

# 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 17th December, 2014 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 4th day of December 2014

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 1 October 2014.*

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. Presentation - Stansted Airport

*To receive a presentation from Andrew Harrison, Managing Director, Stansted Airport.*

7. Members' questions

*To receive any Members' questions.*

8. Executive Report - 7 October 2014 (Pages 19 - 26)

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

(A) Bishop's Stortford Conservation Area Appraisal and Management Plan

*Minute 287 refers*

(B) Sawbridgeworth Conservation Area Appraisal

*Minute 288 refers*

9. Executive Report - 4 November 2014 (Pages 27 - 38)

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

(A) Brickendon Conservation Area Appraisal and Management Plan

*Minute 314 refers*

(B) Little Berkhamsted Conservation Area Appraisal and Management Plan

*Minute 315 refers*

(C) East Herts Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study, September 2014

*Minute 316 refers*

- (D) Mead Lane Urban Design Framework

*Minute 317 refers*

- (E) Neighbourhood Planning Guidance Note

*Minute 318 refers*

- (F) Greater Essex Demographic Forecasts 2012 – 2037 Phase 6 Main Report, September 2014

*Minute 319 refers*

- (G) Delivery Study Update Report

*Minute 320 refers*

- (H) Duty to Co-operate Update Report

*Minute 321 refers*

- (I) East Herts Resident Survey on the Draft District Plan, July 2014

*Minute 322 refers*

10. Executive Report - 2 December 2014

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

- (A) Council Tax Support Scheme

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

11. Development Management Committee: Minutes - 15 October 2014 (Pages 39 - 58)

*Chairman: Councillor Mrs R Cheswright*

12. Human Resources Committee: Minutes - 22 October 2014 (Pages 59 - 68)

*Chairman: Councillor G McAndrew*

*To consider a recommendation on the matter below:*

(A) Pay Policy Statement

*Minute 305 refers*

13. Environment Scrutiny Committee: Minutes - 11 November 2014 (Pages 69 - 78)

*Chairman: Councillor M Pope*

14. Development Management Committee: Minutes - 12 November 2014 (Pages 79 - 110)

*Chairman: Mrs R Cheswright*

15. Community Scrutiny Committee: Minutes - 18 November 2014 (Pages 111 - 116)

*Chairman: Councillor Mrs D Hollebon*

16. Licensing Committee: Minutes - 20 November 2014 (Pages 117 - 124)

*Chairman: Councillor R Beeching*

17. Corporate Business Scrutiny Committee: Minutes - 25 November 2014 (Pages 125 - 134)

*Chairman: Councillor G Jones*

18. Audit Committee: Minutes - 26 November 2014 (Pages 135 - 142)

*Chairman: Councillor J Ranger*

19. Development Management Committee: Minutes - 10 December 2014

*Chairman: Mrs R Cheswright  
(report to follow)*

20. Calculation of the Council Tax Base 2015/16 (Pages 143 - 150)

*To consider a report of the Executive Member for Finance.*

21. East Herts Member Development Pledge (Pages 151 - 156)

*To consider a report of the Executive Member for Community & Partnership Liaison.*

22. Motions on Notice

*To receive Motions on Notice.*

## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
  
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
  
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

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

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

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### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

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MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 1 OCTOBER 2014, AT 7.00  
PM

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PRESENT: Councillor R Beeching (Chairman).  
Councillors D Abbott, M Alexander,  
D Andrews, W Ashley, P Ballam, E Bedford,  
E Buckmaster, M Carver, Mrs R Cheswright,  
K Crofton, L Haysey, Mrs D Hollebon,  
Mrs D Hone, A Jackson, G Jones,  
G Lawrence, J Mayes, G McAndrew,  
M McMullen, M Newman, T Page, M Pope,  
S Rutland-Barsby, N Symonds, J Taylor,  
J Thornton, A Warman, K Warnell,  
G Williamson, N Wilson, J Wing, B Wrangles  
and J Wyllie.

OFFICERS IN ATTENDANCE:

- |                    |   |
|--------------------|---|
| Simon Chancellor   | - Head of Finance<br>and Performance  |
| Simon Drinkwater   | - Director of<br>Neighbourhood<br>Services                                    |
| Jeff Hughes        | - Head of<br>Democratic and<br>Legal Support<br>Services                      |
| Peter Mannings     | - Democratic<br>Services Officer  |
| George A Robertson | - Chief Executive<br>and Director of<br>Customer and<br>Community<br>Services |

263 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the

meeting and reminded everyone that the meeting was being webcasted.

On behalf of all Members, the Chairman advised that he would like to place on record Council's great appreciation for the dedicated work of its Head of Finance and Performance, Simon Chancellor. Simon's last day in work would be 30 October after 37 years service.

The Chairman stated that he had 25 Gleneagles umbrellas for sale at £15 each and all the proceeds would go to the East Herts Community Chest Fund. He commented that this was a good cause and a sheet was available for Members to sign up for one.

The Chairman commented that another sheet was available for East Herts Community Chest events and there were 5 arranged so far. He reminded Members of a hair and beauty fashion secrets revealed event that would be taking place on 24 October 2014 and all the proceeds would go to the Isobel Hospice.

The Chairman promoted, as the next Council meeting was not until 17 December, an Old Time Music event that would be taking place on 14 December 2014.

264 MINUTES – 30 JULY 2014

RESOLVED – that the Minutes of the Council meeting held on 30 July 2014 be approved a correct record and signed by the Chairman.

265 PETITIONS

Mione Goldspink, a Bishop's Stortford resident, submitted a petition, comprising 984 signatures, as follows:

*We, the undersigned, call on East Herts District Council not to use its Powers of Compulsory Purchase in order to assist Hendersons with its development scheme on the Old River*

*Lane/Causeway site in Bishop's Stortford.*

The Council considered the petition under its petitions scheme in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009.

Mione Goldspink stated that a further 307 people had signed the petition since it had been handed into the Authority two weeks ago, making a total of 984 signatures. She emphasised that all of these people were very concerned regarding the use of Compulsory Purchase Orders (CPOs) and felt that they should only be used in very rare and exceptional cases where the use of such powers was clearly in the very best interests of the community.

The petitioner emphasised that the Human Rights and Equality Act 2010 – circular 0604 – detailed that CPOs should only be made where there was a compelling case in the public interest. She stated that the purpose for which CPOs were made should justify the interference with the human rights of those with an interest in the affected land.

Mione Goldspink commented that those who had signed the petition did not believe there was a compelling case in the public interest in this situation. The signatories also did not believe there was any public benefit that would outweigh the private loss. She stated that all of the proposed shops and new dwellings could be delivered on the derelict Goods Yard Site without upsetting existing businesses.

The petitioner urged Members to consider the loss of the Waitrose car park which was an attractive open space that allowed safe parking day and night without any risk of flooding. She referred to the benefits of the rear area of the Lemon Tree restaurant, Coopers' much used delivery yard and the United Reformed Church Hall and its car park. She urged Members not to support the use of

CPOs on this site.

The Leader stated that, if at all possible, East Herts Council's preference was that all interests on the Old River Lane site would be acquired via private treaty negotiations by East Herts Council or by Hendersons. East Herts Council considered the use of CPO powers a last resort. A CPO timescale was being planned as a contingency in conjunction with the private treaty negotiations with the relevant landowners.

The Leader stated that this approach was standard practice and a further update was expected from the land agent in the very near future. Members were advised that East Herts Council owned a significant proportion of the site and all attempts were being made to acquire the land assets without using CPOs. He concluded that East Herts Council had not resolved to make any CPOs at present.

266 EXECUTIVE REPORT – 5 AUGUST 2014

RESOLVED – that the Minutes of the Executive meeting held on 5 August 2014 be received.

(see also Minutes 267 – 276)

267 LITTLE HADHAM 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 Little Hadham, Bury Green and Hadham Ford 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 Little Hadham, Bury Green and Hadham Ford Conservation Area Appraisal be adopted.

(see also Minute 266)

268 HIGH WYCH 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 High Wych 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 High Wych Conservation Area Appraisal be adopted.

(see also Minute 266)

269 EAST HERTS GYPSIES AND TRAVELLERS AND  
TRAVELLING SHOWPEOPLE ACCOMMODATION NEEDS  
ASSESSMENT APRIL 2014

RESOLVED – that (A) the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, be agreed as part of the evidence base to inform and support the East Herts District Plan; and

(B) the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, be agreed to inform Development Management decisions.

(see also Minute 266)

270 DISTRICT PLAN UPDATE REPORT

RESOLVED – that (A) the record of consultation activity, together with the analysis of comments logged, as contained at Essential Reference Papers ‘B’ and ‘C’ respectively, be noted; and

(B) explanation of the Duty to Co-Operate, together with the letter from the Planning Minister in relation to Green Belt policy contained at Essential Reference Paper ‘D’, be noted.

(see also Minute 266)

271 DELIVERY STUDY UPDATE REPORT

RESOLVED – that (A) the specification for the District Plan Delivery Study contained at Essential Reference Paper ‘B’, be noted; and

(B) the presentations to site promoters and subsequent meeting notes contained at Essential Reference Papers ‘C’ and ‘D’, be noted.

(see also Minute 266)

272 GREATER ESSEX DEMOGRAPHIC FORECASTS 2012 – 2037 PHASE 5 MAIN REPORT – APRIL 2014

RESOLVED – that the Greater Essex Demographic Forecasts 2012 - 2037 Phase 5 technical study, be agreed as part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 266)

273 EAST HERTS EMPLOYMENT LAND REVIEW UPDATE 2013

RESOLVED – that (A) the Employment Land Review Update 2013, be agreed as part of the evidence base to inform and support the East Herts District Plan; and

(B) the Employment Land Review Update 2013, be agreed to inform Development Management decisions.

(see also Minute 266)

274 BUNTINGFORD EMPLOYMENT STUDY 2014

RESOLVED – that the Buntingford Employment Study, June 2014, be agreed 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.

(see also Minute 266)

275 STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA)  
ROUND 3 UPDATE REPORT

RESOLVED – that (A) the full list of identified sites being assessed through Round 3 of the SLAA, attached at Essential Reference Paper 'B' of the report submitted, be noted; and

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

(see also Minute 266)

276 NEIGHBOURHOOD PLANNING UPDATE REPORT

RESOLVED – that (A) the roles and

responsibilities of the Council in accordance with the Neighbourhood Planning (General) Regulations 2012 and outlined in paragraphs 2.1 to 2.13 of this report submitted be noted; and

(B) the growing level of interest in Neighbourhood Planning in the District, together with the requirement to ensure that this area of work is adequately and appropriately resourced, be noted.

(see also Minute 266)

277 EXECUTIVE REPORT – 2 SEPTEMBER 2014

RESOLVED – that the Minutes of the Executive meeting held on 2 September 2014 be received.

(see also Minutes 278 – 279)

278 CORPORATE STRATEGIC PLAN 2015/16 – 2018/19

RESOLVED – that the 2015/16 – 2018/19 Corporate Strategic Plan be approved.

(see also Minute 277)

279 FINANCIAL STRATEGY 2015/16 – 2018/19 AND MEDIUM TERM FINANCIAL PLAN UPDATE

RESOLVED – that (A) the proposed Financial Strategy as now submitted, be adopted, subject to further consideration of the Reserves Policy; and

(B) the planning assumptions set out in the report submitted, be adopted as the basis for framing the 2015/16 budget and Medium Term Financial Plan to 2018/19, subject to further consideration of the Pay Settlement, Members Allowances and Fees and Charges, as now detailed.

(see also Minute 277)



280 HUMAN RESOURCES COMMITTEE: MINUTES – 18  
AUGUST 2014

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 18 August 2014, be received.

281 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES –  
20 AUGUST 2014

RESOLVED – that the Minutes of the Development Management Committee meeting held on 20 August 2014, be received.

282 CORPORATE BUSINESS SCRUTINY COMMITTEE:  
MINUTES – 26 AUGUST 2014

RESOLVED – that the Minutes of the Corporate Business Scrutiny Committee meeting held on 26 August 2014, be received.

283 ENVIRONMENT SCRUTINY COMMITTEE: MINUTES – 9  
SEPTEMBER 2014

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 9 September 2014, be received.

284 DEVELOPMENT MANAGEMENT COMMITTEE – 17  
SEPTEMBER 2014

RESOLVED – that the Minutes of the Development Management Committee meeting held on 17 September 2014, be received.

285 COMMUNITY SCRUTINY COMMITTEE: MINUTES – 23  
SEPTEMBER 2014

RESOLVED – that the Minutes of the Community Scrutiny Committee meeting held on 23

September 2014, be received.

286 AUDIT COMMITTEE: MINUTES – 24 SEPTEMBER 2014

RESOLVED – that the Minutes of the Audit Committee meeting held on 24 September 2014, be received.

The meeting closed at 7.23 pm

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

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 7 OCTOBER 2014, AT 7.00 PM

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

ALSO PRESENT:

Councillors D Andrews, P Ballam,  
R Beeching, E Buckmaster, S Bull, J Jones,  
M McMullen, T Page, M Pope, P Ruffles,  
J Thornton, K Warnell and J Wing.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Democratic Services Team Leader
George A Robertson	- Chief Executive and Director of Customer and Community Services

**287     BISHOP'S STORTFORD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

**The Executive Member for Strategic Planning and Transport submitted a report on the Bishop's Stortford Conservation Area Appraisal following public consultation. He detailed the outcome of the public consultation in the report now submitted and advised that some comments had been taken on board.**

**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.

Various Members supported the proposals and thanked the Officers involved for engaging with local residents, the Town Council and the Civic Federation. In response to comments made concerning the need for monitoring and enforcement, the Executive Member referred to available resources and reminded the meeting of forthcoming budget discussions at various meetings, where such resource levels could be reviewed. He also referred to the duties and responsibilities of the Conservation and Landscape Officers, the Enforcement team and the wider Planning team.

The Executive Member undertook to provide an updated schedule of outstanding Appraisals/Plans for reporting to the Executive.

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 Bishop's Stortford 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 Bishop's Stortford Conservation Area Appraisal be adopted.

**288      SAWBRIDGEWORTH CONSERVATION AREA APPRAISAL**

The Executive Member for Strategic Planning and Transport submitted a report on the Sawbridgeworth Conservation Area Appraisal following public consultation. He detailed the outcome of the public consultation in the report now submitted and advised that some comments had been taken on board.

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 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 Sawbridgeworth 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 Sawbridgeworth Conservation Area Appraisal be adopted.

**289      APOLOGIES**

An apology for absence was submitted on behalf of Councillor M Tindale.

290 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 2 September 2014, be approved as a correct record and signed by the Leader.

291 HERTFORDSHIRE COUNTY COUNCIL - PUBLIC CONSULTATION "HAVE YOUR SAY ON A MORE EFFICIENT BUS SERVICE FOR HERTFORDSHIRE"

The Executive Member for Strategic Planning and Transport submitted a report on the public consultation undertaken by Hertfordshire County Council on proposals to implement a reduction in the provision of subsidised bus services in Hertfordshire, which would involve the deletion of some evening and Sunday services. He also set out a proposed response to the proposals.

The Executive Member objected to the proposed service reductions and also referred to the impact on infrastructure issues relating to the emerging District Plan. Other Members also voiced concerns citing examples of poor service in their wards.

The Executive approved the proposed response as now submitted.

RESOLVED - that East Herts Council inform Hertfordshire County Council that it objects to the proposed service reductions proposed in its 'Public Consultation: Have Your Say On A More Efficient Bus Service For Hertfordshire, July 2014' for the reasons contained at paragraphs 2.4 to 2.23 of the report submitted, which should form the Council's formal response.

292 SELECTING PROPERTY FUNDS TO INVEST IN

The Executive Member for Finance submitted a report recommending two property investment funds. In his

absence, the Leader presented the report to the meeting. He also cautioned Members that Essential Reference Paper 'C' of the report submitted contained exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972. He expressed his wish to consider the matter in the public arena as far as possible. However, if Members wished to ask detailed questions relating to this document, the meeting could exclude the press and public.

At this point (7.45 pm), the meeting was adjourned in order that further copies of the exempt Essential Reference Paper C' could be obtained, as it had become evident that this had been wrongly omitted from the agenda papers for all Members. At 7.53 pm, the meeting reconvened.

The Leader reminded Members of the rationale for these proposals and the Council's need to maximise its income. He explained the process undertaken for selecting the funds now detailed in the report submitted.

A number of Members asked questions and made comments. The Leader responded by confirming that the income generated could be used to support the Council's revenue budget and that the Medium Term Financial Plan (MTFP) reflected this. He explained the fees structure and the role of Capita in advising the Council. The investments would be in accordance with the Council's Treasury Management Strategy which indicated the types of investments and criteria to be met.

The Leader also confirmed that assurances had been received that no single investor was so large that their withdrawal could impact adversely on the funds overall. There were also safeguards in place with the flexibility provided by recommendation (C), as the lead in time was up to 9 months and the situation could change.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) investment of £10m in each of the two selected property funds now detailed be

approved;

(B) before final agreement to invest in actual funds, the Council will ensure that the most up to date legal advice about investment is considered; and

(C) at the time of investment, the Director of Finance and Support Services, in consultation with the Executive Member for Finance, is delegated the powers to sign off the specific terms of the investment as long as these are not significantly different from those terms outlined in this report.

## 293 MONTHLY CORPORATE HEALTHCHECK - AUGUST 2014

The Leader of the Council submitted an exception report on performance and finance monitoring for East Herts Council for August 2014.

He advised that in respect of EH 192 – percentage of household waste sent for recycling, the latest figure was 53.4%.

In relation to Essential Reference Paper 'A', the Executive Member for Health, Housing and Community Support suggested that the health and wellbeing implications had not been fully addressed and should be reviewed in future reports.

The Executive approved the recommendations now detailed.

