

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 5 SEPTEMBER 2023, AT 7.00 PM

PRESENT: Councillor B Crystall (Chairman/Leader)
Councillors C Brittain, J Dumont, V Glover-
Ward, M Goldspink, S Hopewell, T Hoskin
and C Wilson.

ALSO PRESENT:

Councillors S Bull, N Clements, J Dunlop,
C Redfern and T Stowe.

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
George Pavey	- Principal Planning Officer
Helen Standen	- Deputy Chief Executive
Paul Thomas-Jones	- Service Manager – Environmental

Health

118 APOLOGIES

An apology for absence was submitted from Councillor Alex Daar.

119 LEADER'S ANNOUNCEMENTS

The Leader reminded Members and Officers to use their microphones as the meeting was being webcasted.

120 MINUTES - 11 JULY 2023

Councillor Goldspink proposed, and Councillor Glover-Ward seconded a motion that the Minutes of the meeting held on 11 July 2023 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 11 July 2023 be approved as a correct record and signed by the Leader.

121 DECLARATIONS OF INTEREST

Councillor Goldspink declared a non-pecuniary interest in Item 7 – Castle Park Improvement Project as she was a member of Bishop's Stortford Town Council.

122 BIRCHALL GARDEN SUBURB MASTERPLAN

The Executive Member for Planning and Growth presented the Birchall Garden Suburb Masterplan report which recommended to Council the adoption of the masterplan as a material consideration for development management purposes. She said that the council had worked with the landowner and key stakeholders and had been prepared by East Herts Council and Welwyn Hatfield Council as the site straddled the boundary..

The Executive Member for Planning and Growth said that the masterplan process would normally come first but the landowner had submitted an outline planning application for the site in June 2022. She said that there was a steering group that had helped develop the masterplan with both representatives from East Herts and Welwyn Hatfield and they had met on four occasions. There were also three in-person engagement sessions for local residents to understand the process.

The Executive Member for Planning and Growth said the design approach was in chapter three of the masterplan which set out the key themes and a strong vision to ensure these were maintained as the proposals were developed.

Councillor Glover-Ward proposed that the recommendation in the report be supported.
Councillor Hoskin seconded the proposal.

Councillor Dunlop asked why the only considerations for food production in the masterplan were allotments and orchards. He felt that the masterplan lacked

ambition and that allotments were a token solution.

The Planning Policy Team Leader said that the masterplan did not preclude further opportunities for food growth. He said that the site would be made up of several planning applications but would take away Councillor Dunlop's point and review.

Councillor Dumont said the report talked about the risks of the report not being agreed and that local stakeholders had been engaged in the process and were supportive of the document. He asked if the Executive Member could reassure Members that the report did have the support of the local community and expand on the risks of not approving the masterplan.

Councillor Glover-Ward said that if the council had a masterplan for the area, any planning applications would be judged against the plan. She said for example, they might not be able to place schools in the optimum sites for sustainable travel.

The Planning Policy Team Leader said that most masterplans set up a steering group with local members and officers and in this case, across two councils. He said the steering group had four meetings and in the final meeting, the final masterplan was presented to the group, and they were happy with the outcome. The steering group discussed engagement with residents and the council held engagement events so that local residents could come along and talk to officers to understand the process. He said the draft masterplan had been on the council's website for six

weeks with additional information.

Councillor Hopewell said that residents might get anxious when they see masterplans and proposals for development. She said the administration was keen that residents feel consulted and engaged with and asked what the council and members could do to support residents to feel that their voices were being heard.

The Planning Policy Team Leader said the team would take advice from the Executive and facilitate any options. He said that there was still a role for the steering group as the planning applications came forward.

Councillor Glover-Ward said that residents were able to comment and give feedback on the planning applications via the planning portal.

Councillor Hoskin asked for an overview of how the submitted planning application stacked up against the masterplan.

Councillor Glover-Ward said there were two planning applications, one to East Herts and one to Welwyn Hatfield as the site sat across two planning authorities. She said that the planning application was in the right order but may not be organised how the masterplan wants them.

The Planning Policy Team Leader said the team were discussing details, so the application aligned with the masterplan. He said the role of the masterplan was to

set a strategy for a high-level framework and if the developer wanted to take a different approach, it was up to them to justify it.

Councillor Glover-Ward said if Council approved the masterplan, the council could use it as the bar from which to judge the planning application.

Councillor Stowe asked if the masterplan condition could be used to refuse the application.

