

HERTSMERE BOROUGH COUNCIL

MEETING OF THE COUNCIL
HELD IN THE COUNCIL CHAMBER
CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

22 January 2014

Present:

Councillors Morris (Mayor), Keates (Deputy Mayor), Batten, Bright, E Butler, R Butler, Calcutt, Choudhury, Clapper, Dr Cohen, Collins, Dobin, Donne, Gilligan, Goldstein, Graham, Griffin, Harrison, Heywood, P Hodgson-Jones, S Hodgson-Jones, Hoeksma, Kieran, Knell, Legate, Maughan, O'Brien, Parnell, Quilty, Ricks, Silver, Strack, Swallow, Turner, Wayne, West, Winters and Worster

Officers:

S Bijle
G Wooldrige
P Hughes

Director of Resources
Director of Environment
Democratic Services Manager

413. **PRAYERS**

The Mayor's Chaplain said prayers.

414. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

An apology for absence had been received from Councillor Gunasekera.

The Chief Executive had also submitted an apology for his absence.

415. **DECLARATIONS OF INTEREST (IF ANY)**

No Member had an interest to declare under any of the items of business on the agenda.

416. **MINUTES**

RESOLVED that the minutes of the Council meeting held on 20 November 2013 be approved and signed as a correct record.

417. **ANNOUNCEMENTS BY THE MAYOR**

The Mayor commenced his report by wishing all councillors and officers of the Council a happy new year. He said that 2013 had ended with a flourish as he had attended a significant number of community events celebrating Christmas.

He pointed out that he was now passed the half way mark of his Mayoral year and was looking forward to a number of significant events. On Monday 27th January, the Council would recognise Holocaust Memorial day. This was an opportunity to acknowledge and reflect on the Holocaust and the twentieth anniversary of the Rwandan genocide. The Mayor said that this year the format of the event would be different to the past, and would feature a candle lit parade down Shenley Road, followed by a ceremony at the Ark Theatre. This was an opportunity for all councillors and members of the public, together with pupils from local schools, to show their solidarity and recognition of the Holocaust; more recent tragedies and to reflect on what had been learnt. The Mayor encouraged all councillors to join the parade. However entrance to the Ark theatre was by ticket only, so the Mayor asked that those wishing to attend register their wish with the Mayor's Secretary.

The Mayor said that he was introducing a new event, "Fly a Flag" day, into the Civic calendar. This would be a celebration of the commonwealth and on 10th February, he would be collecting the official flag from County Hall. He asked members to note the official date for Fly a Flag of 10th March in their diaries.

The meeting noted that the Civic Dinner would be held on Saturday, 22nd March 2014 and this year would also celebrate the 40th Anniversary of Hertsmere. The Mayor said it would be an occasion to remember. He suggested that Councillors reserve their place for the dinner soon, as demand for tickets was strong.

The Mayor then reminded the meeting that over the first May bank holiday he, together with a significant number of riders, would cycle from Paris to London to raise funds for the Mayor's chosen charities. He hoped that some councillors would join him on the ride. The final day of the ride took the riders to the House of Commons where they would meet with other cyclists for the last leg to Borehamwood. This stage was a fun ride and he hoped that many would join the final leg back to Borehamwood and support his fund raising efforts. Details of both rides are available by visiting the official website on www.challenge.uk.com.

418. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Council welcomed the following questions which had been received from members of the public:

a) From Mr Stack of Borehamwood:

“When Hertswood was just a secondary school they could not do anything with the land. Now Hertswood is an Academy they now get to do what they want with the land.

1. Who gave the school the land?
2. Did the land belong to only the Borough Council or all towns council tax payers?
3. What happened to all the money put aside for a theatre 20 years ago?
4. The Ark Theatre was built with 1.9 million pound of public money for a public theatre. Why don't the public get a say where the theatre should be built?
5. Is the Ark Theatre owned by the School, Hertsmere Borough Council or the Towns tax payers?
6. Why has the town council or Hertsmere Borough Council not put up any signs around Borehamwood showing where the theatre is located?

Hertswood school need a theatre for their own use true. Why can't Borehamwood have a theatre like the likes of Potters Bar and Radlett? Borehamwood town is being well developed and is an up and coming place to live, I feel the town and its residents need the local theatre promised to us 20 years ago.

This year it's the 100 years of the film studios, and we now have the UTC College. Why can't we all work together to build a community Ark theatre in the centre of town? The site of the old Library would be good.”