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

(B) a virement of £20,000 from the Agency budget to the Salaries budget as set out in paragraph 2.5 of the report, be approved; and

(C) an additional £12,000 from the contingency budget as set out in paragraph 2.15 of the report submitted be approved.



The meeting closed at 8.31 pm

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

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 4 NOVEMBER 2014, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)  
Councillors M Alexander, M Carver,  
L Haysey, P Phillips, S Rutland-Barsby and  
M Tindale.

ALSO PRESENT:

Councillors P Ballam, S Bull, M McMullen  
and P Ruffles.

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

314 **BRICKENDON CONSERVATION AREA APPRAISAL AND  
MANAGEMENT PLAN**

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

some comments had been taken on board.

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 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 Brickendon 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 Brickendon Conservation Area Appraisal be approved for adoption.

315 **LITTLE BERKHAMSTED CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

The Executive Member for Strategic Planning and Transport submitted a report on the Little Berkhamstead Conservation Area Appraisal following public consultation. He detailed the outcome of the public consultation in the report now submitted and advised that some comments had been taken on board.

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.

Councillor P Ruffles referred to the work undertaken generally on Conservation Area Appraisals to date and on behalf of backbench Members, wished to place on record their thanks and appreciation.

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 Little Berkhamsted 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 Little Berkhamsted Conservation Area Appraisal be approved for adoption.

316

**EAST HERTS GYPSIES AND TRAVELLERS AND TRAVELLING SHOWPEOPLE IDENTIFICATION OF POTENTIAL SITES STUDY, SEPTEMBER 2014**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the East Herts Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study, September 2014.

**RECOMMENDED** – that (A) the East Herts Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study, September 2014, be agreed as part of the evidence base to inform and support the East Herts District Plan;

(B) the East Herts Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study, September 2014, be agreed to inform Development Management decisions; and

(C) in light of the potential site options suggested in the Identification of Potential Sites Study, a joint Member/Officer Working Group be established to take forward the requirement to provide sufficient pitches and plots to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople and to formulate an appropriate policy approach.

(see also Minute 327)

### 317 **MEAD LANE URBAN DESIGN FRAMEWORK**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the draft Mead Lane Urban Design Framework.

**RECOMMENDED** – that (A) the issues raised during the public consultation on the draft Mead Lane Urban Design Framework, together with the Officer responses, be agreed;

(B) in light of the responses received, the suggested amendments to the document be agreed; and

(C) the Mead Lane Urban Design Framework be adopted as a Supplementary Planning Document to

the East Herts Local Plan, Second Review, April 2007 (Saved Policies).

(see also Minute 327)

318 **NEIGHBOURHOOD PLANNING GUIDANCE NOTE**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the Neighbourhood Planning Guidance Note.

**RECOMMENDED** – that the Neighbourhood Planning Guidance Note contained at Essential Reference 'B' to the report submitted be agreed and published.

(see also Minute 327)

319 **GREATER ESSEX DEMOGRAPHIC FORECASTS 2012 – 2037 PHASE 6 MAIN REPORT, SEPTEMBER 2014**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the Greater Essex Demographic Forecasts 2012 - 2037 Phase 6 technical study.

**RECOMMENDED** – that the Greater Essex Demographic Forecasts 2012 - 2037 Phase 6 technical study, be agreed as part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 327)

320 **DELIVERY STUDY UPDATE REPORT**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the District

**Plan Delivery Study Briefing Note from Peter Brett Associates.**

**RECOMMENDED** – that the District Plan Delivery Study Briefing Note from Peter Brett Associates, including the implications for the District Plan timeline, and the updated ATLAS Deliverability Advice Note, contained at Essential Reference Papers B and C of the report submitted, be noted.

(see also Minute 327)

321 **DUTY TO CO-OPERATE UPDATE REPORT**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the Duty to Co-operate Update Report.

**RECOMMENDED** – that (A) the notes of Member-level meetings held with Stevenage and Welwyn Hatfield Councils, be agreed; and

(B) the Terms of Reference for the ‘Co-Operation for Sustainable Development Group’ of Authorities, be noted.

(see also Minute 327)

322 **EAST HERTS RESIDENT SURVEY ON THE DRAFT DISTRICT PLAN, JULY 2014**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on the East Herts Resident Survey July 2014.

**RECOMMENDED** – that the East Herts Resident Survey July 2014, on the Draft District Plan Preferred Options, be agreed as part of the evidence base to inform the East Herts District



**Plan.**

**(see also Minute 327)**

323 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 7 October 2014, be approved as a correct record and signed by the Leader.

324 STANSTED AIRPORT PUBLIC CONSULTATION: DRAFT SUSTAINABLE DEVELOPMENT PLAN, SEPTEMBER 2014

The Executive Member for Strategic Planning and Transport submitted a report detailing the public consultation by Stansted Airport on its draft Sustainable Development Plan (SDP), which also suggested a formal response to it.

The draft SDP posed a series of questions in each of four main subject documents. As many of the issues raised separately were inter-related, it was therefore considered more appropriate to respond as a whole rather than framing it around answering the set questions.

The Executive Member welcomed the positive aspects of the SDP, as the principle of developing a new plan would provide a fresh impetus for improvement at the airport and signalled the current owner's intentions to continue to revitalise the airport. However, he drew attention to some questions that remained unanswered, namely, where elements of technical evidence had yet to be completed. Particular incomplete evidence base areas related to traffic modelling, air quality impacts and land use principles, which were all key elements that would underpin any airport development plan.

In response to Members' questions and comments, the Executive Member referred to the Little Hadham bypass scheme and the need to utilise available funds for short-term junction and flood alleviation improvements before any long-term larger scale option would become a reality. He also commented that the need for widening the M11 from junction

8 towards Cambridge would be made via the District Planning process.

The Executive approved the response as now submitted.

RESOLVED - that Stansted Airport be informed that, in respect of its public consultation on its draft Sustainable Development Plan, paragraphs 2.7 to 2.63 of the report submitted form the Council's formal response.

### 325 CONSERVATION RESOURCES

The Executive Member for Strategic Planning and Transport submitted a proposal to increase the level of resources available to support the delivery of improvement works identified through Conservation Area Assessments. He referred to the number of such assessments that had been submitted to the Executive in recent months and advised that a number of outstanding assessments were still in the pipeline for reporting in the near future. To this end, Environment Scrutiny Committee would be asked to look at the progress made to date.

The Executive noted that the proposal would be funded from the "Priority spend" budget which had been established using 25% of the Council's annual New Homes Bonus funding stream.

The Executive approved the proposals as now submitted.

RESOLVED - that additional resources in the Conservation service area as outlined in the report submitted, be approved.

### 326 TEWIN CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

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

public consultation in the report now submitted and advised that further representations had been received from Tewin Parish Council in the last couple of days. Therefore, he proposed that the report be deferred to enable further discussions with the Parish Council and the local Member to be held.

RESOLVED – that the report be deferred to enable further discussions before being resubmitted.

327 DISTRICT PLANNING EXECUTIVE PANEL: MINUTES - 22 OCTOBER 2014

RESOLVED – that the Minutes of the District Planning Executive Panel meeting held on 22 October 2014, be received.

(see also Minutes 316 – 322 and 328)

328 DRAFT DISTRICT PLAN CHAPTERS 20-25: RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS CONSULTATION AND DRAFT REVISED CHAPTERS

The Executive considered and approved the recommendations of the District Planning Executive Panel meeting held on 22 October 2014, on Chapters 20 - 25 of the Draft District Plan Preferred Options.

RESOLVED – that (A) the issues raised in respect of Chapters 20 - 25 of the Draft District Plan Preferred Options, as detailed at Essential Reference Papers B - G to this report, be received;

(B) the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Papers B - G to the report submitted, be noted; and

(C) the draft revised chapters, as detailed in Essential Reference Papers B - F to the report submitted, be noted, with decision on their final content being deferred to allow consideration of further

technical work and other issues.

(see also Minute 327)

329 MONTHLY CORPORATE HEALTHCHECK - SEPTEMBER 2014

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The Leader of the Council submitted an exception report on finance, performance and risk monitoring for September 2014.

In respect of 'EHPI 181 – Time taken to process housing benefit new claims and change events', the Executive agreed that the situation should continue to be closely monitored by Officers in liaison with the Executive Member for Health, Housing and Community Support.

The Executive approved the proposals as now detailed.

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

(B) the current position for 'EHPI 181 – Time taken to process housing benefit new claims and change events' that is currently in the 'red' for the third consecutive occasion be noted, and the position continue to be closely monitored by Officers in liaison with the Executive Member for Health, Housing and Community Support;

(C) a further drawdown of £55k from the Local Plan Reserve to fund additional expenditure on the Local Development Plan as set out in paragraph 2.13 of the report submitted, be approved;

(D) a capital bid of £30k for essential maintenance on the Council's Causeway Car Park in Bishop's Stortford, as set out in paragraph 2.29 of the report submitted, be approved;

(E) the changes to the capital programme as detailed in paragraphs 2.33 to 2.35 of the report

submitted, be approved; and

(F) the risk controls, as detailed at paragraphs 2.38 to 2.40 of the report submitted, be approved.

The meeting closed at 7.43 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 15 OCTOBER 2014, AT 7.00  
PM

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

ALSO PRESENT:

Councillors P Ballam, S Bull, M Carver and  
S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Paul Dean	- 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

294 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Paul Dean, Planning Enforcement Officer, to his first meeting of the Development Management Committee.

295 DECLARATIONS OF INTEREST

Councillors D Andrews, Mrs R Cheswright, K Crofton and G Williamson declared disclosable pecuniary interests in applications 3/14/0528/FP and 3/14/0531/FP, on the grounds that they belonged to an organisation where a leading Officer of the applicant had a degree of control. They left the room during consideration of these matters and the Vice-Chairman chaired the meeting during their determination.

Councillor M Carver declared a disclosable pecuniary interest in the matter referred to in Minute 302, on the grounds that he was the Chairman of the Governors of Hertford Regional College. He left the room during consideration of this matter.

296 MINUTES – 17 SEPTEMBER 2014

RESOLVED – that the Minutes of the meeting held on 17 September 2014 be confirmed as a correct record and signed by the Chairman.

297 3/14/0528/OP – OUTLINE APPLICATION FOR APPROXIMATELY 100 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT AREA 2, LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD, SG9 9JQ FOR WHEATLEY HOMES LTD, 3/14/0531/OP – OUTLINE APPLICATION FOR APPROXIMATELY 80 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT AREA 3, LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD, SG9 9JQ FOR WHEATLEY HOMES LTD

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Graham Bonner addressed the Committee in objection to the applications.

The Director of Neighbourhood Services recommended that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, the Committee endorse the view of the Vice-Chairman and local Ward Members, reached



through their delegated consideration of these applications, that were the Council in a position to reach a determination on these proposals, it would have been minded to grant planning permission subject to appropriate conditions and the conclusion of a Section 106 legal agreement.

The Director also recommended that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control and the Head of Democratic and Legal Services, in consultation with the Chairman of the Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to determine any resubmitted applications, with the conditions and legal agreement requirements and timing to be in accordance with the information detailed in paragraphs 3.5, 3.6 and 3.7 of the report now submitted.

Councillor S Bull, as the local ward Member, referred to the meeting that took place between himself, Councillor J Jones and Officers following the Development Management Committee meeting on 17 September 2014. He explained that the meeting had been convened to discuss the Council's case in respect of the forthcoming public inquiry regarding both planning applications and the discussions had centred on education and highways capacity and employment provision.

Councillor Bull stated that Councillor J Jones had referred to a number of other developments which he had considered had not been included in the assessment regarding education capacity. He stated that both he and Councillor Jones were concerned that additional education capacity was not being considered early enough.

Councillor Bull referred to the likely oversubscription of schools in Buntingford in 2014/15. He stated that Hertfordshire County Council had indicated that they

would not be supporting the position of East Herts Council in not being supportive of both these planning applications.

In respect of highways capacity, Councillor Bull referred to the lack of objection from Hertfordshire Highways. He referred to the Director's explanation of the position of Hertfordshire Highways and of an external highways consultant. Councillor Bull emphasised that Hertfordshire Highways would not be submitting any evidence to the public inquiry of behalf of East Herts Council.

Councillor Bull referred to an unidentified tipping point that had been highlighted by traffic modelling. He stated that modelling had indicated a significant highways impact resulting from between 500 and 1500 additional dwellings or a maximum of 2000. Hertfordshire Highways had indicated however, that as yet unidentified measures could be taken to improve highways capacity.

Councillor Bull stated that the Wheatley Homes site did not deliver any additional employment provision. An employment consultant had indicated that a number of steps could be taken in addition to direct provision. An example was grant funding for additional broadband capacity or funding for improvements to the A10 single carriageway south of the town.

Councillor Bull stated that a range of scenarios had been considered and he set out the options that were available as regards the appeal. He stated that the ability of the Authority to present a cogent case would be very difficult and the Council would not receive any support from Hertfordshire County Council as regards education or highways matters.

Councillor Bull referred to new information from the Hertfordshire Association for Parish and Town Councils (HAPTC) that suggested that there were now advantages to refusing the applications on the basis that there would be insufficient infrastructure in place prior to the

commencement of the developments. He therefore urged Members to indicate that they would have refused both applications.

Councillor J Jones, as the other local ward Member, stated that government guidance had been released on 6 October 2014, that tended to suggest that East Herts housing targets were excessive and had not taken into account residential care home provision and did not reflect Green Belt policy. He commented that he believed there was a case that the Authority could demonstrate a 5 year supply of housing land.

Councillor J Jones commented that his survey of local people indicated a significant local concern regarding education provision, health care provision, highway capacity and the lack of employment provision. He concluded that the applications should come back before the Committee when all of these issues were resolved.

The Director referred to the decision of Members at the September meeting of the Committee. He also referred to the meeting between Officers, the Vice-Chairman and the two local ward Members. The conclusion was that the Authority would not be able to make a cogent case at the forthcoming public enquiry.

The Director stated that the assertion that the East Herts housing target was excessive would not appear to be based on a detailed consideration of the planning issues that the Council was dealing with and the housing needs of East Herts would be determined via the District Plan process. The Director advised that Members should be significantly cautious in relation to this issue. He confirmed that the 5 year supply would only be met exactly if the Council took the best case scenario that all sites were delivered on the basis of 660 units a year with a 5% buffer.

Members were advised however, that even then, the above scenario did not taken into account previous under

delivery and a further 960 houses were required in East Herts. The Director referred Members to the considerable amount of extra information in the additional representations summary.

Members were advised that Officers had met with Buntingford Town Council to set out the position of the Authority as regards the appeal. The Director advised the Committee that it should be considering the management of development rather than seeking to resist it at all costs. He referred to the language used by the Town Council that East Herts Council should fight this development as much as possible no matter how thin the evidence.

Members were reminded that the National Planning Policy Framework (NPPF) stipulated that the role of the Development Management Committee was to proactively address the development needs of the District and there was a risk that Members could put the Authority in a position where it was judged to be acting unreasonably.

Councillor P Ruffles referred to the infrastructure needs and queried whether the HAPTC comments related solely to education and highways matters or whether other matters such as water supply were factors that Members should take into account. The Director confirmed that he had not seen the HAPTC comments so was unable to advise Members on this.

Councillor P Moore stated that, as before, she approved of the application in principle, but she was very concerned what would happen if the land for education could not be found in spite of the £10,000 available for land research. She expressed concerns that the demand for school places was often higher than predicted and queried what would happen as regards funding should any identified land not be owned by the education authority.

Councillor G Jones emphasised that the meeting between the two ward Members, the Vice-Chairman and Officers seemed to have indicated that infrastructure matters may

have been resolved satisfactorily. He commented however, that the two ward Members did not appear to be comfortable in that regard.

Councillor G Jones concluded that little seemed to have changed since the September meeting of the Committee and, regardless of any undersupply of housing in East Herts, developments must be sustainable in terms of infrastructure provision. Councillor N Symonds stated that she was not supportive of the applications on the basis of the importance of sustainable development.

Councillor M Alexander stated that he would like the Committee to see the minutes of the meeting between the local ward Members and Officers, as well as the minutes of any future meetings of this nature. He also felt that developments must be sustainable and the 960 houses referred to by the Director did not all have to be in Buntingford. He also commented on whether an Inspector would decide on these applications on the basis of the issues that were relevant when the appeal was lodged or on the basis of the information available on the date when the decision was actually made by that Inspector.

The Director advised that the infrastructure issues had been addressed by the solutions that were being put forward and which set out processes to ensure provision of infrastructure in support of housing development. The Committee was advised that funding was available and work was taking place to ensure the necessary infrastructure provision and Members were perhaps being overcautious regarding this matter.

Councillor G Jones proposed and Councillor J Jones seconded a proposal that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, were the Council in a position to reach a determination on these proposals, it would have been minded to refuse planning permission.

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

motion was declared CARRIED. After being put to the meeting and a vote taken, in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to formulate, alter, amend and update the Council's statements and evidence (including appropriate legal agreement matters and conditions) to be submitted to the appeal inquiry.

RESOLVED – that (A), in respect of applications 3/14/0528/OP and 3/14/0531/OP, were the Council in a position to reach a determination on these proposals, it would have been minded to refuse planning permission on the basis of the same matters detailed in the resolution of the 17 September 2014 meeting of the Committee; and

(B) in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to formulate, alter, amend and update the Council's statements and evidence (including appropriate legal agreement matters and conditions) to be submitted to the appeal inquiry.

298 3/14/1238/FP – PROPOSED ALTERNATIVE CAR PARK LAYOUT AND LANDSCAPING TO THE LAYOUT PREVIOUSLY APPROVED UNDER PLANNING PERMISSION 3/10/1271/FO AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA FOR MS L WHITNALL

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The Director of Neighbourhood Services recommended

that, in respect of the site relating to 3/14/1238/FP, enforcement action be authorised on the basis now detailed.

