

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 27 JUNE 2017, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)
Councillors E Buckmaster, G Jones,
G McAndrew, S Rutland-Barsby and
G Williamson.

ALSO PRESENT:

Councillors A Alder, M Allen, D Andrews,
S Bull, M Casey, M Freeman, J Goodeve,
M McMullen, T Page, M Pope, T Stowe and
K Warnell.

OFFICERS IN ATTENDANCE:

Jonathan Geall	-	Head of Housing and Health
Martin Ibrahim	-	Democratic Services Team Leader
Jess Khanom	-	Head of Operations
Jane O'Brien	-	Empty Homes Officer
Helen Standen	-	Director
Kevin Steptoe	-	Head of Planning and Building Control Services
Alison Stuart	-	Head of Legal and Democratic Services
Su Tarran	-	Head of Revenues and Benefits Shared Service
Adele Taylor	-	Director
Liz Watts	-	Chief Executive
Robert Winterton	-	Financial Services Manager

ALSO IN ATTENDANCE:

Lisa Forsyth	-	Max Associates
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67 **LEISURE FACILITIES STRATEGY PART 1: PROPOSED
FUTURE DIRECTION OF TRAVEL FOR COUNCIL
MANAGED LEISURE FACILITIES AND PART 2:
PROPOSAL TO DEVELOP LEISURE AND SPORTS
PROVISION IN BISHOP'S STORTFORD**

Part 1

The Executive Member for Health and Wellbeing submitted a report which provided an overview of the proposed mix of leisure facilities to be provided by East Herts Council over the next 20 years. He outlined the options considered by the Task and Finish Group and the criteria against which these options had been assessed. Key areas of risk for the Council were also detailed.

The Executive Member thanked the Task and Finish Group, the consultants and Officers for their detailed work on all the issues now highlighted in his report. He also referred to the comments of the Overview and Scrutiny Committee, which were also outlined in the report submitted.

The Executive considered the recommendations made and supported by scrutiny within the context of a number of significant issues:

- the future population growth projections;
- evolving leisure trends;
- the doubts over continued Education Funding Agency monies and the threat this posed for the long term sustainability of the joint pools;
- the Council's health and wellbeing and physical activity strategies;
- the timing of the current contract which was due to end in 2018; and
- if approved by Council, the need for a project board to oversee the procurement, design and build of future leisure developments.

Councillor M Pope expressed his disappointment with the

proposals relating to Fanshawe and the impact this would have on residents in Ware.

The Executive Member commented that dialogue with schools would continue, but the Council needed assurances that any long-term arrangements were sustainable for the council taxpayer.

Councillor M Freeman, as Chairman of the Task and Finish Group, gave an assurance that all options had been considered very carefully.

The Executive Member for Finance and Support Services referred to the large capital investment involved and advised that the costs of this had been built into the figures detailed. If approved, the current deficit on leisure would be replaced in the long term by a small operating profit.

The Executive supported recommendations (A) – (I) and approved recommendations (J) – (L)

RECOMMENDED – that (A) the views of Overview and Scrutiny Committee, at its meeting of 13 June 2017, as set out in section 10 of the report submitted, be noted;

(B) the principles of investment and development for Grange Paddocks including costs for the submission of outline planning permission, be approved;

(C) the principles of investment and development for Hartham leisure centre including costs of the submission of outline planning permission, be approved;

(D) the principles of investment and development for Ward Freman, be approved;

(E) Option B (no long term capital investment) in

respect of Fanshawe Pool, be approved;

(F) the future direction of travel for Leventhorpe as described in paragraphs 3.75 and 3.76 of the report submitted, be approved;

(G) the Design, Build, Operate and Maintain model for Grange Paddocks Leisure Centre, be approved;

(H) the Design, Build, Operate and Maintain model for Hartham Leisure Centre, be approved;

(I) the leisure operating contract (with minor works included) model in respect of Ward Freman Centre, be approved;

RESOLVED - that it be noted that (J) the Head of Operations in consultation with the Head of Legal and Democratic Services negotiates the terms and conditions of a contract extension with the current leisure provider;

(K) the principles of the physical activity strategy being including within the vision for leisure facilities outlined in paragraphs 2.2 and 2.3 of the report submitted before a further detailed revision is produced after public consultation, be endorsed; and

(L) the extension of the Leisure Task and Finish Group to support the development of the leisure service specification in relation to key service policy considerations such as concessionary pricing policy, health and well-being and community development, be endorsed.

Part 2

The Executive Member for Health and Wellbeing submitted a report outlining proposals for facility developments at Herts and Essex School set within the

context of the emerging leisure facility requirements, physical activity strategy, and the Bishop's Stortford North Section 106 Sports Investment Strategy.

