

# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 11th December, 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 28th day of November 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. Minutes (Pages 9 - 18)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 16 October 2013.*

3. Declarations of Interest

*To receive any Members' declarations of interest.*

4. Petitions

*To receive any petitions.*

5. Public Questions

*To receive any public questions.*

6. Community Leadership and Here to Help

*To receive a joint presentation by the Executive Member for Community Partnership & Liaison and the Chief Executive and Director of Customer and Community Services*

7. Members' questions

*To receive any Members' questions.*

8. Executive Report - 5 November 2013 (Pages 19 - 28)

*To receive a report from the Leader of the Council and to consider recommendations on the matters below:*

(A) Hunsdon Conservation Area Appraisal and Management Plan

*Minute 315 refers*

(B) Retail and Town Centres Study Update Report (September 2013)

*Minute 316 refers*

(C) Strategic Housing Market Assessment Update 2012 (March 2013):  
London Commuter Belt East Sub-Region

*Minute 317 refers*

(D) District-Wide Green Belt Review Part 1 (2013)

*Minute 318 refers*

(E) District Plan – Update Report

*Minute 319 refers*

(F) Developer/Landowner Questionnaires and ATLAS Meetings

*Minute 320 refers*

9. Executive Report - 9 December 2013

*To receive a report (to follow) from the Leader of the Council and to consider recommendations on the matters below:*

- (A) Homeless and Homeless Prevention Strategy
- (B) Draft revisions to the Council Tax support scheme for 2014/15
- (C) Puckeridge Conservation Area Appraisal and Management Plan
- (D) Standon Conservation Area Appraisal and Management Plan
- (E) London Commuter Belt (East) Sub-Region: Older People's Housing Requirements: October 2013
- (F) District Plan – Update Report
- (G) District Plan Topic-Based Policies Report (October 2013)
- (H) Transport Update Report and Modelling Results
- (I) East Herts Green Belt Review – Parts 2 to 6 (December 2013)
- (J) Duty to Co-operate – Update Report
- (K) District Plan Update Report and Supporting Document Chapter 6
- (L) Local Development Scheme (LDS) Version 5 (December 2013)

*Note – Members are asked to bring their copy of the Executive agendas to the meeting.*

10. Development Management Committee: Minutes - 6 November 2013  
(Pages 29 - 44)

*Chairman: Councillor Mrs R Cheswright*

11. Licensing Committee: Minutes - 7 November 2013 (Pages 45 - 52)

*Chairman: Councillor R Beeching*

*To consider recommendations on the matter below:*

(A) Feedback on Consultation on Statement of Licensing Policy

*Minute 341 refers*

12. Environment Scrutiny Committee: Minutes - 12 November 2013 (Pages 53  
- 60)

*Chairman: Councillor D Abbott*

13. Community Scrutiny Committee: Minutes - 19 November 2013 (Pages 61 -  
70)

*Chairman: Councillor Mrs D Hollebon*

14. Audit Committee: Minutes - 20 November 2013 (Pages 71 - 78)

*Chairman: Councillor J Ranger*

15. Corporate Business Scrutiny Committee: Minutes - 26 November 2013

*Chairman: Councillor D Andrews*

*To follow*

16. Development Management Committee: Minutes - 5 December 2013

*Chairman: Councillor Mrs R Cheswright*

*To follow*

17. Council Tax Base - Calculation of Council Tax Base 2014/15 (Pages 79 - 86)

18. Motions on Notice (Pages 87 - 88)

*To receive Motions on Notice:*

*(A) Payday lenders*

## 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 16 OCTOBER 2013, AT 7.00  
PM

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PRESENT: Councillor G McAndrew (Chairman).  
Councillors D Abbott, M Alexander,  
D Andrews, W Ashley, P Ballam, E Bedford,  
R Beeching, E Buckmaster, S Bull, M Carver,  
Mrs R Cheswright, K Crofton, A Dearman,  
P Gray, L Haysey, T Herbert,  
Mrs D Hollebon, Mrs D Hone, J Jones,  
G Lawrence, J Mayes, M McMullen,  
M Newman, T Page, P Phillips, M Pope,  
J Ranger, C Rowley, P Ruffles, S Rutland-  
Barsby, R Sharma, J Taylor, M Tindale,  
J Thornton, A Warman, G Williamson,  
N Wilson, J Wing, M Wood, C Woodward,  
B Wrangles and J Wyllie.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
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

Trevor Watkins

- Waste Services  
Manager

287 CHAIRMAN'S ANNOUNCEMENTS

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

He referred to the Product Tour enjoyed by many Members on 2 September 2013, at which the best of East Herts' local produce had been highlighted. The event had received much positive press coverage and he thanked Officers in the Economic Development team and Councillor W Ashley for their work in organising the day.

The Chairman advised Members that staff drinks at Christmas would be on 4 and 5 December 2013 in Bishop's Stortford and Hertford respectively.

Finally, the Chairman gave notice of various forthcoming events, as follows:

- a race night on 15 November 2013, at St Michael's Mead Community Centre;
- the Burns Night on 25 January 2014;
- Beat the Bands on 1 February 2014;
- the Civic Dinner on 21 March 2014, at the Rhodes Centre; and
- a May Ball at Paradise Park, on a date to be confirmed.

288 MINUTES

RESOLVED – that the Minutes of the meeting held on 24 July 2013, be confirmed as a correct record and signed by the Chairman.

289 SEPARATE PAPER AND RECYCLING COLLECTIONS (SPARC)

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The Head of Environmental Services and the Waste Services Manager gave a presentation detailing the implementation of

the new Separate Paper and Recycling Collections (SPARC). They reminded Members of the reasons for the changes being made for the new service to start from 11 November 2013. They detailed the benefits in terms of revenue savings and likely increased recycling rates. Finally, they outlined the publicity campaign, the feedback received from residents, which was mostly positive, and they referred to frequently asked questions.

After dealing with various Members' questions, the Chairman thanked the Officers for their presentation. The Executive Member for Community Safety and Environment also thanked all the staff involved in implementing SPARC.

## 290 MEMBERS' QUESTIONS

### Question 1

Councillor M Wood stated this Council often talked about diversifying its membership in order to have a good cross section of the population. He asked the Executive Member for Community Partnership and Liaison whether this aim would be assisted if Council meetings were not held in the first week of school summer holidays and in half term and whether the future programming of meetings could take this into account.

In response, the Executive Member for Community Partnership and Liaison expressed some sympathy for the theme of the question but reminded Members that the Council operated full time for 52 weeks of the year. Given that school holidays accounted for approximately 13 weeks of the year, it would be unreasonable to expect there to be no meetings during these periods.

She reminded Members that some holiday periods were kept clear of meetings as far as possible. Also, meetings were not held on Mondays to avoid clashes with Town and Parish Council meetings and she believed that Friday evenings would not be popular. Therefore, there were already a substantial number of unavailable days.

The Executive Member referred to the complexities of

planning meetings given various constraints and statutory requirements. All Council meetings currently, were well attended by Members. In the event of a change in demographics post 2015 with a significant number of Members with child care responsibilities, the situation might have to be reviewed to see if there was anything that could be done. In the meantime, she invited Councillor M Wood, if he had any practical suggestions that took account of all the above with no disruption to the business of the Council, to discuss them with Officers.

### Question 2

Councillor J Wing referred to the discussion at the recent District Planning Executive Panel meeting, when it had become clear that inadequate provision of schools and school places could make delivery of a sustainable District Plan impossible. He asked the Executive Member for Strategic Planning and Transport if he would write to the Secretaries of State for Education and Local Government, and to the local Members of Parliament, expressing the Council's concern that current Government policies on the capital funding of new schools imposed severe restrictions on the ability of the Council to deliver a sustainable District Plan.

In reply, the Executive Member for Strategic Planning and Transport commented on the funding gap that would prevent additional schools provision that would meet natural growth and inward migration, let alone the infrastructure requirements of large scale developments. He questioned how this funding gap could be met, as Local Enterprise Partnership resources were not feasible for schools. Developers would not provide the funding necessary due to the competing demands of other contributions made, such as highways.

The Executive Member reiterated the need to develop a District Plan that was sustainable and agreed that the funding gap was a serious issue that needed addressing. He undertook to write to the Secretaries of State and local MPs as suggested by the question.

291 EXECUTIVE REPORT - 3 SEPTEMBER 2013

RESOLVED – that the Minutes of the Executive meeting held on 3 September 2013 be received.

292 4 YEAR CORPORATE STRATEGIC PLAN (2014/15 TO 2017/18)

RESOLVED – that (A) the comments of the Corporate Business Scrutiny Committee, be received;

(B) the 2014/15 – 2017/18 Corporate Strategic Plan be approved, subject to minor typographical errors and alterations being made, in consultation with the Leader; and

(C) Officers be requested to review the Sustainable Community Strategy over the coming year to ensure that it was still fit for purpose for the Local Strategic Partnership and East Herts Council.

293 FINANCIAL STRATEGY AND MEDIUM TERM FINANCIAL PLAN TO 2017/18

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

(B) the proposed Financial Strategy, as now submitted, be adopted; and

(C) the planning assumptions set out in the report now submitted, be adopted as the basis for framing the 2014/15 budget and Medium Term Financial Plan to 2017/18.

294 WIDFORD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Widford Conservation Area Appraisal be agreed;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, to make any further minor and consequential changes to the Appraisal which may be necessary; and

(C) the Widford Conservation Area Appraisal be adopted.

295 STATEMENT OF COMMUNITY INVOLVEMENT (SCI):  
PROPOSED ADOPTION OF DOCUMENT FOLLOWING  
PUBLIC CONSULTATION

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Draft East Herts Statement of Community Involvement be approved; and

(B) the East Herts Statement of Community Involvement, 2013 be adopted.

