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13.0 Appeals**

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the authority has failed to deal with your complaint properly, you can make a complaint to the Local Government Ombudsman.

**Appendix 1**  
**Complaints Procedure Flowchart**

## APPENDIX 2

### STANDARDS COMPLAINTS ASSESSMENT CRITERIA

#### Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. it is about someone who is no longer a Councillor
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction



**APPENDIX 3**  
**STANDARDS COMPLAINTS INVESTIGATION PROCEDURE**

## **Appendix 4**

### **Complaints Standards Sub-Committee Procedure**

## ESSENTIAL REFERENCE PAPER 'F'

### Terms of Reference for the Standards Committee and Standards Sub-Committee

<b>STANDARDS COMMITTEE</b>	
<p><b>Appointed by:</b></p> <p>The Council, in accordance with the provisions of S101 &amp; S102 Local Government Act 1972 and Regulations made thereunder.</p> <p>Appointment of a Standards Committee shall be by full Council</p>	<p><b>Number of Members:</b></p> <p>4 elected Members appointed proportionally (of whom not more than 1 Member may be a Member of the Executive)</p> <p>1 Town Councillor and 2 Parish Councillors to be co-opted as voting members</p> <p>4 Co-Opted independent Members ("External Members")</p>
<p><b>Chairman and Vice-Chairman appointed by:</b></p> <p>1. The Chairman will be elected by the Committee and shall be an External Member.</p> <p>2. There will be one Vice-Chairman, who shall be elected by the Committee and shall be an External Member</p> <p>3. The Vice-Chairman shall deputise for the Chairman in the latter's absence.</p> <p>4. In the absence of both the Chairman and Vice-Chairman the Committee shall elect an External Member as Chairman</p>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality apply.</p> <p><b>Substitutes:</b></p> <p>Substitutes are not permitted for the Standards Committee.</p> <p><b>Frequency:</b></p> <p>At least quarterly or otherwise as required.</p> <p><b>Venue:</b></p> <p>As set out in the approved Calendar of Meetings.</p>

<p><b>Independent Person:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p><b>The Independent Person:</b></p> <p>The Independent Person be invited to attend the meetings of the Standards Committee and its Sub-Committees as an observer.</p>
<p><b>Quorum:</b></p>	<p>At least 1 Member from each of the three above categories of memberships of the Committee</p>

**Terms of Reference**

The Standards Committee will have the following roles and functions as an advisory committee:

- (a) Advising and assisting the Authority in the promotion and maintenance of high standards of conduct by Members of the Authority;
- (b) Advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to those Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct
- (c) to progress complaints on behalf of a Town or Parish Council
- (d) advising the Authority and the Town and Parish Councils on the adoption or revision of the Members' Code of Conduct;
- (e) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Authority's assessment criteria
- (f) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (g) assisting Councillors to observe the Members' Code of Conduct;
- (h) advising the Authority upon the contents of and requirements for codes/protocols/other guidance and procedures relating to standards of conduct within the Authority
- (i) maintaining oversight of the Authority's arrangements for dealing with complaints
- (j) informing the relevant council(s) of issues arising from the determination of Code of Conduct complaints.
- (k) Appointment of a Sub-Committee to carry out assessments and to conduct hearings
- (l) Appointment of ad hoc and informal Sub-Committees for any other purpose

germane to the Committee's terms of reference.

**SUB-COMMITTEE for the purposes of assessing complaints and conducting hearings**

**Appointed :**

The Sub-Committee is convened ad hoc from the membership of the parent Committee, with regard to the importance both of convening meetings with as little delay as is practicable and of giving as many members as possible experience of casework.**Membership:**

All available external members of the Standards Committee subject to a minimum of 2 being present;

for assessments/hearings relating to a member of the Authority: any 1 available town/parish member of the Committee;

for assessments/hearings relating to a member of a town/parish council: any 1 available member from the Authority.

**Chairman appointed by:**

The Chairman shall be elected by the Sub-Committee at each meeting.

**Political Proportionality:**

No

**Substitutes:**

None.

**Frequency:**

As and when required.

