

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 15th May, 2013 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 7th day of May 2013.

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 for the Civic Year 2013/14

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 2013/14

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 6 March 2013.

6. Declarations of Interest

To receive any Members' declarations of interest.

7. Members' questions

To receive any Members' questions.

8. Community Scrutiny Committee: Minutes - 12 March 2013 (Pages 15 - 22)

Chairman: Councillor G McAndrew

9. Audit Committee: Minutes - 13 March 2013 (Pages 23 - 32)

Chairman: Councillor J Ranger

10. Licensing Committee: Minutes - 14 March 2013 (Pages 33 - 40)

Chairman: Councillor Mrs R Cheswright

11. Corporate Business Scrutiny Committee: Minutes - 19 March 2013 (Pages 41 - 48)

Chairman: Councillor D Andrews

12. Human Resources Committee: Minutes - 20 March 2013 (Pages 49 - 56)

Chairman: Councillor C Woodward

13. Development Control Committee: Minutes - 20 March 2013 (Pages 57 - 78)

Chairman: Councillor S Rutland-Barsby

14. Review of the Council's Decision-Making Structure

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

15. Review of Constitution

To receive a report of the Monitoring Officer (to follow).

16. Motions on Notice

To receive Motions on Notice.

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 6 MARCH 2013, AT 7.00 PM

PRESENT:

Councillor J Taylor (Chairman).
Councillors D Abbott, M Alexander,
D Andrews, W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, M Carver,
Mrs R Cheswright, K Crofton, A Dearman,
P Gray, Mrs D Hollebon, G Lawrence,
J Mayes, G McAndrew, M McMullen,
P Moore, M Newman, P Phillips, M Pope,
J Ranger, C Rowley, P Ruffles, S Rutland-
Barsby, M Tindale, A Warman, G Williamson,
M Wood, C Woodward, B Wrangles and
J Wyllie.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Lorna Georgiou	- Communications Team Leader
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services

651 CHAIRMAN'S ANNOUNCEMENTS

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

She referred to the recent events she had attended and highlighted the visit of Lady Verulam, the Lord Lieutenant of Hertfordshire, to the District.

The Chairman paid tribute to former councillors Basra, Demonti and Poulton and thanked them for their service to their local communities and the District as a whole.

Finally, the Chairman advised Members that she would be hosting a quiz evening in early May and that invitations would be issued in due course.

652 MINUTES

RESOLVED – that the Minutes of the meeting held on 20 February 2013, be approved and signed by the Chairman as a correct record.

653 MEMBERS' QUESTIONS

Question 1

Councillor M Wood asked the Executive Member for Community Safety and Environment if he agreed that, if residents of tree-lined roads were prepared to collect and bag fallen leaves, the least the Council could do would be to arrange their collection.

In reply, the Executive Member for Community Safety and Environment did not agree with Councillor M Wood. He reminded Members of the recent background to the rearrangement of leaf clearance via the usual street cleansing rotation. This had resulted in fewer complaints from residents than expected. He also reminded Members that Hertfordshire County Council were responsible for highway safety.

The Executive Member doubted the logistics of Councillor

Wood's suggestion and commented that leaves could not be included in organic waste bins and would have to be sent to landfill, thus increasing the Council's collection and disposal costs.

In response to a supplementary question on whether Councillor Wood's suggestion would enable residents to take pride in their streets and thus contribute to achieving the Council's corporate priorities, the Executive Member again disagreed.

654 EXECUTIVE REPORT - 5 MARCH 2013

RESOLVED – that the Minutes of the Executive meeting held on 5 March 2013, be received.

(see also Minutes 655 – 666)

655 DRAFT REVISED EAST HERTS HOUSING REGISTER AND ALLOCATIONS POLICY

RESOLVED – that (A) the East Herts Housing Register and Allocations Policy as now submitted at Essential Reference Paper 'B' of the report submitted, be adopted;

(B) authority be delegated to the Director of Neighbourhood Services, in consultation with the Portfolio Holder, for any future minor procedural or process changes to be included in the policy; and

(C) a review of the impact of the specific issues now detailed be undertaken in 6 months, with a full review of the policy being submitted to Community Scrutiny Committee in March 2014.

656 RECYCLING OPTIONS (REMOVING CARDBOARD FROM THE ORGANIC WASTE STREAM)

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

(B) the options and costs for addressing the issue with cardboard collection and increasing recycling collections in the context of Council's environmental and financial objectives be noted;

(C) Option 5 (part-commingled collections with an inner basket being supplied on an "opt-in" basis) be adopted and a provision in the Capital Programme for 2013/14 of £2,200,000 and a one off Revenue Supplementary Estimate of £420,000 for 2013/14 only to allow for necessary changes to recycling services, be approved; and

(D) an appropriation of £280,000 (or balance held on the waste contract reserve at 31 March 2013) in 2013/14 in order to part fund the Supplementary Estimate of £420,000 referred to in (C) above, be approved.

657 DISTRICT PLAN PART 1 – UPDATE REPORT

RESOLVED – that (A) recent interpretation of 'objectively assessed housing need' by the Planning Inspectorate be noted, which suggests that East Herts Council may need to plan for the upper end of the range 10,000-17,000 dwellings over 20 years; and

(B) a further delay to the finalisation of the District Plan Part 1: Strategy be approved, until such time as a resolution to the outstanding strategic issues can be found.

658 DISTRICT PLAN PART 1 – STRATEGY SUPPORTING DOCUMENT: MEMBER COMMENTS AND ADDITIONAL AMENDMENTS TO TEXT

RESOLVED – that (A) the responses made by Members in respect of agenda item 11 of the District Planning Executive Panel on 28 November 2012 be noted;

(B) the Officer responses to the comments made

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

(C) the proposed amendments to the District Plan: Part 1 - Strategy Supporting Document at paragraphs 5.3.116 and 5.3.123 to be made as a result of the receipt of updated information, be approved.

659 HABITATS REGULATION ASSESSMENT STAGE 1 –
SCREENING REPORT (DECEMBER 2012)

RESOLVED - that the Habitat Regulations Assessment Stage 1 – Screening Report (December 2012) be approved as part of the evidence base to inform the District Plan Part 1: Strategy.

660 TRANSPORT MODELLING UPDATE AND DIAMOND
RESULTS

RESOLVED – that (A) the DIAMOND transport modelling work be approved as part of the technical evidence base to inform the District Plan Part 1 - Strategy; and

(B) East Herts Council implores the relevant transport authorities, including Essex County Council, Hertfordshire County Council, and the Highways Agency, to urgently work to identify a pragmatic solution to the evidence base for long-term transport planning issues, to enable East Herts Council to finalise a consultation draft of its District Plan and enable it to comply with its responsibilities as Local Planning Authority.

661 FINANCIAL VIABILITY UPDATE AND STAGE 1 RESULTS

RESOLVED – that (A) the Stage 1 Financial Viability technical work, be approved as part of the evidence base for a Community Infrastructure Levy (CIL) and for the District Plan Part 1 - Strategy; and

(B) the stepped approach to infrastructure planning outlined in this report, including a separate consultation on matters relating to financial viability, be approved.

662 GREATER ESSEX DEMOGRAPHIC FORECASTS - PHASES 1 TO 4 (MARCH 2012 - DECEMBER 2012)

RESOLVED - that the Greater Essex Demographic Forecasts Phases 1 to 4 (March 2012 - January 2013) technical study, be approved as part of the evidence base to inform and support the East Herts District Plan.

663 ANNUAL MONITORING REPORT 2011/12

RESOLVED - that the Annual Monitoring Report 2011/2012 contained as Essential Reference Paper 'B' and Essential Reference Paper 'C' to the report now submitted, be approved for publication.

664 EAST HERTS LOCAL PLAN SECOND REVIEW (APRIL 2007) – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) COMPATIBILITY SELF ASSESSMENT CHECKLIST

RESOLVED – that (A) the NPPF Compatibility Self Assessment Checklist at Essential Reference Paper 'B' of the report submitted, be noted; and

(B) the policies in the East Herts Local Plan Second Review (April 2007) continue to be given due weight in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).

665 STATEMENT OF COMMUNITY INVOLVEMENT (SCI): DRAFT DOCUMENT FOR PUBLIC CONSULTATION

RESOLVED – that the Draft Statement of Community Involvement, as now submitted, be approved for public consultation.

666 COUNCIL TAX DISCOUNTS AND PREMIUMS

RESOLVED - that the qualifying conditions for

discounts, as now submitted, be approved.

667 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES - 26
FEBRUARY 2013

RESOLVED – that the Minutes of the Environment Scrutiny Control Committee meeting held on 26 February 2013, be received.

668 DEVELOPMENT CONTROL COMMITTEE: MINUTES - 27
FEBRUARY 2013

RESOLVED – that the Minutes of the Development Control Committee meeting held on 27 February 2013, be received.

669 COUNCIL TAX 2013/14 - FORMAL RESOLUTION

The Executive Member for Finance submitted a report proposing Council Tax levels in 2013/14. He referred to the precepts set by Hertfordshire County Council (HCC), Hertfordshire Police Authority (HPA) and Parish and Town Councils.

Council approved the recommendations as now detailed.

RESOLVED – that (A) the Council Tax resolution, as detailed at Essential Reference Paper 'A' to the report submitted, be approved;

(B) the local precepts as set out at Essential Reference Paper 'C' of the report submitted, be noted; and

(C) Hertfordshire County Council's and Hertfordshire Police Authority's precepts, as now submitted, be noted.

The meeting closed at 7.20 pm

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MINUTES OF A MEETING OF THE
COMMUNITY SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY
12 MARCH 2013, AT 7.00 PM

PRESENT: Councillor G McAndrew (Chairman)
Councillors S Bull, Mrs D Hollebon,
Mrs D Hone, J Mayes, C Rowley,
N Symonds and C Woodward.