296 DISTRICT PLAN - UPDATE REPORT

RESOLVED – that (A) a change to the structure of the District Plan, to combine Strategic Policies, Development Management Policies, and Site Allocations, into a single District Plan, be approved;

(B) an early review of the District Plan, based on a ‘plan-monitor-and-manage’ approach particularly in respect of long-term planning, be approved; and

(C) the approach to obtaining critical delivery information, including ATLAS project support, be approved.

297 DUTY TO CO-OPERATE – UPDATE REPORT

RESOLVED – that (A) the current main issues relating to the Duty to Co-Operate involving adjoining authorities, be noted; and

(B) the Hertfordshire Infrastructure and Planning Partnership Memorandum of Understanding, be approved for use in planning policy and development management work.

298 POPULATION AND HOUSEHOLD PROJECTIONS –  
UPDATE REPORT

RESOLVED – that it be noted that recently published and emerging information, together with the ongoing interpretation by the Planning Inspectorate of ‘objectively assessed housing need’ in the context of the National Planning Policy Framework (NPPF), continues to indicate that East Herts Council may need to plan for the upper end of the range 10,000 to 17,000 dwellings over the 20 year period 2011 to 2031.

299 STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) –  
ROUND 3 – UPDATE REPORT

RESOLVED – that (A) the list of identified sites, contained as Essential Reference Paper ‘B’ to the report submitted, which includes responses received to the Call for Sites, be noted and taken into account as part of the preparation of Round 3 of the East Herts Strategic Land Availability Assessment (SLAA); and

(B) any future Call for Sites suggestions be included and assessed as part of the preparation of Round 3 of the SLAA, and subsequently as part of the annual monitoring and review of the SLAA.

300 TOWN WIDE EMPLOYMENT STUDY FOR BISHOP’S  
STORTFORD (JUNE 2013)

RESOLVED – that the Town Wide Employment Study of Bishop’s Stortford, June 2013, be approved as part of the evidence base to inform and support the East Herts District Plan and for Development Management purposes in the determination of planning applications.

301 EXECUTIVE REPORT - 1 OCTOBER 2013

RESOLVED – that the Minutes of the Executive meeting held on 1 October 2013 be received.

302 PARKS AND OPEN SPACES STRATEGY 2013-18

RESOLVED – that (A) the Parks & Open Spaces Strategy 2013 – 2018 be formally adopted, and

(B) the draft High Level Action Plan be agreed.

303 EAST HERTS HEALTH & WELLBEING STRATEGY 2013 - 18

RESOLVED – that (A) the East Herts Health & Wellbeing Strategy 2013-2018, as now submitted, be adopted; and

(B) authority to make final amendments to the Strategy, be given to Officers, in consultation with the Executive Member for Health, Housing and Community Support.

304 REVIEW TO UPDATE EAST HERTS PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

RESOLVED – that the draft revised policy for private sector housing enforcement, as now detailed, be adopted.

305 RISK MANAGEMENT STRATEGY

RESOLVED – that (A) the comments of Corporate Business Scrutiny Committee and Audit Committee be received; and

(B) the updated Risk Management Strategy be approved.



306 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES -  
14 AUGUST 2013

RESOLVED – that the Minutes of the Development Management Committee meeting held on 14 August 2013, be received.

307 CORPORATE BUSINESS SCRUTINY COMMITTEE:  
MINUTES - 27 AUGUST 2013

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 27 August 2013, be received.

308 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES -  
11 SEPTEMBER 2013

RESOLVED – that the Minutes of the Development Management Committee meeting held on 11 September 2013, be received.

309 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES - 17  
SEPTEMBER 2013

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 17 September 2013, be received.

310 AUDIT COMMITTEE: MINUTES - 18 SEPTEMBER 2013

RESOLVED – that the Minutes of the Audit Committee meeting held on 18 September 2013, be received.

311 COMMUNITY SCRUTINY COMMITTEE: MINUTES - 24  
SEPTEMBER 2013

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 24 September 2013, be received.

312 HUMAN RESOURCES COMMITTEE: MINUTES - 2 OCTOBER 2013

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 2 October 2013, be received.

313 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 9 OCTOBER 2013

RESOLVED – that the Minutes of the Development Management Committee meeting held on 9 October 2013, be received.

314 WARD MEMBER ROLE DESCRIPTION

The Executive Member for Health, Housing and Community Support submitted a report suggesting amendments to the role description for a Ward Member. She advised Council of the deliberations of the Member Development Charter Group, who had considered such a review to be appropriate in the light of the evolving community leadership role for all Members and also the impending local council elections in May 2015.

Council approved the revised role description as now submitted.

RESOLVED - that the suggested amendments to the role description of a Ward Member, as detailed in Essential Reference Paper B to the report now submitted, be approved.

The meeting closed at 7.50 pm

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

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 5 NOVEMBER 2013, AT 7.00 PM

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

ALSO PRESENT:

Councillors D Andrews, S Bull, M McMullen,  
P Moore, M Newman, P Ruffles, J Thornton  
and J Wing.

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood 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

**315     HUNSDON CONSERVATION AREA APPRAISAL AND  
MANAGEMENT PLAN**

**The Executive Member for Strategic Planning and Transport submitted a report on the Hunsdon Conservation Area Appraisal following public consultation. He detailed the outcome of the public consultation in the report now submitted.**

The Appraisal identified the special character of the Conservation Area together with the elements that should be retained or enhanced and those which detracted from the identified character. Once adopted by the Council, the Appraisal would become a 'material consideration' in the process of determining planning applications. It would also link into the development of neighbourhood planning.

The Executive Member advised that there were two outstanding issues to be resolved and for this reason, he recommended delegating authority to the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, to make any further minor and consequential changes to the Appraisal which may be necessary.

Councillor M Newman, as the local ward Member, expressed his appreciation to Officers, local residents and the Parish Council for their contribution.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Hunsdon Conservation Area Appraisal be agreed;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, to make any further minor and consequential changes to the Appraisal which may be necessary; and

(C) the Hunsdon Conservation Area Appraisal be adopted.

316 **RETAIL AND TOWN CENTRES STUDY UPDATE REPORT  
(SEPTEMBER 2013)**

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The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 3 October 2013, on the Retail and Town Centres Study Update.

**RECOMMENDED** – that support for the East Herts Retail and Town Centres Study Update Report, September 2013, being used as part of the evidence base to inform and support the East Herts District Plan and for Development Management purposes in the determination of planning applications, be delegated to the Head of Planning and Building Control Services, in consultation with the Executive Member for Strategic Planning and Transport.

(see also Minute 325)

317 **STRATEGIC HOUSING MARKET ASSESSMENT UPDATE  
2012 (MARCH 2013): LONDON COMMUTER BELT EAST  
SUB-REGION**

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The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 3 October 2013, on the Strategic Housing Market Assessment Update 2012 (March 2013): London Commuter Belt East Sub-Region.

**RECOMMENDED** – that the Strategic Housing Market Assessment Update 2012 (March 2013): London Commuter Belt East Sub-Region, be supported as part of the evidence base to inform and support the preparation of the District Plan, and for housing strategy purposes.

(see also Minute 325)

318 **DISTRICT-WIDE GREEN BELT REVIEW PART 1 (2013)**

The Executive considered and approved the

recommendations of the District Planning Executive Panel, at its meeting held on 3 October 2013, on the District-Wide Green Belt Review Part 1 (2013).

**RECOMMENDED** – that the East Herts District-Wide Green Belt Review – Part 1, September 2013, be supported as part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 325)

319 **DISTRICT PLAN – UPDATE REPORT**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 3 October 2013, on the District Plan - Update Report.

**RECOMMENDED** – that (A) the latest evidence supplied by Hertfordshire County Council in relation to schools planning, be noted, and an ongoing commitment to urgent joint working be supported;

(B) the proposed approach to the preparation of an Infrastructure Topic Paper, followed by an Infrastructure Delivery Plan based on a specially commissioned delivery study, be supported; and

(C) the latest national guidance, including that in relation to the importance of meeting housing needs within each housing market area, be noted.

(see also Minute 325)

320 **DEVELOPER/LANDOWNER QUESTIONNAIRES AND ATLAS MEETINGS**

The Executive considered and approved the recommendations of the District Planning Executive Panel, at its meeting held on 3 October 2013, on the Developer/Landowner Questionnaire and ATLAS

meetings.

**RECOMMENDED** – that the responses to the Developer Questionnaires (including subsequent information supplied), and the meeting notes between ATLAS and developers and/or their representatives, be supported as part of the evidence base to inform and support the preparation of the District Plan.

(see also Minute 325)

321 APOLOGIES

Apologies for absence were submitted on behalf of Councillors L Haysey and S Rutland-Barsby.

322 MINUTES

**RESOLVED** – that the Minutes of the Executive meeting held on 1 October 2013 be approved as a correct record and signed by the Leader.

323 DEVELOPING AN INVESTMENT STRATEGY FOR EAST HERTS

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The Executive Member for Finance submitted a report recommending a set of principles for developing an Investment Strategy for East Herts. This would seek to address the need to identify new and additional sources of revenue income over the medium to long term, given the context of reducing revenue streams from traditional sources including Government grants.

The Executive Member explained that having taken early expert advice, the proposition was that East Herts should develop a balanced portfolio which provided a spread of cash and property based investments which would optimise income in the context of a balanced approach to risk. This report would pave the way to take more detailed technical advice once policy decisions became clearer.

The Executive was reminded that East Herts currently had in excess of £60m capital available for investment, the majority of which was currently in short-term money markets. Initial thoughts were that a balanced portfolio should be developed across the following 3 areas:

- continued investment in the money market;
- investment in property funds; and
- investment in the purchase of private housing or commercial property potentially through joint venture activities with third parties.

The Executive Member stressed the need to improve investment performance and detailed the policy principles in the report now submitted.

Councillor J Thornton questioned the value of making direct investments in commercial properties and suggested that the risks would outweigh the return. He also referred to the care needed in identifying the expert advice needed.