The Chairman advised that application 3/14/1238/FP had been withdrawn. The Director stated that the Committee still had to determine whether to authorise enforcement action in respect of the lack of a landscaping scheme for the existing car park at the Wildlife Park.

Members were advised that the Wildlife Park had now engaged a landscape architect to look at the landscaping for the existing car park and potentially for a new revised car park. Officers had been seeking to resolve this issue for some time and were seeking authority to issue an enforcement notice requiring the landscaping scheme to be submitted.

The Director commented that, given that the Wildlife Park had engaged a landscape architect, Officers were asking for authority to serve the notice with a 6 month period for compliance. If Members were not supportive of this approach, Officers would still like authority to serve an enforcement action but not do so straight away in case a revised planning application was submitted.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to 3/14/1238/FP on the basis now detailed.

RESOLVED – that in respect of 3/14/1238/FP, the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under sections 187A and/or 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and/or conditions 8, 9 and 10 of permission 3/08/1390/FP.

Period for compliance: 6 Months

Reasons why it is expedient to issue a breach of condition notice and/or enforcement notice:

1. The existing car park, by reason of the failure to agree and implement a landscaping scheme pursuant to conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and conditions 8, 9 and 10 of permission 3/08/1390/FP is detrimental to the rural character and appearance of the surrounding Metropolitan Green Belt, contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

299 3/14/0690/FP – REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES, INCLUDING REMOVAL OF MODERN EXTENSIONS TO FORMER PUBLIC HOUSE AND CONVERSION OF HISTORIC CORE OF BUILDING TO A DETACHED 4 BEDROOM HOUSE, ERECTION OF A TERRACE OF FOUR 2 BEDROOM COTTAGES ON THE WESTERN PART OF THE SITE AND ANCILLARY WORKS AT 244 HERTINGFORDBURY ROAD, HERTFORD, HERTFORDSHIRE, SG14 2LG FOR MR J STOCK

Tennille Bergin addressed the Committee in objection to the application. Jonathan Dixon spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0690/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Rutland–Barsby, as the local ward Member, highlighted her concern regarding the proposed loss of a village pub. She stated that the Authority had always taken the position that village pubs should be protected.



She emphasised that any change of use had to be backed up by evidence of non-viability being submitted and the report clearly illustrated that this had not taken place.

Councillor Rutland–Barsby commented that she knew this pub well and under previous private ownership, it had been a thriving and popular village asset. She stated however, that constant changes in management and the style of delivery, or non-delivery in some cases, had contributed to the current situation.

Councillor Rutland–Barsby stressed that, in the right caring ownership, the situation could be totally different but there had been no marketing of the premises as a pub. If Members were minded to approve the application, she considered the retention of the pub building to be essential and she felt that the general design of the cottages was good.

Councillor Rutland–Barsby concluded that there was too much on the site causing the proposed development to be crammed up to the current neighbouring residences. She stated that, although she could not refute Highways opinion, she disagreed with Officers and stressed that Members should consider whether there were special circumstances for approving the application without proper marketing of the pub.

Councillor P Ruffles stated that he was supportive of the overall application aside from the loss of the pub. He expressed concern regarding the proximity of the proposed development to the cottages adjacent to the west quarter of the site. He agreed with the views of the Highways Officers and commented that this was the local pub for quite a wide area. He stated that Members had not seen any figures that would normally be available regarding the marketing of the pub and he felt that the application should be refused on the pub closure grounds alone.

Councillors M Alexander, K Crofton, J Jones and M Newman addressed the Committee in support of refusing the application to protect a pub in a rural area.

Councillor P Ruffles proposed and Councillor M Alexander seconded, a motion that application 3/14/0690/FP be refused on the grounds that there was insufficient evidence to demonstrate that the re-use of the site as a public house would not represent a viable commercial business and the proposed development was therefore contrary to policy STC8 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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 3/14/0690/FP, planning permission be refused for the following reasons:

1. In the absence of sufficient evidence to demonstrate that the re-use of the site as a public house would not represent a viable commercial business, the proposals which result in the loss of the public house business would be detrimental to the provision of valued local services and facilities. The proposals are thereby contrary to policy STC8 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

300 3/14/1222/FP – TWO STOREY REAR EXTENSIONS, FIRST FLOOR FRONT EXTENSION, REPLACEMENT OF FRONT DORMER WINDOWS AND ERECTION OF SINGLE STOREY SIDE LINK EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AT TOMWAYS, BURY GREEN, LITTLE HADHAM, SG11 2EY FOR MR AND MRS

## GARETH LLOYD-WILLIAMS

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Nicola Chambers addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/1222/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor M Carver stated that, on behalf of the local ward Member, Councillor M Tindale, he had gone through the process of requesting the application come to Committee. He emphasised that a key issue was the impact of the proposed development on the character of both the existing building and its relationship to the neighbouring properties.

Councillor Carver stated that the above issues were very subjective and the proposed development would constitute a significant improvement to the existing dwelling and would also improve the fit of the development with the character and context of the surrounding dwellings and Bury Green. His view that the application was acceptable was endorsed by the lack of any objection from the Parish Council or any other local objections. He therefore urged Members to approve the application.

Councillor M Newman stated that the two key objections in the report centred on the flat roof and the first floor front extension. His initial concerns from his site visit also centred on the front extension. He stated however, that the plans indicated that the front extension would project no further than the existing building and the proposed roof height would be no higher than the existing gables.

In response to a query from Councillor G Jones, the Director confirmed that Officers had not received any letters regarding this application. Councillor J Jones stated that the application could only be an improvement

and would benefit the area. He referred to the wording in the National Planning Policy Framework (NPPF) in respect of the positive contributions of applications to the local character and distinctiveness of a local area.

Councillor G Williamson proposed and Councillor M Alexander seconded, a motion that application 3/14/1222/FP be granted with authority being delegated to Officers to formulate the planning conditions.

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 3/14/1222/FP, planning permission be granted subject to the following conditions:

1. Three Year time limit (1T12)
2. Matching Materials (2E13)

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

301 E/14/0103/A – ERECTION OF UNAUTHORISED RAISED DECKING AT RENNESLEY LODGE (ADJ. RENNESLEY

FARMHOUSE), ANCHOR LANE, WADESMILL, SG12 0TE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0103/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/14/0103/A on the basis now detailed.

RESOLVED – that in respect of E/14/0103/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

302 PLANNING APPEAL: REDEVELOPMENT TO PROVIDE A NEW COLLEGE BUILDING AND ENABLING RESIDENTIAL DEVELOPMENT OF 50 DWELLINGS, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING INCLUDING DEMOLITION OF EXISTING BUILDINGS AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE: REF 3/13/1762/FP

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The Director of Neighbourhood Services submitted a report updating Members in relation to the current circumstances regarding a planning appeal in respect of planning application 3/13/1762/FP at Hertford Regional College, Scotts Road, Ware. The Director had invited Members to consider the Council's position in the light of further relevant information.

Councillor P Ballam addressed the Committee on behalf of the local ward Member, Councillor M Pope. She referred to the recent briefing for Members arranged by the Head of Planning and Building Control, where Members were advised that Officers would be presenting a robust defence of two of the three reasons for refusal at the forthcoming appeal proceedings.

Councillor Ballam stated that Officers did not feel that a strong enough case could be made in respect of the second reason for refusal due to the levels of car ownership in the Ware Chadwell ward. She reiterated the concerns of herself and Councillor Pope, as well as those of local residents and Ware Town Council, in respect of inadequate car parking. She also referred to an e-mail that had been sent to Members setting out why the second reason for refusal should also be contested by the Authority.

Councillor Ballam reminded Members that this was a settled area where many of the residents were of old age and did not drive. She commented that when these residents moved out, the new occupants would likely be families with two or three cars. She stressed that parking was at a premium due to college and commuter parking and also residential parking.

Councillor Ballam emphasised that today's lifestyle necessitated the ownership of a car and many environmentally concerned residents who either walked or used public transport had no option but to own and use a car. She concluded that if the Authority did not contest the parking refusal reason, the Council would not be able to refuse other planning applications on the grounds of inadequate car parking.

Councillor E Bedford endorsed all the comments of Councillor Ballam and expressed concerns in respect of the impact of the application on the existing street scene. Councillor G Jones expressed concern that the report significantly undermined the case of the Authority at appeal. He stated that he was minded to support all of the reasons for refusal.

Councillor P Moore commented that 6% affordable housing provision was unacceptable and she could not agree to this as it could set a precedent for future planning applications. Councillor M Alexander expressed

concerns that if the second reason for refusal was not contested then the Council's position would be weakened when the recently submitted similar application was submitted to the Development Management Committee.

The Director acknowledged the concern raised by Councillor G Jones but indicated that Officers did not have explicit delegated authority to determine the reconsideration request that had been put to the Council.

The Director stated that the report did not recommend any change to the Council's position regarding the third reason for refusal. Members were advised however, that during the inquiry and prior to any decision being made, the inspectorate would take into account any relevant information or government advice and guidance released subsequent to the Council's decision. It was therefore appropriate for the Council also to address any issues which might be raised by changes to guidance and legislation.

The Director advised that the issue of car parking had been considered in the context of census data for Ware overall, providing a more robust assessment than just Ware Chadwell ward. He advised caution as the issue of college and commuter parking was controlled via existing parking controls.

The Director advised that parking surveys had demonstrated that the particular local circumstances in Scotts Road were such that parking demand was light outside of the controlled hours and existing and new residents were bound by the same rules at all other times. Members were advised that survey work had indicated that parking in Scotts Road was light with one to two vehicles at most. Officers would find it difficult to substantiate a case on that basis at the appeal.

The Director concluded that any decisions taken by the Authority were material in the context of any future applications that came before Members or Officers for a

decision. Members were advised that the revised application was largely the same albeit with one less residential unit.

In response to a query from Councillor Alexander, the Director advised that Officers had acknowledged the position in relation to securing funding for the provision of education by Hertfordshire County Council as the education authority. However East Herts Council had no explicit policy as regards securing funding for further and higher education. The Council did however, have policies regarding the provision of affordable housing and the funding of community and development infrastructure.

After being put to the meeting and votes taken, the Committee accepted recommendation (A) but rejected recommendations (B) and (C) as detailed in the report now submitted.

Councillor M Alexander proposed and Councillor D Andrews seconded, a motion that, in relation to reason for refusal 2, the Council will pursue a case on this matter in relation to the forthcoming appeal and the appellant be informed of this position.

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

RESOLVED – that (A) in relation to reasons for refusal 1 and 3, the Council continues to prepare its case in relation to the forthcoming appeal; and

(B) in relation to reason for refusal 2, the Council will pursue a case on this matter in relation to the forthcoming appeal and the appellant be informed of the Council's position.

303 DEED OF VARIATION ON A SHARED OWNERSHIP UNIT  
AT 4 LLOYD TAYLOR CLOSE, LITTLE HADHAM

The Director of Neighbourhood Services submitted a



report seeking approval for a deed of variation to the Section 106 agreement relating to planning permission ref 3/1893-90OP, to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham.

The Director advised that 4 Lloyd Taylor Close was 1 of 2 properties where buyers were only permitted to purchase an 80% share in the property. Members were advised that unfortunately, the occupant had been permitted to staircase ownership to 100% in breach of this agreement.

Members were advised that the agreement also made provision for the property to be for local people before being more widely available on a cascade system. The Director advised that there was no going back since the ownership had been staircased to 100%. Members had the choice of either approving the deed of variation or leaving the situation as it currently stood.

Councillor D Andrews stated this was an unfortunate situation and there should be checks and balances to prevent this from occurring. He commented it was for Members to reach a considered view as to whether such conditions were necessary and appropriate.

Councillor Andrews stressed that the registered social landlords and the land registry should be made fully aware in future of their obligations and, if at all possible, there should be penalties in these situations.

Councillor G Williamson stated that he was acutely aware of the shortage of affordable housing in this area. He referred to the legal error that had occurred and queried whether appropriate checks and balances could be introduced in future to prevent a similar recurrence in future.

The Director advised that had the legal documents been properly examined, this situation should never have occurred. Members were advised that the only comfort

was that staircasing ownership was not an attractive option and owners of shared ownership units did not normally staircase ownership as the occupants preferred to sell up and move on.

Councillor M Newman urged Officers to write to all of the Housing Associations to remind them of their obligations as regards to shared ownership units. The Director agreed to write to the Housing Associations. He stressed that the number of shared ownership units in East Herts was very low due to the unattractiveness of this option.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation as detailed in the report now submitted.

RESOLVED – that a Deed of Variation to the Section 106 agreement relating to permission ref: 3/1893/90/OP to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham, be approved.

#### 304 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 9.13 pm

MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 22 OCTOBER 2014, AT 3.00  
PM

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PRESENT: Councillor G McAndrew (Chairman)  
Councillors P Ballam, Mrs D Hone, P Ruffles,  
J Thornton, A Warman and N Wilson

ALSO PRESENT:

Councillors C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People and Property Services
Nikki Roberson	- Corporate Project Co-Ordinator

305 **PAY POLICY UPDATE**

**The Head of People and Property Services submitted a report on the Pay Policy Statement, produced annually as required by the Localism Act 2011 (Sections 38 – 43).**

**The Head of People and Property Services advised that the report was being submitted to Members following recently agreed changes to the Council’s management structure, the detail of which was set out in the report now submitted.**

**The Head of People and Property Services advised that Councillor J Ranger was not in attendance, but had asked that the rate at which apprentices were paid be reviewed.**

**The Committee recommended approval of the report, as now submitted, to Council.**

**RECOMMENDED – that the Pay Policy Statement 2014/15, as now submitted, be approved.**

306 APOLOGIES

An apology for absence was submitted from Councillor J Ranger. It was noted that Councillor A Warman was substituting for him.

307 MINUTES

RESOLVED - that the Minutes of the meeting held on 18 August 2014 be confirmed as a correct record and signed by the Chairman.

308 EQUAL PAY AUDIT 2014

The Head of People and Property Services submitted a report detailing the outcome of an Equal Pay Audit completed in September 2014. She explained that the full Equal Pay Audit was available on request. The Head of People and Property Services provided the background and the methodology behind the Audit and its key findings which had revealed nothing of concern.

It was noted that, to date, the recommendation to introduce a new Human Resources IT system to enable pay data to be analysed in more detail had not been implemented.

In response to a query from the Chairman regarding feedback on the disability target, the Head of People and Property Services explained that this might be because staff chose not to declare any disability on the survey.

Councillor P Ruffles referred to the need to focus on areas such as faith and sexual orientation which could be a focus of discrimination. The Chairman reminded Members that

discrimination was not always physical (e.g. mental health) and of the perceived stigma which might result if this was declared.

In response to a query from Councillor P Ballam regarding the definition of disability, Members were reminded that there was a clear definition of disability as set out in statute. The Chairman asked that this be circulated to Members.

The Head of People and Property Services referred to the recommendations set out in the report and as now submitted. These were supported.

RESOLVED – that (A) the results of the Equal Pay Audit 2014 be noted;

(B) the Job Evaluation Scheme be reviewed;

(C) a new HR IT system be introduced in time for the next scheduled Equal Pay Audit;

(D) the Local Award be reviewed;

(E) Equal Pay Audits (EqPAs) be carried out every two years in line with published guidance to ensure compliance with the Equality Act 2010; and

(F) Weekend Enhancements be reviewed to reflect current market practices.

309 SICKNESS ABSENCE MANAGEMENT APRIL 2013 - 31 MARCH 2014

The Head of People and Property Services submitted a report on absence levels and an analysis of short and long term sickness for 2013/14. The report also considered current and proposed initiatives to reduce absence.

The Head of People and Property Services drew Members' attention to the comparative overview of sickness absence since 2009/10. To date, the Council showed a total of 5.89

days against a target of 7.5 days. It was noted that short term absence had increased in 2013/14 from 4.5 days to 4.6 days but there had been a decrease in long term absence from 1.70 days to 1.26 days. The Head of People and Property Services provided a breakdown of short term and long term sickness by reason and service headcount. She advised Members that staff who had referred to stress and depression as a reason for sickness, were immediately referred to Occupational Health.

The Head of People and Property Services referred to comparative figures on home workers and office based staff sickness absence which in 2013/14 had shown no differential between the two groups (home workers 4.8 days per FTE compared to 4.71 days for office based staff). She stated that it was common to expect to see a reduction in sickness absence for home workers but that this had not been the case for East Herts. Members supported the suggestion that home workers' sickness be reviewed.

The Head of People and Property Services provided a summary of the costs associated with Occupational Health and the Employee Assistance Programme (EAP). She referred to the new Absence Management Policy which had recently been introduced.

In response to a query from Councillor P Ruffles regarding age related sickness absence levels, the Head of People and Property Services confirmed that Human Resources (HR) did not collate age related sickness data.

Councillor A Warman suggested that it might be useful if staff were to have flu vaccinations to lessen the impact of sickness over the winter months.

The Head of People and Property Services reminded Members that targets for 2014/15 had been approved by Members on 16 April 2014 and that the Absence Management Policy had been recently rolled out. In terms of stress related sickness cases, it was recommended that the Council should continue to support employees through the Employee

Assistance Programme. This was supported. It was also noted that a programme to support Health and Wellbeing had been designed and would be delivered to managers and staff in 2014/15.

The Committee noted the report and approved the actions now proposed.

RESOLVED – that (A) sickness absence be noted;

(B) employees suffering from stress related sickness continue to be supported through the Employee Assistance Programme (EAP); and

(C) home workers' sickness absence data be reviewed and reported back to Members.

### 310 HUMAN RESOURCES MANAGEMENT STATISTICS - QUARTERLY REPORT

The Head of People and Property Services submitted a report setting out Human Resource indicators for the period 1 April 2014 – 30 September 2014. The Head of People and Property Services suggested that the usual Human Resources Quarterly Performance report be integrated within the Human Resources Management Statistics report as now submitted, in order to avoid duplication of effort. This was supported.