**Venue:**

To be determined by the Monitoring Officer.

**Quorum:**

At least 3 Members

**Independent Person:**

Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011

**The Independent Person:**

The Independent Person to be invited to attend the meetings of the Standards Sub-Committee

## **Terms of Reference**

To assess, or to conduct a Hearing into, an allegation that a Member or Co-opted Member has breached the Code of Conduct adopted by the council of which he or she is a member.

Following an Assessment, to make one of the following recommendations to the Monitoring Officer:

- (a) That no further action be taken
- (b) That specified action be taken to attempt informal resolution of the complaint
- (c) That the complaint be formally investigated.

Following a Hearing, to make one of the following recommendations to the subject Member's council :

- (d) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing
- (e) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing
- (f) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution be imposed.

The Sub-Committee may recommend any action or combination of actions available to the Council, or recommend any informal resolution or combination of informal resolutions as are available by law or policy.

After the Hearing the Sub-Committee shall, as soon as reasonably practicable, provide written recommendations and the reasons for its recommendations.

**ESSENTIAL REFERENCE PAPER 'G'**

**Terms of Reference for Standards Committee**

<b>STANDARDS/GOVERNANCE COMMITTEE</b>	
<p><b>Appointed by:</b></p> <p>The Council, in accordance with the provisions of S101 &amp; S102 Local Government Act 1972 and Regulations made thereunder.</p> <p>Appointment of a Standards Committee shall be by full Council</p>	<p><b>Number of Members:</b></p> <p>5 elected Members appointed proportionally (of whom 1 Member may be a member of the Executive nominated by the Leader of the Council)</p>
<p><b>Chairman and Vice-Chairman appointed by:</b></p> <ol style="list-style-type: none"> <li>1. The Chairman will be elected by the Committee.</li> <li>2. There will be one Vice-Chairman, who shall be elected by the Committee</li> <li>3. The Vice-Chairman shall deputise for the Chairman in his or her absence.</li> </ol>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality apply.</p> <p><b>Substitutes:</b></p> <p>Substitutes are permitted for the Standards Committee.</p> <p><b>Frequency:</b></p> <p>At least quarterly.</p> <p><b>Venue:</b></p> <p>As set out in the approved Calendar of Meetings.</p>
<p><b>Independent Person:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p><b>The Independent Person:</b></p> <p>The Independent Person be invited to attend the meetings of the Standards Committee</p>
<p><b>Quorum:</b></p>	<p>At least 3 voting Members of the Committee</p>

## **Terms of Reference**

The Standards Committee will have the following roles and functions:

- (1) promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
- (2) Advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Councillor to comply with the Code of Conduct
- (3) to progress complaints on behalf of Town and Parish Councils
- (4) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (5) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria
- (6) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (7) arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (8) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
- (9) hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (10) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- (11) maintaining oversight of the Council's arrangements for dealing with complaints
- (12) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (13) Appointment of Sub-Committee



<b>SUB-COMMITTEE</b>	
<p><b>Appointed by:</b></p> <p>The Council, for the purposes of section 28(6 and (7) of the Localism Act 2011</p>	<p><b>Number of Elected Members:</b></p> <p>3 Members appointed from Members of the Standards Committee.</p>
<p><b>Chair and Vice-Chair appointed by:</b></p> <p>The Chair shall be elected by the Sub-Committee at each meeting.</p>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality apply.</p> <p><b>Substitutes:</b></p> <p>None.</p> <p><b>Frequency:</b></p> <p>As and when required.</p> <p><b>Venue:</b></p> <p>To be determined by the Monitoring Officer.</p>
<p><b>Quorum:</b></p>	<p>At least 3 voting Members</p>
<p><b>Independent Person:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p><b>The Independent Person:</b></p> <p>The Independent Person to attend the meetings of the Standards Committee dealing with hearings into allegations of misconduct</p>
<p><b>Terms of Reference</b></p> <p>To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.</p> <p>Following a Hearing, make one of the following findings:</p> <ul style="list-style-type: none"> <li>(a) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>(b) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>(c) That the Member has failed to comply with the Code of Conduct and that a</li> </ul>	

sanction and/or an informal resolution should be imposed

The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to the Council by law or policy.