The proposal from Herts and Essex School was to develop a Sports Hub catering for a number of sports which could support the development of leisure and sports provision in Bishop's Stortford. Details, including the school's business plan, were set out in the report now submitted. The proposal was for a 20 year agreement (with scope for longer) with the development of a management committee which would include East Herts Council members and representatives of other lead partner organisations. The total sum requested was £2.75m.

In considering the proposal, the Executive noted the following issues:

- the likely timetable for the receipt of section 106 funds over a number of years;**
- the sum requested representing a significant portion of the section 106 funds available that would leave little for other potential leisure investment;**
- the capital financing implications and associated risks for the Council; and**
- the positive impact on sports participation by women and girls, which was a Sport England priority.**

The Executive Member for Finance and Support Services commented on the costs and risks associated with forward funding the project. He proposed that £1m from the Bishop's Stortford North Section 106 funds, be allocated with the balance needed being offered as a loan on a commercial basis, subject to due diligence that would safeguard the Council's position.

The Executive Member for Development Management and Council Support seconded this proposal and commented on the need to ensure that the Bishop's Stortford North

Section 106 funds were used for wider benefits and all sports.

The Leader commented that this was a prestige development and that the Council would continue its dialogue with the School to maximise community access. She stated that the recommendation made was an exceptional circumstance and that other schemes that came forward would be reviewed on a case by case basis.

The Executive supported the recommendations as now amended.

RECOMMENDED – that (A) the views of Overview and Scrutiny Committee be noted;

(B) investment to expand the leisure and sports provision in Bishop’s Stortford through the development of a sports hub at Herts and Essex School be considered; and

(C) £1m is allocated from Bishop’s Stortford North Section 106 funds, to be forward funded by the Council until such time as the Section 106 funds are received by the Council. Further, that an interest-bearing loan to the School to complete the funding requirement for the project as now presented, be approved, subject to due diligence to be carried out by the Chief Finance Officer and Monitoring Officer, in consultation with the Executive Member for Finance and Support Services and the Executive Member for Health and Wellbeing.

68 FURNEUX PELHAM CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS

The Executive Member for Development Management and Council Support submitted a report on the Furneaux Pelham Conservation Area Appraisal following public consultation. She detailed the outcome of the public

consultation in the report now submitted.

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

The Executive Member congratulated Officers for producing such a well-researched document.

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 Furneux Pelham Conservation Area Character Appraisal and Management Proposals, be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Furneux Pelham Conservation Area Character Appraisal and Management Proposals be approved for adoption.

69

COUNCIL TAX REDUCTION SCHEME 2018/19

The Executive Member for Finance and Support Services submitted a report on the latest available information around the current local Council Tax Support (CTS) Scheme and whether any changes should be considered for 2018/19. He detailed the current progress and

proposed that no changes be made for 2018/19.

The Executive supported the recommendation now detailed.

RECOMMENDED – that no changes to the scheme design for 2018/19 be made.

70 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press and public to the meeting and reminded everyone that the meeting was being webcast. She advised that in order to allow some Officers to leave early, the running order of the agenda would be changed, so that agenda items 11 and then 9 would be considered first.

She also welcomed Robert Winterton, the new Financial Services Manager, to his first Executive meeting.

71 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 16 May 2017, be approved as a correct record and signed by the Leader.

72 REQUEST FOR AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING: BENGEO WARD, HERTFORD TOWN COUNCIL

The Leader of the Council submitted a report seeking approval for the designation of a neighbourhood area for BengEO Ward, Hertford, as detailed on the plan attached to the report submitted.

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

Councillor M McMullen supported the application and

commented on its implications for the minerals issues in the adjoining area.

The Executive approved the recommendations now detailed.

RESOLVED - that the application for the designation of a Bengeo Neighbourhood Area, submitted by Hertford Town Council, be supported.

73 REQUEST FOR AREA DESIGNATION FOR
NEIGHBOURHOOD PLANNING: THUNDRIDGE,
THUNDRIDGE PARISH COUNCIL

The Leader advised that this item had been withdrawn.

RESOLVED – that the withdrawal of this item be noted.

74 RISK MANAGEMENT MONITORING - QUARTER 4
(JANUARY - MARCH 2017)

The Executive Member for Finance and Support Services submitted a report detailing the action taken to mitigate and control strategic risks in the period January – March 2017.

It was noted that the Performance, Audit and Governance Scrutiny Committee, at its meeting held on 23 May 2017, had considered the updated register and had not forwarded any comments.

The Executive approved the recommendation now detailed.

RESOLVED - that the risk management controls implemented be approved.