ALSO PRESENT:

Councillors M Alexander, D Andrews,
L Haysey, P Moore.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Cliff Cardoza	- Head of Environmental Services
Mark Kingsland	- Leisure Services Manager
Marian Langley	- Scrutiny Officer
George A Robertson	- Chief Executive and Director of Customer and Community Services
Brian Simmonds	- Head of Community Safety and Health Services

ALSO IN ATTENDANCE:

Matthew Nicolson	- SLM Limited
Chris Yearly	- SLM Limited

670 APOLOGIES

Apologies for absence were received from Councillors R Beeching, T Herbert and M Wood. It was noted that Councillor C Rowley was substituting for Councillor R Beeching.

671 MINUTES

RESOLVED – that the Minutes of the meeting held on 20 November 2012 be confirmed as a correct record and signed by the Chairman.

672 REPORT FROM THE HEALTH AND WELLBEING PANEL

Councillor N Symonds, Chairman of the Health and Wellbeing Panel provided Members with an update on the work of the Panel and of health related activities occurring at Hertfordshire County Council.

RESOLVED – that (A) the report be received; and
(B) the Minutes of the Health and Wellbeing Panel meeting held on 11 December 2012 be noted.

673 CRIME AND DISORDER REPORT - POLICE CRIME COMMISSIONER'S BUDGET AND PLAN: IMPLICATIONS FOR EAST HERTS

With the consent of Members, the Chairman agreed to consider this item before the Annual Leisure Contract Performance report in order to allow representatives from SLM more time to attend.

The Head of Community Safety provided a summary of the new Police and Crime Commissioner's (PCC) role, what Mr Lloyd intended to achieve and the implications for East Herts Council. There was a duty on the part of the PCC to work with Community Safety Partnerships. The Head of Community Safety advised that the PCC

intended to set its own agenda, having discretion over funding and highlighted the prospective financial impact this could have on the Council. It was noted that the Council's Community Safety Partnership expected to receive approximately £13,000 for 2013/14 and in 2014/15 might not receive anything. Two years ago, the Council received a grant of £128,000.

The Head of Community Safety referred to the difficulties of competing with other Councils for funding given that East Herts had low levels of crime. A particular concern was the possibility that funding might not be granted for Police Community Support Officers (PCSOs) and of their uncertain future. Members acknowledged the valuable contribution which PCSOs made to the community and to the Police, in terms of local intelligence. It was noted that any loss of PCSOs would also have a direct impact on the Police and how they managed their resources.

Councillor C Woodward referred to the roles of the Neighbourhood Watch, the use of volunteers and the role of PCSOs which he believed were all at risk and the "fantastic" contribution they made to the community. He urged Officers to explore ways of finding extra funding. The Head of Community Safety advised Members that in order to seek funding for PCSOs, the Council would have to provide evidentiary support to the PCC. Councillor N Symonds advised that she would be happy to provide any help she could on this matter.

Councillor D Andrews advised Members that his Parish Council had sponsored a PCSO who was considered "indispensable". Councillor C Woodward suggested that sponsorship of a PCSO be relayed to other Town and Parish Councils.

The Executive Member for Community Safety and Environment summarised the functions of the Police and Crime Panels, how the Police Crime Commissioner would be held to account and the role of the Panel. He explained the focus of the Police Plan stating that the

PCC could not get involved with the day to day operational activities of the Police.

Councillor Mrs D Hollebon voiced her support for the contribution that PCSOs made. She asked that when the PCC is invited to attend a future meeting of Community Scrutiny Committee, that he be asked to explain the way forward in using the resources of volunteers and specials.

The Executive Member for Community Safety and Environment acknowledged the important role of specials and PCSOs in terms of local knowledge and useful local intelligence, adding that in terms of volunteers, businesses were very reluctant to release their employees, but that special officers could choose their own working hours themselves. He referred to the salary anomaly between PCSOs and Constables. The issue of the powers of arrest for PCSOs was considered.

It was noted that the PCC had been invited to attend the next meeting of Community Scrutiny Committee on 25 June 2013. Councillor Mrs D Hollebon suggested that Members be provided with regular updates from the Executive Member for Community Safety and Environment and the Head of Community Safety. This was supported.

Members expressed their concern on funding issues and the potential negative effect this would have on the future of PCSOs, given the low levels of crime in the District which, Members felt, had been achieved as a result of the Council's proactive work on crime prevention.

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

(B) Members' concerns regarding funding and the potential effect this would have on the future of PCSOs and crime prevention work be referred to the PCC.

674 ANNUAL LEISURE CONTRACT PERFORMANCE FOR 2012

The Head of Environmental Services submitted a report presenting the fourth annual review of the Council's ten-year leisure contract with Sport and Leisure Management Ltd (SLM) known as "Everyone Active".

The Leisure Services Manager stated that Officers were satisfied with the overall performance of SLM, the detail of which was set out in Essential Reference Papers 'B' and 'C' of the report now submitted. Medium term financial planning savings targets had been achieved. He provided a summary of visits to the gyms, adding that there had been 550,000 visits to all leisure site facilities in the last 12 months. There had been a dramatic increase in customers in the last 4 years and growth had been significantly greater than throughput targets set at the beginning of the contract.

In response to a query from Councillor C Woodward regarding a reduction in swims, the Leisure Services Manager explained that nationally, there had been a decline in swimming. The Leisure Services Manager explained what energy efficient (green) measures had been taken to reduce expenditure costs.

The Chief Executive and Director of Customer and Community Services referred to problems with parking which had now been resolved. The Chairman referred to the works at the site by Network Rail and asked if the temporary area used at the time could be used for parking on a more permanent basis. The Chief Executive and Director of Customer and Community Services explained that there were a number of issues affecting car parking at the site and provided a summary. The Head of Environmental Services reminded Members of planning proposals for the development of Bishop's Stortford North and of the impact this may have generally on the area. Consideration of how this would affect the infrastructure of the area and the demand for leisure facilities would need to be considered as part of the planning process.

In response to a query from Councillor S Bull regarding a decline in under 16s swimming, the Head of Environmental Services agreed that numbers were dropping, but increasing for adults. He referred to national trends, adding that SLM were doing all that they could to encourage usage, including making the facilities more attractive (tiling of the swimming pool at Grange Paddocks had just been undertaken) and scheduling more 'fun swim' sessions.

The Head of Environmental Services explained how and why there had been inconsistencies in the Performance Indicator EHP12 (Net cost/subsidy per visit) for 2012.

In response to a query from Councillor Mrs D Hollebon, the Leisure Services Manager explained that the new crèche was now open at Grange Paddocks and that fun swims would be launched on 23 March 2013. In response to a query from Councillor N Symonds, Matthew Nicholson, SLM Area Manager, explained the decision around the timing of the fun swims.

Councillor L Haysey referred to the suggestion by Hertfordshire County Council of using Health and Wellbeing Board publicity health icons on their literature. Officers undertook to look into this.

The Chief Executive and Director of Customer and Community Services commented that in relation to swimming, the numbers provided needed to be taken in perspective and that on the whole, and in terms of the contract, SLM were performing very well.

In response to a query from Councillor J Mayes, the Leisure Services Manager assured the Member that water quality at all sites was within industry standards and that the quality of the water in all SLM's swimming pools was good. Councillor Mayes expressed concern regarding the steps to the pool.

In response to a query from the Chairman regarding extending SLM's corporate social responsibility, the Leisure Services Manager provided an update on how SLM were working with the Council to integrate the "Everyone Active" activities with facilities offered by the Council. Councillor C Woodward suggested that disabled sporting events also needed to be taken on board. Mr Matthew Nicholson of SLM provided an update on initiatives being considered.

Members received the report and thanked SLM for their good work on the Council's behalf.

RESOLVED – that (A) performance of the leisure contract be noted; and

(B) SLM be thanked for their good work on the Council's behalf.

675 COMMUNITY SCRUTINY HEALTH CHECK (OCTOBER - DECEMBER 2012)

The Chief Executive and Director of Customer and Community Services submitted a report setting out the performance of key indicators relating to Community Scrutiny Committee for the period October to December 2012, the detail of which was set out in the report now submitted and Essential Reference Paper 'B'.

The Chief Executive and Director of Customer and Community Services explained the background to the increased time taken to process Housing Benefit / Council Tax new claims and change events (NI 181). He gave Members full assurance that any impact on individual claimants had been minimal. The time to process changes to Housing Benefit / Council Tax new claims and change events (NI 181) had dropped to 9.83 days for January. He reassured Members that residents were treated as a priority. Councillor N Symonds praised the service provided by the front line housing benefit staff.

The Chief Executive and Director of Customer and Community Services provided latest updates and announcements by government in relation to foster carers and the additional room subsidy (known as the 'bedroom tax').

Members received the report and wished to recognise the efforts of the front line benefit staff and their exemplary efforts in supporting residents.

RESOLVED – that (A) the report be received; and
(B) the efforts of the front line benefit staff and their exemplary efforts in supporting residents, be recognised.

676 WORK PROGRAMME

The Scrutiny Officer submitted a report outlining the future work of Community Scrutiny Committee. Councillor Mrs D Hollebbon suggested that Officers investigate markets / farmers' markets in respect of supporting the local economy and economic development and that Officers should invite the Executive Member for Economic Development to the next meeting to provide an update. The Scrutiny Officer reminded Members that there had been a full Task and Finish group considering Markets in East Herts in the past two years and suggested that the matter be picked up at the Members' scrutiny evaluation and topic planning workshop in April 2013 which would be considering future items for the scrutiny work programme. This was supported.