The Head of People and Property Services advised that based on the current figures, the projected turnover for 2014/15 was 8.6% which was below the target of 10%. Current voluntary leavers' rate was projected to be 6.9% against a target of 7%. Updates were provided in terms of posts filled both internally and externally.

The Head of People and Property Services explained that short term sickness per full time equivalent (FTE) for the year was 2.74 days against a target of 4.5 days and current projected long-term sickness absence per FTE for the year was 1.2 days against a target of 2 days. During the period in

question, there had been 25 new starters to the Council.

Statistics were provided in relation to equalities monitoring; 3.98% of staff had declared a disability against a target of 5.2%; the target for those staff described as from black and minority ethnic origin was 2.83% against a target of 5.45%. It was noted that women made up 68.95% of the total workforce; of that figure, 29.4% women were representative on Senior Management Group.

The Head of People and Property provided an update in relation in the supplementary report to this item on Personal Development Reviews (PDRs) which set out in further detail, which sections were achieving the Council's 100% completion target in terms of the full year review (2013/14), mid-year review (2014/15) and objective setting (2014/15).

The Head of People and Property Services stated that, while there were four sections not achieving 100%, of particular concern were Planning and Building Control and Community Safety and Health Services. The respective heads of service had been already been approached and concerns had been expressed by Human Resources. Possible reasons for non-achievement of a 100% PDR return by those sections were discussed.

The Head of People and Property Services stated that overall, the returns of PDRs was much improved and welcomed. She felt that this had been helped by a greater focus by managers on the process, facilitated by an on-going interest shown by Members and their concerns about the PDR process.

The reporting timelines of the PDR process were considered. The Head of People and Property Services agreed to email Members with a "snapshot" of PDRs at the end of each July and January.

The Committee received the report.

RESOLVED – that (A) the Human Resource Quarterly Management Statistics, as now submitted, be received;



(B) the Human Resource quarterly performance report be assimilated into the Human Resource Management Statistics quarterly report with immediate effect; and

(C) the Head of People and Property Services email Members with a “snap shot” of PDR returns in July and January each year.

311 POLICY DEVELOPMENT PLAN 2014/15

The Head of People and Property Services submitted a report on the Policy Development Plan for 2014/15. A list of policies which required revision, their progress and reasons for change were set out in the report as now submitted. The Head of People and Property Services referred to a new policy which was being developed around the carer’s role following feedback from the Health and Wellbeing Panel. It was noted that negotiations were continuing with Unison in regard to the Redeployment, Expenses and the Retirement Policies.

In response to a query from Councillor P Ruffles, the Head of People and Property Services explained the principles underpinning the Professional Career and Vocational Study Policy which had been developed to help staff in supporting their career development.

The Committee approved the report.

RESOLVED - that the Policy Development Plan, as now submitted, be approved.

312 LOCAL JOINT PANEL - MINUTES OF THE MEETING: 18 AUGUST 2014

RESOLVED - that the Minutes of the Local Joint Panel meeting held on 18 August 2014 be received.

313 "HERE TO HELP" PROGRAMME

The Head of People and Property Services submitted a report detailing the progress of the "Here to Help" programme which had been set up in January 2014. The Corporate Project Co-ordinator explained that managers and staff had attended workshops in April, May and June 2014 and identified ideas and suggestions aimed at a local, service and corporate level around working together to make a difference, the detail of which was set out in the report now submitted.

Councillor P Ruffles welcomed the programme and asked if there were plans to sell the approach or share the information with other authorities and cited the Environmental Agency as an example. The Corporate Project Co-ordinator said that the programme was only in its initial phasing but could be developed further working with external partners.

The Head of People and Property Services stated that Human Resources would be looking at particular sections with a view to increasing awareness.

Councillor C Woodward referred to previous initiatives to encourage improved service delivery such as "Changing the Way We Work", and the FISH Programme which he said, had faded away. He was concerned that what was now being proposed was yet another panacea when he believed, the previous schemes had not been delivered. He suggested that it could be useful to develop the "Here to Help" approach in Councillors' Development Programmes and also externally, to include Parishes. Councillor Woodward referred to the shared services and the different cultures of each Council.

The Head of People and Property Services stated that the approach aimed to allow staff to lead the process and enable change. Councillor Woodward urged Members to listen to feedback.

The Chairman stated that the Council's position in 2007 was completely different to how it was now. He praised the on-going work.

The Committee received the report.

RESOLVED – that the update on “Here to Help” Programme for September 2014 be received.

The meeting closed at 4.25 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  
11 NOVEMBER 2014, AT 7.00 PM

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PRESENT: Councillor M Pope (Chairman)  
Councillors W Ashley, P Ballam, R Beeching,  
E Buckmaster and G Williamson.

ALSO PRESENT:

Councillors J Mayes, J Ranger and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	-	Democratic Services Officer
Cliff Cardoza	-	Head of Environmental Services
Nick Kirby	-	Environmental Inspection Team Manager
Marian Langley	-	Scrutiny Officer
George A Robertson	-	Chief Executive and Director of Customer and Community Services
David Thorogood	-	Environmental Co-Ordinator

330 APOLOGIES

Apologies for absence were submitted on behalf of Councillors C Rowley and B Wrangles. It was noted that Councillor R Beeching was substituting for Councillor Wrangles.

331 MINUTES - 9 SEPTEMBER 2014

In respect of Minute 226 (East Herts Climate Change Action Plan – Review of Progress), the Environment Strategy and Development Manager provided an update in relation to the proposed Micro Hydro Scheme at Hertford Theatre. He stated that a plan had been developed and this had been submitted to the Environment Agency for their informal consideration. If no comments were received, then the Council could progress to the formal submission and planning stage. The Environment Strategy and Development Manager referred to other hydro plants in the South East and the lengthy time taken to progress them to implementation.

The Environment Strategy and Development Manager referred Members to a BBC Radio 4 broadcast “Costing the Earth” and urged Members to take the opportunity to listen to the podcast from 24 September 2014 called ‘Power to the People’ about hydro plants and the problems associated with their implementation.

The Chairman asked whether the planning stage might be achievable by December 2014. The Environment Strategy and Development Manager stated that this was unlikely, given the timeframes for Development Management Committee and likely responses from the Environment Agency.

In terms of publicity for the hydro scheme, the Environment Strategy and Development Manager referred to an “Open Day” at Hertford Theatre which had been well attended with the public responding positively to the benefits of the hydro scheme.

RESOLVED – that the Minutes of the meeting held on 9 September 2014 be confirmed as a correct record and signed by the Chairman.

### 332 IMPACT OF THE ASB CRIME AND POLICING ACT 2014 ON EAST HERTS ENVIRONMENTAL CRIME POLICIES

The Executive Member for Community Safety and Environment submitted a report detailing the changes resulting from the Anti-Social Behaviour, Crime and Policing Act 2014 and how the new legislation would affect East Herts' current environmental crime policies.

The Head of Environmental Services explained that the new legislation covered a wide range of areas and although statutory guidance had been published in July 2014, further guidance was awaited. The Head of Environmental Services explained that the presentation would focus on aspects of environmental crime. He reminded Members that there would be a further report to Community Scrutiny Committee in March 2015 by the Head of Community Safety and Health Services in respect of the anti-social behaviour aspects of the new legislation.

The Environmental Inspection Team Manager gave a presentation on the new legislative powers which affected:

- Littering from cars
- Clearing litter and waste on land
- Graffiti and other defacement
- Controlling dogs.

The Environmental Inspection Team Manager referred Members to Essential Reference Paper "B" which set out the legislative implications for the Council and provided a summary of what was and was not, affected by the legislative changes.

Councillor C Woodward questioned the Council's ability to deliver the new legislative requirements in terms of resource implications and queried whether some of the new powers could be devolved to Town and Parish Councils which, he suggested, would be in line with the requirements of localism. The Environmental Inspection Team Manager acknowledged the new powers adding that devolution was something which Officers needed to explore in more detail.

Councillor R Beeching queried whether there could be devolvement of some powers to PCSOs. The Head of Environmental Services stated that further guidance was needed. He explained how the fixed penalty warning process and issue worked.

Councillor J Mayes referred to vans being parked on various roads in the District including along the A1170 and a layby in the A120 (near Bishop's Stortford) which were being used as 'advertising boards'. The Head of Environmental Services stated that this related to advertising on the highway, which was not part of the legislation under discussion. He advised that it may be possible to address the under planning legislation and the matter should be raised with the Head of Planning Services.

Councillor J Ranger referred to the issue of devolving powers to several agencies which might lead to a lack of co-ordination and continuity in the escalation from warning notice to fixed penalty if different Officers dealt with the same individual. The Head of Environmental Services explained the process in so far as Anti-Social Behaviour was concerned and the need to keep a formal record of warnings given to allow other agencies to proceed to the next stage. The Head of Environmental Services stated that, in relation to Public Space Protection, Notices, these could be issued by Town and Parish Councils but that only agency partners could issue Community Protection Notices.

Councillor C Woodward reminded Members that the Council had one dog warden covering an area which was a third of the whole county. The Head of Environmental Services acknowledged that the Council had limited resources and that Officers were stretched in terms of their roles. He explained the role of the public in terms of reporting dog fouling issues and in coming forward with evidence. In relation to littering from cars and previous difficulties encountered in securing convictions, the new legislation now held the registered keeper of the car responsible for litter being dropped out of a car. The Head of Environmental Services referred to the different powers which were now available to the Council.



Councillor E Buckmaster emphasised the advantages of joined up working arrangements in respect of nuisance behaviours arising out of Licensing/Planning decisions.

In response to a query from the Chairman regarding further guidance, the Head of Environmental Services reiterated that he hoped that this would be available for consideration by Members in February 2015, but that would depend upon how quickly the statutory guidance was produced by Government.

Councillor C Woodward suggested that an item on the legislative changes be placed on the annual Parish Council Rural Conference and the new Urban Conference agendas for discussion next time they met. The Head of Environmental Services said that this would be discussed with appropriate Officers.

The Committee received the report.

RESOLVED – that (A) Officers report back to a future meeting on how legislation and emerging guidance would be implemented by the Council; and

(B) the Council's Environmental Crime Policy be reviewed to ensure compliance with legislation and best practice.

### 333 ENVIRONMENT SCRUTINY WORK PROGRAMME

The Chairman submitted a report setting out the future work programme for Environment Scrutiny Committee for 2014/15.

The Chairman drew Members' attention to the inclusion of a report onto the work programme, of changes to the Council's Environmental Crime Policies following the introduction of new legislation and guidance. The Chairman also referred to reports for inclusion in relation to a Fuel Poverty Action Plan and proposals for supporting community groups in respect of Community Energy Projects. These were supported.

Councillor C Woodward referred to the number of sky lanterns

and balloons being dispersed into the air and that the matter was currently being reviewed by Essex County Council. The Head of Environmental Services stated that East Herts did not allow sky lanterns to be launched from any of its public open spaces and that this issue could be covered by a protection order in future. He stated that helium balloons could also be covered by a protection order and these issues would be considered when the new orders were drawn up for EHC parks and open spaces.

Councillor R Beeching referred to private land close to a local hotel used for weddings and the resultant debris including wire, from balloons and lanterns being released. The Head of Environmental Services gave a summary of the legal position and advised that the Council had no powers to prevent balloons from being released from private land, although this should be discouraged. Councillor C Woodward suggested that the Council should issue a statement of its views on this issue on its website. The Head of Environmental Services agree to update the web pages accordingly.

Councillor R Beeching stated that the issue of lanterns and balloons could be addressed in relation to licensing conditions and if applications were made for Temporary Events.

The Committee approved the report, as amended.

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

#### 334 SERVICE PLANS MONITORING

The Leader of the Council and Chief Executive and Director of Customer and Community Services submitted an exception report on the 2014/15 Service Plans.

The Chief Executive and Director of Customer and Community Services provided an update of 32 actions which had been either achieved, on target, suspended, deleted or had had their completion dates revised. It was noted that action 14-ES03 (Development of a business case for the Council to fund replacement gym equipment at Hartham and

Grange Paddocks) had been deleted and that 11-ES21 (Castle Weir Micro Hydro Scheme at Hertford Theatre) referred to earlier in the meeting, was under consideration by the Environment Agency.

The Chief Executive and Director of Customer and Community Services advised that there were four outstanding actions for 2013/14 which should have been referred to Community Scrutiny Committee. He provided a summary of the actions.

Councillor E Buckmaster queried whether enhancements to Sawbridgeworth would be progressing. The Head of Environmental Services explained that appropriate funding needed to be identified and that further discussions with the Town Council needed to take place.

In response to a query from Councillor E Buckmaster regarding working with schools and Hertfordshire County Council to ensure the long term financial sustainability of joint use pools, the Head of Environmental Services explained that on-going discussions were taking place with two schools, both of which were uncertain about government funding regimes and that options for the future sustainability of leisure centres were being explored.

Councillor C Woodward congratulated Officers and the Dog Team in achieving the RSPCA Gold Footprint Award. He asked that Members' congratulations be formally passed on to Officers. This was supported.

Councillor C Woodward asked where the "Love Your Local Market" week had been held and queried whether it could be extended. He also asked for an update in relation to the revised management plan for Waytemore Castle. The Chief Executive and Director of Customer and Community Services explained that the market had been held in Hertford and would write to the Member concerning any proposals to extend it. In relation to Waytemore Castle, the Head of Environmental Services advised that a lot of work had been undertaken on site in terms of a joint approach with Bishops Stortford Town Council. He hoped to report back with further

information as soon as possible. The Head of Environmental Services commented that the Master Plan was under development with the Town Council and significant progress had been made. This would be completed in 2015.

Councillor C Woodward referred to SPARC and the fact that some Councils had adopted three-weekly collections. He sought assurances that the Council was keeping abreast of what was happening with other Councils. The Head of Environmental Services advised that he was aware that some councils were considering this but did not support it as some residents place food waste in their black bin and this would mean it stayed there for three weeks. This would not be acceptable especially during the summer months. He stated that the three-weekly collections of residual waste introduced by a few councils was supported by more frequent collections of food waste.

The Committee received the report.

RESOLVED – that progress against the Council's priorities, including revised completion dates, suspensions and deletions against 2014/15 Service Plan actions and 2013/14 and 2011/12 Service Plan actions be noted; and

(B) Members' thanks be passed on to Officers for their efforts in achieving the RSPCA Gold Footprint Award.

335 ENVIRONMENT SCRUTINY HEALTHCHECK - AUGUST 2014 TO SEPTEMBER 2014

The Chief Executive and Director of Customer and Community Services submitted a report setting out the performance of key indicators relating to Environment Scrutiny for the period August 2014 to September 2014. The Chief Executive and Director of Customer and Community Services referred Members to further information which was now available in relation to EHPI 191 (Residual Household Waste per Household) and EHPI 192 (Percentage of Household Waste sent for reuse, recycling and composting).

Councillor R Beeching referred to EHPI 2.1d (Planning enforcement: Initial Site Inspections) and EHPI 157c (Processing of Planning Applications: Other applications) which had turned “red” and “amber” respectively. The Chief Executive and Director of Customer and Community Services advised that targets had been affected as a result of staffing difficulties and that plans were in place to recruit more staff.

The Committee received the report.

RESOLVED – that the performance for the period August 2014 to September 2014 be noted.

The meeting closed at 8.15 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 12 NOVEMBER 2014, AT  
7.00 PM

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

ALSO PRESENT:

Councillors W Ashley, P Ballam, L Haysey,  
J Ranger, S Rutland-Barsby and K Warnell.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Christopher Barnes	- Planning Enforcement Officer
Fiona Brown	- Planning Technician
Shirley Downham	- Planning Enforcement
Simon Drinkwater	- Director of Neighbourhood Services
Annie Freestone	- Senior Planning Technician
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Paul Stevens	- Landscape Officer

Alison Young - Development  
Manager

336 APOLOGY

An apology for absence was submitted on behalf of Councillor K Crofton. It was noted that Councillor S Bull was substituting for Councillor Crofton.

337 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Christopher Barnes, Planning Enforcement Officer, to his first meeting of the Development Management Committee.

The Chairman advised that consideration of the Provisional Tree Preservation Order at Coltsfoot Mead Wood would be determined prior to application 3/13/2223/FP.

338 DECLARATIONS OF INTEREST

Councillor M Newman declared a disclosable pecuniary interest in application 3/14/0817/FP, on the grounds that a Member of his immediate family was employed by Bishop's Stortford College. He left the room during consideration of this matter.

339 MINUTES – 15 OCTOBER 2014

RESOLVED – that the Minutes of the meeting held on 15 October 2014 be confirmed as a correct record and signed by the Chairman.

340 3/14/1448/OP – OUTLINE APPLICATION FOR APPROXIMATELY 60 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND OFF GREEN END, BRAUGHING FOR GLADMAN DEVELOPMENTS

Peter Boylan addressed the Committee in objection to the



application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1448/OP, outline planning permission be refused for the reasons detailed in the report now submitted.

The Chairman, as the local ward Member, stated that she supported the Parish Council and the residents of Braughing in respect of their concerns. She referred to the HGV movements caused by 2 other large developments and stated that that she fully agreed with the Officer's report on the basis that this application was inappropriate development in the rural area.

The Chairman further commented that the application would not preserve or enhance the character of the conservation area and the proposed development was contrary to policies GBC2, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007 and was also contrary to sections 11 and 12 of the National Planning Policy Framework (NPPF).

Councillor P Ruffles referred to the intrusion into the countryside proposed by this application as well as the potential for serious harm to the valley. He stated that the proposed development would wreck the sense of place of Braughing and this was his chief single concern on this application.

Councillor J Jones stated that the application was inappropriate and would place unacceptable strain on the facilities in the Buntingford area, particularly in respect of health services. Councillors N Symonds and S Bull voiced similar concerns in respect of health, schools and the impact of the development on the flood plain as well as the issue of the access and the speed of the traffic on the B1368.