Councillor J Wing asked if the level of investment return sought had been defined as this would help understand the level of risk involved. He also asked to what extent the positive impact on the District and immediate neighbouring areas would be a factor in making investment decisions.

The Executive Member accepted the points made by Members as valid considerations that needed to be made. He stressed that the purpose was to improve investment performance and that careful consideration needed to be given before any decisions were made in order to avoid the pitfalls. He was looking to achieve a 5 – 7% return over the long term, if the appropriate governance arrangements were in place. The management of investments would be one of the issues that would need careful consideration.

The Executive approved the recommendations now detailed.

RESOLVED – that (A) the policy principles for property investment as detailed in Section 3 of the report now submitted, be approved;



(B) the draft outline of the timetable for action be noted and that a further progress report be submitted to a future Executive meeting; and

(C) the requirement for additional resources to support the development of this policy that will be funded from the 2013/14 planning contingency be noted.

## 324 SCRAP METAL DEALERS ACT 2013

The Executive Member for Community Safety and Environment submitted a report detailing the Scrap Metal Dealers Act 2013, which considered the proposed application fees and delegation of powers.

The new legislation repealed the Scrap Metal Dealers Act 1964 (as amended) and Part 1 of the Vehicle (Crime) Act 2001, and created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The new Act maintained local authorities as the principal regulator, but gave them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer became 'unsuitable'.

In response to Members' questions, the Director of Neighbourhood Services stated that the proposed fees were in line with neighbouring authorities. He added that the enforcement teams had been restructured with appropriate training on the new legislation.

The Executive approved the recommendations as now detailed.

RESOLVED - that (A) the proposed fee levels as set out in Essential Reference Paper 'B' of the report submitted, be adopted; and

(B) the proposed delegations for dealing with licensing and enforcement as set out in Essential

Reference Paper 'C' of the report submitted, be approved.

325 DISTRICT PLAN EXECUTIVE PANEL: MINUTES - 3 OCTOBER 2013

RESOLVED – that the Minutes of the District Planning Executive Panel meeting, held on 3 October 2013, be received.

(see also Minutes 316 - 320)

326 MONTHLY CORPORATE HEALTHCHECK - SEPTEMBER 2013

The Leader submitted an exception report on the finance, performance and risk monitoring for East Herts Council for September 2013.

The Leader referred to the Council Tax Support Scheme and the one-off assistance given to parish and town councils in 2013/14. He referred to the ongoing budget process for 2014/15 and asked Officers to explore the possibility of providing further assistance for another year only.

The Director of Finance and Support Services undertook to advise parish and town councils that, as part of the budget process, the District Council would be considering support in 2014/15 of 50% of 2013/14 levels on the basis of no support in the year after.

The Executive approved the recommendations as now detailed.

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

(B) the re-profile of Capital Scheme budgets totalling £1.08 million to 2014/15 as detailed at paragraph 2.34 of the report submitted, be approved;

(C) the virement of budget (£15,000) savings from

the Hertford Theatre: McMullen gates refurbishment to the renewal of the Theatre’s Boilers, as detailed at paragraph 2.37 of the report submitted, be noted;

(D) the 2013/14 savings position, as detailed at paragraph 2.38 of the report submitted, be noted;

(E) the controls and scores listed in the strategic risk register for the period July to September 2013, as detailed at paragraph 2.40, be approved; and

(F) in respect of support for parish and town councils under the Council Tax Support Scheme, the Director of Finance and Support Services be authorised to advise parish and town councils that, as part of the budget process, the District Council would be considering support in 2014/15 of 50% of 2013/14 levels on the basis of no support in the year after.

The meeting closed at 7.46 pm

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

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MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 6 NOVEMBER 2013, AT 7.00  
PM

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

ALSO PRESENT:

Councillors P Ballam, P Ruffles and  
K Warnell.

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Isabella Tafur	- Francis Taylor Buildings, Inner Temple, London
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327 APOLOGY

An apology for absence was submitted on behalf of Councillor A Burlton. It was noted that Councillor T Page was substituting for Councillor A Burlton.

328 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised Members that the special meeting of the Committee to deal with outline planning applications relating to Bishop's Stortford North, had been rescheduled for Thursday 5 December 2013.

329 DECLARATIONS OF INTEREST

Councillor S Bull declared a disclosable pecuniary interest in application 3/13/0513/FP, in that he received a pension from the Co-op. He left the room whilst this matter was considered.

330 MINUTES – 9 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 9 October 2013 be confirmed as a correct record and signed by the Chairman.

331 3/13/1215/RP – APPLICATION FOR APPROVAL OF RESERVED MATTERS IN RESPECT OF 3/11/0554/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 200 RESIDENTIAL UNITS AND ASSOCIATED ROADWORKS, LANDSCAPING, MATERIALS' AND PUBLIC OPEN SPACE AT TERLINGS PARK, EASTWICK ROAD, EASTWICK, HARLOW, HERTS, CM20 2QR FOR BLOOR HOMES SOUTH MIDLANDS

David Joseph addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1215/RP, East Herts Council agree to a variation of the Section 106 agreement

associated with Ipa references 3/11/0554/OP and 3/13/1023/FO, to remove wording regarding Designated Protected Areas which prevented shared ownership units being staircased to 100%.

The Director also recommended that, in respect of application 3/13/1215/RP, the reserved matters be approved subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule in respect of comments from the County Highway Authority and Eastwick and Gilston Parish Council. Councillor M Newman, as the local ward Member, praised the work of the applicant and the Parish Council in working together in a very satisfactory manner to secure the improvements detailed at paragraph 7.10 of the report now submitted.

Councillor Newman stated that he understood and appreciated the residual concerns of the Parish Council in respect of primary and secondary school provision. He acknowledged however, that the site had always been earmarked for development and had been granted outline planning permission about a year ago. He concluded that there was very little that could be done regarding the Parish Council's residual concerns.

Councillor T Page sought and was given clarification as to whether the staircasing of the shared ownership units to 100% would lead to a loss of protection of the affordable housing stock. The Director acknowledged that there would be an impact in terms of properties available as affordable housing.

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

RESOLVED – that (A) in respect of application 3/13/1215/RP, East Herts Council agree to a variation of the Section 106 agreement associated

with lpa references 3/11/0554/OP and 3/13/1023/FO, to remove wording regarding Designated Protected Areas which prevented shared ownership units being staircased to 100%; and

(B) in respect of application 3/13/1215/RP, the reserved matters be approved subject to the conditions detailed in the report now submitted.

332 3/13/1042/FP – RESIDENTIAL DEVELOPMENT  
COMPRISING 113 FLATS WITH ASSOCIATED CAR  
PARKING, LANDSCAPING AND RELATED WORK AT LAND  
AT CRANE MEAD, WARE, SG12 9PT FOR MARKS MILL  
LLP

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Mr Waite addressed the Committee in objection to the application. Martin Robeson spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1331/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that, in respect of the second reason for refusal, the applicant had reviewed their viability appraisal and confirmed that they were prepared to provide 12 affordable units with a tenure split of 75% affordable rented and 25% shared ownership. Members were advised that the 12 units would equate to 10.6% of the total build.

The District Valuation Service (DVS) had previously advised that 18 affordable units could be provided, which was 16% of the total build. The Director stated that, on the basis of a reduced Section 106 contribution of £282,271, the DVS had since revised this estimate to 21 units or 18.5% of the total build.

The DVS had also indicated that there was scope to increase this further if the developer negotiated on the developer profit of 20%, which was at the higher end of



the industry norm. The Director confirmed that Officers considered that the second refusal reason should remain.

The Director advised that the proposed site layout remained poor and the development failed to provide a coherent and attractive street scene. Officers therefore, recommended the third refusal reason was also retained.

Members were advised that, in light of the robust justification provided by Hertfordshire County Council for the education contributions, the applicant has stated that they were now content to fund these contributions. As such, none of the financial contributions were in dispute and the fourth refusal reason was no longer required.

Councillor E Bedford stated that, whilst he was conscious of the need for housing, this site benefited from ample parking and close proximity to Ware station. He concluded that the site should be retained for employment purposes.

Councillor T Page stated that it was important that balance was achieved between employment and housing and this had previously been a very important employment site.

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/1042/FP, planning permission be refused for the following reasons:

1. The site is identified in the East Hertfordshire Local Plan as primarily reserved for employment use. The proposal would result in the loss of valuable employment land to the detriment of the economic wellbeing of the District and the Local Planning Authority does not consider that there is no reasonable prospect of the site being used for its designated employment use. The proposed

residential use is not therefore justified and would be contrary to policies EDE1, EDE2 and WA7 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance contained in the National Planning Policy Framework.

2. The proposed development fails to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and national planning policies contained within the National Planning Policy Framework.
3. The design and layout of the proposed development on the Starsgate site provides for poor amenity and outlook for units closest to the Railway Line and fails to take the opportunity to improve the way the area works by completing the landscaped pedestrian / cyclist route between Crane Mead , The River Lee and Ware Station. The proposal is in these respects poorly designed, contrary to policy ENV1 of the East Herts Local Plan and guidance in the National Planning Policy Framework.

### Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended) 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.

333 3/13/0513/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3NO 1 BEDROOMED FLATS, 5NO 2 BEDROOMED FLATS, 6NO 2 BEDROOMED HOUSES, 1NO A1 RETAIL UNIT WITH 4NO OFFICES ABOVE AND 3NO UNITS FOR A1, A2 OR B1 USE AND ASSOCIATED ATM, CAR PARKING AND LANDSCAPING AT FORMER CO-OP SITE, STAR STREET, WARE, SG12 7AA FOR MR P ROBERTS

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Phil Roberts addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Members were advised that the applicant had requested a revision of condition 16 so that all HGV service deliveries to the premises from Star Street would only be made between 22:00 hrs to 07:00 hours and 10:00hrs to 15:00hrs. The Director advised that this was suggested to enable the efficient servicing of the retail unit without impacting on the peak hours of traffic flow.