The Committee approved the work programme.

RESOLVED – that the work programme be approved.

The meeting closed at 8.50 pm

MINUTES OF A MEETING OF THE
AUDIT COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 13 MARCH
2013, AT 7.00 PM

PRESENT: Councillor J Ranger (Chairman)
Councillors M Pope and J Wing.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Chris Gibson	- Manager of Corporate Risk
Anna Osborne	- Assets and Estates Manager
George A Robertson	- Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services

ALSO IN ATTENDANCE:

Margaret Mulkerrin	- Shared Internal Audit Services
Nick Taylor	- Grant Thornton

677 ASSET MANAGEMENT - TRAINING

The Assets and Estates Manager provided Members with a presentation on the functions and role of the Asset and Estate Management Service. She explained the content of the Council's Portfolio, how assets were valued, the rationale behind any asset disposal and the potential impact of the Localism Bill. The Assets and Estates Manager explained

that the Council only held assets which were:

- required for operational purposes in the delivery of services; or
- supported corporate priorities; or
- had a strategic value and could be used to influence and promote town centre developments.

A breakdown was provided of what assets the Council held within the abovementioned categories.

In response to a query from Councillor J Wing regarding the previous need to show a return on capital employed, the Assets and Estates Manager provided an update.

In terms of localism, the Assets and Estates Manager explained that the Council from an asset viewpoint, was not directly affected by the Act but that it was an opportunity for community groups to use the Council's assets as community assets (such as football pitches) and to encourage community groups to take on long leases, which helped community groups in securing funding, e.g. from the lottery. She explained that work was ongoing within the community on transferring assets.

In response to a query from Councillor J Wing, the Director of Finance and Support Services confirmed that the Council held a register of assets which was available publically on the Council's website. The Chief Executive and Director of Customer and Community Services explained that, where an asset did not meet with the Council's criteria, it would be disposed of using external agencies.

In response to a query by the Chairman regarding the suggestion that the Council might consider buying land for affordable housing in rural areas, the Assets and Estates Manager explained how land acquired for this purpose, might be valued for accounting purposes. She also explained, in response to a query from Councillor J Wing, how the Council would value liabilities such as Scotts Grotto.

The Chairman thanked the Assets and Estates Manager for her informative presentation.

Members received the presentation.

RESOLVED – that the presentation be received.

678 APOLOGIES

An apology for absence was received from Councillor N Wilson.

679 MINUTES

RESOLVED – that the Minutes of the meeting held on 23 January 2013, be confirmed as a correct record and signed by the Chairman.

680 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that this was Margaret Mulkerrin's (SIAS) last meeting as Audit Manager as she would be replaced by Terry Barnett of the Shared Internal Audit Service. The Chairman, on behalf of Members, thanked Ms Mulkerrin for all her hard work.

The Chairman drew Members' attention to an error on the agenda in terms of a duplicated report. The corrected version had been circulated.

681 COUNCIL'S RESPONSE TO AUDITOR'S RECOMMENDATIONS RELATING TO AN OBJECTION TO THE 2011/12 ACCOUNTS - FOLLOW UP ACTIONS

The Director of Finance and Support Services submitted a report detailing the Council's response to the External Auditors' recommendations in relation to payments to Members for ICT expenses, the detail of which was set out in the report now submitted.

The Chief Executive and Director of Customer and

Community Services explained the background leading up to the administrative error and why monies which had been paid out, were now considered by the External Auditor to be unlawful and should be repaid to the Council. The Director of Finance and Support Services proposed repayment schemes, for former Councillors, those who had resigned and those who were still current. The repayment schemes had the support of the External Auditor.

In response to a query from Councillor J Wing, the Chief Executive and Director of Customer and Community provided an update on the advice provided by the Independent Remuneration Panel regarding retrospective payments.

The Chairman suggested a phased approach in seeking repayment from former and current Councillors and that the sum of £15.81 be initially sought, followed by monthly repayments of £35.00. The Chairman also suggested that if any former or current Member had difficulties in meeting this obligation, then they be asked to contact the Director of Finance and Support Services as soon as possible, who would be asked to reconsider the circumstances of individuals who had resigned in the current year, including the personal circumstances around three specific Members who had recently resigned. This approach was supported.

RESOLVED – that (A) in seeking repayment from former and current Councillors, the sum of £15.81 be initially sought in May, followed by monthly repayments of £35.00; and

(B) the Director of Finance and Support Services be requested to reconsider the circumstances of individuals who have resigned in the current year, including former or current Members should they experience difficulties in meeting the repayment obligation.

682 EXTERNAL AUDIT: UPDATE REPORT

The External Auditor submitted a report on the progress made in delivering their responsibilities as external auditors. The

report provided a summary of emerging national issues and what the Council might wish to consider as a result of those national issues, the detail of which was set out in the report now submitted.

The Director of Finance and Support Services explained that, in terms of the financial plan, matters were already in hand as part of the budget setting process. In response to a query from Councillor J Wing regarding Council Tax collection, the Director of Finance and Support Services assured the Member that its impact on the budget was not significant but that there had been changes on collection rates which would form the basis of a report to the Executive.

The Director of Finance and Support Services explained that the proposed "Universal Credit" scheme changed daily and undertook to inform Members when matters were more settled.

Members received the report.

RESOLVED – that the report be received.

683 SHARED INTERNAL AUDIT SERVICE (SIAS) - PROGRESS REPORT

The Shared Internal Audit Services Manager submitted a report setting out the progress which had been made in delivering the Council's Annual Audit Plan for 2012/13 as at 13 February 2013. The report also proposed a number of amendments to the Audit Plan and sought approval for the removal of implemented high priority recommendations, the detail of which was set out in the report now submitted. Updates were provided in relation to the number of audit reports completed.

The Chairman was pleased to see the progress being made by the Interim Head of IT in addressing concerns made at a recent Peer Review. It was noted that the Interim Head of IT was developing a business case for shared services with Stevenage Council. The Chief Executive and Director of Customer and Community Services explained that the Council

had £500,000 set aside for infrastructure arrangements, subject to a business case being made for expenditure against that budget.

In response to a query from Councillor J Wing, the Chief Executive and Director of Customer and Community Services explained that Section 106 monies were being closely monitored, and that reports were submitted quarterly to Corporate Management Team. Additionally, there was closer liaison between Planning Officers and Heads of Service. He stated that all contracts were being reviewed to establish those which had financial claw backs. The Chief Executive and Director of Customer and Community Services advised Members that a half yearly report on Section 106 agreements would be submitted to them.

Members noted the report and approved the recommendations detail in the report, now submitted.

RESOLVED – that (A) the report be received;

(B) the amendments to the 2012/13 Audit Plan as at 13 February 2013 as submitted, be approved; and

(C) the removal of the implemented high priority recommendations be approved.

684 SHARED INTERNAL AUDIT PLAN

The Shared Internal Audit Service Manager submitted a report setting out the proposed Internal Audit Plan for 2013-14, the detail of which was set out in the report now submitted and supporting Essential Reference Papers. It was noted that the Internal Audit Plan set out the programme of internal audit work for the year ahead and formed part of the Council's wider assurance framework, including its overall internal control environment and provided a judgement on the robustness of risk management and governance arrangements. It was noted that the number of audit days had been reduced but it was felt that there would be no impact on providing assurances to the Council. This reduction in days brought it into line with other similar councils.

Councillor J Wing suggested that having more information on internal field work methodology might be a useful subject for Members to consider in terms of training at the next Audit Committee. This was supported.

RESOLVED – that (A) the Internal Audit Plan for 2013/14, as submitted, be approved; and

(B) Member training on internal field work methodology, be considered for inclusion in the work programme.

685 UPDATE ON IMPLEMENTATION OF 2012/13 ANNUAL GOVERNANCE STATEMENT ACTION PLAN

The Director of Finance and Support Services submitted a report in relation to the 2011/12 Annual Governance Statement and the nine measures recommended to enhance East Herts internal control framework during 2012/13, the detail of which was set out in Essential Reference Paper "B". The Manager of Corporate Risk provided an update in relation to IT Services, web improvements and Data Protection arrangements.

In response to a query from the Chairman, the Chief Executive and Director of Customer and Community Services advised that, following a review of the Data Protection System, a "best practice" information report could be produced and made available.

RESOLVED - that the progress made against implementing the action plan detailed in the 2011/12 Annual Governance statement as now submitted, be noted.

686 ANNUAL REVIEW OF DATA QUALITY STRATEGY

The Leader of the Council submitted a report introducing revisions to the 2012/13 East Herts Data Quality Strategy, the detail of which was set out in the report now submitted, and Essential Reference Paper 'B'.

Members supported the revisions to the strategy and approved the report.

RESOLVED - that (A) proposed revisions to the strategy be noted; and

(B) the proposed changes to the Data Quality Strategy, as submitted, be approved.

687 RISK MANAGEMENT MONITORING 1 OCTOBER 2012 TO 31 JANUARY 2013

The Leader of the Council submitted a report setting out the action taken to mitigate and control strategic risks during the period October 2012 to January 2013.

In response to a query from Councillor J Wing regarding a Strategic Risk (12 SR2 - Risk of a loss of capacity / capability and flexibility to delivery service levels we would like), the Director of Finance and Support Services advised that discussions were currently taking place with the Interim Head of People Services on this issue. The Chairman commented that Unions were keen to know the impact of workforce planning on Councils within the next 4-5 years, adding that it was important to help people to avoid redundancy.

RESOLVED – that the action taken to mitigate and control strategic risks, as submitted, be approved.