Councillor Mrs R Cheswright proposed and Councillor P Ruffles seconded a proposal that, in respect of application

3/14/1448/OP, Members support the Officer's recommendation and refuse planning permission.

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

RESOLVED – that in respect of application 3/14/1448/OP, outline planning permission be refused for the reasons detailed in the report now submitted.

341 3/14/1058/FP – CHANGE OF USE OF LAND FROM AGRICULTURE TO MIXED USE FOR AGRICULTURE AND USE FOR THE GENERATION OF RENEWABLE ENERGY (SOLAR) AT MILL FARM, MENTLEY LANE, GREAT MUNDEN, WARE, HERTFORDSHIRE, SG11 1JR FOR STUART BRADSHAW, PUSH ENERGY LTD AND MR D LIVINGS

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Jocelyn Ingham addressed the Committee in objection to the application. Philip Kratz spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1058/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Ranger, as the local ward Member, referred to the extreme rural nature of the area. He questioned the logic of installing an industrial style plant in such a location. He commented that the proposed development would be seen from a long way despite the proposed screening.

Councillor Ranger expressed concerns that construction traffic would struggle to negotiate the narrow roads and this was not the best place to locate a solar farm. He referred to the suitability of rooftop locations or industrial sites as opposed to rural areas.

Councillor Ranger further commented on what could happen to the site once the solar farm was decommissioned. He concluded that if the Committee was not minded to refuse permission, a much more detailed screening plan should be submitted and a deferral would allow this issue to be explored along with a Section 106 agreement.

The Director advised that the Department for Communities and Local Government (DCLG) had advised that a request from a local resident for the application to be called-in by the Secretary of State had been received. If Members were minded to grant planning permission then the decision notice would not be issued until the decision of the Secretary of State in respect of any 'call-in' had been received.

The Director stated that this was a very significant scheme that was by far the largest photovoltaic application in East Herts with 38,864 proposed panels on a 17 hectare site, which would provide 10MW of energy for 2000 homes. The NPPF gave in principle support to renewable energy applications and further guidance stated that sites should be carefully selected in respect of the likely visual impact of such applications, as well as optional alternative sites and the value of agricultural land.

The Director stated that the site was relatively inaccessible to public view and the landscape and visual impacts of the scheme were moderate. There were no footpaths within 400 metres of the site and the site was not overlooked by any residential properties.

Members were advised that only occasional views of the panels would be possible due to the established hedgerow boundaries and the proposed orchard to the south-east corner of the site, as well as the proposed additional planting for the west side boundary.

The Director advised that no heritage assets would be

harmed and the applicant had shown that there were no alternative brownfield or Greenfield sites for a solar farm in East Herts. Members were advised that whilst arable farming of the site would not be possible, animals could continue to graze the land underneath the panels. Officers were of the view that the case had been made for approval of this application.

In response to a query from the Chairman, the Director stated that it was anticipated that there would be 1 or 2 large vehicle movements per day over a 16 week period. Members were advised that Hertfordshire Highways were concerned regarding the use of 16.5 metre vehicles and discussions were being held with the applicant on alternative means of access for the site.

In reply to a further query from the Chairman, the Director advised Members that there would be a dedicated route for vehicles accessing the site.

Councillor P Moore stated that the Landscape Officer considered that the proposals would have a relatively high magnitude of impact on the landscape character of the local area as perceived by residents in Nasty but not necessarily in the wider area.

She emphasised that the Officer had reviewed the Sequential Analysis Study subsequently submitted by the applicant and he had maintained that the siting of such development on brownfield land was the preferred option.

Councillor P Ruffles commented that he was concerned regarding the logic behind the recommendation for approval. He stated that he was minded to refuse the application. He stressed that a sub-standard scheme should not be approved on the basis that the site was not visible to public view. He referred to the point made by Councillor Ranger that once approved the simple basic fact was that the photovoltaic panels would be on the site.

In response to a query from Councillor G Williamson, the

Director stated that it was not possible to judge what planning policy might be in respect of previously developed land 25 years hence. However, he considered that, using the current definition, it would be unlikely that the site could be viewed as previously developed land and it was unlikely that the site would be developed further. The most likely outcome would be that the site would return to the previous agricultural use.

Councillor S Bull stated that he was not convinced that the application should be approved and this was the wrong place for a solar farm, which would be visually obtrusive from all angles. Councillor M Newman stated that the ethical issue was that everyone was happy to use electricity so long as this was generated elsewhere. He stressed that this site had been chosen for its isolation and at some point there would have to be some sacrifice of land in East Herts for clean energy.

Councillor J Jones stated that he did not feel enough had been done to explore alternative brownfield locations. He referred to the visual impact and his sceptical view of the benefits of solar energy farms.

In response to a query from Councillor M Alexander in respect of paragraph 6.10 of the report, the Director confirmed that Officers had carefully considered the application and were satisfied that it met the provisions of the UK Solar PV Strategy. Members were reminded that all of the agricultural land in Hertfordshire was grade 2 or grade 3 and this site was grade 3a.

In response to a number of other Members' comments, the Director confirmed that Officers and Members would have control over the landscaping implications of the development via a detailed landscaping scheme. Members were reminded that any use of a brownfield site for a solar farm could have implications in terms of the District's housing land supply.

Councillor D Andrews proposed and Councillor P Moore

seconded, a motion that application 3/14/1058/FP be refused on the grounds that the proposed development would have a harmful impact on the visual character of the landscape and the benefits of the proposal would not outweigh the resulting harm and the proposal was therefore contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007 and national policy in the National Planning Policy Framework.

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 3/14/1058/FP, planning permission be refused for the following reasons:

1. The proposed development would have a harmful impact on the visual character of the landscape in which it is proposed to be sited which could not be satisfactorily mitigated by additional landscaping. The benefits of the proposal would not outweigh this resulting harm and the proposal is thereby contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007 and national policy 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. However, for the reason set out in this decision notice, the proposal is not considered to result in an acceptable form of development and is not in accordance with the

Development Plan and the National Planning  
Policy Framework.

342 COLTSFOOT MEAD WOOD – PROVISIONAL TPO (P/TPO)  
587

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Lydia Sommerville addressed the Committee in objection to the Provisional Tree Preservation Order (P/TPO).

The Head of Environmental Services submitted a report requesting that Members support the confirmation of Provisional Tree Preservation Order (P/TPO) 587, Coltsfoot Mead Wood, Bulls Green, Datchworth.

The Landscape Officer stated that the reasons for making of the P/TPO were quite clear and he stood by the recommendation detailed in the report. He commented that the principal objection seemed to be that there were no valid reasons for making the P/TPO.

The Landscape Officer reminded the Committee that the Town and Country Planning Act 1947 placed a duty on Local Authorities to protect trees. He stated that a P/TPO would not prevent good woodland management and the P/TPO would protect the long term longevity and enjoyment of the woodland. He reiterated his concern that the access track might lead to future development pressures where none existed at present.

Councillor D Andrews stated that he was very concerned in respect of paragraph 2.2 of the report. He commented that if the woodland was so precious, a P/TPO should have been confirmed long ago. He referred to the apparent trigger for this P/TPO being the appeal decision granting planning permission for the woodland track.

Councillor M Newman referred to the P/TPO as being a draconian measure and he referred to the e-mail to Members from the speaker that implied that approving the recommendation would prevent the day to day management of the woodland.

The Landscape Officer confirmed that a P/TPO would not prevent good woodland management in accordance with best practice. He confirmed that area TPOs were discouraged by central government and there was nothing draconian in respect of woodland P/TPOs. He concluded that his recommendation would not prevent activities such as coppicing to encourage regeneration of a woodland area.

In response to queries from Councillors M Newman, D Andrews and N Symonds, the Landscape Officer confirmed that the sole purpose of a P/TPO was to ensure the long term viability of the woodland unit as a whole and confirmation of this P/TPO would not hinder woodland management or prevent normal woodland activity. Members were reminded that the Authority must be seen to be acting reasonably in ensuring the long term future of the woodland as a community asset.

The Committee supported the recommendation of the Head of Environmental Services as now submitted.

RESOLVED – that (A) Tree Preservation Order (No 13) 2014 P/TPO 587 be confirmed as an opposed order; and

(B) the Director of Neighbourhood Services be authorised to bring it into operation.

343 3/13/2223/FP – DEMOLITION OF THE BUNGALOW, THE STABLES AND HAZELWOOD FARM AND THE ERECTION OF 57 RESIDENTIAL UNITS TOGETHER WITH ACCESS AND ASSOCIATED ANCILLARY WORKS AT HIGH ROAD, REAR OF NORTH DRIVE, HIGH CROSS, SG11 1AD FOR DAVID WILSON HOMES NORTH LONDON

Richard Hallman addressed the Committee in objection to the application. Mark Bryan spoke for the application.

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering



into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2223/FP, planning permission be granted.

The Director referred Members to the additional representations summary. Members were referred in particular, to the stage one highways safety audit that had been undertaken by the highways consultant. The Director confirmed that this was a more rigorous test than was normally applied and the audit had not highlighted any concerns in respect of the proposed access, aside from a minor issue with a channel drain that could be overcome.

The Director stated that there had been concerns expressed regarding noise and disturbance from the Locally Equipped Area of Play (LEAP) proposed for the western area of the site. Officers had considered the comments from the Landscape Officer and third party representations and suggested that condition 17 be amended to require the submission of further details in relation to the play equipment prior to the commencement of development.

Councillor G Williamson stated that, whilst some issues of concern had been addressed, the issue of massive overdevelopment was still his principal concern and he was unable to support the application. Councillor D Andrews, as the local ward Member, shared the concern of Councillor Williamson in respect of the density of the proposed development in relation to the size of the hamlet of High Cross.

Councillor Andrews praised the effort that had gone into this application from the Parish Council and also from David Wilson Homes. He stated that David Wilson Homes had addressed some of the issues of concern and he referred to the positive effect of the local input into this application.

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

RESOLVED – that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2223/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 344 3/14/0817/FP – DEMOLITION AND REMOVAL OF EXISTING ALLIOTT HOUSE, MEDICAL CENTRE, AND OTHER HARD LANDSCAPING ON THE SITE, AND THE CONSTRUCTION OF 2NO. BOARDING HOUSES AND 1NO. DAY HOUSE; A MIX OF RED BRICK AND TIMBER CLAD BUILDINGS, WITH PITCHED ROOF FORMS, NEW OPEN GREEN SPACE AND ASSOCIATED LANDSCAPE, AND REPLANTING TO THE NORTH BOUNDARY OF THE SITE AT BISHOP'S STORTFORD COLLEGE, 10 MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PJ FOR BISHOP'S STORTFORD COLLEGE
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Helen Scott addressed the Committee in objection to the application. Jeremy Gladwin spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/0817/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the Additional Representations Summary. Members were advised that the distance separating the girls boarding accommodation was 12.5 metres, not 15 metres as stated in the report. Members were also advised that, in respect of the length of the girls boarding accommodation, the total length of this building was 49 metres, and the 38 metres referred to in the report related only to the 3 storey element of the building.

Councillor G Jones, as the local ward Member, commented on the difficulties of viewing a site that could not yet be seen from the public highway. He emphasised that many of the issues were affected by the fact that the site sloped south to north and also west to east.

Councillor G Jones further commented that there had been few significant changes from an earlier application yet Planning Officers and residents were now content with this latest scheme. He referred to some photo montages sent by the objecting speaker which showed the before and after effects of the proposed development.

Councillor G Jones stated that 3 and 4 storey buildings on a site boundary was clearly going to have an impact and whilst some of the floors would be hidden, screening of the whole building would be impossible. He acknowledged that although a lot of effort had gone into limiting the potential for overlooking, he was concerned regarding the overlooking of properties in Pye Gardens.

Councillor G Jones concluded that the assertion from the noise consultant that the overall noise impact of the proposed development would be either neutral or beneficial was not credible. He stated that the application failed to satisfy the provisions of policies BH6 and more importantly ENV1 as the proposed development would not demonstrate compatibility with the surrounding area in terms of the size and massing of the buildings.

Councillor J Jones referred to the huge visual impact of the proposed development that would be significantly detrimental to the residents of Pye Gardens.

Councillor N Symonds acknowledged the quality of Bishop's Stortford College as an education facility and an employer. She stated however, that the proposed development was out of keeping with the surrounding area. She stated that whilst 2 storey buildings would have been acceptable, 4 storeys would be too high. Councillor Symonds concurred with all the points raised

by Councillors G Jones and J Jones regarding overlooking of properties in Pye Gardens. She expressed concerns in respect of the likely noise impact, in particular from the proposed play area between the two proposed boarding houses.

The Director reminded Members that Officers had considered all of the issues very carefully and this would be a difficult balancing decision given that this part of the site was relatively underdeveloped. Officers had recommended approval and in so doing, had considered the distances between the buildings, the orientation of the windows and the existence of a landscaping belt that did screen the site to some extent.

The Director advised that Officers had carefully considered all of the issues relevant to the application and felt that, on balance, they should recommend approval. The Committee was advised that if Members were minded to refuse permission, ENV1 was the most appropriate policy. Members were reminded that the Conservation Officer had not objected to the application.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/14/0817/FP be refused on the grounds that the proposed development would not relate well to the massing and height of adjacent buildings and would result in a harmful, overbearing impact; loss of outlook and loss of privacy and was therefore contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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 3/14/0817/FP, planning permission be refused for the following reasons:

1. The proposed development, by reason of its scale, height and siting in close proximity to neighbouring residential properties, would not relate well to the massing and height of those adjacent buildings and would result in a harmful, overbearing impact; loss of outlook and loss of privacy. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and 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.

345 3/14/1408/FP – DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A MIXED USE DEVELOPMENT COMPRISING 101 RESIDENTIAL (C3) APARTMENTS AND EMPLOYMENT (B1) SPACE, ALONG WITH ASSOCIATED HIGHWAY AND LANDSCAPE WORKS AT LAND AT CRANE MEAD, WARE, SG12 9PT FOR MARKS MILL LLP

David Waite and Ray Vince addressed the Committee in objection to the application. Luke Raistrick spoke for the application.

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the

Town and Country Planning Act 1990, in respect of application 3/14/1408/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director reminded Members of the previously refused application, which had been purely residential in nature. The Committee was advised that many of the issues regarding the layout of the site had been addressed following the previous application. The current application included a significant level of employment provision and a modest amount of affordable housing.

The Director advised that the layout of the site now incorporated pedestrian linkages between Ware Station and the Crane Mead area and Section 106 funding was now available as part of this application. Members were advised that this revised scheme now had significant planning merits as a regeneration scheme bearing in mind the NPPF requirement of weighing up the benefits of an application against any significant adverse impacts.

The Director reported that the application would regenerate a prominent site in a conservation area on the edge of Ware Town Centre. The application would improve the entrance to the Crane Mead area and would assist with the housing land supply as well as preventing the loss of Greenfield land in the countryside as this was previously developed brownfield land.

The Director concluded that the application delivered enhanced employment space in an area that was attractive for employment uses. Members were advised that, due to the economic, social and environmental benefits of the scheme, the application constituted sustainable development and Officers felt that the benefits of the scheme outweighed all other considerations.

Councillor E Bedford stated that he was minded to support the application on the basis that the site was very

run down as an industrial unit. He was concerned however, over whether the existing businesses would take up residence in the new buildings. He also stated that 6% affordable housing was totally inadequate and should be increased. He concluded that the proposed development would provide badly needed regeneration for this area of Ware.

Councillor G Williamson stated that he could support the proposed development if this site was a run down and disused industrial centre. He commented however, that this was not the case and the area appeared to be a thriving centre for small businesses that were the lifeblood of the economy. He concluded that this was not a sustainable economic development as the replacement business space was solely for use class B1 and he could not support an application that would put small businesses at risk.

Councillor M Alexander stated that he did not see what had changed since the previous application was refused in November 2013. He commented that the existing businesses were not compatible with the proposed B1 use and this application would result in the loss of suitable employment land. He stressed that he hoped Members would take note of the representation from Ware Town Council.

Councillor Alexander emphasised that he could not support an application with only 6% affordable housing provision. He highlighted the view of the Planning Policy Team that the site was in a prominent, visible position and therefore the Council should seek to improve the employment offer of this land to support the Business Park and provide valuable local employment opportunities.

Councillor D Andrews expressed concerns in respect of the loss of employment land and also the parking implications of the application. Councillor N Symonds stated that the District needed bustling industrial areas

that employed local people and she was not of the opinion that the site was dilapidated and run down.

Councillor N Symonds commented on whether the application could be deferred to allow further consideration of the issue of the existing business. Councillor P Moore stated that 6% affordable housing provision out of 101 residential units was absolutely not acceptable.

The Director stated that Crane Mead had seen significant regeneration in the past and this site had benefitted from that. Members were advised that if there was to be further regeneration of this site then all the existing businesses could not be retained. Members were reminded of the pressure to deliver housing land and also regeneration. The Director reminded the Committee that a B1 use did cover light industry.

Councillor M Alexander proposed and Councillor P Moore seconded, a motion that application 3/14/1408/FP be refused on the grounds that the proposal would result in the loss of valuable and suitable employment land contrary to policies EDE1, EDE2 and WA7, the proposed development failed to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 and the proposed shared parking arrangements failed to adequately meet the needs of both the residential and commercial elements of the proposed development and would exacerbate parking congestion in the vicinity of the site and the proposal was therefore contrary to policy TR7. The application was also contrary to national planning policy guidance in the National Planning Policy Framework.

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



3/14/1408/FP, planning application be refused for the following reasons:

1. The site is identified in the East Herts Local Plan as primarily reserved for employment use. The proposal would result in the loss of valuable and suitable employment land contrary policies EDE1, EDE2 and WA7 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance 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 policy guidance in the National Planning Policy Framework
3. The proposed shared parking arrangements fail to adequately meet the needs of both the residential and commercial elements of the proposed development and would exacerbate parking congestion in the vicinity of the site. The proposal is thereby contrary to policy TR7 of the East Herts Local Plan Second Review April 2007 and 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. The Council would encourage the applicant to address the reasons for refusal by alternative acceptable proposals through its published pre-application advice.