In response to a query from Councillor M Newman, the Director confirmed that an existing bus shelter close to the site would be relocated very slightly from its current location.

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 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following amended condition:

16. All HGV service deliveries to the premises from Star Street shall only be made between the following times 22:00hrs to 07:00hrs and 10:00hrs to 15:00hrs.

Reason: In the interests of highway safety and the free and safe flow of traffic and in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

334 3/11/0267/FP – CONSTRUCTION OF 3 NO. DETACHED DWELLINGS AT 37 LOWER ROAD, GREAT AMWELL, WARE, SG12 9SZ FOR MR JIM DEFILLIPO

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0267/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application 3/11/0267/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

335 3/13/1635/FP – INSTALLATION OF ATM UNIT WITH LOCKABLE COVER AT TESCO STORES, HAVERS LANE, BISHOP'S STORTFORD CM23 3PD FOR TESCO STORES LTD

George Cutting addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1635/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds, as a local ward Member, stated that the parking situation in this area was a serious concern. She expressed concern that town centre residents and shoppers would drive to and from the Tesco store on the Havers Estate as there were only 2 parking spaces at the town centre Tesco. She emphasised that the site was on a walking route to 3 local schools and the parking situation and additional traffic was creating a very dangerous situation for school children and pedestrians.

Councillor T Page commented that the application would adversely affect the vitality of the local economy, in particular local shops. He stated that the application would undermine the corporate priorities of the Authority, particularly in terms of people and prosperity. The Director stressed that Members should determine the application on the basis of local plan policies and the policies of the National Planning Policy Framework (NPPF).

Councillor Page commented that an inward facing ATM machine would protect the residents from the disruption of a 24 hour operation as the machine would be unavailable outside of the store's opening hours.

Councillors M Alexander and S Bull commented that this application for an external outward facing ATM machine was unnecessary on this site as customers could already get cash back in the Tesco store.

The Director advised that the impact of the application on other local stores was not the issue for Members to determine. Members should be solely considering the impact of an ATM machine on the site.

Councillor K Crofton commented that the ATM could be an advantage to local shops if residents had ready access to cash without having to go into Tesco to get cash back. He stated that he did not see how an ATM would exacerbate issues of Anti-Social Behaviour if this was

already a problem in the vicinity of this site.

In response to a query from Councillor M Alexander, the Director advised that Officers had liaised with the applicant since March 2013 and the applicant remained keen to pursue the application in its current form.

Councillor N Symonds proposed and Councillor T Page seconded, a motion that application 3/13/1635/FP be refused on the grounds that the use of the proposed ATM would result in additional activity with associated noise and disturbance with the potential for anti-social behaviour, which would have a harmful impact on the amenity of local residents and was therefore contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007. The proposed development would also have an adverse impact on the vitality of other retail uses in the vicinity and was therefore also contrary to policy STC8 of the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/1635/FP, planning permission be refused for the following reasons:

1. The use of the proposed ATM 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.
2. The proposed development would increase the attractiveness of the application site's retail use in comparison to other retail uses in

the vicinity potentially harmfully impacting on their viability. The potential loss of other retail uses would be contrary to policy STC8 of the East Herts Local Plan Second Review April 2007.

- 336 A) 3/13/1226/FP – TWO STOREY REAR EXTENSION WITH ALTERATIONS, AND REPAIRS/REPLACEMENT OF FENESTRATION (AMENDMENT TO PERMISSION REFERENCE 3/13/0295/FP), AND 3/13/1227/LB - AMENDMENTS TO LISTED BUILDING CONSENT 3/12/0294/LB ( TWO STOREY REAR EXTENSION WITH ALTERATIONS REPAIRS/REPLACEMENT OF FENESTRATION) TO AMEND PROPOSED GLAZING ON THE SOUTH FACING COURTYARD ELEVATION AND ROOF WINDOWS ON THE WEST FACING COURTYARD ELEVATION AT 25 CASTLE STREET, HERTFORD SG14 1HH FOR MR AND MRS THORNTON
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The Director of Neighbourhood Services recommended that, in respect of applications 3/13/1226/FP and 3/13/1227/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of applications 3/13/1226/FP and 3/13/1227/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

- 337 3/13/1513/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) OF PLANNING APPROVAL REF 3/06/0604/FP TO PROVIDE OFFICE ACCOMMODATION WITHIN THE UPPER FLOOR OF THE DETACHED GARAGE AT LONGCROFT, MONKS GREEN LANE, BRICKENDON, HERTFORDSHIRE, SG13 8QL FOR WILLIAM ASHLEY AND PARTNERS
-

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1513/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Moore expressed concerns that this was a retrospective application that showed a lack of respect for the formal consultative process. She stated that an approval of this application would send the wrong message to the applicant and the wider community of East Herts.

Councillor D Andrews commented on whether the workspace in the live work units had been fully utilised. He also sought clarification in respect of whether Members were approving the removal of an onerous condition or granting retrospective planning permission.

Councillor E Bedford expressed his concern that this was a retrospective application. He referred to whether the application was to be determined in the same way as if it was not retrospective. He stated that, in his view, the proposed development made very little difference to the site.

Councillor T Page commented that the application concerned him from the point of view of a lack of transparency. He hoped that the Minutes would reflect the fact that there had been a recent dialogue of communication between Officers and the applicant.

Councillor M Alexander stated that Members did not like retrospective applications as they took away the possibility of attaching additional conditions. He stated that Members might have added conditions on this application covering a bat survey, materials of construction and also the hours of construction.

Councillor Alexander stated that he could see no reason why this application should be approved and there should be a discussion with the applicant and Officers to



establish whether Longcroft was being used to its full potential.

The Director confirmed that the application was retrospective in nature. Members were however, advised that the Committee should determine the application using the same set of policies as if the application had been submitted in the usual way. Members were advised that all of the correct process had been followed prior to this application being brought to Committee.

The Director advised that although this was a Green Belt location, the Council's planning policies were largely supportive of the conversion of a modest area of floor space of 56 metres squared. Members were further advised that the Council's policies did not apply a sequential approach to whether a parent property should be used as office space in preference to the upper floor of a detached garage.

Councillor P Moore proposed and Councillor N Symonds seconded, a motion that application 3/13/1513/FO be deferred to enable Officers to consider further information necessary to determine the application in consultation with the Chairman and Vice-Chairman of the Committee.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted. Councillor T Page requested that his abstention from voting be recorded.

RESOLVED – that in respect of application 3/13/1513/FO, planning permission be deferred to enable Officers to consider further information necessary to determine the application in consultation with the Chairman and Vice-Chairman of the Committee.

### 338 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

339 EXCLUSION OF PRESS AND PUBLIC

The Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 340 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the said Act.

340 PLANNING APPEALS, LAND NORTH AND SOUTH OF HARE STREET ROAD, BUNTINGFORD

The Director of Neighbourhood Services submitted a report inviting Members to further consider the implications for the Council with regard to outstanding planning appeals in respect of land North and South of Hare Street Road, Buntingford. Members were reminded of the recent planning history for both sites.

The Director advised Members of the timescales for the forthcoming joint public inquiry since planning appeals had been submitted against both refusals of planning permission. The Director advised Members that Officers were recommending that the Authority present no evidence at the forthcoming joint public inquiry dealing with the above planning application proposals.

The Director also recommended that all parties would be immediately advised of the position of the Local Planning Authority.

The Director invited Isabella Tafur, a Barrister from Francis Taylor Buildings, to give Members advice in relation to the Council’s position regarding both appeals. Following this, the Barrister answered a wide range of detailed questions from Members.

The Committee supported the recommendations as now detailed. Councillors S Bull and T Page requested that their dissent from this decision be recorded.

RESOLVED – that (A) the Authority presents no evidence to the forthcoming joint planning appeal public inquiry dealing with the planning application proposals relating to Land North and South of Hare Street Road, Buntingford; and

(B) all relevant parties be immediately advised of this position.

The meeting closed at 9.45 pm

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

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MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 7 NOVEMBER  
2013, AT 4.30 PM

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PRESENT: Councillor R Beeching (Chairman).  
Councillors W Ashley, P Ballam, E Bedford,  
E Buckmaster, Mrs R Cheswright,  
Mrs D Hone, M McMullen, P Ruffles, J Taylor  
and B Wrangles.

ALSO PRESENT:

Councillors D Andrews.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

341 **FEEDBACK ON CONSULTATION ON STATEMENT OF  
LICENSING POLICY**

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**The Director of Neighbourhood Services submitted a report that summarised the consultation responses in respect of the Statement of Licensing Policy.**

**Members were advised that Section 5 of the Licensing Act 2003 required the Licensing Authority to determine and publish its Licensing Policy at least every 3 years (extended to 5 years for future reviews).**

**The Senior Specialist Licensing Officer advised that, as the current policy had been determined in February 2011 for a period of 3 years, the policy needed to be re-determined by Council by 31 January 2014. The Statement of Licensing Policy set out the principles that the Authority would apply when**

**exercising its functions under the Licensing Act 2003. The Act also required that the Statement of Licensing Policy be kept under review and revisions made as appropriate.**

**Members were advised that, during the 3 month public consultation, one response had been received from Hertfordshire Constabulary. This was detailed at paragraphs 2.3 – 2.7 of the report now submitted, along with Officers' observations on the validity of the response.**

**The Senior Specialist Licensing Officer advised that Officers agreed with Hertfordshire Constabulary's clarification that premises users should be made aware that they can agree to appropriate conditions being attached to a Temporary Event Notice (TEN).**

**Members were advised that, under the Licensing Act 2003, conditions could only be attached to a TEN after the Licensing Authority had decided not to issue a counter notice. This was a decision for a Licensing Sub-Committee so in all cases the attaching of conditions would require a hearing.**

**The Senior Specialist Licensing Officer suggested that the wording of paragraph 17.7 of the policy should be amended to say: 'Such conditions must be appropriate to the licensable activity requested and can be agreed by the premises user but can only be attached by a Licensing Sub-Committee'.**

**Members expressed their gratitude to Hertfordshire Constabulary for their suggestions and clarification. The Committee recommended the revised Statement of Licensing Policy, as now detailed.**

**RECOMMENDED – that (A) the report be received; and**

**(B) the revised statement of Licensing Policy,**

**as now submitted, be approved.**

342 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G Jones and A Warman. It was noted that Councillor P Ruffles was substituting for Councillor A Warman.