688 ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY AND WHISTLE BLOWING CODE

The Director of Finance and Support Services submitted a report proposing revisions to the existing Anti-Fraud and Anti-Corruption Strategy and Disclosure (Whistle Blowing) Code, the detail of which was set out in the report now submitted and Essential Reference Paper 'B'. The Chairman commented that he was glad to see that the strategies now covered the Council's suppliers and contractors.

Members approved the revised Anti-Fraud and Anti-

Corruption Strategy and the Disclosure (Whistle Blowing) Code.

RESOLVED – that the Anti-Fraud and Anti-Corruption Strategy and the Disclosure (Whistle Blowing) Code, as now submitted, be approved.

689 AUDIT COMMITTEE WORK PROGRAMME 2013/14

The Director of Finance and Support Services submitted a report detailing the proposed work programme for Audit Committee. The Chairman drew Members’ attention to a suggested item for training at the next meeting of Audit Committee in relation to internal audit field work methodology. This was supported.

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

The meeting closed at 9.15 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 14 MARCH
2013, AT 4.30 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, K Crofton,
Mrs D Hone and B Wrangles.

ALSO PRESENT:

Councillors D Andrews and P Ruffles.

OFFICERS IN ATTENDANCE:

Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Paul Newman	- Licensing Manager

690 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M McMullen and J Taylor.

691 MINUTES – 1 NOVEMBER 2012

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

692 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing
Sub-Committee meetings held on 14 January, 28
January, 13 February 2013, be received.

693 TAXI LICENSING POLICY: RECOMMENDATIONS FROM
COMMUNITY SCRUTINY COMMITTEE

The Director of Neighbourhood Services submitted a report presenting the findings of the Community Scrutiny Committee and, in particular, recommendations for Members to consider for inclusion in taxi licensing policy.

The Licensing Manager advised that the Leader of the Council had made a commitment to a review of taxi licensing services following a series of articles in the press regarding the criminal convictions of taxi licence holders. Members were reminded that Community Scrutiny Committee had set up a Task and Finish Group to undertake a review of the Taxi Licensing process.

The Task and Finish Group had been led by Councillor R Beeching and was assisted by Councillors K Crofton, Mrs D Hollebon, M Pope and M Wood, with Councillor Mrs R Cheswright attending as an invited observer. The Task and Finish Group had considered whether the taxi driver licensing process was effective, efficient and economic.

Members had considered evidence from taxi driver representatives and from Members and Officers involved with Development Control at face to face meetings. Best practice from other Authorities had been gathered through desk-based research, which had been reviewed alongside models from lead bodies of both the car insurance and the security licensing (doormen) industry. Members had also taken written evidence from the local police.

The Community Scrutiny Committee, at its meeting held on 20 November 2012, had endorsed the approach and findings of the Task and Finish group, and resolved to recommend to the Licensing Committee that a robust Convictions Policy be introduced, with some powers delegated to Officers.

Members were referred to Essential Reference Papers 'B'

and 'C' for the recommendations from the Task and Finish Group. Members were also invited to consider the convictions grid suggested by the Task and Finish Group. Members were advised that there had been a degree of benchmarking with other Local Authorities and East Herts Council's approach was more robust than a number of other Councils in Hertfordshire.

Councillor E Bedford commented that the Authority should have a convictions policy for Taxi Driver Licensing. Councillor R Beeching stated that a lot of work had been done by Officers and the Task and Finish Group in considering the economy, efficiency and reliability of the Taxi Licensing function. He stressed that Members had considered the delegated decision making process used by Development Control Officers when considering planning applications. He also stated that this report sought Members' endorsement in principle of a Convictions Policy, as detailed in Essential Reference Paper 'B'.

In response to a query from Councillor E Buckmaster, the Licensing Manager commented that the Rehabilitation of Offenders Act did not apply to Taxi Drivers. Members were advised that the risk categories proposed by the Task and Finish Group focussed on the risk to the public rather than the severity of a taxi driver's previous offences and subsequent convictions.

The Licensing Manager drew Members' attention to proposed additional changes to the Taxi Licensing Policy set out in Essential Reference Paper 'C'. Officers had identified these matters as suitable for change as part of the ongoing process of keeping the Policy under constant review.

Members received the report.

RESOLVED – that (A) the recommendations of Community Scrutiny Committee, as detailed in Essential Reference Paper 'B' to the report now

submitted, be approved for incorporation into the Taxi Licensing Policy, subject to consultation with the licensed taxi trade, further consideration of consultation responses and further consideration by the legal department; and

(B) Officers' proposals, as detailed in Essential Reference Paper 'C' to the report now submitted, subject to deletion of the words 'a reasonable amount of' on page 35, be considered as further amendments of the Taxi Licensing Policy, subject to consultation with the licensed taxi trade and further consideration of consultation responses.

694 REVIEW OF STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report updating Members in respect of the timetable for consultation on the review of the statement of licensing policy under the Licensing Act 2003.

Members were advised that Officers would submit a draft amended Statement of Licensing Policy to Licensing Committee on 11 July 2013.

The Licensing Manager stated that feedback to statutory consultation would then be presented to Licensing Committee on 14 November 2013. Members would, at that stage, make recommendations on a final draft of the Statement of Licensing Policy to Council for approval.

The approved Statement of Licensing Policy would then be published for a five year period, expiring on 31 January 2019.

Members received the report.

RESOLVED – that the report be received.

695 LICENSING ACT 2003 AS AMENDED POLICE REFORM
AND SOCIAL RESPONSIBILITY ACT 2011: EARLY
MORNING RESTRICTION ORDERS AND LATE NIGHT
LEVY

The Director of Neighbourhood Services submitted a report setting out the arrangements for declaring an Early Morning Restriction Order. He invited the Committee to debate the extent to which an Early Morning Restriction Order (EMRO) should be implemented in the East Herts area.

Members were advised of the operational elements of a Late Night Levy and EMRO and the implications for the Authority and the Police in terms of the funding that would be raised by imposing a Late Night Levy. Members were advised that 70% of the levy would go to Hertfordshire Constabulary.

The Licensing Manager advised that an EMRO would reimpose a restriction on the time that premises could open until across East Herts. Members were reminded that licensing hours had been previously deregulated as a blanket closing time of 11 pm had presented significant challenges for police. The staggered closing times currently in place allowed the police to plan shift patterns around when premises closed.

Members were advised that Hertfordshire Constabulary were more in favour of EMROs in terms of controlling crime and disorder, so long as the problems associated with an 11 pm blanket closure were not replicated by all premises closing at the same time early in the evening. The police were also not in favour of a blanket late closure as this would cause problems with managing shift patterns.

The Licensing Manager referred to Cumulative Impact Areas as an additional or alternative option for Members to consider, as the police had previously requested for this to be considered in Hertford and Ware. Members

were reminded that such a measure should only be implemented if this was appropriate for the promotion of the 4 licensing objectives and there must be support from the business community.

Councillor R Beeching stated that there must be more information for Members and Officers to consider before EMROs, Late Night Levies or Cumulative Impact Areas were put in place. Councillor K Crofton stated that he would not support these measures without more supporting evidence from the police. The Licensing Manager stated Officers had sought more evidence from Hertfordshire Constabulary.

Members received the report and deferred a decision on the recommendations now detailed to the next meeting on 11 July 2013, subject to the receipt of information from Hertfordshire Constabulary in respect of crime and disorder and the need for an EMRO and/or Late Night Levy.

RESOLVED – that (A), subject to the receipt of information from Hertfordshire Constabulary in respect of crime and disorder and the need for an Early Morning Restriction Order (EMRO) and/or Late Night Levy, a decision on the principle of an EMRO and/or Late Night Levy being implemented in East Herts be deferred; and

(B) the consideration of the potential advantages of Cumulative Impact Areas as an alternative to either or both the Late Night Levy and EMROs be deferred.

696 OPTIONS FOR IMPROVEMENT OF BISHOP'S STORTFORD TAXI RANK PROVISION

The Director of Neighbourhood Services submitted a report detailing the options for additions to taxi rank provision in Bishop's Stortford. He also sought authorisation for consultation with the licensed taxi trade for further evaluation of the available options.

Members were reminded that the main taxi rank in Bishop's Stortford was a significant distance from the upper town area of North Street and South Street. The Licensing Manager stated that a number of suggestions for alternative provision had come to light following a walk around the town centre with Town Councillors. These were discussed.

Members received the report.

RESOLVED – that the consultation with the licensed taxi trade to further evaluate the options for additional taxi rank space in Bishop's Stortford be approved.

697 EXPRESSION OF INTEREST FROM TAXI VEHICLE
CONDITION GARAGES

The Director of Neighbourhood Services submitted a report in respect of expressions of interest from 5 garages to provide taxi vehicle condition certificate testing facilities. Members were advised that 4 of these garages had since confirmed their expressions of interest in writing.

The Licensing Manager advised that a taxi vehicle condition garage had been removed from the approved list as the garage had lost its capacity to conduct MOT tests. Members were advised that Officers had contacted a number of garages that had previously expressed an interest in working with the Authority.

Members were advised that Hertford Autocentre had first approach East Herts Council in 1992 in respect of assisting the Authority with vehicle condition certificate tests.

Members received the report and supported the addition of one or more garages to the Council's approved list of Taxi Vehicle Condition Certificate garages, and selected

Hertford Autocentre for inclusion on the list.

RESOLVED – that Hertford Autocentre be approved for inclusion on the Council’s approved list of Taxi Vehicle Condition Certificate garages.

698 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Finance and Support Services submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers. Councillor Mrs R Cheswright commented that she had attended the 13 February 2013 meeting of the Licensing Sub-Committee as an observer.

Members received the report.

RESOLVED – that the report be received.

699 REPORT ON LICENSING ACTIVITY QUARTER 4 OF 2012

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 4, the detail of which was set out in the report now submitted.