After making a finding the Sub-Committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.

## EAST HERTS COUNCIL

COUNCIL – 16 MAY 2012

### REPORT BY LEADER OF THE COUNCIL

### APPOINTMENT OF STATUTORY OFFICERS

WARD(S) AFFECTED: NONE

---

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

- To appoint statutory officers.

<b><u>RECOMMENDATION:</u> that</b>	
<b>(A)</b>	<b>the Chief Executive and Director of Customer and Community Services be appointed as Head of Paid Service; and the Director of Internal Services to act as deputy; and</b>
<b>(B)</b>	<b>the Director of Neighbourhood Services be appointed as Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983 and as Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983.</b>

#### 1.0 Background

1.1 The Council needs to confirm the arrangements for statutory posts following the recent appointment to the post of Chief Executive and Director of Customer and Community Services.

#### 2.0 Report

2.1 The following appointments are recommended - that the Council appoints the Chief Executive and Director of Customer and Community Services as Head of Paid Service (the post of Director of Internal Services being the nominated deputy) and that the Council appoints the Director of Neighbourhood Services as Returning Officer and as Electoral Registration Officer.

2.4 The Returning Officer appointment is subject to a scale of

expenses as agreed by Council on 21 February 2007.

### 3.0 Implications/Consultations

Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Pay Policy Statement 2012 – Council 22 February 2012  
Returning Officer's Scale of Fees – Council 21 February 2007

Contact Member: Councillor A Jackson, Leader  
[tony.jackson@eastherts.gov.uk](mailto:tony.jackson@eastherts.gov.uk)

Contact Officer: Emma Freeman, Head of People, ICT and Property Services, extn 1635  
[emma.freeman@eastherts.gov.uk](mailto:emma.freeman@eastherts.gov.uk)

Report Author: Emma Freeman, Head of People, ICT and Property Services, extn 1635

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATION

Contribution to the Council's Corporate Priorities/Objectives ( <i>delete as appropriate</i> ):	<b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	Council is required to appoint to statutory posts at all times.
Financial:	As detailed in the report and pay policy statement 2012.
Human Resource:	As detailed in the report.
Risk Management:	Clarity over interim and the future arrangements set out in the report mitigate risk.

This page is intentionally left blank

EAST HERTS COUNCIL

COUNCIL - 16 MAY 2012

REPORT BY THE MONITORING OFFICER

AMENDMENTS TO THE CONSTITUTION

WARD(S) AFFECTED: All

---

**Purpose/Summary of Report**

- The report sets out proposed amendments to the Constitution.

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

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 the report.

2.0 **Report**

2.1 An annual review of the Constitution is carried out prior to a report being submitted to Annual Council on any proposed changes. A number of changes are proposed. The significant changes are highlighted in this report.

2.2 Some amendments reflect changes which have already taken place such as deletion of the Community Voice meetings. Changes in job titles and responsibilities require minor changes to be made. The significant changes are

described in this report and they are shown in **Essential Reference Paper 'B'**.

### 3.0 **Development Control Delegation**

- 3.1 The determination of planning applications is delegated to officers subject to a number of exceptions including major developments and departures from the local plan. Applications within these exceptions are determined by the Committee. This results in applications for small scale household development being determined by the Committee. It is proposed to amend the delegation to reduce the number of these applications going to Committee.

This would be achieved by delegating householder applications which are contrary to policy to officers unless objections to the development are received and officers propose to approve the application. Other applications which are currently determined by the Committee would not be affected. The amendments are highlighted in **Essential Reference Paper 'B'**.

### 4.0 **Council Tax Setting Committee**

- 4.1 It is proposed that a Council Tax Setting Committee should be established to set the Council tax and agree the formal resolution for Council tax. The new paragraphs are shown in **Essential Reference Paper 'B'**.

### 5.0 **Finance Functions**

- 5.1 It is proposed that the delegations for finance functions should be updated in line with changes to the staff structure and the introduction of shared services. The new paragraphs are shown in **Essential Reference Paper 'B'**.