343 CHAIRMAN'S ANNOUNCEMENTS

The Chairman provided the Committee with a pack of guidance for the conduct of Licensing Sub-Committee hearings, following discussions between the Licensing Committee, Officers and the Democratic Services Team Leader. The pack included guidance regarding the Chairman's opening remarks as well as recommended procedures to ensure a good profile was presented during the quasi judicial Licensing Sub-Committee hearings.

Councillor J Taylor commented that she had never sat on a Sub-Committee where the proceedings had been anything other than well run and professional.

344 MINUTES – 11 JULY 2013

RESOLVED – that the Minutes of the meeting held on 11 July 2013 be approved as a correct record and signed by the Chairman.

345 LICENSING SUB-COMMITTEE MINUTES – 13 AUGUST 2013, 4 OCTOBER 2013, 14 OCTOBER 2013 AND 25 OCTOBER 2013

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RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 13 August, 4 October, 14 October and 25 October 2013, be received.

346 REPORT ON LICENSING ACTIVITY – QUARTER 2 OF 2013

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 2, the detail of which was set out in the report now submitted.

Members were advised that, under the licensing points system, a total of 77 points had been issued to 32 licence holders between 1 April and 30 June 2013. This formed part of the Council's continued efforts to improve standards and behaviour amongst taxi drivers and proprietors.

In response to a query from the Chairman, the Senior Specialist Licensing Officer undertook to circulate information regarding the Licensing Points policy that related to taxi drivers. This information would detail the grounds on which the Authority could issue points and the number or range of points that could be applied.

Members were advised that this information was particularly relevant as there were a number of cases on the Licensing Sub-Committee agenda for 19 November 2013, where taxi drivers had accumulated points via the penalty points scheme.

Councillor B Wrangles raised the issue of taxi drivers parking on pavements in Bircherley Green, Hertford and causing an obstruction. The Chairman confirmed that Councillors B Wrangles and Mrs R Cheswright had raised this issue on a number of occasions.

Councillor P Ruffles stated that some form of widely used sanction or discipline was needed to prevent this practice continuing. The Senior Specialist Licensing Officer advised that the police would be very unlikely to get involved with parking enforcement issues. He undertook to liaise with the Executive Member for Economic Development in respect of the possibility of a financial



penalty for taxi drivers who continually parked on Bircherley Green.

Members received the report.

RESOLVED – that the report be received.

347 REPORT ON LICENSING ACTIVITY – QUARTER 3 OF 2013

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 3, the detail of which was set out in the report now submitted.

The Committee was advised that, under the licensing points system, a total of 80 points had been issued to 40 licence holders between 1 July and 30 September 2013.

The Senior Specialist Licensing Officer advised that 2 taxi drivers would be attending a Licensing Sub-Committee hearing having accumulated 12 or more points. This was part of the Council's continued efforts to improve standards and behaviour amongst taxi drivers and proprietors.

In reference to some taxi drivers' concerns that significant numbers of new drivers had been approved and were taking their livelihood away, the Senior Specialist Licensing Officer confirmed that East Herts Council had only approved 2 additional taxi drivers during quarter 3 of 2013.

The Chairman confirmed that the Authority did not approve taxi driver applications lightly, in an 'ad hoc' manner or in large numbers.

Councillor Mrs R Cheswright commented on the low take up of CCTV cameras in taxis in East Herts. Members were advised that 20 cameras were in operation and no incidents had been reported in relation to the footage

captured by those cameras.

Members were invited to inform Officers of any other information they wanted to see as regards quarterly licensing activity data. The Senior Specialist Licensing Officer advised that concerns that some taxi drivers were overcharging customers and refusing fares had not been backed up by any firm evidence following recent investigations.

Members were advised however, that concerns remained that some taxi drivers had a poor command of English and a poor geographic knowledge of the District. Various Members expressed the view that a good command of English and a solid geographic knowledge of East Herts were essential prerequisites for taxi drivers.

The Senior Specialist Licensing Officer advised that there was no knowledge test for private hire vehicle drivers. Members were advised however, that a suitable test could be explored for private hire drivers and the existing knowledge test could be amended to include a test for a good command of English. A failure of this element of the test could be designated as a trigger for a failure of the test as a whole.

Councillor P Ballam commented on whether anything was being done to tackle the problem of taxi drivers from outside East Herts parking at Ware Train Station and taking trade away from local taxi drivers.

Members were advised that police officers did have powers to stop any vehicles that were breaking the law. The Senior Specialist Licensing Officer advised that Officers were in conversation with other local authorities regarding joint enforcement operations that targeted drivers from other local authority areas in East Herts.

The Chairman advised that the Head of Community Safety and Health Services was very keen to see joint enforcement operations in East Herts.

Members received the report.

RESOLVED – that the report be received.

348 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. Members received the report.

RESOLVED – that the report be received.

The meeting closed at 5.12 pm

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

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

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PRESENT: Councillor D Abbott (Chairman)  
Councillors W Ashley, R Beeching,  
E Buckmaster, M Pope, K Warnell,  
B Wrangles and J Wyllie

ALSO PRESENT:

Councillors L Haysey, P Moore, M Newman,  
J Ranger, P Ruffles, S Rutland-Barsby and  
N Symonds

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Karl Chui	- Performance Monitoring Officer
Simon Drinkwater	- Director of Neighbourhood Services
Marian Langley	- Scrutiny Officer
Ceri Pettit	- Corporate Planning and Performance Manager
Kevin Steptoe	- Head of Planning and Building Control Services

349 APOLOGIES

Apologies for absence was submitted from Councillor P Ballam and C Rowley. It was noted that Councillor R Beeching was substituting for Councillor Ballam.

350 MINUTES

RESOLVED – that the Minutes of the meeting held on 17 September 2013 be confirmed as a correct record and signed by the Chairman.

351 CHAIRMAN'S ANNOUNCEMENTS

The Chairman was pleased to see so many attending and welcomed other Members of the Council to the meeting.

352 CIL (COMMUNITY INFRASTRUCTURE LEVY): THE POSITION IN EAST HERTS

The Head of Planning and Building Control gave a presentation updating Members on the Community Infrastructure Levy (CIL).

Members were advised that the Council had yet to make a decision on whether to adopt a CIL and that the first step in the process, was to ensure that the Council had in place, a recognised District Plan. The Head of Planning and Building Control explained what a CIL was, what it tried to achieve and how this affected other funding streams such as Section 106 Agreements and the New Homes Bonus.

The Head of Planning and Building Control explained that developing a strategy for a CIL, should the Council wish to progress it, was a highly complicated process and that, once the District Plan was in place, then it was about identifying an infrastructure the Council wanted to deliver in relation to that District Plan. The complications of finding the right financial balance to encourage private developers to come forward were recognised, together with the restrictions on which funding streams could be used to secure development.

The Head of Planning and Building Control explained the steps in the process in terms of producing a preliminary draft charging schedule, what this was and how this worked. This would then be sent out for consultation and independent examination. He reiterated that once the District Plan had

been submitted for consultation, the feedback would be analysed and used to cost out a CIL. It was noted that the Council was not obliged to proceed with a CIL.

Councillor L Haysey sought clarification on the percentage calculation of the CIL awarded to Councils bearing in mind the requirement that Towns and Parishes should receive 25%. The Head of Planning and Building Control acknowledged there was a need to find out what Towns and Parishes were trying to achieve in their areas but that that this issue needed further clarification from the Government.

Councillor E Buckmaster suggested that the Council should seek within its CIL specification, whatever was necessary to fulfil the needs of any large scale future development. The Head of Planning and Building Control explained that the Council could not seek to fund the same infrastructure from both a CIL and Section 106 agreement, i.e. not for the same purposes. He further explained the difficulties associated with producing a District Plan up to the year 2031 including the difficulties faced with costing infrastructure needs so far into the future.

In response to a query from Councillor R Beeching regarding funding schemes via Section 106 Agreements and the New Homes Bonus, the Head of Planning and Building Control explained how the process worked in terms of large scale infrastructure developments and how localised infrastructure could be funded. He also told Members that from April 2015 it would not be possible to 'pool' more than five separate Section 106 funds together for a single infrastructure purpose.

Councillor M Newman expressed concern at the possibility of losing control over local infrastructure if persuaded to do so by the County Council to progress a more strategic scheme via a CIL.

In response to a query from Councillor M Pope regarding the menu of charging, the Head of Planning and Building Control explained that the schedule of charges could be reviewed and would need to be from time to time given the timescales

involved.

Councillor J Ranger sought clarification on the percentages awarded to rural areas if the Council decided not to progress a CIL. The Head of Planning and Building Control referred to the uses of Section 106 Agreements and the development of Neighbourhood Plans to fund development.

The Chairman, on behalf of Members thanked the Head of Planning and Building Control for his presentation.

The Committee received the presentation.

RESOLVED – that the presentation be received.

### 353 WORK PROGRAMME

The Chairman submitted a report setting out the future work programme for Environment Scrutiny Committee for 2013/14 to 2014/15, the detail of which had been set out in Essential Reference Paper “B”.

Councillor J Wyllie suggested that in the light of the performance indicator review recently undertaken, Members might wish to include temporary road closures and their impact on service users as a subject for scrutiny. This was supported.

The Committee approved the work programme, as amended and as now detailed.

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

### 354 ENVIRONMENT SCRUTINY HEALTHCHECK AUGUST TO SEPTEMBER 2013

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The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators for Environment Scrutiny Committee for the period August to September 2013, the detail of which was set



out in the report now submitted and within the attached Essential Reference Papers.