The Leader of the Council, Councillor Bright, firstly apologised for answering these questions with his back to the public gallery. He then replied to each of the six questions above in turn, and then to the final two parts.

1. The land was previously owned by Hertfordshire County Council, not the Borough Council.

2. As the Leader stated above, the land was never owned by the Borough Council, it was owned by the County Council.

3. It was the Leader's understanding that no money was actually put aside for a replacement for the old Venue Theatre. In the mid 1990's the former Council administration set a budget and were hoping to use funds raised from the sale of Council housing to fund projects such as the new Venue Leisure Centre, a theatre and so on. That plan was partially abandoned in the late 1990's when it was identified by reports from the Council and outside bodies, including the Arts Council, that the funding proposals for the new planned theatre did

not add up. There was a feeling that Borehamwood would be left with a hugely expensive white elephant that few would afford to use and that the Borough would not be able to fund on an on-going basis in the years ahead. It took many years of discussion and working together to find a way forward that saw the Borough fund a £2m community theatre with school use at Hertswood School, now the Hertswood Academy.

4. The Ark Theatre had previously gone through long consultations with user groups and underwent full council approval as well as receiving planning permission and everyone was happy with where it was. To the best of the Leader's knowledge, all the users groups continued to be happy with the theatre. What they were not happy about was the plan to close the theatre for so long. So the issue was not about location said Councillor Bright, it was actually about the duration of closure.

5. The Ark was gifted to the School/Hertfordshire County Council by the Borough Council with community usage being ensured by a management agreement between the School and the Borough Council. This prevented the Borough, and therefore local residents, from being burdened in the future with potentially large revenue costs. The Leader said it was not the first time that this authority had gifted a hall, the Elstree and Borehamwood District Community Hall in Allum Lane was also gifted over to a group that was run by trustees. The Leader said it could be argued that the Leisure Centres now run by the Leisure Trust, had done the same thing as the Council did not have to fund them for community use but at the same time profits went to a Trust.

6. There was a large sign over the entrance to the Ark Theatre. The Leader was not aware that there had been any issues with people not knowing the location of the theatre.

The Council had invested significant funds into the Ark Theatre as a multi-use facility which had been very successful. In these times, it made no sense to have a facility available for just a single use when multi-use had worked well. The Leader pointed out that 96 Shenley Road could be viewed as a successful multi-use facility that had been well used since it opened. Having Hertswood build a new dual use Ark for the community and for the children of Borehamwood would not cost the authority or the tax payer any money because the cost would be met by the development. If consideration was given to moving the theatre, then that might not be the case. The old Library site as mentioned by Mr Stack, was owned by the County Council and they would need money for the land. Residents would therefore face the situation were it could cost vast sums of tax-payers money and would take longer to sort out and build than the current proposed plans. Also the Borough would be left with a single use facility away from the school. The Leader was not sure that that was what the community actually wanted.

In conclusion the Leader said that the Council was always encouraged by the collective will to achieve community benefits and that the Council would continue to strive to ensure a potential new location for the theatre that was a good or better than the current Ark theatre.

b) From Mr Bowers of Borehamwood:

“Can you tell me why the Elstree/Borehamwood council in the year 2000 put us firmly in the Hertfordshire camp instead of London considering that modern Elstree/Borehamwood was built by the LCC?

Why did the council decide such an important decision alone instead of a vote by the people?”

The Leader of the Council, Councillor Bright, thanked Mr Bowers for his question and re-assured him that his elected representatives had not passed up on an opportunity to let Borehamwood and Elstree residents vote on becoming part of London. Councillor Bright said that there had not been an opportunity for any Hertsmere residents to vote on becoming part of London.

The Greater London Council was established in 1965 by the London Government Act 1963 which had set the boundary of the GLC. Locally most of the former county of Middlesex was incorporated into Greater London. That boundary was very similar to that of today and was, at the time, contested by some. For example the residents of Potters Bar fought successfully not to be part of London. As that was some 50 years ago the Leader doubted there were many who remembered that fight, but the Council had the records to show what had gone on.

Councillor Bright then said there had been reviews of the London - Hertfordshire boundary and some alterations had been made but nothing had suggested the incorporation of Elstree and Borehamwood within the boundary of London. All of the changes that had taken place have been driven by legislation, the decisions have not been for the Council to adopt or not. He said that while the Council had made its views on these changes known, they had been handed down with the force of law, so the Council had had to accept them.