346 3/14/0209/FO – VARIATION OF CONDITION 19 (RETAIL SALES AREA) OF LPA APPROVAL REF 3/10/0386/FP TO ALLOW UP TO 36% NON-FOOD SALES (PREVIOUSLY 30%) AND VARIATION OF CONDITION 43 (APPROVED PLANS) TO AMEND APPROVED DRAWING A (00)70\_04A, WHICH RELATES TO THE NURSERY ROOF AT CINTEL SITE, WATTON ROAD, WARE SG12 0AL FOR ASDA STORES LTD

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Phil Bartram addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that subject to the applicants providing a Section 106 Unilateral Agreement to secure the provisions of the Legal Agreement dated 26 July 2011 in relation to amended application 3/14/0209/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that subject to the applicants providing a Section 106 Unilateral Agreement to secure the provisions of the Legal Agreement dated 26 July 2011 in relation to amended application 3/14/0209/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

347 3/14/1626/FO – VARIATION OF CONDITION 3 (LPA REF 3/13/0922/FO) REQUIRING THE USE OF THE AISLED BARN AND THE CONSERVATORY FOR WEDDING CEREMONIES AND RECEPTIONS TO CEASE ON OR BEFORE 14 SEPTEMBER 2014 - TO ALLOW THE USE TO CONTINUE UNTIL 30/05/2017 AT THE HENRY MOORE FOUNDATION, DANE TREE HOUSE, PERRY GREEN, MUCH HADHAM, SG10 6EE FOR THE TRUSTEES OF THE HENRY MOORE FOUNDATION

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Augusta Barnes addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1626/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ruffles stated that Much Hadham Parish Council generally kept up to date with all local issues and was supportive of this application. He commented that he would be supporting the application in order gain a better understanding of the situation as regards local disturbance in 2 years' time.

Councillor M Alexander queried whether the statement of support from Hertfordshire Highways had been offered on the basis of wedding guests using private cars as opposed to larger vehicles such as double decker buses. He hoped that access advice would be given when weddings were booked at the Henry Moore Foundation.

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

RESOLVED – that in respect of application 3/14/1626/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

- 348 3/14/1269/FO – VARIATION OF CONDITION 2 (APPROVED PLANS) OF LPA REFERENCE 3/13/1936/FP TO INCREASE THE SIZE OF THE REAR EXTENSION TO THE LISTED BUILDING AT 15–17 NORTH STREET, BISHOP'S STORTFORD, CM23 2LD FOR MARSHGATE BISHOP'S STORTFORD LLP
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The Director of Neighbourhood Services recommended that subject to the applicant or successor in title agreeing to vary the Section 106 agreement attached to LPA reference 3/13/1936/FP to make reference to the amended plans that form part of this application, in respect of application 3/14/1269/FO, planning application 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 subject to the applicant or successor in title agreeing to vary the Section 106 agreement attached to LPA reference 3/13/1936/FP to make reference to the amended plans that form part of application 3/14/1269/FO, planning application be granted subject to the conditions detailed in the report now submitted.

- 349 3/14/1283/FP – ALTERATION OF EXISTING MOTOR REPAIR WORK SHOP INCLUDING REMOVAL OF REAR PROJECTION AND CHANGE OF USE TO A 2 BED DWELLING AT LAND AT KENTON HOUSE, HARE STREET, SG9 0EA FOR MR MADDEN
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The Director of Neighbourhood Services recommended that in respect of application 3/14/1283/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that reason for refusal 2 should be amended to include reference to policy EDE2 in addition to GBC9. The Chairman commented that she was aware

from her discussion with Officers that although they were of the view that the workshop was worthy of retention, they were not satisfied that the proposed dwelling was a suitable alternative development.

Councillor S Bull, as the local ward Member, commented that it was a shame that Officers had recommended refusal. He stated that this building had been derelict for many years and the proposed dwelling would sit well within the site and would enhance the village.

Councillor J Jones agreed with Councillor Bull as the proposed development would improve the street scene in Hare Street and he was minded to vote against the Officer's recommendation for refusal. The Director advised that a key test was whether the building was worthy of retention and Officers did not believe this to be the case.

The Director reminded Members that the site was located in the rural area beyond the Green Belt and the application was contrary to policy GBC9 in respect of the reuse of redundant rural buildings. Members were advised that, in respect of policy GBC9, alternative leisure and tourism type uses had to be explored by way of evidence of a market exercise. The same applied to policy EDE2 as regards employment use.

Councillor P Moore sought clarification as to whether this would be classed as infill development. The Director stated that the proposed development could not be classed as infill as Hare Street was not a category 1 or 2 village and this was the rural area beyond the Green Belt where there was an in principle objection to residential development.

Councillor M Newman commented that applying the letter of planning policies did not make sense under the specific conditions of this situation. He stated that contrary to the view of Officers, in practice, this was infill development and the existing building might not meet build regulations.

Councillor Newman stated that he was minded to support the application as replacing a derelict building with housing would improve the overall street scene of Hare Street. Councillor D Andrews referred to a degree of sympathy for this application from the Committee and he agreed with the points of Councillor Newman. .

Councillor J Jones proposed and Councillor M Alexander a motion that application 3/14/1283/FP be approved.

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 3/14/1283/FP, planning permission be granted subject to the following conditions:

1. The year time limit (1T121)
2. Approved plans (2E103)
3. An intrusive “phase 2” site investigation shall be undertaken to fully and effectively characterize the nature and extent of any land or groundwater contamination and its implications. The findings of the phase 2 site investigation including any necessary decontamination shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and section 11 of

the National Planning Policy Framework .

4. Samples of materials (2E12)
5. Construction hours of working (6N07)
6. Boundary walls and fences (2E07)
7. Hard surfacing (3V21)

Directives:

1. Other legislation (0L01)
2. Street naming and numbering (19SN)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the material considerations in this case, is that permission should be granted.

- 350 A) 3/14/1381/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) OF PLANNING APPROVAL REF: 3/06/0604/FP TO ALLOW USE OF THE FIRST FLOOR OF THE GARAGE BUILDING AS ANCILLARY RESIDENTIAL ACCOMMODATION; AND B) 3/14/1633/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) TO ENABLE THE USE OF THE FIRST FLOOR OF THE GARAGE BUILDING TO BE USED AS AN ANCILLARY STUDY/OFFICE AREA FOR THE OCCUPANTS OF LONG CROFT, MONKS GREEN FARM, MANGROVE LANE, BRICKENDON FOR WILLIAM ASHLEY AND PARTNERS
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At this point (9.48 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

The Director of Neighbourhood Services recommended that in respect of applications 3/14/1381/FO and 3/14/1633/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the Additional Representations Schedule in respect of a letter from a resident and the Officer's response to this. The Director stated that the garage element of the site was granted a separate planning permission to the house and this was the subject of the applications that Members were being asked to determine.

In response to a query from Councillor P Moore, the Director confirmed that the garage could not be an ancillary use to an unlawful development. Members were advised however, that due to the passage of time, the property known as Longcroft was lawful in planning terms.

The Director confirmed to Councillor M Alexander that it was entirely up to the applicant whether they chose to apply for a certificate of lawfulness to formally determine whether a previous breach of planning control had become lawful due to the passage of time. However, Officers had sufficient evidence to show that this was the



case in any event.

In reply to a further query from Councillor Alexander regarding any certainty that the garage would be used for the purpose that was being applied for as part of these applications, the Director stated that it would be relatively easy to see the difference between a business and an ancillary use.

In response to queries and concerns from Members as to how these variation of condition applications would be policed by Officers, Members were reminded that the Authority had two Enforcement Officers for the whole District and they were reliant on being advised of any breach of planning control by residents or users of footpaths, for example, in the more rural parts of East Herts.

Members were reminded that the 4 year rule was in place to cover scenarios where a breach of planning control went unnoticed. The Director stressed that if there was an unnoticed breach of control for 4 years, one had to question the harm of that unauthorised development.

Members had a lengthy discussion in respect of the potential use scenarios for the garage on the site at Longcroft.

In response to a query from Councillor Alexander as to how the Authority would police whether someone was living in the garage if they were not associated with the employment situation at Longcroft, the Director stated that Officers could ask for evidence of where the occupant of the garage was working. Officers could serve a Planning Contravention Notice to cover such a situation and the conditions detailed in the report were enforceable.

Councillor E Bedford proposed and Councillor M Newman seconded, a motion that applications 3/14/1381/FO and 3/14/1633/FO be approved subject to the addition of the following wording to condition 2 on both applications: 'and

not for any commercial use’.

After being put to the meeting and votes taken, this motion was declared CARRIED. The Committee accepted the recommendations of the Director of Neighbourhood Services as now detailed.

RESOLVED – that (A) in respect of application 3/14/1381/FO, planning permission be granted subject to the following conditions:

1. Approved plans (2E10) – 1:2500 location plan
2. The garage building shall be used solely for the housing of private vehicles at ground floor level and for purposes incidental or ancillary to the enjoyment of the dwelling known as Long Croft at first floor level and not for any commercial use.

Reason: To ensure that the use of the building remains appropriate to the location of the site within the Metropolitan Green Belt and to safeguard the character and amenity of the area in accordance with Policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007); the National Planning

Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/14/1633/FO, planning permission be granted subject to the following conditions:

1. Approved plans (2E10) – 1:2500 location plan
2. The garage building shall be used solely for the housing of private vehicles at ground floor level and for purposes incidental or ancillary to the enjoyment of the dwelling known as Long Croft at first floor level and not for any commercial use.

Reason: To ensure that the use of the building remains appropriate to the location of the site within the Metropolitan Green Belt and to safeguard the character and amenity of the area in accordance with Policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning

Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

351 E/14/0010/B – ERECTION OF UNAUTHORISED REAR EXTENSION AT THE WOODMAN PH, 30 CHAPMORE END, WARE, HERTS, SG12 0HF

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The Director of Neighbourhood Services recommended that in respect of the site relating to E/14/0010/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/14/0010/B on the basis now detailed.

RESOLVED – that in respect of E/14/0010/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

352 E/13/0337/A – DERELICT TIMBER HOARDING AT LAND ADJACENT RIVERSIDE WHARF, STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 3GN

The Director of Neighbourhood Services recommended that in respect of the site relating to E/13/0337/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0337/A on the basis now detailed.

RESOLVED – that in respect of E/13/0337/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

353 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 10.16 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  
18 NOVEMBER 2014, AT 7.00 PM

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PRESENT: Councillor Mrs D Hollebon (Chairman)  
Councillors S Bull, G Cutting, J Jones,  
J Mayes, P Moore, N Symonds, K Warnell,  
M Wood and J Wyllie.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Simon Drinkwater	- Director of Neighbourhood Services
Marian Langley	- Scrutiny Officer

354 MINUTES

RESOLVED - that the Minutes of the meeting held on 23 September 2014 be confirmed as a correct record and signed by the Chairman.

355 CHAIRMAN'S ANNOUNCEMENTS

The Chairman asked Members to refer to next week's Members' Information Bulletin for grant information relation to Quarters 1 and 2.

The Chairman reminded Members that this was the last meeting before Christmas and wished Members a Happy Christmas and New Year.

356 REPORT OF HEALTH AND WELLBEING PANEL

Councillor N Symonds, Chairman of the Health and Wellbeing Panel stated that she had attended a Health Scrutiny Meeting

at Hertfordshire County Council on 16 October 2014, to consider the results of a recent GP Access Survey. The NHS and CCGs (Clinical Commissioning Groups) had endorsed the report and all practices had agreed to meet with the HealthWatch Team. Councillor Symonds stated that the matter would be re-considered by Health Scrutiny in six months' time.

Councillor Symonds stated that the Obesity master class on 4 December 2014 had been cancelled and would be rescheduled for the new year.

Councillor Symonds referred to a scrutiny tour of East of England Ambulance Trust on 4 December 2014. She also said that she would be attending a Health Scrutiny meeting at Watford General Hospital on Friday 21 November 2014.

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

(B) the Minutes of the Health and Wellbeing Panel meeting held on 14 October 2014 be noted.

### 357 COMMUNITY SCRUTINY WORK PROGRAMME

The Chairman submitted a report setting out the future work programme for Community Scrutiny Committee for 2014/15. She stated that the Executive Member for Health, Housing and Community Support had requested Community Scrutiny might consider reviewing the work of the Community Voluntary Services (CVS) for Broxbourne and East Herts in respect of the service and projects it had been funded for and provided for this Council. The Chairman suggested that as the meeting in March 2015 was particularly heavy, that this be included on the Committee's Work Programme for June 2015. This was supported.

Councillor J Wyllie requested that Councillor P Phillips, Executive Member for Economic Development be invited to the next meeting of Community Scrutiny Committee to provide an update on the outcome of the Market Tendering process. This was supported.



The Scrutiny Officer reminded Members that the first meeting of the new civic year would probably have newly elected Members as part of the Committee. She stated that in order to help Members, there would be a training session on "Choice Based Lettings: how does the housing points system work?" held before Community Scrutiny Committee on 16 June 2015 as part of the much wider Induction Programme being held in May-July 2015 for new Members.

The Committee approved the report.

RESOLVED – that (A) the work programme, as amended, be approved; and

(B) the Executive Member for Economic Development be invited to attend the next meeting of Community Scrutiny Committee to provide an update on the outcome of the Market tendering process.

358 2014/15 SERVICE PLANS : SUMMARY OF PROGRESS AND EXCEPTIONS REPORT (APRIL TO SEPTEMBER 2014)

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The Leader of the Council and the Chief Executive and Director of Customer and Community Services submitted an exception report which provided a summary of the Council's achievements against its priorities for 2014/15 and detailed those service plan actions which were either off target, required a revised completion date or were proposed for deletion or suspension. The report also monitored the outstanding service plan actions from 2013/14 and 2012/13.

The Director of Neighbourhood Services provided a summary of the 2014/15 actions, the detail of which was set out in the report now submitted. He pointed out the error in the printed papers which incorrectly gave this as 2013/14.

In response to a query from Councillor K Warnell

regarding over and under usage of the gym facilities in the District in terms of their capacity, the Director of Neighbourhood Services advised that SLM, the leisure providers would be attending the next meeting of the Committee and this would be a good question to put to their representatives.

In respect of Surface Water Management Plans, Councillor K Warnell raised the issue of flooding in Dunmow Road and Stansted Road, Bishop's Stortford, expressing concern that very little appeared to be being done by Hertfordshire County Council. The Director of Neighbourhood Services stated that a report on this issue was in progress and would be presented to the Executive. Councillor G Cutting supported Councillor Warnell's comments adding that flooding was a continuing problem in these roads.

Councillor S Bull praised Officers' efforts in reducing residual waste and the use of compostable caddy liners, especially in the summer.

Councillor J Wyllie raised the issue of the 30 minutes free car parking in some of the Council's car parks and stated that more should be done to publicise this new scheme. This was supported.

The Committee received the report.

RESOLVED –that (A) the progress made against the Council's priorities and the status of the outstanding actions detailed against 2014/15 , 2013/14 and 2012/13 Service Plan Actions, be received; and.

(B) the 30 minute free parking scheme in Bishop's Stortford be given more extensive publicity.

359 COMMUNITY SCRUTINY COMMITTEE CORPORATE  
HEALTHCHECK AUGUST TO SEPTEMBER 2014

The Chief Executive and Director of Customer and Community Services submitted a report on the performance of key indicators relating to Community Scrutiny Committee for the period August to September 2014.

Councillor N Symonds expressed concern about an increase in the time taken to process Housing Benefit claims and sought assurances that the Council would be employing extra staff to deal with the issue.

The Director of Neighbourhood Services stated that he had discussed this with the Head of Service, adding that additional funding had been agreed to employ more staff to deal with the on-going issue in the longer term and to process claims more promptly.

In response to a query from Councillor S Bull regarding income from Market Traders, (EHPI 11.1 – Rental Income from Market traders), the Director of Neighbourhood explained that this was rental income from stalls and that there had been an increase in traders.

Councillor K Warnell was concerned about the fall in the number of swims (EHPI 3a Usage: Number of swims under 16) and (EHPI 3b Usage: Number of swims 16 – 60 year olds) and the over-performance of gym attendance. He queried whether the latter was leading to an overcrowding problem and asked whether there was a capacity issue for use of gym equipment or classes. The Director of Neighbourhood Services stated that these targets had been set for SLM, the leisure providers at the start of the contract. He suggested that the Member raise the issue with SLM at the next meeting.

Members received the report.

RESOLVED – that performance figures for August to September 2014 as detailed in the report now submitted, be received.

The meeting closed at 7.20 pm

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

MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 20  
NOVEMBER 2014, AT 4.30 PM

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PRESENT: Councillor R Beeching (Chairman).  
Councillors P Ballam, E Bedford,  
E Buckmaster, Mrs R Cheswright, K Crofton,  
G Cutting, J Jones, M McMullen, P Ruffles,  
J Taylor, A Warman and B Wrangles.

ALSO PRESENT:

Councillors D Andrews.

OFFICERS IN ATTENDANCE:

Robin Clark	- Enforcement Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

360 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors W Ashley and Mrs D Hone.

361 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Licensing Officers for their efforts  
in preparing the reports and recommendations in respect  
of the matters referred to in Minutes 364 – 366.

362 MINUTES – 17 JULY 2014

RESOLVED – that the Minutes of the meeting held  
on 17 July 2014 be approved as a correct record  
and signed by the Chairman.

363 LICENSING SUB-COMMITTEE – 30 JULY 2014, 12  
SEPTEMBER 2014, 3 OCTOBER 2014 AND 14 OCTOBER  
2014

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RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 30 July, 12 September, 3 October and 14 October 2014, be received.