The Corporate Planning and Performance Manager explained that two targets showed a declining trend:

- EHPI 2.1d (Planning Enforcement: Initial Site Inspections; and
- EHPI 2.2 (45) Number of collections missed per 100,000 collections' of household waste.

Councillor R Beeching expressed concern at the concave design of the blue-topped bins especially in the wet.

The Corporate Planning and Performance Manager referred to Essential Reference Paper "D" set out in the report now submitted and sought Members' views on whether they would want information to be set out in the format indicated in future reports to Committee. The Corporate Planning and Performance Manager explained the features of the "Dashboard" Analysis.

Councillor E Buckmaster supported the "dashboard" format but suggested that the word "value" be amended to "achieved".

Councillor J Wyllie suggested that the display of so much information might confuse the public. Concerns were expressed concerning the display of the "best and worst performing indicators" in terms of how the data might be misinterpreted.

The Corporate Planning and Performance Manager explained that if there were red and amber indicators shown, then this might help to show the information more clearly.

In summary, Members felt that there was too much information which might cause confusion, with all the features as shown and there was general support for some of the features to be utilised.

The Committee received the report.

RESOLVED – that (A) the reported performance for the period August to September 2013 be received; and

(B) Members' comments regarding the Dashboard Module as set out in Essential Reference "D" of the report now submitted be noted.

### 355 PERFORMANCE INDICATOR REVIEW

The Chief Executive and Director of Customer and Community Services submitted a report, following a request by the Executive on 4 June 2013, to review the relevance of the Council's performance indicators and to establish whether any new measures needed to be introduced to support the delivery of the Council's priorities.

Members noted the recommendations of the Review Team, the detail of which was set out in Essential Reference Paper "B" (paragraph 1.5) of the report now submitted and agreed that these be incorporated into the 2013/14 Performance Indicator Estimate and Future Targets report for consideration by the Executive in March 2014 in preparation for 2014/15.

RESOLVED – that the recommendations of the Review Team, as set out in the report now submitted be incorporated into the 2013/14 Performance Indicator Estimate and Future Targets report for consideration by the Executive in March 2014 in preparation for 2014/15.

### 356 SERVICE PLANS MONITORING APRIL 2013 - SEPTEMBER 2013

The Chief Executive and Director of Customer and Community Services submitted a report summarising the Council's achievements against its priorities for 2013/14.

The Corporate Planning and Performance Manager provided a summary of the 29 actions within 2013/14 Services Plans

including those which were either off target, had their completion dates revised, been suspended or deleted.

Councillor J Wyllie referred to Essential Reference Paper Ci (“Dashboard Analysis”) stating that with less information, this was more clearly understood.

The Chairman, on behalf of Members thanked the Corporate Planning and Performance Manager and her team for all their efforts.

The Committee received the progress report.

RESOLVED – that the report be received.

The meeting closed at 8.20 pm

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

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

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PRESENT: Councillor Mrs D Hollebon (Chairman).  
Councillors R Beeching, S Bull, J Jones,  
J Mayes, P Moore, N Symonds, M Wood and  
C Woodward.

ALSO PRESENT:

Councillors D Andrews, L Haysey, P Ruffles  
and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Claire Bennett	- Manager of Housing Services
Karl Chui	- Performance Monitoring Officer
Simon Drinkwater	- Director of Neighbourhood Services
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Will O'Neill	- Head of Communications, Engagement and Cultural Services
Claire Pullen	- Engagement and Partnerships Officer (Grants)
Mekhola Ray	- Community Projects Team Manager

357 APOLOGY

An apology for absence was submitted on behalf of Councillor Mrs D Hone.

358 MINUTES – 24 SEPTEMBER 2013

The Chairman advised that the Head of Community Safety and Health Services had written to the Chief Constable of Hertfordshire Constabulary in respect of an update on short and medium term plans for the deployment of neighbourhood teams and PCSOs in East Herts as well as the Constabulary's definition of what constituted a "neighbourhood". Officers were still awaiting a response to this enquiry.

In respect of Minute 250 – Police and Crime Commissioner – Guest Presentation, the Committee agreed that the reference to the Police Chief Superintendent in the 5<sup>th</sup> paragraph should be amended to read Police Chief Constable.

RESOLVED – that the Minutes of the meeting held on 24 September 2013, as now amended, be confirmed as a correct record and signed by the Chairman.

359 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Jonathan Aves of the Hertfordshire Community Foundation to the meeting.

360 HEALTH ENGAGEMENT PANEL

Councillor N Symonds, the Chairman of the Health and Wellbeing Panel, stated that Councillor E Buckmaster had chaired the 15 October 2013 meeting of the Health and Wellbeing Panel. She provided a verbal update on the recent work of the Panel and advised Members that she had been a member of a Hertfordshire scrutiny group which had visited the Hertfordshire Ambulance Service

call centre.

Councillor Symonds stated that it was clear that a lot of people were calling 999 when they did not need to do so. She had also been on a very interesting and worthwhile visit to Watford General Hospital Accident and Emergency as part of the County scrutiny review of the East of England Ambulance Service.

RESOLVED – that (A) the verbal update be received; and

(B) the Minutes of the meeting held on 15 October 2013 be noted.

#### 361 UPDATE ON COMMUNITY GRANTS PROGRAMME

The Executive Member for Health, Housing and Community Support submitted a report that reviewed grant allocations and achievements for the period 1 April to 30 September 2013.

Members were reminded that community grants were designed to take forward the Council's people, place and prosperity objectives. The grants also helped support the East Herts Sustainable Community Strategy and the Health and Wellbeing Strategy.

Members were referred to paragraphs 1.5 and 1.6 of the report for a budget update for 2013/14. Paragraph 2.1 demonstrated a success rate of 91% in respect of applications for capital and revenue grants.

Members were given a detailed breakdown of activity in all funding areas from small community to large capital grants, as well as community engagement activity. Officers indicated that applicants were strongly encouraged to become affiliated to 'lead bodies' for advice and additional support.

Members commented on the importance of East Herts

Sports Clubs co-ordinating with the work of the Community Sports Network. Councillor N Symonds praised the work of the Broxbourne and East Herts Community Voluntary Service (CVS).

The Committee was then reminded of the East Herts Fund for the Future set up by a former Councillor, the late Derek Mayes.

Jonathan Aves, Director of the Hertfordshire Community Foundation (HCF), gave a presentation in respect of the East Herts Fund for the Future. The presentation included a background of the work of the Hertfordshire Community Foundation and also the issue of old 'dormant' funds which could be revived for current use.

Councillor R Beeching commented on the work of very local community charities in East Herts and explored how the East Herts Fund for the Future could be of assistance. Several questions were raised regarding the legal and audit framework of the HCF and how East Herts Council might consider the opportunity to develop the East Herts Fund for the Future and provide a more sustainable legacy for local residents.

The Committee received the report and thanked the Grants Officer and Administrator for their hard work over the past year.

RESOLVED – that (A) the progress being made to allocate grants according to agreed policies and areas of interest for grant support, as detailed in Essential Reference Paper 'B', be noted;

(B) the implications of closer Member involvement with the East Herts Fund for the Future be explored to ensure the legacy continues to operate for the greater benefit of residents in East Herts; and

(C) Officers explore the legal, financial and audit



implications of closer involvement with the East Herts Fund for the Future.

362 COMMUNITY SCRUTINY WORK PROGRAMME

The Chairman submitted a report setting out the future work programme for Community Scrutiny Committee for 2013/14 to 2014/15, the detail of which had been set out in Essential Reference Paper "B".

The Committee approved the work programme as now detailed.

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

363 IMPLEMENTATION OF THE ADOPTED EAST HERTS HOUSING REGISTER POLICY

The Executive Member for Health, Housing and Community Support submitted a report advising Members that all Local Authorities which exercised a housing function must publish a Housing Register and Allocations Policy which detailed how homes would be allocated to applicants and prescribed certain categories of people who were to be given 'reasonable preference' on the Housing Register.

The Housing Services Manager advised that the current Housing Register and Allocations Policy had been adopted by the Council in April 2013 and implemented from 1st May 2013 for all new applicants wishing to join the Council's Housing Register and be considered for an allocation of affordable housing in East Herts.

The Executive meeting of 5 March 2013 had recommended adoption of the revised Housing Register and Allocations Policy, so long as there was an impact review undertaken within 6 months, with a full review of the policy being submitted to Community Scrutiny Committee after a year.

Members were advised that, since 1 May 2013, the Housing Options Service had advertised and allocated 127 general needs, un-adapted properties for rent through Choice Based Lettings. Of these properties, 13 had met the criteria for being advertised with a village connection priority and one had no bids over 100 points and two had the top ranked applicants as having a connection to the village, so in these three cases the policy was not applicable.

Members agreed that the small number of cases so far did not give enough evidence to suggest any change to this aspect of the policy at this time.

Members were also advised that the housing associations were keen to ensure that not all of their residents were on housing benefits to assist with the payment of rent. It was therefore recommended that the household salary bar of £48,000 should not be amended at this time because of the introduction of affordable rents and in the interest of balancing communities.

The Housing Services Manager reminded Members that the figure would be subject to annual review, so that the annual average income levels for East Herts residents could be assessed again at the appropriate time.

The Committee received the report.

RESOLVED – that (A) the outcome of the review be received; and

(B) the salary threshold for qualification to the Housing Register be held at £48,000 and the Village Connection Policy remain as detailed in the adopted Housing Register and Allocations Policy.

364 COMMUNITY SCRUTINY CORPORATE HEALTHCHECK  
AUGUST TO SEPTEMBER 2013

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The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators for Community Scrutiny Committee for the period August to September 2013, the detail of which was set out in the report now submitted and the attached Essential Reference Papers.

Members were advised that 4 EHPI targets had not been achieved (3 red and 1 amber), as detailed at paragraphs 2.2 – 2.5 of the report. Members were reminded however, that seasonal trends were a key factor in respect of these performance targets.