### 6.0 **Financial Regulations**

There are a number of minor additions and changes to the Financial Regulations. There is an addition to the provisions for new proposals requiring a proportionate use of the H M Treasury Green Book. The provisions on credit balances



are amended to make the regulations clearer.

New paragraphs are proposed to cover the following areas:

Acting on behalf of the Council,

Taxation affecting the Council,

Gifts and hospitality,

The assurance statement given by managers,

Exceptions to the Financial Regulations,

Budgetary provisions for Payroll,

Information systems used for financial transactions,

Virement caused by organisational change.

The new paragraphs are shown in **Essential Reference Paper 'B'**.

## 6.0 **Standards Regime**

6.1 The Constitution will reflect the changes to the to the standards regime. The proposed changes are the subject of a separate report.

6.2 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers Constitution Guidance

#### Contact Officer/ Report Author:

Simon Drinkwater – Director of  
Neighbourhood Services and Monitoring  
Officer, extn 1405  
[simon.drinkwater@eastherts.gov.uk](mailto:simon.drinkwater@eastherts.gov.uk)

This page is intentionally left blank

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATION

<p>Contribution to the Council's Corporate Priorities/Objectives (<i>delete as appropriate</i>):</p>	<p><b>People</b>  This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <ul style="list-style-type: none"> <li>• Enhance our local community engagement by working together with our partners such as Parish and Town Councils, for the benefit of our communities.</li>   <li>• Maintain our core services to a good standard and ensure high satisfaction with the council as measured through the biennial Residents Survey.</li> </ul>
<p>Consultation:</p>	<p>The Monitoring Officer has consulted the Section 151 Officer and the Head of Paid Service.</p>
<p>Legal:</p>	<p>The legal implications have been taken into account in amending the Constitution.</p>
<p>Financial:</p>	<p>N/A</p>
<p>Human Resource:</p>	<p>No comments.</p>
<p>Risk Management:</p>	<p>A Constitution which reflects the Council's structure and delegation is important to the smooth running of the organisation.</p>

This page is intentionally left blank

**Responsibility of Functions**

**Officer Delegation**

- F. DIRECTOR OF NEIGHBOURHOOD SERVICES, HEAD OF PLANNING AND BUILDING CONTROL, OR THEIR DULY AUTHORISED OFFICERS (WHERE ANY OF THE POSTS IDENTIFIED HERE ARE THE LEAD OFFICER OR CASE OFFICER, DELEGATION SHALL NOT BE AVAILABLE TO THAT OFFICER IN THAT CASE)**

Delegation for Planning Consents

The current delegation for planning consents is as follows:

1. To determine planning, Listed Building, Conservation Area Consent, reserved matters and advertisement applications except where the application:
  - (i) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
  - (ii) Applications for householder development considered to be contrary to approved planning guidelines where an objection has been received in writing which officers propose to approve.
  - (iii) is by a Member of the Council;
  - (iv) is by a officer of the Council;
  - (v) is one where a Member considered that delegated powers should not be exercised by the Director of Neighbourhood Services in which case the Member must notify and obtain the written agreement of the Chairman of the Development Control committee in writing stating the reason why he/she should not determine the application.
  - (vi) Applications requiring reference to the Secretary of State
  - (vii) Applications for approval which require linking to an agreement under Section 106 of the Town and Country Planning Act.
  - (viii) Applications for development by or on behalf of the Council to which an objection has been made which is material to the development proposed.
2. To serve Planning Contravention Notices where it appears that a

contravention of planning control has taken place.