Members received the report.

RESOLVED – that the report be received.

The meeting closed at 6.13 pm

Chairman
Date

MINUTES OF A MEETING OF THE
CORPORATE BUSINESS SCRUTINY
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 19 MARCH 2013, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors E Bedford, S Bull, J Mayes,
G Williamson, T Page and J Ranger.

ALSO PRESENT:

Councillors P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Marian Langley	- Scrutiny Officer
Andrew Pulham	- Parking Manager
George A Robertson	- Chief Executive and Director of Customer and Community Services
Neil Sloper	- Head of Information, Customer and Parking Services

700 APOLOGIES

Apologies for absence were received from Councillors G Jones and M Pope. It was noted that Councillor S Bull was substituting for Councillor G Jones.

701 MINUTES

Councillor T Page commented that there had been an omission in relation to Minute 444 -Local Scheme for Council Tax Support and the discussion around a

hardship “fund”; a scheme to help individuals. Councillor Page stated that he had later sought clarification from the Chief Executive and Director of Community and Support Services about the details of the scheme. Councillor J Ranger provided clarification on the discussion as he understood it at the time, adding that the Council had always given Officers discretion in terms of reviewing hardship cases.

The Chairman reminded Members that the Minutes were not a verbatim account of the meeting and were intended to reflect the “flavour” of the discussion.

Councillor Page asked that the Minutes reflect that there was an omission in relation to the discussion on the “hardship fund”. Members supported this amendment.

RESOLVED – that the Minutes of the meeting, as now amended, be confirmed as a correct record and signed by the Chairman.

702 UPDATE ON COMMUNICATIONS AND ENGAGEMENT PLAN

The Head of Communications, Engagement and Cultural Services submitted a report which provided an update on the communications plan and engagement resulting from the work of the Task and Finish Group and provided a review of the Communications Strategy.

The Head of Communications, Engagement and Cultural Services explained that a checklist for Councillors to use in accessing the new Community Grant Fund had been detailed in the last edition of Members’ Information Bulletin and the form for accessing support from the Community Engagement and Communication Team was attached at Essential Reference Paper ‘C’.

Councillor S Bull stated that residents who wanted to see a change in his community, usually asked for the issue to be raised on a Town Council agenda. He queried whether the Community Grant Fund was the right

approach. Councillor J Ranger supported the statement by Councillor S Bull, adding that grants aimed at community organisations should be given wider publicity in the media and that the Council should be highlighting its successes where monies had been spent, including in the use of Parish magazines. The Head of Communications, Engagement and Cultural Services confirmed that more publicity would be undertaken both in the Communications Team Plan and the Rural Business Development Plan.

In response to a query from Councillor J Ranger about the use of automatic texts responding to residents, the Head of Communications, Engagement and Cultural Services explained that there were difficulties in collating personal information and in respect of data protection issues. However there was now the option for any member of the public to register for updates through the new 'govDelivery' link on the front/home page of the council's website.

Councillor T Page stated that the coverage the Council received in the local press regarding grants was good, but if the Council was to review communication of press releases, he suggested that Officers should include the Chief Executive Officer at Bishop's Stortford Town Council.

Members welcomed the progress made against the communications plan and engagement activity, as now detailed.

RESOLVED – that the progress made against the communications plan and engagement activity, as now detailed, be noted.

703 DATA PROTECTION AND INFORMATION SECURITY UPDATE

The Head of Information, Customer and Parking Services submitted a report updating Members on the management of Data Protection and Information Security

and which asked Members to support adopting governance arrangements for Data Protection.

The Head of Information, Customer and Parking Services explained the potentially serious implications for the Council and individuals in relation to breaches of data compliance, the detail of which was set out in the report now submitted and supporting Essential Reference Papers. He drew attention to Members' role in relation to managing data protection requirements, especially when working on constituency case work and the details of individuals.

The Head of Information, Customer and Parking Services explained that the Council had been strongly recommended to revise guidance in relation to Data Protection, so that Heads of Service were informed of the impact of the Data Protection Act, aligning this to Council's existing arrangements for managing and monitoring risk. In order to facilitate this, Corporate Management Team had agreed to the establishment of a one year post of Data Protection Compliance Officer.

In response to a query from Councillor J Wing regarding the need for a full time Officer, the Head of Information, Customer and Parking Services explained the rationale behind the need for such a post. By way of example, Councillor J Ranger explained how the involvement of many agencies, some external, came into play in trying to resolve a resident's issue and of the data protection implications of sharing such information. The Chief Executive and Director of Customer and Community Services explained that it was crucial to embed data protection into the working culture so that each service took ownership of the information they held and processed. He explained what difficulties might occur and what personal penalties would be incurred, should personal and sensitive information be lost on unencrypted laptops. All Members who had not already done so were urged to ensure their laptops were encrypted as a matter of urgency.

Members noted the Council's Data Protection Action Plan and supported adopting governance arrangements for Data Protection including the role for this Committee and the training that Members would receive to undertake this role. Members also recommended that the Executive be requested to ensure that strong action be taken to ensure that all the Council's computers were encrypted.

RESOLVED – that (A) the Council's Data Protection Action Plan as now detailed, be supported;

(B) governance arrangements for Data Protection and monitoring the Data Protection Action Plan be supported; and

(C) the Executive be asked to ensure that strong action be taken to ensure that all the Council's computers were encrypted.

704 WEBSITE UPDATE

The Head of Information, Customer and Parking Services submitted a report on the changes being made to the Council's Website and sought comments on the Website Action Plan, the detail of which was set out in the report now submitted and Essential Reference Paper 'B'.

The Head of Information, Customer and Parking Services summarised the content of the report in a presentation which, among other issues, reviewed the most common activities on why the website was visited, how this was found (e.g. via Google), navigating the website and what could be done to make this a better customer experience. The Head of Information, Customer and Parking Services stated that action to reduce the amount of content of the website and enhance the quality of information would assist the search engine in producing more relevant information.

Councillor J Ranger referred to the difficulties in accessing relevant Development Control information and

of the difficulty in being able to obtain specific information about planning applications.

In response to a query from Councillor T Page regarding the East Herts' website statistics in terms of "hits", and revenue opportunities, the Head of Information, Customer and Parking Services provided clarification. In response to a query from Councillor Page concerning Members' possible involvement in the website's restructure, the Chief Executive and Director of Customer Services reminded Members that they could contribute via the Action Plan and suggested that Members might wish to inform Officers of what they "hated" about the website.

The Head of Information, Customer and Parking Services explained how the search engine was being re-written to monitor searches to enable its capabilities and accuracy to be enhanced.

The Chairman reminded Members that the report before them was a direct response to evidence from users of the website and that it was about shortening the customer journey in terms of accessing information and ongoing management of the website.

Members received the report and the presentation. Members also requested that the Executive be advised that the Committee welcomed the fact that urgent matters in relation to the East Herts website were being addressed in an ongoing way, including simplification of the website.

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

(B) the Executive be advised that the Committee welcomed the fact that urgent matters in relation to the East Herts website, were being addressed in an ongoing way, including simplification of the website.

705 MONTHLY CORPORATE HEALTHCHECK – OCTOBER 2012 TO JANUARY 2013

The Leader of the Council submitted an exception report on finance and performance monitoring for East Herts covering the period October 2012 to January 2013, the detail of which was set out in the report now submitted and in Essential Reference Papers.

In response to a query from Councillor T Page regarding the time taken to process Housing Benefit and Council Tax new claims and change events, the Chief Executive and Director of Customer and Community Services provided clarification as to why this had occurred. Councillor T Page suggested that staff should be congratulated for their efforts in achieving this result. This was supported.

Members noted the budget variances and performance and asked that Members' thanks be passed to staff for their efforts in achieving a turnaround in processing Housing Benefit / Council Tax benefit new claims and change events.

RESOLVED – that (A) the budget variances and performance, as now submitted be noted; and

(B) the Committee's thanks be passed to staff for their efforts in achieving a turnaround in processing Housing Benefit / Council Tax benefit new claims and change events.

706 SCRUTINY WORK PROGRAMME

The Scrutiny Officer submitted a report setting out the future programme for the Committee.

The Chief Executive and Director of Customer and Community Services advised Members that in 2008 there had been a review undertaken by Halcrow consultancy to look at employment land across the District (excluding rural areas), to assess their conditions and how they met

the District's needs. A study had been undertaken recently to update that report. In response to a query from Councillor J Ranger regarding its inclusion in the District Plan, the Chief Executive and Director of Customer and Community Services explained how the information supported the development of the Local Plan. It was suggested that the Employment Land Review be included on the agenda for the second meeting of this committee in the next civic year on 2 July 2013. This was supported.

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

The meeting closed at 9.05 pm

Chairman
Date

MINUTES OF A MEETING OF THE
HUMAN RESOURCES COMMITTEE HELD
IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 20 MARCH 2013, AT 3.00 PM

PRESENT: Councillor C Woodward (Chairman)
Councillors P Ballam, Mrs D Hone,
G McAndrew, J Ranger, P Ruffles and
N Wilson.

ALSO PRESENT:

Councillors D Andrews

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Adele Taylor	- Director of Finance and Support Services

707 APOLOGIES

An apology for absence was received from Councillor A Warman. It was noted that Councillor G McAndrew was substituting for Councillor A Warman.

708 MINUTES

In relation to Minute 544 (Pay Policy Statement), the Director of Finance and Support Services undertook to ensure that all Members received an update regarding how many employees still had use of a lease car.

RESOLVED – that the Minutes of the meeting held on 16 January 2013 be confirmed as a correct record and signed by the Chairman.

709 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that the Head of People, ICT and Property Services had given birth to a boy, Marty. Members wished both mother and baby well.