Members were also advised that, despite meeting the target for September 2013, EHPI 181 had shown a declining trend when performance was compared to the previous month, in relation to the time taken to process Housing Benefit new claims and change events.

The Performance Officer detailed the operation of the new Dashboard Module as detailed at Essential Reference Paper 'D'. Councillor J Mayes stated that performance monitoring should be kept simple and the Dashboard Module appeared arbitrary and difficult to understand.

Members had a general debate as to which aspects of the Dashboard Module were helpful or not and felt the most confusing area were the best or worst performing PI lists.

The Committee received the report.

RESOLVED – that (A) the reported performance for the period August to September 2013 be received; and

(B) Members' comments regarding the Dashboard Module as set out in Essential

Reference Paper 'D' of the report now submitted be noted.

365 PERFORMANCE INDICATOR REVIEW

The Chief Executive and Director of Customer and Community Services submitted a report, following a request by the Executive on 4 June 2013, to review the relevance of the Council's performance indicators and to establish whether any new measures needed to be introduced to support the delivery of the Council's priorities.

The Committee thanked Councillors J Mayes and N Symonds for their input on behalf of Community Scrutiny Committee. The Performance Officer referred Members to the Essential Reference Papers for the review findings and the recommendations as detailed in Essential Reference Paper 'B'.

The Chairman commented on whether casual market stalls were available at Bishop's Stortford Market. She also commented on whether a Farmers' Market was an option for Bishop's Stortford. Councillor C Woodward enquired as to whether a competitive tendering exercise had been carried out for the market in the town.

Following a query from Councillor R Beeching, he was advised that the Sawbridgeworth Market was not owned or run via East Herts Council.

Members received the report and approved the recommendation now detailed.

RESOLVED – that the recommendations of the Review Team, as detailed in the report now submitted, be incorporated into the 2013/14 Performance Indicator Estimate and Future Targets report for consideration by the Executive in March 2014 in preparation for 2014/15.

366 SERVICE PLANS MONITORING APRIL – SEPTEMBER 2013

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The Chief Executive and Director of Customer and Community Services submitted a report summarising the Council's achievements against its priorities for 2013/14, in relation to the following service areas:

- Communication, Engagement and Culture
- Community Safety and Health
- Economic Development
- Housing
- Revenues and Benefits Shared Service

The Performance Officer provided a summary of the 31 actions within the 2013/14 Services Plans, including those which were either off target, had their completion dates revised, been suspended or deleted.

Councillor C Woodward commented on whether there should be a Councillor usage survey in respect of Covalent so that Officers could judge the level of usage amongst Members. The Committee referred to the new Dashboard Module at Essential Reference Paper 'Ci' and advised that it appeared to be relatively user friendly compared to the information previously presented to Members and presented a clear front summary sheet to the Service Plans.

The Committee received the progress and exceptions report.

RESOLVED – that (A) the progress against the Council's priorities and revised completion dates, suspensions and deletions against 2013/14 Service Plan actions and 2012/13 and 2011/12 Service Plan actions, be received; and

(B) Members' comments regarding the Dashboard Module as set out in Essential Reference Paper 'Ci' of the report now submitted be noted.

The meeting closed at 8.38 pm

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

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

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PRESENT: Councillor J Ranger (Chairman)  
Councillors M Pope, R Sharma, N Wilson,  
J Wing and J Wyllie.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Chris Gibson	- Manager of Corporate Risk
Kevin Steptoe	- Head of Planning and Building Control Services
Adele Taylor	- Director of Finance and Support Services

ALSO IN ATTENDANCE:

Sarah Ironmonger	- Grant Thornton
Nick Taylor	- Grant Thornton

367 APOLOGY

It was noted that Paul Grady of Grant Thornton had submitted an apology.

368 MINUTES

RESOLVED – that the Minutes of the meeting held on 18 September 2013 be approved as a correct record and signed by the Chairman.

369 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that this would be the last meeting for Nick Taylor of Grant Thornton, as he would be taking on responsibilities for Luton Borough Council. He thanked Nick for the work he had done with East Herts Council for the last few years on behalf of the Committee. The Chairman welcomed Sarah Ironmonger from Grant Thornton.

370 UPDATE ON SHARED INTERNAL AUDIT SERVICE REPORT: SECTION 106 AUDIT RECOMMENDATIONS

The Head of Planning and Building Control provided a summary of Section 106 procedures which had been implemented following recommendations by the Shared Internal Audit Service (SIAS), the detail of which was set out in the report now submitted.

The Chairman referred to the fact that the issue of Section 106 agreements was a high priority in terms of the SIAS recommendations. He welcomed the fact that all the recommendations had now been implemented. The Chairman sought clarification regarding how many section 106 agreements were over five years old and whether the Council had lost funds as a result of any "claw back" arrangements.

The Head of Planning and Building Control commented that as recommended by SIAS, regular reports were being submitted to Corporate Management Team (CMT). He stated that there were a "handful" of Section 106 legal agreements older than five years but that some agreements had a "claw back" period of as long as 10 years or none at all; so there was not a simple threshold that provided an indication of "claw back" risk. He agreed to provide Members with a written update on how many reports were over five years old.

Councillor J Wing sought assurances that sections within the Council were communicating with each other regarding Section 106 agreements and that there were no "blockages" preventing monies from being spent. The Head of Planning



and Building Control assured the Member that CMT had dealt with any “blockages” and that there were regular discussions with service areas to establish where monies could be best spent. He assured Members that the rigorous audit of Section 106 agreements undertaken by SIAS ensured that processes were robust.

The Head of Planning and Building Control referred to a recent meeting of Environment Scrutiny Committee which had considered the issue of the Community Infrastructure Levy (CIL) and its relationship with Section 106 agreements.

The Chairman stated that he had attended the meeting and referred to the possibility that the Council might not take up the CIL arrangement in this District and the importance of Section 106 agreements. The Chairman also referred to the need to widen the scope of the agreements when drafted and expressed his concerns that rural areas rarely seemed to benefit from Section 106 monies.

The Head of Planning and Building Control referred to the legislative restrictions of Section 106 agreements and the Council’s own policy, adding that the policy could be reviewed if Members wished. He stated that few schemes came forward in villages. Councillor R Sharma referred to a large development at Watton-at-Stone whereby a Section 106 agreement had resulted in the provision of a children’s centre.

In response to a query from Councillor J Wing regarding concerns of the District Council working in collaboration with Hertfordshire County Council regarding Section 106 monies being paid over, the Head of Planning and Building Control gave assurances that the Council also worked in collaboration with Town and Parish Councils and that the County Council gave the District Council updates on a six monthly basis on funding.

In response to a query from Councillor N Wilson regarding the report by SIAS and whether there would be sufficient funding for the infrastructure proposed in the District Plan, the Head of Planning and Building Control commented that this had been

recently discussed at Environment Scrutiny Committee in relation to the CIL. He stated that there were concerns about the work involved in creating a CIL and whether this would generate sufficient funding for the necessary infrastructure.

In response to a query from Councillor M Pope regarding further monitoring reports on this issue to Audit Committee, The Director of Finance and Support Services commented that as all the recommendations from the SIAS report had been implemented it would be unusual to ask that subsequent monitoring reports be submitted to Committee but that this was possible if the Committee considered this useful.

The Committee noted the report and supported a request that the Head of Planning and Building Control provide a written response on the number of Section 106 agreements which were more than five years old and what monies had been "clawed back".

RESOLVED – that (A) the report which set out the update in relation to the SIAS audit of Section 106 procedures be received; and

(B) the Head of Planning and Building Control provide Members with a written response on the number of Section 106 agreements which were more than five years old and what monies had been "clawed back".

#### 371 EXTERNAL AUDIT REPORT 2012/13 ANNUAL AUDIT LETTER

The External Auditor submitted a report summarising the key findings following work carried out at the Council for the year ending 31 March 2013. This included:

- Auditing the 2012/13 accounts and Whole of Government Accounts submission;
- Assessing the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources; and

- Certification of grant claims and returns

The External Auditor reminded Members that in 2012/13 they had provided an unqualified opinion that the accounts gave a true and fair view of the financial position as at 31 March 2013 and on the income and expenditure arrangements for the year. Additionally the External Auditor stated that they had issued an unqualified opinion in the arrangements for securing economy, efficiency and effectiveness in the use of resources and that no issues had been noted in relation to the Whole of Government Accounts submission.

The Chairman stated that he was pleased the External Auditors had found the Council was acting as it should.

The Committee received the report.

RESOLVED – that the report be received.

## 372 COUNCIL'S RESPONSE TO 2012/13 ANNUAL AUDIT LETTER

The Director of Finance and Support Services submitted a report addressing the issues raised in the Annual Audit Letter 2012/13, the detail of which was set out in the report now submitted and Essential Reference Paper “B”. The Director referred to a previous report which had been submitted to Audit Committee regarding recommendations relating to IT systems. It was noted that the IT Strategy Group was overseeing policies and priorities. She acknowledged that there was more work to do, but was confident that timescales would be met.

The Committee received the report and endorsed the response to the Annual Audit Letter and action plans relating to the ISA 260 report and Value for Money arrangements.

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

(B) the response to the Annual Audit Letter and action

plans relating to the ISA 260 report and Value for Money arrangements set out in the report now submitted, be received.

373 EXTERNAL AUDIT REPORT - PLANNED AUDIT FEE FOR 2013/14

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The External Auditor submitted a letter setting out the Planned Audit Fee for 2013/14. It was noted that the fee scale, set by the Audit Commission, was £68,875 and that this had not changed from the fee set in 2012/13.

The Committee noted the letter.

RESOLVED – that the External Auditor's letter be noted.