3. To make provisional Tree Preservation Orders and to confirm them when they are unopposed.
4. To issue Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990 in consultation with the Legal Services Manager.
5. To exercise the Council's powers under Section 70(a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Director of Neighbourhood Services, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
6. The consideration, approval and payment of grants in respect of Listed Buildings and Conservation Areas.
7. To exercise the Council's planning powers for control of demolition.
8. To determine commuted car parking payments for planning applications.
9. To approve or reject plans submitted as minor amendments to planning applications previously submitted and approved, subject to consultation with the local Member(s) concerned in accordance with the Council's procedure in force for the time being.
10. To approve or reject plans submitted by a Member of the Council as minor amendments to planning applications previously submitted and approved, subject to consultation with the Chairman of the Development Control Committee and local Member(s) concerned (other than the Member who has submitted the application and subsequent amendment), if any, in accordance with the Council's procedure in force for the time being.
11. To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Hedgerow Protection legislation and exercise the powers and duties relating to high hedges under the Anti-social Behaviour Act 2003.
12. To determine applications for certificates of appropriate alternative development.
13. To determine, in consultation with the Legal Officer, applications for certificates of lawful use and development.

14. In cases of urgency and subject to consultation with the Chairman, to arrange for the serving of building preservation notices, enforcement notices, temporary stop notices and Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, stop notices and directions relating to unlisted buildings in conservation areas.
15. To make observations on development proposals by Government Departments, statutory undertakers and Hertfordshire County Council, which are substantially in accordance with the Council's policies and are not likely to be controversial.
16. To advertise in the local press applications required to be advertised by statute or orders or regulations made thereunder, planning applications and applications for listed building consent.
17. To advertise in the local press and/or by a notice on site, at the discretion of the Director of Neighbourhood Services, applications for planning permission as required by any Development Order made by the Secretary of State.
18. After consultation with the Chairman of the Development Control Committee and the Legal Services Manager institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
19. Enter into Planning Performance Agreements for complex planning.

**DELEGATION:**

Director of Neighbourhood Services and Director of Customer and Community Services)

20. To authorise, after consultation with the Legal Services Manager an officer to enter land at any time for enforcement purposes in cases where admission has been refused or a refusal is expected or in cases of urgency.
21. To apply for warrants to enter property.
22. To authorise the institution of legal proceedings subject to the Legal Services Manager being satisfied to the sufficiency of the evidence. (This delegation applies to the Director of Neighbourhood Services only).
23. To issue Stop Notices and take further enforcement action, where the Development Control Committee has authorised action and, in other cases, issue Enforcement Notices and Stop Notices subject to such action being taken following consultation with Legal Services Manager and to such action being reported to the next meeting of the Development Control Committee, in order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.

24. To apply for injunctions in appropriate cases where there are any breaches of planning and/or building control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning and/or building control has taken place, and to give any undertakings in damages in such cases.
25. To determine applications as to whether prior approval is required to the sitting, design and external appearance of development.
26. To determine whether or not it is expedient to take enforcement action where a breach of planning control has occurred, save where a Member requests, with the agreement of the Chairman.
27. To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Assessment) Regulations 1999 as amended.

**DELEGATION:**

Director of Neighbourhood Services and Legal Services Manager

28. To enter into Agreements with the developers in accordance with planning legislation.
29. To determine applications submitted for approval under the Building Regulations and made under the Building Act 1984 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.
30. To determine the building regulation fees charged by the Council.
31. To be the Appointing Officer for the purposes of the Party Wall Act 1996.
32. To act as Registration Officer pursuant to the Representation of the People Acts for those parliamentary constituencies within the District of East Hertfordshire.
33. To act as Returning Officer for the elections of councillors of the District of East Hertfordshire and those parishes within the District.



## **Responsibility of Functions-**

### **Functions of Committees**

#### **A.7 Council Tax Setting Committee**

- Members of the Authority

This Committee is established under section 67 of the Local Government Act 1992 with the following role and functions:

1. To note the annual budget agreed by the Council.
2. To set an amount of council tax for the following financial year.
3. To agree the formal resolution for council taxes.