The Chairman reminded Members that a supplementary item had been circulated regarding Learning and Development for 2012/13.

710 LEARNING AND DEVELOPMENT 2012/13

The Head of People, ICT and Property Services submitted a report reviewing the Corporate Training Plan delivered during 2012/13 and which sought approval for the Corporate Training Plan for 2013/14, the detail of which was set out in the report now submitted and in Essential Reference Paper 'B'.

In response to a query from the Chairman regarding the need to share "E-learning" training with towns and parishes, Officers undertook to write to Members with an update.

Councillor J Ranger commented that training per head appeared to have dropped and expressed his concern at this. The Director of Finance and Support Services explained that the Council regularly sought out ways to ensure that training was delivered in the most cost effective manner e.g. via "E-Learning" which would have a positive impact on costs. The Chairman drew attention to the fact that in some areas, training was mandatory, and sought assurances that where necessary, those Officers were receiving appropriate training and not exposing the Council to risk. Officers undertook to review this.

In response to a query from Councillor G McAndrew, the Director of Finance and Support Services explained how the Unified Communicator Advanced (UCA) was used and what actions the Council took to safe guard its employees.

Officers drew attention to the fact that recruitment and retention would shortly be brought back in-house. It was

suggested that training on personal resilience would help Managers adapt and manage change related stress.

In response to a query by Councillor P Ruffles regarding the use of social media in a professional manner. The Director of Finance and Support Services explained that this was to be considered elsewhere on the agenda.

Councillor J Ranger referred to a recent staff survey and commented that many men felt that they were being “held back” from a career viewpoint. Members discussed the issue of career progression through and the advantages of, mentoring.

Members noted the Corporate Training Plan for 2012/13 and approved the Corporate Training Plan for 2013/14 as now submitted .

RESOLVED – that (A) the Corporate Training Plan for 2012/13 as now submitted; be noted

(B) the Corporate Training Plan for 2013/14, as now submitted, be approved.

711 SENIOR PAY REVIEW FEBRUARY 2013

The Director of Finance and Support Services submitted a report summarising a Senior Pay Report by HayGroup, the detail of which was set out in the report now submitted and Essential Reference Papers. Officers explained the background to the report and how the pay structures had been evaluated.

The Chairman referred to organisational pay benchmarking adding that narrow pay banding appeared to be the modern approach in determining senior pay. Members considered other types of pay structure for senior officers, set out within the report now submitted and supporting Essential Reference Paper ‘B’ and considered the advantages of performance related pay. The merits of the “E pay check” were considered as a comparator for senior salaries and how this might be

useful in evaluating the salary for the Chief Executive and Director of Customer and Community Services.

Members agreed that Chief Officers remain on fixed spot salaries, and that no changes be proposed for Heads of Service. Members also agreed that the Chief Executive / Director and Directors, remain on fixed spot salaries. Members also requested that a review be undertaken of the Chief Executive and Director of Customer and Community Services base pay as part of "E pay Check" ensuring that his role of Head of Paid Service be taken into account in comparing "like for like".

RESOLVED - that (A) Chief Officers remain on fixed spot salaries, and that no changes be proposed for Heads of Service;

(B) the Chief Executive / Director and Directors remain on a fixed spot salaries; and

(C) the Chief Executive and Director of Customer and Community Services base pay be reviewed using "E pay Check", ensuring that his role of Head of Paid Service be taken into account in comparing like for like.

712 EMPLOYEE ENGAGEMENT ACTION PLAN

The Interim Head of People Services submitted a report providing an updating on the Employee Engagement Action Plan, the detail of which was set out in the report now submitted and Essential Reference Paper 'B'.

In response to a query from the Chairman regarding response rates on PDRs across all Council sections, the Director of Finance and Support Services provided an update on how PDRs were designed to achieve a level of consistency and how frequently they were held. The Director of Finance and Support Services explained that she would ask the Interim Head of Human Resources, who would be joining the Council on 1 April 2013, to undertake spot checks across the Council. In response to a query from Councillor N Wilson regarding

PDRs, and staff questions raised within the context of the bi-annual Staff Survey, Officers agreed to circulate to Members the questions posed within the Survey.

In response to a query from Councillor J Ranger regarding how the Council communicated with staff, the Director of Finance and Support Service provided an update on what formal and informal information links the Council used and how this was disseminated to staff.

Members noted the report and were pleased to see how many of the actions within the Employee Engagement Action Plan had been achieved.

RESOLVED – that the report be noted.

713 EQUAL PAY AUDIT: UPDATE REPORT

The Interim Head of People Service submitted a report detailing and update on actions following the Equal Pay Audit in 2011, the detail of which was set out in the report now submitted. In response to a query from the Chairman regarding potential overtime anomalies between genders, Officers undertook to investigate this and write to Members. Members noted that because of the confidential nature of the issue that it might be difficult to collate this information but that staff forums could be mechanism.

Officers explained the difficulties of career progression as managerial roles were removed from the structure. The merits of mentoring were debated and the advantages to both the individual in terms of career progression and to the Council in terms of knowledge and expertise gained.

Members noted the report.

RESOLVED – that the report be noted.

714 HUMAN RESOURCES - QUARTERLY PERFORMANCE REPORT

The Interim Head of People Services submitted a report summarising people management statistics and human resource delivery for the quarter up to 1 March 2013. Updates were provided in relation to turnover and short term sickness figures. Officers reminded Members that the Council's contract with Manpower would terminate in April 2013 and of the Council's arrangements to bring back "in-house" recruitment services. The impact of this on Managers and Head of Service, was discussed.

Officers provided an update on the new payroll arrangement and of a new "E-Learning" initiative which had been introduced. It was noted that there was a need to update the Employee Handbook and to review the Council's Redeployment Policy. In response to a query from Councillor G McAndrew regarding a breakdown of the 27 staff who had left the Council, Officers undertook to write to Members with a breakdown of the statistics.

RESOLVED – that the report be noted.

715 LOCAL JOINT PANEL - MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2013

RESOLVED – that the Minutes of the Local Joint Panel meeting held on 19 February be received.

(See Minutes 716 – 719 below)

716 MATERNITY AND PATERNITY POLICY

The Committee considered and supported the recommendations of the Local Joint Panel meeting held on 19 February 2013 on the Maternity and Paternity Policy.

RESOLVED – that the revised Maternity, Paternity and Adoption Policy, as submitted, be approved.

(see also Minute 715 above)

717 OFFICERS' CODE OF CONDUCT

The Committee considered and supported the recommendations of the Local Joint Panel meeting held on 19 February 2013 on the Officers' Code of Conduct Policy.

RESOLVED – that the Officers' Code of Conduct, as now amended, be approved

718 DISCLOSURE AND BARRING SERVICE POLICY

The Committee considered and supported the recommendations of the Local Joint Panel meeting held on 19 February 2013 on the Disclosure and Barring Service Police.

RESOLVED – the Disclosure and Barring Service Policy and the Recruitment of Ex-Offenders Policy, as now submitted, be approved.

719 SOCIAL MEDIA POLICY

The Committee considered and supported the recommendations of the Local Joint Panel meeting held on 19 February 2013 on the Social Media Use Policy.

RESOLVED – the Social Media Use Policy, as now submitted be approved.

The meeting closed at 4.05 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 20 MARCH 2013, AT 7.00 PM

PRESENT: Councillor S Rutland–Barsby (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, Mrs R Cheswright,
G Jones, G Lawrence, P Moore, M Newman,
T Page and N Symonds.

ALSO PRESENT:

Councillors W Ashley, P Gray and P Ruffles.

OFFICERS IN ATTENDANCE:

- | | |
|------------------|--|
| Liz Aston | - Development
Control Team
Leader |
| Fiona Brown | - Planning
Technician |
| Glyn Day | - Principal Planning
Enforcement
Officer |
| Simon Drinkwater | - Director of
Neighbourhood
Services |
| Annie Freestone | - Senior Planning
Technician |
| Peter Mannings | - Democratic
Services Officer |
| Kevin Steptoe | - Head of Planning
and Building
Control Services |
| Barbara Sylvia | - Planning Admin |
| Alison Young | - Development
Control Manager |

721 APOLOGY

An apology for absence was submitted on behalf of Councillor A Burlton. It was noted that Councillor N Symonds was in attendance as substitute for Councillor A Burlton.

722 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast. Members were reminded the next meeting of the Committee would be held on 22 May 2013 due to the forthcoming elections and there would be a training session prior to that meeting.

The Chairman stated that Jill Demonti had stood down from the Authority and had previously served for many years as a very effective Member of Development Control Committee. The Chairman expressed her best wishes to her on behalf of the Development Control Committee.

The Chairman stated that this was her last meeting as Chairman of the Committee and she thanked the dedicated team of Officers and facilities staff for their hard work over the past year. Councillor M Alexander, on behalf of the Executive, thanked Councillor S Rutland-Barsby for chairing the Development Control Committee during the 2012/13 civic year.

The Chairman advised that the Committee would consider applications 3/12/2150/FP, 3/12/2151/AD, 3/12/2152/FP and 3/12/2153/FP, in relation to the Archers, Havers Lane, Bishop's Stortford, before all the other applications on the Agenda. The Chairman stated that, as there were four separate applications, there was a public speaking allowance of 12 minutes for and against these applications.

The Chairman stated that she proposed to hear all the public speaking first and then take each application individually for debate and determination. She stressed

that the Committee had a difficult job and Members understood the public's concerns.

The public present were requested to not interrupt or pass comment during the time for the speakers or the Committee debate as this was most distracting for Members. The Chairman stated that all of the decisions taken by the Committee had to be made within planning law.