Councillor Bright re-assured Mr Bowers that the Council had not missed an opportunity to vote on becoming a formal part of London.

c) From Mr Bell of Bushey.

“In July 2011, the Secretary of State re-confirmed that Fishers Field is a statutory allotment site. At the same time, the Secretary of State confirmed that there was an unmet demand in Hertsmere

Borough Council's area in the order of at least 185 waiting for 195 plots and that the Council reduced its waiting list by only 4 since May 2010.

Could the Council please tell me how many more allotments have been let since 2011 and also could you tell me how many people are now on the waiting list?"

The Leader of the Council, Councillor Bright, thanked Mr Bell for his question and said that he thought that it would be helpful for him to first of all report the number of allotments let since 2011 and the number of people on the waiting list for each of our five sites;

He said that at Finch Lane in 2011 there had been 5 new tenants; in 2012 there had been 29 new tenants and in 2013 there had been 34 new tenants. There were 3 full plots now available with 3 names on the waiting list. At Windmill Lane in 2011 there had been 2 new tenants, in 2012 there had been 11 new tenants and in 2013 there had been 8 new tenants. There was no waiting list with 6 full plots available. At Merry Hill in 2011 there had been 2 new tenants, in 2012 there had been 8 new tenants and in 2013 there had been 2 new tenants. There were 9 names on the waiting list with 3.5 plots available. At Abergale Gardens in 2011 there had been 2 new tenants, in 2012 there had been 3 new tenants and in 2013 there had been 6 new tenants. There was ½ a plot available with 3 names on the waiting list. At Kimptons Mead in 2011 there had been 1 new tenant, in 2012 0 new tenants and 2013 7 new tenants. A ½ plot was available and 3 names were on the waiting list.

Councillor Bright said that in summary the Council had let 120 allotments, had 18 people on the waiting list and there were 12½ plots available which would reduce the waiting list to 6. These figures were for the five sites managed by the Council. He was very pleased to say that the up-to date position was much changed from that stated in the question, indeed there was a surplus of allotments in some sites.

Councillor Bright then referred to the letter from to the Secretary of State. He said the situation at Fishers Field was complex and not fairly represented by the question. The Council was not failing to fulfil its statutory responsibilities, nor was it ignoring the Secretary of States view. Fishers Field was a former allotment site which had fallen into disuse and had been a much appreciated nature reserve for the past 20 odd years. The Council had considered the situation of Fishers Field in detail, including a legal review, and concluded that the nature reserve should remain.

The waiting list for allotments in Hertsmere was manageable and the nature reserve was an established, much awarded and locally loved facility. It was these factors that provided the logic behind the Council's desire to retain the nature reserve and not return it to allotment use.

The Mayor advised that written responses to the questions would be sent to Mr Stack, Mr Bowers and Mr Bell.

419. **URGENT DECISIONS EXEMPT FROM CALL-IN**

Noted that no decisions had been taken with the approval of the Mayor as matters of urgency in accordance with the provisions of the Constitution – Overview and Scrutiny Procedure Rule 14(j).

420. **SPECIAL URGENCY DECISIONS QUARTERLY REPORT**

The Leader reported that, in the last quarter, no key decisions had been taken in circumstances of Special Urgency, as set out in Rule 16 of the Constitution's Access to Information rules.

421. **REPORT OF THE LEADER OF THE COUNCIL**

Leader's Report

The Leader spoke on the following list of topics, which had been circulated to Members prior to the meeting. The items marked with an asterisk were covered separately in the agenda and would be discussed under those items. Discussion ensued on the other items and the Leader and Executive Members responded to Members' questions.

- **Executive**

The Executive had met once since the last Leader's report. The major areas discussed were as follows:

Draft Site Allocations and Development Management Policies Document for Public Consultation

To fulfil the Government's expectation of local authorities to produce up to date plans, the Executive had approved the draft Site Allocations and Development Management Policies Document for public consultation. The document would assist in delivering the Core Strategy and complement the Community Infrastructure Levy, following receipt of the examiner's report in December.

The identification of housing sites in the Document was also important in demonstrating that the Council had at least five years of housing land supply, as required by the National Planning Policy Framework. The consultation process was a statutory stage in the Document's production.

Elstree Way Corridor Area Action Plan – Submission Draft *

This item was discussed later on in the meeting.