364 CONSIDERATION OF A PROPOSAL TO TAKE OVER THE  
RESPONSIBILITY OF LICENSING TABLES AND CHAIRS  
ON THE HIGHWAY (PAVEMENT LICENCE) FROM  
HERTFORDSHIRE COUNTY COUNCIL'S HIGHWAYS

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The Director of Neighbourhood Services submitted a report to update the Licensing Committee in respect of details of discussions that had been undertaken with Hertfordshire County Council in relation to pavement licensing.

Councillor D Andrews commented that careful consideration should be given to the issue of pavement advertising boards, as they were an important part of the street scene. In response to a number of comments from Members, the Senior Specialist Licensing Officer stated that a pavement licence would be necessary for tables and chairs on the highway for the purpose of people taking refreshment and that planning permission may also be necessary.

Members were reminded that an applicant would have to comply with both permissions. For example, if an applicant had planning permission for 10 sets of tables and chairs and a pavement licence for 8, only 8 were permitted to be located on the pavement.

Councillor J Taylor emphasised that tables and chairs enhanced the street scene in Ware and she would not want to see high fees harming the business of small cafes in Ware. Councillor K Crofton expressed concerns that

the fees referred to in paragraph 2.8 of the report were quite large. He believed that any fee should be approved on a cost recovery basis only.

Councillor Taylor suggested that any fee should be approved by the Licensing Committee. The Committee received the report and approved the recommendations as now detailed.

RESOLVED – that (A) East Herts Council Officers work with Hertfordshire County Council in respect of implementing an Agency Agreement in relation to pavement licensing; and

(B) an informal Task and Finish Group, as detailed in the report submitted, be set up to investigate and make recommendations in respect of a fee structure and draft policy for standard conditions for pavement licensing.

365 **CONSIDERATION OF A SITE MANAGEMENT AGREEMENT (SMA) WITH THE PUBLIC FUNDRAISING ASSOCIATION (PFRA) IN RELATION TO DIRECT DEBIT STREET COLLECTIONS**

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The Director of Neighbourhood Services submitted a report informing Members of the Licensing Committee about the details of discussion undertaken with the Public Fundraising Association (PFRA) regarding a Site Management Agreement (SMA) for East Herts.

Members were advised that the lack of regulation of Direct Debit street collections caused a number of issues for the Authority and had resulted in complaints from businesses, the public and also from charities holding legitimate cash collections.

Councillor D Andrews expressed concern regarding the persistence of collectors who knocked on doors of residential dwellings. The Senior Specialist Licensing Officer advised that direct debit collectors visiting private

dwelling were beyond the Council's control as the SMA agreement would only cover town centres.

Councillor P Ruffles stated that potential customers had no opportunity to avoid on-street collectors in Maidenhead Street, Hertford and this road should be removed from the SMA. Members expressed concern that it was expensive for businesses when shoppers detoured from high streets to avoid on-street collectors.

Members were advised that as part of the PFRA Codes of Practice, on-street fundraisers were not permitted to pursue anyone for more than 3 steps, if that person has indicated they are not interested, and any contravention of this regulation could be reported to the PFRA by East Herts Council or the public.

Members referred to there being little sanctuary for shoppers seeking to avoid on-street fundraisers in some parts of East Herts. Members suggested that Maidenhead Street in Hertford and the South side of Ware High Street be excluded from the SMA. The Senior Specialist Licensing Officer advised that Officers would raise these concerns with the PFRA.

The Committee received the report and agreed that a Site Management Agreement (SMA) be signed with the PFRA as detailed in Essential Reference Paper 'C' of the report submitted. Members also agreed that the changes to the SMA as detailed in Essential Reference Paper 'C' be referred back to the PFRA by Officers for implementation in East Herts.

RESOLVED – that (A) a Site Management Agreement (SMA) be signed with the PFRA as detailed in Essential Reference Paper 'C' of the report submitted; and

(B) the changes to the SMA detailed in Essential Reference Paper 'C' and proposed during the meeting be referred back to the PFRA by Officers



for implementation in East Herts.

366 THE KNOWLEDGE TEST, TAXI RANKS AND ADVERTISING ON LICENSED VEHICLES

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The Director of Neighbourhood Services submitted a report advising the Licensing Committee of the progress in respect of the recommendations made at the meeting on 17 July 2014.

The Senior Specialist Licensing Officer advised that the format of the knowledge test had been changed in April 2014 and Taxi Drivers had to have knowledge of the District in order to pass. Members were advised that following the changes to the test, the pass rate was 1 in 8. The Officers recommendation was that the new style knowledge test be reviewed in April 2015 after it had been in operation for a year.

Members discussed the issue of advertising on licensed vehicles in East Herts. Members noted that no specific proposals had come from the trade and that it was unclear what changes were actually being requested. Members discussed the location of advertising on vehicles and were of the opinion that advertising on the windows of vehicles could obscure the view of the driver and distract other motorists.

Members were advised by the Community Safety and Licensing Enforcement Manager that Officers were working to ensure the accountability of the licensing record points system. This was important to ensure the licensed taxi trade respected the scheme and that offenders could be taken to a Licensing Sub-Committee in more serious cases.

The Senior Specialist Licensing Officer confirmed that talks were planned with Hertfordshire Highways regarding proposals for new rank space and that Officers would be seeking assurances that any development of Bircherley Green in Hertford would not impact on the provision of

taxi rank space in Railway Street. Members made the point that this rank space should not be used as parking for taxis when there were no customers.

Members received the report and agreed that there would be no change in East Herts Council's policy as regards the knowledge test or advertising on licensed vehicles.

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

(B) there be no change in East Herts Council's Licensing policy as regards the knowledge test or advertising on licensed vehicles.

367 REPORT ON LICENSING ACTIVITY – QUARTER 3 OF 2014

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 of 2014.

Councillor G Cutting commented that the 132 Temporary Event Notice (TENs) applications implied that TENs were being used to extend the opening hours of licensed premises without the applicant applying to extend the permitted hours covered by Premises Licences. The Senior Specialist Licensing Officer stated that this was not the intention of the original licensing legislation but that people could legally use TEN's in this way.

The Committee received the report.

RESOLVED – that the report be received.

368 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Community Safety and Environment submitted a report detailing Members' attendance at Licensing Sub-Committees including those attending as observers.

Councillor G Cutting stated that there had been more than one occasion where he had been unable to be on the Licensing Sub-Committee as the subject premises had been in his ward. Members praised the efforts of the Democratic Services Officer in appointing Members to Licensing Sub-Committee hearings.

The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 5.45 pm

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

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MINUTES OF A MEETING OF THE  
CORPORATE BUSINESS SCRUTINY  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 25 NOVEMBER 2014, AT 7.00  
PM

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PRESENT: Councillor G Jones (Chairman)  
Councillors S Bull, J Mayes, W Mortimer,  
T Page, M Pope, J Ranger, G Williamson,  
J Wing and J Wyllie.

ALSO PRESENT:

Councillors E Buckmaster, G Cutting,  
P Phillips and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Marian Langley	- Scrutiny Officer
Ceri Pettit	- Corporate Planning and Performance Manager
Adele Taylor	- Director of Finance and Support Services

369 MINUTES – 26 AUGUST 2014

RESOLVED – that the Minutes of the meeting held on 26 August 2014 be confirmed as a correct record and signed by the Chairman.

370 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that with Members' agreement, he would like to consider agenda item 8 (Scrutiny Work

Programme) as the last item on the agenda.

371 MEMBER TRAINING: FINANCE AND DECISION MAKING –  
QUESTIONS TO ASK WHEN CONSIDERING THE  
'BUSINESS CASE' AND PREPARATION FOR BUDGET  
SCRUTINY

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The Director of Finance and Support Services provided Members with a summary of the issues which needed to be taken into account when making business case decisions and in scrutinising the work of the Committee. She provided a summary of the issues Officers would take into consideration prior to the submission of a business case to Members. These included financing options (costs / benefits), timelines and milestones, balancing and profiling risk, budgets and outcomes, links with corporate and strategic priorities and whether a proposal offered value for money. The Director of Finance and Support Services stated that any proposal needed to be viable, achievable and measurable and within the Council's powers.

Councillor J Ranger stated that it was also important to consider the impact of not taking a particular course of action.

Councillor E Buckmaster referred to resource implications adding that the Council might be asked to take on a role because another provider might be failing in their task. He stated that there was a need to partner with other organisations as much as possible.

The Director Finance and Support Services referred to the information gained from Members following a training event on 21 October 2014. She stated that a "Preparation Clinic" on budget proposals was being planned to be held the week before the joint meeting of Scrutiny Committees to take Members through the report formats as there will be some changes this year in response to Member feedback.

The Executive Member for Community and Partnership Liaison stated that new Members in the new civic year would benefit from the Director's presentation. The Director of Finance and Support Services agreed to add the presentation to the Members' Information Bulletin.

The Chairman commented that from the training session in October, he had learnt that underspends could be "good" and "bad" and that the Council had for the most part, underspent on its revenue and capital budget.

Councillor J Wing referred to capital expenditure and that there was always an assumption of slippage.

The Chairman, on behalf of Members, thanked the Director of Finance and Support Services for her informative presentation.

RESOLVED – that the presentation be received.

## 372 COUNCIL TAX REDUCTION SCHEME

The Director of Finance and Support Services submitted a report regarding arrangements which would enable the Council to implement a local Council Tax Support scheme (CTS) from April 2015. The report also detailed the financial and equality impacts of the recommended CTS scheme for East Herts' residents.

The Director of Finance and Support Services stated that there were no proposed changes to the scheme from last year and that the Council was supporting the same number of people. She reminded Members of the requirements of the CTS and confirmed that pensioners were protected. The Director of Finance and Support Services stated that it was a complex scheme to calculate, there were no "de minimus" arrangements in place and that any kind of change reported by a beneficiary, needed a complete recalculation of entitlement. This made CTS an onerous and resource intensive scheme to administer. She explained that next

year, an Officer would be tasked with undertaking a modelling exercise of the scheme to consider alternative schemes.

Councillor J Wyllie asked whether those in the Armed Forces, suffering from combat stress were provided with help. He also raised the issue of same sex marriages and whether there should be specific mention of the new legal status in the scheme. The Director of Finance and Support Services undertook to clarify the position of the Armed Covenant and provide and a written response on both issues.

Councillor T Page sought clarification of the impact of pensioners' claims on the scheme. The Director of Finance and Support Services explained that pensioners were excluded from the scheme so were not included in any calculation.

In response to a query from Councillor M Pope regarding resource demands, the Director of Finance and Support Service provided a summary of the peaks and troughs of the work, how staff in revenues and benefits coped, the additional resources now in place to employ more staff and how the Council was supporting the CAB in providing debt advice to help break the cycle of debt.

Councillor J Wing sought clarification on the percentage of Council Tax accounted for by the CTS. The Director of Finance and Support Services explained that as of 1 November 2014, collectible Council Tax was £89.5 million and Council Tax Support awarded was £6.087 million. This was across all bodies on whose behalf the Council collected Council Tax.

Councillor J Wing expressed concern about those people who might be disabled and therefore, unable to increase their income. He referred to the absence of information on approaches taken by other Districts to mitigate the impact of the introduction of the scheme. The Director of Finance and Support Services assured the Member that



the Council did take on board what measures were being used by other Councils. She added that the scheme proposed by East Herts had the least impact possible on Council Tax payers.

The Chairman suggested that Officers should bring a report to an earlier meeting in the cycle next year. This was supported. He stated that he looked forward to seeing the results of the modelling exercise.

The Committee received the report.

RESOLVED – that the forecasted financial implications arising from the recommended scheme for the Council Tax reduction scheme (CTS) with effect from 1 April 2015 and the risks and assumptions attached to these be received and supported;

(B) the results of the future “modelling” exercise on CTS be presented for Members consideration as soon as possible; and

(C) future reports on the Council Tax Reduction Scheme be presented to Corporate Business Scrutiny Committee earlier in the programmed cycle of meetings.

### 373 ANNUAL REVIEW OF PARTNERSHIP REGISTER

The Chief Executive and Director of Customer and Community Services submitted a report on the annual review of Partnership Registers.

In response to a query from Councillor J Wing concerning any income derived from the CCTV Partnership, the Director of Finance and Support Services advised that the Council had provided cameras and any income derived was ploughed back into running the cameras. She explained that the list of partners comprised those partnerships which were properly constituted.

The Committee received the report.

RESOLVED – that Members' confidence in the governance arrangements of Partnerships and the internal processes be noted.

374 2014/15 SERVICE PLANS – SUMMARY OF PROGRESS AND EXCEPTIONS REPORT

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The Director of Finance and Support Services submitted a report which provided a mid-year summary of the Council's achievements against its priorities for 2014/15. The report detailed those service plan actions which required a revised completion date and also monitored the outstanding service plan actions from 2013/14 and 2012/13.

Councillor J Wyllie referred to the absence of an IT Strategy (14-BTS05) and a Customer Services Strategy (14-IPCS07) and sought assurances that these were progressing. The Chairman stated that the Head of Information, Customer and Parking Services had written to all Members giving an explanation as to why the Customer Services Strategy had been removed from the agenda recently. He stated that it was essential that the strategy challenged all services in meeting the needs of residents and customers. The Head of Service had stated that the draft strategy would be available for consultation by the end of December 2014.

The Executive Member for Economic Development assured Members that the IT Strategy was progressing.

The Executive Member for Community and Partnership Liaison explained that it was important that the Customer Service Strategy engaged with all services and worked in a "smarter" way, automating those services where possible. The Chairman expressed concern that so much time had elapsed and that a draft strategy was still not available for Members' consideration. He referred to the

introduction of new Members on the Committee from next May 2015. He stated that he had spoken with the Head of Service who had explained that he had a number of issues taking priority over the strategy, including data protection and parking. The Executive Member for Community and Partnership Liaison commented that Members needed to look forward and gave assurances that the draft would be available by the end of December 2014. She stated that in terms of new Members in May 2015, the issue of customer services was not a political one.

The Chairman acknowledged the fact that he would be consulted on the draft and asked whether all Members would like to see the draft, in which case, he suggested that there should be an additional meeting to consider the strategy. It was acknowledged that given the established programme of meetings that this might have to be convened prior to one of the joint meetings of Scrutiny Committees next year. This was supported.

In response to a question regarding issues being kept under review by relevant Heads of Service, the Director of Finance and Support Services explained the monitoring protocols in place. She stated that at certain points in the civic year, the Head of Service did attend meetings to provide updates on how their actions were progressing.

Councillor M Pope referred to objective 14-PPS06 (Further develop the Help Desk for Facilities Management and Property), the Director of Finance and Support Services stated that a proxy arrangement had been set up and that the initiative was progressing.

The Committee received the report.

RESOLVED – that (A) progress against the Council's priorities and the revised completion dates, suspensions and deletions against 2014/15 Service Plan actions and 2013/14 and 2012/13 Service Plan actions be received;

(B) Members' concerns regarding the absence of an IT Strategy and a Customer Services Strategy be noted; and

(C) an additional meeting of Corporate Business Scrutiny be convened to consider the Customer Services Strategy (or added to the agenda of one of the Joint Scrutiny Committee meetings).

375 MONTHLY CORPORATE HEALTHCHECK – JULY 2014 TO SEPTEMBER 2014/QUARTER 2

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The Director of Finance and Support Services submitted an exception report on finance and performance monitoring for the period July to September 2014/Quarter 2.

The Corporate Planning and Performance Manager provided a summary of the report now submitted.

Councillor J Wyllie referred to on-going services in IT and Microsoft Licenses. He also referred to Parking Services and residents' and businesses' wish to "pay on foot". The Director of Finance and Support Services explained the need to ensure information was secure and that Officers continued to consider any alternatives to Microsoft Licenses if they were appropriate.

Councillor M Pope referred to the time taken to process housing benefit claims. The Director of Finance and Support Services stated that the Council had experienced difficulty in employing staff with housing benefit experience and that the service had been allocated additional resources to permanently employ more staff rather than use agency staff during peak periods.

In response to a query from Councillor J Mayes, the Director of Finance and Support Services explained expected variances against forecasted outturn.

Members also sought clarification on what was 'usual/expected/manageable' number of enforcement visits per month. The Chairman stated that they would need to do 38 out of 51 to turn the Performance Indicator "green".

The Chairman queried how the numbers on the Development Management Committee correlated with the healthcheck figures. The Corporate Planning and Performance Manager undertook to discuss this with the Head of Service and provide a written response.

Councillor J Wing raised the issue of the declining number of swims. The Director of Finance and Support Services explained that gym users do not have to swipe their membership cards a second time, to use the pool which could account for the declining figures. She stated that SLM, the leisure providers, would be reporting to the next Community Scrutiny Committee.

Councillor J Ranger raised the issue of missing complaints data and why complaints could not be manually generated in the absence of a working IT system. He stated that this must be a small and simple number to calculate. The Director of Finance and Support Services undertook to write to the Member.

Councillor T Page queried the legal status of Bishop's Stortford Car Park following the sale to Hendersons. He asked for a definition of "consigned" in respect of the Council's and Henderson's responsibilities, particularly in relation to car park repairs.

Councillor T Page queried where the financial figures were reported in relation to enforcement (in terms of legal costs incurred by the Council) when the Council lost on appeal. The Director of Finance and Support Services undertook to provide a written response to the Member.

The Chairman referred again to the level of underspends (£1.022 million) and queried what this could have been

spent on. The Director of Finance and Support Services stated that there had been some recent demands on the underspends figure which had not originally been predicted.

The Committee received the report.

RESOLVED – that the report be received.