The Planning Policy Team Leader said he expected all significant sites to go through the master planning process and this was why the council was looking to get the masterplan in place ahead of any decision on the application.

Councillor Hoskin asked if the masterplan could be amended.

Councillor Glover-Ward said the plan could not be amended but any planning applications would be assessed against the masterplan and there would normally be some negotiation with the developer.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – To recommend to Council that the Birchall Garden Suburb Masterplan for the strategic allocation known as EWEL1 Land East of Welwyn Garden City, as detailed in Appendix A, be agreed as a material consideration for

Development Management purposes.

123 FIT AND PROPER PERSONS DETERMINATION POLICY FOR MOBILE HOMES SITES

The Executive Member for Wellbeing presented the Fit and Proper Persons Determination Policy for Mobile Homes Sites. She said the policy had been developed in response to new legislation being introduced and it would apply to residential mobile home sites of which there are ten in East Herts. She said these sites would now require a suitable fit and proper person running them. There were no negative comments or concerns raised in the consultation.

Councillor Hopewell proposed that the recommendations in the report be supported.
Councillor Glover-Ward seconded the proposal.

Councillor Stowe asked what strength the policy had.

The Environmental Health Manager said that the policy was backed up with an enforcement policy. He said that anyone who failed the test would not be able to run the site. If the site was unable to find a fit and proper person, the council would work with them to nominate an individual.

Councillor Crystall asked if the fees covered the cost of running the service.

The Head of Housing and Health said that the fees had been set on a cost recovery basis using the council's fees and charges strategy. He said that the

recommendation in the report made it clear that the fees will be subject to an annual uplift in line with that strategy.

Councillor Clements asked if the ten sites in the district were expected to pass. He asked if there were any specific differences to East Herts' policy in relation to other councils.

The Environmental Health Manager said the policy had been developed in consultation with other local authorities and had jointly appointed a solicitor. He said that there would be local differences due to the way enforcement was carried out, but the legislation set out what tests the person must pass. He said that it was difficult to comment on whether the existing sites would pass the test without going through the process but did not anticipate any problems.

The Head of Housing and Health said that this was relatively new legislation, and it would be challenged through case law so best practice and guidance would emerge. He gave members assurance that the policy was robust and the concept of a fit and proper person was not uncommon in licensing activity. He referred to the taxi policies which had been in place for some years and some elements of that policy had been incorporated into the mobile homes one.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That (A) the 'Fit and Proper Persons

Determination Policy for Mobile Homes Sites' be approved;

(B) the structure for charging set out in section 13 of the 'Fit and Proper Persons Determination Policy for Mobile Homes Sites' be approved;

(C) the application fee of £180 for the assessment of the fit and proper persons check and inclusion on the fit and proper persons register, subject to an annual increase in line with the council's fees and charges strategy be approved;

(D) the 'appointment of a manager' fee of £51 per hour or part thereof, plus the employment cost of the manager (including agency fees if applicable), subject to an annual increase in line with the council's fees and charges strategy be approved; and

(E) authority to make minor amendments to the policy be delegated to the Head of Housing and Health in consultation with the Executive Member for Wellbeing.

124 CASTLE PARK IMPROVEMENT PROJECT – MATCH FUNDING CONTRIBUTION VIA OPTIONED SALE OF FINAL COMMUNITY CENTRE

The Executive Member for Financial Sustainability presented the Castle Park Improvement Project report. He said that this report was asking for approval to sell the last of the three community centres to Bishop's

Stortford Town Council to fund a previous overspend in the project.

Councillor Brittain proposed that the recommendations in the report be supported. Councillor Wilson seconded the proposal.

Councillor Hopewell asked if there were any concerns rising from the previous two sales.

Councillor Brittain said he was not aware of any.

Councillor Crystall asked how long the National Lottery Fund Grant was to be extended for.

Councillor Brittain said that it currently went up to the end of the year, but informal discussions had taken place and they have said it could be extended for another six months.

Councillor Glover-Ward asked if there was any risk of digging up further archaeological remains.

Councillor Brittain said work had already been done to recover the human remains found.

The Deputy Chief Executive said that the area had been scanned and said they were not expecting to find anymore.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That (A) the sale of St Michael’s Mead community centre pending trigger by BSTC as defined by the Options Agreement be agreed;

(B) £125,000 of the capital receipt from the sale of St Michael’s Mead community centre contributes to the funding gap for the Castle Park project; and

(C) the option sum of £15,000 and £30,000 (deduction in liabilities) is deducted from the sale of this last remaining centre at time of purchase.

125 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.35 pm

Chairman
Date