## **Responsibility of Functions**

### **Other Miscellaneous Delegations**

#### **FINANCE**

1. To represent the Council or the management board for the Hertfordshire Shared Audit Service (SIAS)
2. Appointment of a Bailiff for the whole or part of the area as the need arises.
3. Authorisation of loans for car purchase in accordance with National Conditions of Service.
4. Signing of Bank Transfers, cheques and authorise amendments to cheques.
5. Wherever necessary to amend affected charges for services to take account of changes in VAT or other forms of taxation provided that any action taken shall be reported to the next convenient meeting of the Executive.
6. To vary the rate of interest and issue notices to the Council's mortgages of any changes in the Council's rate of interest.
7. Authorisation of Officers to institute and appear in any legal proceedings relating to Council Tax and National Non Domestic Rates.
8. To exercise discretion under the 1988 Housing Benefits Scheme (and any amendments thereto) to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
9. To carry out all the charging and collection functions arising out of Parts I to III of the Local Government Finance Act 1988 (and any amendments thereto) except for:
  - (a) the determination of discretionary non-domestic rate relief under Section 47,
  - (b) Other than for debts, to which 10 below applies the writing-off of debts in excess of £5,000 (in which case legislation 11.6.3 shall apply),
  - (c) the reduction or remission of liability under Section 49.
10. To write-off all Community Charges, Council Tax and NNDR outstanding, with the exception of a nominal sum of £5 in respect of each arrears payments, which are the subject of formal bankruptcy or liquidation claims.
11. To fix charges for the service of a Summons (Liability Order) for non-payment of Community Charges, Council Tax and NNDR and the issue of

- a Distress Warrant subject to the approval of the Court.
12. To administer and manage the Council's Collection Fund.
  13. To set precept dates.
  14. To administer the Council's insurances Fund
  15. To make determinations within approved budget as are required under Part IV of the Local Government and Housing Act 1989 in respect of the funding of expenditure capital (but not in respect of borrowing limits) and report the action taken to the Executive for information.
  16. To take day-to-day decisions in respect of the investment of Council funds in accordance with the Annual Investment strategy last approved by the Council.
  17. To consider respect of any reapplication for reduction in Non-Domestic Rate bills previously whether within six months refused there is a significant change in circumstances in which case the application shall be submitted to Executive Member of Finance for consideration
  18. To determine and pay additional benefit in cases of "exceptional hardship" under Housing Benefit Regulations.

**DELEGATION:**

Director of Internal Services

## **Financial Regulations**

### **3. FINANCIAL PLANNING AND RISK MANAGEMENT**

- 3.1 The Council will establish a strategic policy framework to incorporate the main issues facing the Council and to match policies with resources. In terms of financial planning, this will involve approval of a Financial Strategy taking into account the Council's priorities, commitments and forecasts. The Strategy will underpin the Medium Term Financial Plan with the annual budget being the first year of the Medium Term Financial Plan.
- 3.2 An essential part of the planning process is the continuous operation of systems for identifying and evaluating all significant strategic and operational risks facing the Council. This includes a risk assessment of the Council's priorities, budget plans, programme options and service plans involving the proactive participation of Scrutiny, the Executive, the Corporate Management Team, Heads of Services and all officers associated with the planning and delivery of services. The Director of Neighbourhood Services will obtain Executive approval of the corporate risk management strategy and will promote and coordinate risk management activity throughout the Council.
- 3.3 The Corporate Management Team will submit to the Executive annual proposals for schemes for capital and revenue developments, including an indication of the priority of the schemes. Proposals will be submitted to the appropriate Scrutiny Committee or a Joint Meeting of Scrutiny Committee prior to consideration by the Executive.
- 3.4 Capital and revenue budgets will be considered jointly so that the future impact of current proposals can be assessed, including the extent to which current capital expenditure commits or frees future resources.
- 3.5 The proposals will distinguish between already approved policies and those where expenditure is foreseen but not yet approved.
- 3.6 The S.151 Officer will report to the Executive details of the level of resources required to service these proposals, in the context of the overall financial strategy of the Council, and the accomplishment of strategic objectives.
- 3.7 The Executive will consider the provisional programme and make a general determination of amendments to be made following detailed consideration of the estimates.

### **4. THE BUDGETARY SYSTEM**

#### **4.1 General**

- 4.1.1 The Director of Internal Services will be responsible for establishing, in consultation with the Corporate Management Team and Heads of Services, a timetable for the preparation of each year's estimates. This timetable will be agreed by the Executive by July of each year and will be constructed to ensure that the Council will meet its statutory obligations in respect of setting

the Council Tax.