376 SCRUTINY WORK PROGRAMME

The Chairman submitted a report setting out the Committee’s future work programme for 2014/15. The Scrutiny Officer explained that the next meeting would be part of the Joint meeting of Scrutiny Committees and that the titles of the reports would be confirmed as soon as possible. She stated that it might be possible to consider the Customer Services Strategy as part of the February 2015 joint meeting of Scrutiny Committees. The Scrutiny Officer also referred to the need to include more training once new Members had settled in.

The Committee approved the 2014/15 work programme, as now detailed.

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

The meeting closed at 9.20 pm

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

MINUTES OF A MEETING OF THE  
AUDIT COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 26  
NOVEMBER 2014, AT 7.00 PM

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PRESENT: Councillor J Ranger (Chairman)  
Councillors D Andrews, W Mortimer, M Pope,  
R Sharma, N Wilson and J Wing.

ALSO PRESENT:  
  
Councillors E Buckmaster and G Williamson.

OFFICERS IN ATTENDANCE:

- |                    |  |
|--------------------|--|
| Mandy Barton       | - Accountancy<br>Manager                         |
| Lorraine Blackburn | - Democratic<br>Services Officer                 |
| Chris Gibson       | - Head of<br>Governance and<br>Risk Management   |
| Adele Taylor       | - Director of Finance<br>and Support<br>Services |

ALSO IN ATTENDANCE:

- |                  |                                       |
|------------------|---------------------------------------|
| Sarah Ironmonger | - Grant Thornton,<br>External Auditor |
|------------------|---------------------------------------|

377 TRAINING ITEM - "DE-CLUTTERING" THE ACCOUNTS:  
PRESENTATION BY THE EXTERNAL AUDITORS, GRANT  
THORNTON

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The External Auditor provided Members with a presentation on how the Council's accounts could be "de-cluttered" in line with a recent External Audit recommendation. She explained that the Council's accounts included a lot of disclosure which

prevented key messages from being seen. The External Auditor provided key tips for de-cluttering the accounts which could better meet the needs of users, including stakeholders and the general public. She explained that there was a need to consider what needed to be contained including information required by statute and that which was relevant and material to the accounts. The External Auditor suggested that the order in which this information was presented was also something for further consideration.

The External Auditor suggested that clarity of information could be improved by the use of graphics.

The Chairman sought feedback from the External Auditor on what items could be removed. The External Auditor provided a number of suggestions including the removal of individual assets held for sale, and duplicated information, adding that there was a need for further discussions on this matter with the Director of Finance and Support Services.

Councillor J Wing commented that over the years, the accounts had become impenetrable and welcomed the suggestion of de-cluttering them. The External Auditor commented that the accounts followed an international reporting standard to ensure consistency in both the private and public sectors.

Councillor R Sharma supported de-cluttering the accounts which, he felt, could make them easier for the public to read. He suggested the production of a summary version. The External Auditor stated that to prepare a summary version involved more work and needed to be weighed up in terms of how much the Council wanted to invest in changing the format of the accounts and in meeting statutory requirements.

The Director of Finance and Support Services reminded Members that the public were also provided with financial information via other avenues including through Council Tax leaflets.

Members received the presentation and thanked the External



Auditor for her informative comments.

RESOLVED - that the presentation be received.

378 MINUTES

RESOLVED - that the Minutes of the meeting held on 24 September 2014 be confirmed as a correct record and signed by the Chairman.

379 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that this was the last meeting in 2014, and wished everyone a Happy Christmas.

380 EXTERNAL AUDIT REPORT - ANNUAL AUDIT LETTER 2013/14

The External Auditor submitted a report setting out the key findings arising from the work undertaken for the year ended 31 March 2014.

The External Auditor provided a summary of the key issues in relation to Value for Money, Whole of Government Accounts and Certification of Grant Claims and Returns.

The External Auditor explained that the Audit Fee for 2013/14 was £69,775, which was £900 higher than planned because of additional work undertaken in relation to material business rate balances.

Members received the report

RESOLVED – that the report be received.

381 COUNCIL'S RESPONSE TO ANNUAL AUDIT LETTER 2013/14

The Executive Member for Finance submitted a report which set out the Council's proposed response to the issues and recommendations raised in the Annual Audit Letter 2013/14.

The Director of Finance and Support Service stated that, since the last meeting of Audit Committee, the Council had received an unqualified opinion on its 2013/14 financial statement from the External Auditor. It was noted that no issues had been identified on the Annual Audit letter which had not been raised in the Audit Findings report. Key recommendations made by the External Auditor for the Council were that it should:

- consider taking out disclosures and notes to the Accounts which were no longer mandatory requirements under CIPFA's Code of Practice;
- review the Council's approach to revaluating assets;
- enhance and further develop the Medium Term Financial Plan (MTFP) to ensure that it was robust;
- deliver a robust savings plan which addressed future budget gaps; and
- ensure that reserves remained within the range set by Council policy.

The suggested response to the recommendations was set out in the report now submitted.

The Director of Finance and Support Services explained the timescales in relation to asset revaluations and assured Members that this approach was in line with other Councils. She stated that if the Council was to revalue more frequently, then this could have resource implications.

The Chairman commented on the Council's levels of reserves and suggested that it should consider investing £1 million in the pension fund in line with a previous course of action. The Director of Finance and Support Services stated that the level of reserves had been discussed by Corporate Management Team (CMT) and that there would be a report to Members on this issue, as part of the budget setting process. She stated

that any decision to invest in the pension fund had to be as a result of formal advice from actuaries based on a deficit in the pension fund, although the Council could seek additional advice from them and of the costs involved.

RESOLVED - that the Council's response to the Annual Audit letter be agreed.

382 EXTERNAL AUDIT REPORT - AUDIT FEES FOR 2014/15

The External Auditor submitted a report setting out the planned audit fee for 2014/15. It was noted that the scale fee for 2014/15 was set by the Audit Commission and this had been set at £68,875 (unchanged from the scale fee for 2013/14). The scope of the fee was set out in the report.

The External Auditor provided clarification in relation to grant claims.

The Director of Finance and Support Services stated that there would eventually be a move to Universal Credit that could see the one remaining grant for Housing Benefit further reducing, but that further information was still awaited.

The Committee received the report.

RESOLVED – that the report be received.

383 TREASURY MANAGEMENT STRATEGY - 2014/15 MID YEAR REVIEW

The Executive Member for Finance submitted a report setting out the Council's treasury management activities for the six months up to 30 September 2014. The mid-year report had been prepared in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice.

The Director of Finance and Support Services provided a summary of the factors affecting investments, the detail of which was set out in the report now submitted. The Director of Finance and Support Services provided an update in

relation to the Council's recent decision to invest in pooled property funds, and stated that the Council was now on the waiting list to invest.

Councillor R Sharma suggested that it might be interesting to have information regarding how accurate previously predicted forecasts of interest rates had been.

Councillor D Andrews stated that the Council was relying heavily on traditional methods of investment. He referred to a neighbouring authority which had invested in property and was receiving high rates of return. The Director Finance and Support Services commented that she was aware of this and that the other authority had already set up a company to facilitate its property investment approach.

The Chairman expressed concern at the low level of interest paid by the bank on overnight deposits. The Director of Finance and Support Services stated that, having already taken a decision to invest in Pooled Property Funds, the Council needed to keep sufficient cash on hand so that it could move quickly, if needed.

The Committee received the report.

RESOLVED – that (A) the loan and investment position as at 30 September 2014 be noted; and

(B) the Prudential Indicator position as at 30 September 2014 be noted and that no changes to Prudential Indicators be proposed.

384 UPDATE ON IMPLEMENTATION OF ANNUAL GOVERNANCE STATEMENT ACTION PLAN

The Director of Finance and Support Services submitted a report setting out the measures in the 2013/14 Annual Governance Statement to enhance the Council's internal control framework during 2014/15.

The Head of Governance and Risk Management provided a

summary of the current position.

Councillor M Pope asked for an update in relation to the Section 106 monies. The Director of Finance and Support Service stated that Corporate Management Team (CMT) had agreed that it could take another full year before this became fully embedded as there was a need to ensure that there was complete clarity of process.

The Chairman reminded Members that there had been a situation in the past, whereby Section 106 agreements had not been drafted sufficiently wide enough which had had the effect that developers were legally entitled to walk away from previously agreed conditions and could claw back monies paid to the Council. The Director of Finance and Support Services stated that there was now a lot more monitoring undertaken and links made between services and community groups so that schemes were maximised to achieve greater value for money for the community.

The Committee received the report.

RESOLVED – that the progress made against implementing the action plan contained in the 2013/14 Annual Governance statement be noted.

385 RISK MANAGEMENT MONITORING REPORT 1 JULY 2014  
TO 30 SEPTEMBER 2014

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The Leader of the Council submitted a report on the action taken to mitigate and control strategic risks during the period 1 July 2014 to 30 September 2014.

The Head of Governance and Risk Management provided a summary of the report.

The Committee approved the report, as now detailed.

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

386 AUDIT COMMITTEE WORK PROGRAMME

The Director of Finance and Support Services submitted a report detailing the proposed work programme for the civic year 2014/15.

The Head of Governance and Risk Management stated that the Risk Management Strategy would be submitted to Audit Committee on 18 March 2015. The External Auditor had indicated that they may be in a position to provide training on Financial Resilience at the next meeting of Audit Committee on 21 January 2015, depending on the official release date for their report.

Members agreed that there would be no training item at the Audit Committee on 18 March 2015 as the Committee would be coming to the end of its cycle.

Members approved the work programme, as now amended.

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

The meeting closed at 8.10 pm

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

EAST HERTS COUNCIL

COUNCIL – 17 DECEMBER 2014

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE

COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE 2015/16

WARDS AFFECTED: All

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**Purpose/Summary of Report**

- To recommend to the Council the calculation of the council tax base for the whole district, and for each parish and town council, for 2015/16.

**RECOMMENDATIONS FOR COUNCIL: that:**

- |            |  |
|------------|--|
| <b>(A)</b> | <b>the calculation of the Council’s tax base for the whole District, and for the parish areas, for 2015/16, as now detailed, 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 2015/16 shall be 56425.45 and for the parish areas listed below for 2015/16 shall be as follows:-</b> |

ALBURY	269.55	HIGH WYCH	317.16
ANSTEY	156.70	HORMEAD	320.23
ARDELEY	204.54	HUNSDON	472.40
ASPENDEN	121.82	LITTLE BERKHAMPSTEAD	261.69
ASTON	419.78	LITTLE HADHAM	514.03
BAYFORD	221.36	LITTLE MUNDEN	404.33
BENGEO	279.24	MUCH HADHAM	895.92
BENNINGTON	388.82	SACOMBE	87.09
BISHOP'S STORTFORD	14567.76	STANSTEAD ST. MARGARETS	690.83
BRAMFIELD	109.12	SAWBRIDGEWORTH	3636.04

BRAUGHING	591.67	STANDON	1746.60
BRENT PELHAM / MEESDEN	143.26	STANSTEAD ABBOTTS	683.14
BRICKENDON	289.11	STAPLEFORD	253.01
BUCKLAND	117.21	STOCKING PELHAM	78.94
BUNTINGFORD	2067.84	TEWIN	839.07
COTTERED	301.08	THORLEY	296.81
DATCHWORTH	710.34	THUNDRIDGE	592.44
EASTWICK / GILSTON	240.78	WALKERN	598.32
FURNEUX PELHAM	250.89	WARESIDE	300.48
GREAT AMWELL	943.23	WARE TOWN	7075.52
GREAT MUNDEN	140.76	WATTON - AT - STONE	1023.15
HERTFORD	11141.68	WESTMILL	151.44
HERTFORD HEATH	906.79	WIDFORD	222.49
HERTINGFORDBURY	309.63	WYDDIAL	71.36

## 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 2014, 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.
- $\frac{F}{G}$  converts the number of dwellings in each valuation band to a "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 2015/16 it is assumed that there will be limited new

completions with a net addition of 413 new properties by 31 March 2016. 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 230 properties will qualify for disabled persons reductions, based on experience in the current year.
- 2.4 A figure of 605 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 2015/16. For 2015/16 a collection rate of 98.65% is determined, and remains the same as 2014/15.
- 2.6 This gives an overall tax base of 56425.45.
- 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 Finance 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  
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Report Author: Su Tarran - Head of Revenues and Benefits  
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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b><i>Prosperity</i></b> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.
Consultation:	N/A
Legal:	The Tax base must be calculated in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012
Financial:	<ul style="list-style-type: none"><li>• <i>Only as referenced in the report</i></li></ul>
Human Resource:	N/A
Risk Management:	<ul style="list-style-type: none"><li>• <i>Only as referenced in the report.</i></li></ul>
Health and wellbeing – issues and impacts:	N/A

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## EAST HERTS COUNCIL

COUNCIL - 17 DECEMBER 2014

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY  
PARTNERSHIP & LIAISON

EAST HERTS MEMBER DEVELOPMENT PLEDGE

WARD(S) AFFECTED: All

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### **Purpose/Summary of Report**

- To adopt the East Herts 'Member Development Pledge'

<b><u>RECOMMENDATION:</u></b>	
<b>(A)</b>	<b>That the East Herts Member Development Pledge be endorsed and formally signed, on behalf of Members, by the leaders of all political groups represented on the Council.</b>

#### 1.0 Background

1.1 The South East Employers (SEE) regional organisation operates a Member Development Charter scheme which is designed to support local authorities to have a strategic approach to the training and skills development of elected Members.

1.2 To gain Charter (or Charter Plus) status, a local authority has to be externally assessed against a detailed set of criteria to show they are meeting the standards required under a wide range of requirements. A full set of accreditation guidelines is available on their website at <http://www.seemp.co.uk/index/llrgov/emcharter/emcmilestones.htm>

1.3 East Herts applied for Charter status and was successfully assessed on 16 June 2011. The Charter was awarded for a term of three years and a successful mid-term review was held on 14 January 2013.

1.4 As part of the standards required under the Charter, the member training and development programme at East Herts has been

overseen by a member-led Member Development Charter Group made up of representatives from all political groups and officers (April 2010 – to current).

## 2.0 Report

- 2.1 The Charter status lapsed after three years (in June 2014). The Member Development Charter Group is confident that the structure the authority now has in place for member development is robust enough to maintain the high standards set by the Charter.
- 2.2 However, without formal Charter status, the Council has no public facing documentation to indicate its commitment to developing and supporting elected members to take on their community role and other duties required by committee membership or leadership.
- 2.3 **Essential Reference Paper B** shows a Member Development Pledge produced by the Charter Group and supported by the three political group leaders within the Council. These leaders are invited to formally sign a display copy of this document at the end of this Council meeting.
- 2.4 The Member Development Charter Group will now drop the word 'Charter' from its title.

## 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

None

Contact Member: Councillor S Rutland-Barsby: Chairman of Member Development (Charter) Group  
[suzanne.rutland-barsby@eastherts.gov](mailto:suzanne.rutland-barsby@eastherts.gov)

Contact Officer: Jeff Hughes – Head of Democratic and Legal Support Services, Extn 2170  
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Report Author: Marian Langley – Scrutiny Officer  
[marian.langley@eastherts.gov.uk](mailto:marian.langley@eastherts.gov.uk)



**IMPLICATIONS/CONSULTATIONS**

<p>Contribution to the Council’s Corporate Priorities/ Objectives</p>	<p><b><i>People – Fair and accessible services for those that use them and opportunities for everyone to contribute.</i></b>                  This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p><b><i>Place – Safe and Clean.</i></b>                  This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b><i>Prosperity – Improving the economic and social opportunities available to our communities</i></b>                  This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p> <p>East Herts believes that confident and well-informed Members are best placed to deliver quality services to the residents and businesses in their wards and across the whole District.</p>
<p>Consultation:</p>	<p>All Members and officers of the Member Development (Charter) Group approved the use and wording of the Pledge.                  All three political group leaders were consulted on the draft Pledge and confirmed their willingness to support and sign the document.</p>
<p>Legal:</p>	<p>none</p>
<p>Financial:</p>	<p>none</p>
<p>Human Resource:</p>	<p>none</p>
<p>Risk Management:</p>	<p>none</p>
<p>Health and wellbeing – issues and impacts:</p>	<p>none</p>

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# Member Development Pledge

East Herts is an Authority which is open to learning and committed to make development opportunities available to officers and elected members.

Members will be supported to engage in learning and development activities which enhance and broaden their skills and knowledge to meet the range of duties set out in the Members' Role descriptions. East Herts believes that confident and well-informed Members are best placed to deliver quality services to the residents and businesses in their wards and across the whole District.

The Members' Development Programme and the associated Councillor Learning and Development Review scheme (CoLANDER) are overseen by the Member Development Group. This group is member led and has a cross-section of representatives on it - drawn from all political groups serving on the Council.

## New Members can expect:

- Clear role descriptions as a ward councillor (and for any specific role they may go on to hold)
- A well structured Induction Programme to familiarise themselves with East Herts as a Council and as a District
- To be offered a peer mentor/buddy as a point of contact and support following election to East Herts
- The opportunity to complete a CoLANDER interview (with mentor/buddy) to identify existing strengths/skills and any additional learning needs

## Returning/All members can expect:

- Clear role descriptions as a ward councillor and for any specific role taken on (eg as Chairman of a committee, as Leader of a minority party etc)
- The opportunity to complete a CoLANDER interview (with a senior member of their political group) and request any training/development needed to fulfil their role(s) as a councillor
- To be offered a structured and timely programme of development opportunities that uses a range of learning styles and may be delivered by internal or external providers (as is most appropriate)

## Members are encouraged and expected to:

- Play an active part in identifying their own learning/development needs
- Take advantage of development opportunities appropriate to their roles and level of experience/expertise
- Approach development through a range of learning styles (taught courses, on-line or E learning, Action Learning Sets, self-directed study etc)
- Commit to training/development events and ensure that cancellation costs are not incurred
- Give feedback on training events and share learning with peers
- Play a role in the learning/development of their peers where appropriate

**SIGNED** on behalf of Members by the Leaders of all political groups at East Herts

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