723 MINUTES – 27 FEBRUARY 2013

RESOLVED – that the Minutes of the meeting held on 27 February 2013 be confirmed as a correct record and signed by the Chairman.

724 (A) 3/12/2150/FP – INSTALLATION OF AIR CONDITIONING UNITS, ENCLOSED BY A 2.5 METRES HIGH TIMBER PANEL FENCE AND REFRIGERATION UNITS ENCLOSED BY A 2 METRE HIGH CLOSE BOARDED TIMBER PANEL FENCE; (B) 3/12/2151/AD – REPLACEMENT AND INSTALLATION OF EXTERNALLY LIT CAR PARK SIGNAGE, INSTALLATION OF TWO EXTERNALLY ILLUMINATED FASCIA SIGNS AND ONE EXTERNALLY ILLUMINATED PROJECTING SIGN; (C) 3/12/2152/FP – INSTALLATION OF ATM UNIT; (D) 3/12/2153/FP – EXTERNAL ALTERATIONS INCLUDING RAISING THE ROOF OF THE EXISTING PORCH, CONSTRUCTION OF EXTERNAL STAIRCASE TO FIRST FLOOR, INFILL EXISTING DOORWAY, NEW GLAZING TO EXISTING DOOR OPENING AND INFILL OF WINDOWS ON THE APPROVED EXTENSION AT THE ARCHERS, HAVERS LANE, BISHOP'S STORTFORD, CM23 3PD FOR TESCO STORES LTD

George Cutting addressed the Committee against the applications. Carole Leslie and Joanne Rams spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/2150/FP, 3/12/2151/AD, 3/12/2152/FP and 3/12/2153/FP, planning

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

Councillor P Gray, as a local ward Member, stated that the strength of feeling against these applications was clear, given the large petition and numerous letters of objection that had been received.

Councillor Gray expressed concerns in respect of loss of privacy, increased traffic volumes due to the cash machine and deliveries to the site. He stated that approval of this application would result in the closure of other shops, particularly the NISA Local Store, which contained a vital community asset in the form of a post office. He urged the Committee to be brave and reject all four of the planning applications at The Archers.

The Chairman read out a number of comments from Councillor C Woodward, who was the County Council Member for the area. Councillor Woodward had commented that the applications were contrary to policy ENV1 (d) of the East Herts Local Plan Second Review April 2007 in terms of noise and overlooking.

He had also stated that the applications were contrary to policy ENV29 on the grounds that there were too many signs as part of the applications, which would be out of keeping with the style and character of the building and its environment.

The Director reminded the Committee that the principle of the use of the site was not under consideration and the change of use from A4 (pub) to A1 (retail) was a form of permitted development that did not require planning permission.

Councillor N Symonds, as a local ward Member, stated that the air conditioning units would produce noise that would be 10 decibels above the permitted level and the proposed fencing would not prevent distress for neighbouring residents.

Councillor T Page, also as a local ward Member, stated that all the applications covered by the report would have a highly detrimental effect on the social fabric and economic wellbeing of the neighbourhood in the vicinity of the site. He stated that a Tesco store on this site would take trade away from retail units in the town centre and would therefore be contrary to the policies of the National Planning Policy Framework (NPPF).

Councillor Page stated that the timber fencing around the proposed air conditioning units would create an eyesore and would be out of keeping with the existing street scene. He referred to the risks to health of water droplets and vapour being emitted into the atmosphere.

Councillor Page stated that a safe route to schools would be compromised and the ATM machine would act as a magnet for criminality in the vicinity of the site. He also expressed concerns in respect of car parking problems being made worse by these applications.

The Director stated that Environmental Health Officers were satisfied that there were no issues of concern with regard to noise. Officers could not perceive that any significant weight could be assigned to concerns that there may be water discharge from the proposed equipment.

Councillor G Jones expressed concerns that the opening of the Tesco store would adversely affect the viability of local stores. He stated however, that he did not think the installation of the air conditioning units or the other current planning application proposals would cause any significant problems at this site. He therefore concluded that he had no alternative other than to support the Officer's recommendations on these four applications.

In response to a query from Councillor M Alexander, the Director stated that business competitiveness was not a planning issue in this case. Members were reminded that once a particular use was established on a site, the operator could change at anytime so weight should not be

assigned to the particular operator in this case. The Director also stated that the weight to be given to any argument based on the speculative impact of these applications on another community facility must be very limited.

The Director stated that the reasons for refusal based on noise or the impact of the applications on the street scene were not reasons that Officers considered to be sustainable.

Councillor T Page proposed and Councillor N Symonds seconded, a motion that application 3/12/2150/FP be refused on the grounds that the application was out of character with the existing street scene and was therefore contrary to policy ENV1 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 in respect of application 3/12/2150/FP, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

Councillor N Symonds expressed concerns that application 3/12/2151/AD would result in increased traffic and light pollution and would encourage boy racers and young people to congregate in the vicinity of the site, thereby causing problems for the police and disturbance for local residents. She also stated that the lights would be illuminated on a 24 hour basis whereas local street lighting was switched off at a set time.

The Director stated that the proposed signage was very modest in nature and, in terms of community safety, a lit location was widely accepted as being preferable to an unlit one. Members were advised that the proposed lighting was not unusual when compared to many similar buildings across East Herts.

Councillor N Symonds commented that, in areas where

County Highways had switched off street lighting, crime had gone down as people did not like unlit areas and generally avoided them. She stressed that the site would become a magnet for local youths.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed that the lighting would be trough lighting that would shine up or down onto the proposed shop signage via a hollowed out tube seating arrangement.

Councillor T Page proposed and Councillor N Symonds seconded, a motion that application 3/12/2151/AD be refused on the grounds that the proposed signage was out of keeping with the surrounding area and was therefore contrary to policy ENV29 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. Councillor G Jones proposed and Councillor D Andrews seconded, a motion that an additional condition be applied requiring that the proposed advertisements should only be illuminated during the opening hours of the store to the public and for 15 minutes prior to opening and after closing in order to safeguard the interests of the amenities of the area and in accordance with policy ENV29 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. In respect of application 3/12/2151/AD, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted, subject to the amended conditions.

Councillor N Symonds stated that, in respect of application 3/12/2152/FP, the ATM machine would result in car doors and headlights disturbing residents late at night. She stated that the nearby local shop already operated a cash withdrawal service and there was no need for the additional ATM facility on this site.

In response to a query from Councillor M Newman as to whether an ATM would exacerbate anti-social behaviour, the Director advised that Officers had no such evidence and stated that a majority of ATM units operated in a fairly innocuous way most of the time.

Members were advised that the Committee should not give weight to the speculative impact of an ATM on another business. In reply to a query from Councillor M Alexander, the Director advised that it was anticipated that the ATM would be covered by an external embedded CCTV camera.

Councillor T Page proposed and Councillor N Symonds seconded, a motion that application 3/12/2152/FP be refused on the grounds that the 24 hour operation of the ATM would result in additional activity with associated noise and disturbance and had the potential to result in anti-social behaviour which together would have a harmful impact on the amenity of local residents. The proposal was thereby contrary to policies ENV1 and ENV3 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. In respect of application 3/12/2152/FP, the Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted. Councillor M Alexander requested that the unanimous nature of the vote be recorded.

In response to a query from Councillor M Alexander regarding the external staircase element of application 3/12/2153/FP, the Director stated that Officers were not fully aware of the intended use of this staircase but it was more likely that this was for staff rather than public use.

Councillor N Symonds stated that the site was located on a safer route for schools and, as such, there was a speed bump outside this site. She expressed concerns over the

intended lorry movements making deliveries to the site. Councillor Mrs R Cheswright stated that it was important to ascertain the intended use of the external staircase.

In response to queries from Councillors D Andrews and Mrs R Cheswright, the Director confirmed that any changes to an internal staircase would not require planning permission as this would constitute permitted development. The proposed external staircase did however require planning permission and Officers were currently unaware of its intended use.

Councillor T Page proposed and Councillor N Symonds seconded, a motion that application 3/12/2153/FP be refused on the grounds that the proposed development did not respect the amenity of neighbour residents and did not reflect the local distinctiveness of the area and was thereby contrary to policy ENV1 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. Councillor M Alexander proposed and Councillor M Newman seconded, a motion that application 3/12/5153/FP be deferred to enable Officers to obtain further information in respect of the use and purpose of the proposed external staircase.

After being put to the meeting and a vote taken, this motion was declared CARRIED. In respect of application 3/12/2153/FP, the Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/2150/FP, planning permission be granted subject to the conditions detailed in the report now submitted;

(B) in respect of application 3/12/2151/AD, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following additional condition:

3. The advertisements hereby permitted shall only be illuminated during the opening hours of the store to the public and for 15 minutes prior to opening and after closing.

Reason: In the interests of the amenities of the area and in accordance with policy ENV29 of the East Herts Local Plan Second Review April 2007.

(C) in respect of application 3/12/2152/FP, planning permission be refused for the following reason:

1. The use of the proposed ATM and its 24 hour operation would result in additional activity with associated noise and disturbance and has the potential to result in anti-social behaviour which together would have a harmful impact on the amenity of local residents. The proposal is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

(D) in respect of application 3/12/2153/FP, planning permission be deferred to enable Officers

to obtain further information in respect of the use and purpose of the proposed external staircase.

725 3/12/2138/FP – ERECTION OF 58 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND LANDSCAPING, LAND AT, BENGEO NURSERY, SACOMBE ROAD, HERTFORD, HERTS, SG14 3HG FOR BOVIS HOMES LTD

Hertford Town Councillors Linda Radford and Andrew Stevenson addressed the Committee against the application. Andrew Renshaw spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/2138/FP, planning permission be refused for the reasons now detailed.