- 4.1.2 The Director of Internal Services will determine, in consultation with the Corporate Management Team, the form in which the revenue and capital estimates will be prepared.
- 4.1.3 The Director of Internal Services will propose for approval by the Executive a Financial Strategy setting out the principles and objectives of financial planning to set the Medium Term Financial Plan and Annual Budget. The Financial Strategy is to be amended or endorsed annually at the commencement of the budget setting process.

## **4.2 Preparation and approval of estimates**

- 4.2.1 Estimates of gross and net revenue and capital expenditure will be prepared annually in accordance with Council policy and will take suitable account of any options. Estimates will be prepared by the nominated budget holders under the direction of the Director of Internal Services, in an agreed form and within the agreed timetable.
- 4.2.2 The Head of Financial Services and Performance will at all times monitor the preparation of the revenue and capital estimates and will in consultation with the Director of Internal Services collate the resultant budgets for submission to and consideration by the Executive.
- 4.2.3 In addition, the S.151 Officer will submit a statement of the requirements of the precepting authorities and a recommended level of Council Tax for the year.
- 4.2.4 The Executive will submit its recommended budget proposals to the Council according to the agreed timetable and complying with any statutory requirements.

## **4.3 Authority to incur expenditure**

- 4.3.1 For revenue budgets, provided that Procurement Regulations have been complied with and subject to any specific exclusions, the inclusion of any item in the approved revenue budget other than a contingency provision, will constitute authority to incur expenditure.
- 4.3.2 For capital budgets, authority to incur expenditure will follow various stages, from initial feasibility through to project implementation, which will ensure that all projects are considered in detail, including both capital and revenue implications. Funding for each stage will be specifically agreed by the Executive/Council in accordance with agreed procedures and only when the Council, through its budget approval process, agrees the allocation of funds will the project be included in the current funded capital programme.
- 4.3.3 Provided the Constitution, including Financial Regulations and any Council instructions for the time being in force have been complied with, inclusion of any items in the approved funded capital expenditure programme shall be deemed to:

- (i) authorise the Head of Service concerned to spend the capital sums provided for projects included in the programme for the current financial year;
- (ii) in the case of schemes for which provision has been made in the current financial year but which are completed in subsequent financial years, authorise the Head of Service concerned to commit the provision in subsequent financial years.
- (iii) authorise the Head of Service concerned:
  - (a) to take steps to enable land required for the purpose of the programme to be acquired in due time, subject to the Council having approved the financing of the capital programme;
  - (b) to proceed with the preparation of plans and other preparatory work, the acceptance of tenders and the ordering of materials or equipment for which there is a long delivery period in connection with schemes, initial expenditure on which is included in the following financial year(s).

4.3.4 Where it appears that any capital project estimate will be exceeded, it shall be the duty of the Head of Service concerned, after joint consultation with the Chief Executive and the Director of Internal Services, to inform the Executive at the earliest opportunity.

4.3.5 Any proposal involving the adoption of a new policy or the variation or extension of existing policy which may or does affect the Council's finances will be submitted initially to the Executive for consideration and subsequent approval by full Council. Proposals should be subject to appraisal proportionate to their implication using methodologies consistent with HM Treasury Green Book and other relevant guidance. Proposals will be submitted to the appropriate Scrutiny Committee prior to consideration by the Executive. The proposal will include a comprehensive report justifying the project, outline any revenue and capital implications and include the comments of the S.151 Officer. The proposal will take into consideration any provisions for virement in accordance with paragraph 4.5.

4.3.6 Expenditure considered essential to meet the sudden needs of an emergency or disaster (referable to section 138 of the Local Government Act 1972) may be incurred on the joint approval of the Chief Executive and Director of Internal Services in consultation with the appropriate Executive Member(s). It will be reported to the next meeting of the Executive.

#### **4.4 Budgetary control**

4.4.1 Allocated budgets will be cash limited, with budgetary monitoring undertaken by each Executive Member under the overall guidance of the Executive, such responsibility being devolved on a day to day basis to nominated budget holders for their own areas of activity. Heads of Service will be responsible for controlling and achieving income and expenditure within their area, and will take any permitted action necessary to avoid exceeding their budget allocation, alerting the Chief Executive and the S.151 Officer of any

problems.