374 UPDATE OF IMPLEMENTATION OF ANNUAL GOVERNANCE STATEMENT ACTION PLAN

The Director of Finance and Support Services submitted a report providing an update on the 2013/14 Annual Governance Statement Action Plan which identified seven measures to enhance the Council's internal control framework, the detail of which was set out in the report now submitted and supporting Essential Reference Paper.

The Manager of Corporate Risk referred to the measures which had been introduced in relation to the Shared IT Service. It was noted that there would be a report back to Audit Committee on 22 January 2014 on this issue. The Manager of Corporate Risk referred to the good reporting arrangements in place at Hertford Theatre and of the new processes in relation to Section 106 agreements which had been considered in more detail elsewhere on the agenda.

The Manager of Corporate Risk confirmed that he was not proposing to change the Red, Amber, Green, status of any actions.

The Chairman referred to the Review of Assets held by the

Council and queried when Members would receive a report. The Director of Finance and Support Services advised that this was already in hand and anticipated that it would be possible to report back on the matter to Audit Committee on 19 March 2014. She provided an update in relation to shared partnership working including ICT, printing and business improvement services.

The Committee received the progress made.

RESOLVED – that the progress made against implementing the action plan contained in the 2012/13 Annual Governance Statement of the report now submitted, be received.

375 RISK MANAGEMENT MONITORING REPORT JULY TO SEPTEMBER 2013

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The Leader of the Council submitted a report setting out the action taken to mitigate and control strategic risk during the period July to September 2013, the detail of which was set out in the report now submitted and supporting Essential Reference Paper “B”.

The Manager of Corporate Risk explained that the Strategic Risk Register had been updated to reflect controls implemented between July and September 2013 and that the scoring remained unchanged. The Manager of Corporate Risk provided an update in relation to 13SR7 (Availability and performance of IT systems and resources impacting on service delivery). It was noted that the information referred to was available on the Covalent system.

The Chairman referred to 13SR5 in relation to the delay in publishing the District Plan. He referred to the potential risk of damage to the Council’s reputation and asked that this be monitored.

The Committee approved the report.

RESOLVED – that the action taken to mitigate and

control strategic risks as submitted, be approved.

376 WORK PROGRAMME

The Director of Finance and Support Services submitted a report detailing the proposed work programme for Audit Committee. The Chairman asked if there were any Member training issues which could be identified for the next meeting. The External Auditor suggested that Members might want further training on Financial Resilience. This was supported.

The Committee also supported the inclusion of the report on the Review of Assets on the Work Programme for 19 March 2014.

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

The meeting closed at 7.45 pm

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

EAST HERTS COUNCIL

COUNCIL – 11 DECEMBER 2013

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE

COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE  
2014/15

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WARDS AFFECTED:        All

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Purpose/Summary of Report

- 1.1     To recommend to the Council the calculation of the council tax base for the whole district, and for each parish and town council, for 2014/15

<b><u>RECOMMENDATIONS:</u> That:</b>	
<b>(A)</b>	<b>the calculation of the Council’s tax base for the whole district, and for the parish areas, for 2014/15 be approved; and</b>
<b>(B)</b>	<b>pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by East Hertfordshire District Council as its council tax base for the whole area for 2014/15 shall be 55468.63 and for the parish areas listed below for 2014/15 shall be as follows:- <b>Table 1</b></b>

ALBURY	272.55	HIGH WYCH	318.77
ANSTEY	153.04	HORMEAD	315.40
ARDELEY	201.77	HUNSDON	464.05
ASPENDEN	121.27	LITTLE BERKHAMPSTEAD	263.04
ASTON	417.32	LITTLE HADHAM	504.69
BAYFORD	220.07	LITTLE MUNDEN	398.52

BENGEO	277.35	MUCH HADHAM	876.80
BENNINGTON	375.05	SACOMBE	86.59
BISHOP'S STORTFORD	14420.99	STANSTEAD ST. MARGARETS	688.27
BRAMFIELD	108.87	SAWBRIDGEWORTH	3578.67
BRAUGHING	580.70	STANDON	1707.13
BRENT PELHAM / MEESDEN	137.35	STANSTEAD ABBOTTS	673.12
BRICKENDON	292.24	STAPLEFORD	248.45
BUCKLAND	117.60	STOCKING PELHAM	77.86
BUNTINGFORD	2001.91	TEWIN	807.26
COTTERED	298.14	THORLEY	295.58
DATCHWORTH	702.45	THUNDRIDGE	582.07
EASTWICK / GILSTON	195.89	WALKERN	582.67
FURNEUX PELHAM	247.14	WARESIDE	293.19
GREAT AMWELL	937.04	WARE TOWN	6957.09
GREAT MUNDEN	140.22	WATTON - AT - STONE	986.25
HERTFORD	10888.92	WESTMILL	153.25
HERTFORD HEATH	898.83	WIDFORD	224.62
HERTINGFORDBURY	307.07	WYDDIAL	71.51

## 1.0 Background

- 1.1 Calculation of the council tax base is governed by statutory regulation and the Council has limited discretion.
- 1.2 As a billing authority the council must notify the County Council and the Police Authority of the tax base and must do this between 1 December and 31 January preceding the tax year. The Council must also tell a parish what their tax base is within 10 working days of any written request
- 1.3 The tax base will be used by the Council when setting the rates of council tax at the March Council meeting.
- 1.4 The tax base calculations must be made by the Authority as a whole.



- 1.5 The regulations set out the following formula to be used to calculate the tax base:-

$$\text{Tax base} = A \times B$$

(A is the total of the “relevant amounts”)

(B is the estimated collection rate)

Item A, the total of “relevant amounts” is found by a second formula:-

$$\text{Item A} = (H - Q + E + J) - Z \times (F / G)$$

where:

- H is the estimated number of dwellings, which are shown in the valuation list at 30 September 2013, adjusted for exemptions.
- Q is a factor to take account of the discounts to which the amount of Council Tax payable was subject on the relevant day.
- E is a factor to take account of the premiums, if any, to which the amount of Council Tax payable was subject on the relevant day.
- J is the amount of any adjustment in respect of changes in the number of chargeable dwellings, discounts or premiums calculated by the authority.
- Z Is the total amount that the authority estimates will be applied pursuant to the authority’s council tax reduction scheme in relation to the band, expressed as an equivalent number of chargeable dwellings in that band.
- E converts the number of dwellings in each valuation band to a
- G “Band D” equivalent.

Item A can be summarised as the effective number of

equivalent Band D properties after taking the actual number in each valuation band and allowing for valuation changes, for errors and appeals, new properties, periods of exemption, reductions for disabled persons and discounts for single occupiers and unoccupied properties, and the Council Tax reduction scheme.

## 2.0 Report

2.1 The assumptions made are as follows:

### Number of taxable properties

2.2 For 2014/15 it is assumed that there will be limited new completions with a net addition of 451 new properties by 31 March 2015. These have been allocated to parish areas on the basis of development in hand and planning approvals. It is assumed that all new dwellings will be exempt for the first six months and that a proportion of discounts will apply thereafter. No valuation increases have been assumed for improvements and extensions as these do not take effect until properties are sold on.

2.3 It has been assumed that 231 properties will qualify for disabled persons reductions, based on experience in the current year.

2.4 A figure of 578 exemptions/voids is included in line with the current position. Further increases will have a negative impact on the tax base.

### Collection Rate

2.5 Item B in the tax base formula is the estimate of the collection rate for 2014/15. For 2014/15 a collection rate of 98.65% is determined, and remains the same as 2013/14.

2.6 This gives an overall tax base of 55468.63.

2.7 Should any Member have detailed questions or comments on the assumptions it would be of great benefit to advise the Director of Finance and Support Services or the Executive Member for Resources and Internal Support well

in advance of the meeting.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Local Authorities (Calculation of the Tax Base) Regulations 1992  
(as amended)

Contact Member: Councillor Michael Tindale - Executive  
Member for Finance  
[michael.tindale@eastherts.gov.uk](mailto:michael.tindale@eastherts.gov.uk)

Contact Officer: Adele Taylor – Director of Finance and  
Support Services  
[adele.taylor@eastherts.gov.uk](mailto:adele.taylor@eastherts.gov.uk)

Report Author: Su Tarran - Head of Revenues and Benefits  
Shared Service ext 2075

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	Prosperity - Improving the economic and social opportunities available to our communities
Consultation:	N/A
Legal:	N/A
Financial:	Only as referenced in the report
Human Resource:	N/A
Risk Management:	Only as referenced in the report

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## COUNCIL – 11 DECEMBER 2013

### NOTICE OF MOTION

That East Herts Council:

- (A) notes that payday lenders are trapping millions of people, many of whom are vulnerable, in spirals of debt;
- (B) believes that the Financial Conduct Authority (FCA)'s new proposals for regulating payday lenders are a step in the right direction, but considers that they do not go far enough;
- (C) further believes that the FCA's proposals would not:
  - (1) prevent payday lenders from drip-feeding new loans to people who already have payday debts and are struggling to pay them back;
  - (2) prevent people from being hit with escalating penalty fees, and
  - (3) stop payday lenders from raiding people's bank accounts without telling them;
- (D) welcomes that some of Britain's biggest debt, consumer and anti-poverty organisations – including Which?, Citizens Advice, StepChange Debt Charity, Church Action on Poverty and the Centre for Responsible Credit – and MPs from every Party represented at Westminster have come together to support the *Charter to Stop the Payday Loan Rip-Off*;
- (E) endorses the *Charter to Stop the Payday Loan Rip-Off* which calls on the FCA to introduce tougher regulation of payday lenders;
- (F) encourages residents of East Hertfordshire to support the Charter by signing the online petition at <http://www.change.org/paydayloancharter>
- (G) will seek to promote and support the development of local credit unions and more affordable lending;

- (H) will work with partners on campaigns against increasing levels of personal debt, and
- (I) will advise Martin Wheatley, Chief Executive of the Financial Conduct Authority and all local Members of Parliament of the decisions at (A) to (H) above.

Proposed by Councillor N Symonds  
Seconded by Councillor M Wood