The Director referred Members to the information detailed in the additional representations schedule. Councillor G Jones stated that, as the applicant had requested a deferral of this application, Members should accept the Officer's recommendation for refusal to allow the applicant to come forward with a new application.

Councillor Mrs R Cheswright referred to congestion on Sacombe Road caused by motorists seeking to avoid congestion on the A10. She stressed that the additional traffic from this site would further exacerbate the problem of congestion on Sacombe Road. Councillor Cheswright also expressed her hope that the allotments adjacent to this site would not be lost.

Councillor M Newman commented that this application was contrary to many of the policies in the East Herts Local Plan Second Review April 2007. He stated that, as the Local Plan had been reviewed in 2007, this should be given greater weight than the emerging District Plan and the National Planning Policy Framework (NPPF).

The Director advised that the NPPF had been in place for almost a year, but Officers felt that their concerns and reasons for refusal outweighed the issue of land supply.

Members were reminded however, that the Authority still had to identify land for future development in East Herts.

The Committee accepted the recommendation of the Director of Neighbourhood Services as now submitted. Councillor T Page requested that his abstention from voting be recorded.

RESOLVED – that in respect of application 3/12/2138/FP, planning permission be refused for the reasons detailed in the report now submitted.

- 726 3/12/2154/FP – REDEVELOPMENT TO FORM 52 SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), LODGE MANAGER'S ACCOMMODATION, ACCESS, CAR PARKING, LANDSCAPING AND PROVISION OF 432 SQUARE METRES OF COMMERCIAL FLOORSPACE ON THE GROUND FLOOR FRONTING SOUTH STREET AT 71–77, SOUTH STREET, BISHOP'S STORTFORD, CM23 3AL FOR CHURCHILL RETIREMENT LIVING

Andrew Burgess addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant carrying out bat emergence surveys between April and September and submitting the results to Officers and no evidence of bats or roost sites being found and subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/2154/FP, planning permission be granted subject to the conditions now detailed.

The Director also recommended that if bats or bat roosts were found on site, the matter be referred back to Committee for an assessment of the potential impact on the protected species.

Councillor N Symonds, as the local ward Member, stated

that she, along with Bishop's Stortford Town Council, had been concerned in respect of the height of the proposed development. She referred to the potential canyon effect where the development fronted onto the River Stort.

Councillor Symonds referred to the significant traffic congestion that occurred daily on South Street. She also referred to the impact on swans, which were a protected species, as well as the impact on ducks. Councillor Symonds stated that the proposed development was out of keeping with the existing street scene.

Councillor T Page, also as a local ward Member, referred to the application being for retirement living on a level site that been derelict for a very long time. He stated that, in principle, this was an ideal location for sheltered apartments. He stated that the application would not have a major impact on the River Stort in terms of the canyon effect referred to by the Bishop's Stortford Civic Federation.

In response to queries from Councillor G Jones, the Director advised that the Authority did not have a direct programme of its own for the development of affordable housing. The Council did however, work closely with two housing partners to deliver affordable housing.

The Director stated that the Authority did not have a well researched policy basis for areas of Section 106 contributions that fell outside of the usual areas of provision, such as education, libraries and social service provision. The Committee was advised that Officers, if instructed to do so by Members, could explore a stronger policy basis via the emerging District Plan.

Councillor Mrs R Cheswright stated that she was pleased that provision had been made for the storage of electric buggies for the residents of the proposed development. She expressed concerns however, in respect of the inadequate provision of fire hydrants on the site.

Councillor Cheswright referred to there being insufficient

car parking provision proposed as part of this application. She was particularly concerned given the chronic parking situation experienced in Bishop's Stortford.

The Director advised that the issue of fire hydrants was covered by building regulations. Members were advised that the site was in a highly sustainable town centre location in close proximity to bus stops, public car parks and the train station.

Members were advised that, although parking provision was below the maximum standards, a transport assessment had been submitted with the application. The assessment pointed out that the provision on this site was 0.34 spaces per residential unit, which was higher than the average provision on similar sites operated by the applicant.

Members were advised that the applicant had agreed to carry out bat emergence surveys between April and September and the results would be submitted to Officers. If evidence of bats or roost sites were found, then Officers were recommending that the application be referred back to Committee for an assessment of the potential impact on the protected species.

In response to a query from Councillor M Newman regarding the gaudy colour of the proposed development, Officers had attached a condition requiring that samples of materials be submitted to and agreed by Officers prior to the commencement of the development.

In terms of Members' concerns regarding the height of the proposed development, the Committee was reminded that planning permission had been granted for a hotel on this site in 2010. The hotel that was the subject of that application was a taller development with a greater bulk and mass than was proposed by this application.

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

RESOLVED – that (A), subject to the applicant carrying out bat emergence surveys between April and September and submitting the results to Officers and no evidence of bats or roost sites being found and subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/2154/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) in the event that, as a result of the surveys carried out in accordance with recommendation A above, bats or bat roosts were found on site, then the matter be referred back to Committee for an assessment of potential impact on the protected species.

727 3/12/2122/FP – CHANGE OF USE OF EXISTING BUILDING FROM (CLASS B1) OFFICES TO (CLASS C2) CARE HOME AND ASSOCIATED WORKS INCLUDING INSTALLATION OF NEW PLANT, LANDSCAPING AND AMENDED PARKING PROVISION AT BENTLEY HOUSE, PEGS LANE, HERTFORD, HERTFORDSHIRE SG13 8JE FOR SIGNATURE SENIOR LIFESTYLE

Wayne Pryce addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/2122/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the information detailed in the additional representations schedule.

Councillor N Symonds stated that it was very important

that any development should stop immediately if breeding birds were found during site clearance, in order to protect their habitat under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

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 3/12/2122/FP, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions detailed in the report now submitted.

728 3/13/0137/FP – DEMOLITION OF EXISTING
OUTBUILDINGS AND LEAN-TO STRUCTURES, AND
ERECTION OF NEW TWO STOREY 29 BEDROOM WING,
TOGETHER WITH INTERNAL AND EXTERNAL
ALTERATIONS TO EXISTING BUILDING – AMENDED
SCHEME, AT LIBURY HALL, GREAT MUNDEN, WARE,
HERTFORDSHIRE, SG11 1JD FOR ANGELA SMITH

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0137/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman stated that the local ward Member, Councillor J Ranger, had contacted her to state that he was strongly in support of this application.

The Director advised that, as the Hertfordshire Biological Records Centre had not raised any objections to the proposal in respect of the bat survey, part (B) of the recommendation was no longer required. Officers were therefore recommending that planning permission be granted subject to the conditions detailed in the report

and a revised condition 12.

The Director advised that condition 12 should be replaced with the condition detailed in the additional representations schedule, in order to protect the habitats of bats, which were a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

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 3/13/0137/FP, planning permission be granted subject to the following amended conditions:

1. Three year time limit (1T12)
2. Approved Plans (2E10) – 7955-101-A, 7955-107, 7955-302-E, 7955-102, 7955-303-E, 7955-304-D, Tree Protection Plan
3. Programme of archaeological work (2E02)
4. Materials of construction (2E11)
5. Wheel washing facilities (3V25)
6. Prior to the commencement of development, details of the routing and access of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impact of construction vehicles on the local road network in accordance with policy TR20 of the East Herts Local Plan Second Review April 2007.

7. Tree retention and protection (4P05)
8. Landscape design proposals (4P12
b,c,d,e,i,j,k,l)
9. Landscape works implementation (4P13)
10. Construction hours of working - plant and machinery (6N07)
11. No further bedrooms, other than those shown on drawing 7955-303-E, shall be provided within the main building of Libury Hall without the prior written approval of the Local Planning Authority.

Reason: Given the special circumstances in this case and the financial justification for the development, and to control resident numbers in the Rural Area, in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

12. The development hereby permitted shall be carried out in accordance with the details of the Ecological Survey, October 2012 and the mitigation measures contained therein unless otherwise agreed in writing by the Local Planning Authority.

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

Directives:

1. Other legislation (01OL)
2. Unsuspected contamination (33UC)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, GBC3, TR2, TR7, TR20, ENV1, ENV2, ENV4, ENV11, ENV16, BH1 and BH3); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the renewal of planning permission that was granted under LPA reference 3/12/0259/FN is that permission should be granted.

729 E/11/0176/B – REMOVAL OF HEDGE AND SHRUB PLANTING AND CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL LAND AT 9 CUBLANDS, HERTFORD, SG13 7TS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0176/B, enforcement action be authorised on the basis now detailed.

The Director referred Members to the information detailed in the additional representations schedule. Members were advised that, although alterations had been made, there remained a gateway that encroached significantly into the amenity planting area. The Director stressed that this constituted a continued breach of planning control and there was no change to the recommendation detailed in the report now submitted.

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

Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0176/B on the basis now detailed.

RESOLVED – that in respect of E/11/0176/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

730 E/11/0184/B – UNAUTHORISED USE OF MOBILE HOME FOR RESIDENTIAL PURPOSES AT RYE HOUSE SPEEDWAY STADIUM, RYE ROAD, HODDESDON, HERTS, EN11 0EH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0184/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 for enforcement action to be authorised in respect of the site relating to E/11/0184/B on the basis now detailed.

RESOLVED – that in respect of E/11/0184/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

731 ITEMS FOR REPORTING AND NOTING

The Chairman advised that Officers now had dates for the public enquiries relating to Tewinbury Farm, Hertford Road, Tewin and applications 3/12/0744/FP and 3/12/0592/FP. These enquires would take place on the 16, 17 and 18 July 2013.

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning

permission / non determination;

(B) Planning Appeals lodged;

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

(D) Planning Statistics.

The meeting closed at 9.46 pm

Chairman
Date

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