- 4.4.2 The S.151 Officer, in conjunction with the Head of Financial Services and Performance and Heads of Service will ensure as far as practicable that systems are available which will provide such financial information as is required to enable budget holders to satisfactorily monitor budgets.
- 4.4.3 The Head of Financial Services and Performance will report budgetary performance to the Corporate Management Team and the Executive.

## **Financial Regulations**

### **CONTRACTS FOR BUILDING, CONSTRUCTION OR ENGINEERING WORK**

#### **11.7 Credit Balances**

- 11.7.1 Where advance receipts result in credit balances on the Council's accounts after the services have been provided, or credits on Council Tax accounts, all reasonable steps will be taken to refund the amount to the original debtor. In determining reasonable steps, due regard will be taken of the costs of such steps in relation to the amount of the refund. The relevant Head of Service may authorise the write back of an individual credit (or the total of related credits), up to £2,500 and the Director of Internal Services for balances of more than £2,500.



## **Financial Regulations**

### **EXTERNAL ARRANGEMENTS**

#### **21.4 Work for Third Parties**

##### **21.4.1 ACTING ON BEHALF OF THE COUNCIL**

21.4.2 Heads of Service may approve the Contractual arrangements for any work for third parties or external bodies up to Value A. in consultation with the Director of Internal Services. The appropriate Director may approve such contractual arrangement for Value B in consultation with the Director of Internal Services.

21.4.3 The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

21.4.4 Heads of Services will ensure that:

- (i) all risks are identified, assessed, appropriately mitigated and managed and such work is intra vires;
- (ii) a register is maintained of all contracts entered into with third parties;
- (iii) appropriate insurance arrangements are made;
- (iv) the Council is not put at risk from any bad debts;
- (v) no contract is subsidised by the Council;
- (vi) wherever possible, payment is received in advance of the delivery of the service;
- (vii) the Service Unit has the appropriate expertise to undertake the contract;
- (viii) all contracts are properly documented;
- (ix) appropriate information is provided to the Director of Internal Services for final accounts purposes.

21.5 Where anyone is employed under contract to carry out functions on behalf of the Council the Contract shall ensure that these regulations apply mutatis mutandis to the contractor to protect the Council's interests. No authority may be delegated to a contractor which exceeds the authority delegated by the these Regulations to a Director

#### **22.0 TAXATION**

22.1 Where a proposed transaction will incur a tax liability (other than VAT or tax

collected through the payroll system ) the relevant Director of Head of Services will consult with the Director of Internal Services who will determine whether external advice is sought to mitigate that liability.

#### **23.0 ASSURANCE STATEMENT**

23.1 Each April all Directors and Heads of Service will provide to the Director of Internal Services an Anti-Fraud and Anti-Corruption Assurance Statement in a form determined by the Director that they have complied with these regulations during the course of the previous financial year and the Director of Internal Services shall provide such assurances as are requested by the Council's Auditor.

#### **24.0 GIFTS AND HOSPITALITY**

24.1 The officer Code of Conduct provides guidance on acceptance of gifts and hospitality and following that guidance will protect the reputation of both officers and the Council. Similar guidance in respect of Members is contained in Members Codes of Conduct.

24.2 The Council has approved the Anti-fraud and Anti-Corruption Policy, the Bribery Policy and the Disclosure (Whistleblowing) Code.

#### **25.0 PROCUREMENT BY THIRD PARTIES ON BEHALF ON THE COUNCIL.**

25.1 The appropriate Director may appoint a third party to undertake procurement on behalf of the Council subject to the following requirements. Where appropriate Director proposes to appoint a third party to undertake procurement on behalf of the Council, the third party shall so far as possible comply with the Council's Financial Regulations and the Council's Procurement Regulations and where compliance is not possible the provisions in the Regulations as to varying or waiving of the regulations shall apply. The use of third parties for procurement shall be permitted only where the appropriate Director is satisfied that the use of a third party offers better value for money for the Council. The Council remains accountable for the procurement and the related projects at all times.