75 AUTHORISATION TO MAKE A COMPULSORY PURCHASE
ORDER ON AN EMPTY HOME

The Leader reminded Members that Essential Reference Papers 'B' and 'C' of the report submitted contained exempt information as defined by paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972. It was intended to

consider the matter in public, but she stated that the press and public could be excluded if Members wished to discuss any detail of the exempt information.

The Executive Member for Health and Wellbeing submitted a report seeking authority for the acquisition of an empty property in Bishop's Stortford Central ward either with the voluntary agreement of its owner or, if this was not possible, through the use of the Council's compulsory purchase powers. He outlined the housing need in the area, the current empty homes situation and the case history and work already undertaken to bring this property into residential use.

Finally, the Executive Member emphasised that a CPO would be the last resort, but that authorising this might prompt the owner's co-operation.

The Executive approved the recommendations as now detailed.

RESOLVED - that (A) the land comprising the property identified in the report submitted, be acquired by East Herts Council either with the voluntarily agreement of the owner or through a compulsory purchase process, with the purchase not proceeding only if the owner makes arrangements, to the Council's satisfaction, prior to acquisition for the property to return it to residential use, such that the full costs can be met from (i) onward disposal of the property, (ii) reimbursement from the sub-regional PLACE (Private Lease Agreements for Converting Empties) programme and (iii) existing budgets, with any future need to allocate additional resources subject to future Member approval;

(B) should a voluntary agreement to purchase the property be made, authority be delegated to the Property Manager, acting in consultation with the Head of Housing & Health, to carry out the necessary processes to acquire the property for an acceptable consideration;

- (C) should compulsory purchase be required:
- (a) authority be delegated to the Head of Housing & Health to make a compulsory purchase order to be known as the District Council of East Hertfordshire (Property X [address to be given in the order], Bishop's Stortford) Compulsory Purchase Order, under Section 17 of the Housing Act 1985 in respect of the land and property indicated on a map marked with the name of the Compulsory Purchase Order;
 - (b) arrangements be made for the common seal of the Council to be affixed to the necessary documents;
 - (c) authority be delegated to the Head of Housing & Health in consultation with the Head of Legal and Democratic Services to make an application to the Secretary of State for confirmation of the Order;
 - (d) authority be delegated to the Head of Housing & Health in consultation with the Head of Legal and Democratic Services to confirm the Order following the passing of this responsibility from the Secretary of State;
 - (e) authority be delegated to the Head of Legal and Democratic Services to prepare for a Public Inquiry and defend the Order should objections be made and the matter requires a public inquiry to proceed;
 - (f) authority be delegated to the Property Manager, acting in consultation with the Head of Housing & Health, to acquire the necessary interests in the land and property included in the confirmed compulsory purchase order by means of a general vesting declaration, for an acceptable

consideration or on terms ordered by the Lands Tribunal; and

(D) the property, if acquired, be sold on in the open market as soon as practicable and to enable this, the Property Manager be required to (a) arrange for such essential works to the property while it is in the Council's possession so as to deal with any immediate issues of safety and security, (b) abate environmental nuisances, (c) prepare the property for marketing and (d) dispose of the freehold interest in the property, on the open market, by most suitable method to achieve best consideration on terms and conditions to be agreed with the Head of Strategic Finance.

76 URGENT BUSINESS

The Leader agreed to accept onto the agenda an item of urgent business relating to Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley wards, in order to avoid delays in the neighbourhood planning process.

77 BISHOP'S STORTFORD NEIGHBOURHOOD PLAN FOR ALL SAINTS, CENTRAL, SOUTH AND PART OF THORLEY WARDS – EXAMINER'S REPORT AND REFERENDUM

The Leader of the Council submitted a report seeking approval for the as made by the independent examiner of the Neighbourhood Plan and to agree to proceed to Referendum.

The Leader of the Council submitted a report detailing the recommendations and proposed modifications to the Neighbourhood Plan in part according to the Examiner's recommendations (at Essential Reference Paper 'C'), but also with additional modifications from Officers (at Essential Reference Paper 'D'). As well as this, she sought agreement for the Plan to proceed to Referendum.

Councillor K Warnell expressed his appreciation for the efforts of everyone involved in the progress made to date, including

the input of Thorley Parish Council.

The Executive approved the recommendations now detailed.

RESOLVED - that (A) the recommendations and modifications made by the Independent Examiner of the Bishop’s Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, as detailed at Essential Reference Paper ‘C’ to the report submitted, be received and considered;

(B) the Bishop’s Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, be modified in accordance with the Examiner’s recommendations as detailed in Essential Reference Paper ‘C’, with additional modifications recommended by Officers, as detailed at Essential Reference Paper ‘D’; and

(C) the Bishop’s Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, as modified, should proceed to a referendum.

The meeting closed at 7.42 pm

Chairman
Date