Changes to Parking Charges – On-Street, Off-Street, Car Parks, Resident Permits and Annual Visitor Permits

The Executive had considered a report and agreed to some increases in car parking charges. The Council's current charges for on-street parking, off-street car parks, resident permits and annual visitor permits were low in comparison with neighbouring local authorities and did not currently allow Parking Services to be self-financing, as recommended by the Government. Continuing reductions in revenue support grant funding had also resulted in the Council being unable to provide a subsidy directly to this service.

The action taken by the Executive was aimed at achieving a 'break even' outcome for the service in the next financial year 2014/15 and going forward. The renovation of the Council-owned car parks was very important and any additional revenue would allow the Council to put money back into the system for upgrading our car parks. The Executive had endorsed this as a proactive approach.

Street Trading in Stirling Way – 3-Month Monitoring Report

Following three months monitoring of complaints and enforcement interventions in Stirling Way between October and January, the Executive received an update on the situation. Given that only one complaint was logged during the three-month period, the Executive took the decision not to designate Stirling Way as a "Prohibited Street" at the current time but to hold the matter in abeyance pending further observation for the next 6 to 12 months. The Executive thought it prudent not to close the door completely on possible designation in case further problems emerged in the future and to see what impact the new Morrisons garage might have. Holding a final decision in abeyance struck the right balance between ensuring safety on the streets, which was of paramount importance, and protected the interests of local traders.

The Executive had also asked the Licensing Committee to look at street trading across the Borough to identify any other potential problem areas.

Revised Statement of Community Involvement (2014) *

This item was discussed later on in the meeting.

Budget Setting for 2014/15

As part of the budget setting process, the Executive recommended the Council's draft revenue, investment income and capital budgets 2014/15 for consultation by the Overview and Performance Committee, the Scrutiny Committees and all Members and stakeholders. The Overview and Scrutiny Committees would consider the draft budget at the joint meeting on Monday, 27 January.

Setting the Tax Base for 2014/15 *

This item was discussed later on in the meeting.

Council Tax Benefit Support Scheme

The Council was required by law to finalise its Council Tax Benefit Support Scheme on or before 31 January 2014. The Council's scheme ensured the protection of certain vulnerable groups from any reduction in their Council Tax Benefit entitlement and, aside from the statutory protection of pensioners, this included benefit claimants where a member of a family was disabled and benefit claimants who were lone parents with a child under five years of age.

The Executive had decided to continue with its current scheme from 1 April 2014, subject to some adjustments to reflect changes to base legislation and Public Finance Authority rules. Consultation was not required as this was a continuation of the local scheme established last year.

NNDR (National Non-Domestic Rates) – NNDR1 Data Submission Form 2014/15

The Executive delegated authority to approve the NNDR1 data submission to the Director of Resources (as our Section 151 Officer) in consultation with the Finance and Property Portfolio Holder. This decision ensured that an appropriate approval process was in place to prevent any delays and also avoid the need for extra meetings later in the budget process.

The Leader also said that the Executive received an update from the Director of Resources who confirmed that the new scheme for pooling business rates amongst interested local authorities was to be deferred for one year while all the relevant authorities had time to absorb the outcome of various matters introduced by the Chancellor in his last autumn statement.

Anti-Bribery Policy and Procedure *

This item was discussed later on in the meeting.

Procurement of a Replacement Franking Machine

Finally, the Executive approved the purchase (including maintenance) of a replacement franking machine. The new machine's efficiency would reduce maintenance costs by a guaranteed minimum saving of £1,595 over a five-year period. In addition, its greater functionality enabled the Council to respond, without compromising Officers' other duties, to the continual changes in the postal market.

- **Local Strategic Partnership (LSP)**

The Leader reported that the LSP had met on Tuesday 10 December and considered the following matters:

An informative presentation by Herts Valley's Clinical Commissioning Group on the new Clinical Strategy for the area, as well as some of the key challenges in delivery. This included rising population, a higher number of care home beds than any other locality, elderly population, ethnic diversity, cross border working and limited urgent care facilities.

Road Safety was highlighted as a key issue in Hertsmere Health Profiles, often due to the close proximity to London and major road links. It was agreed that the LSP would work with the Hertfordshire Road Safety Partnership to continue to support projects aimed at young people in Hertsmere and deliver new initiatives such as MEG4 DRIV3

A presentation was given on the state of the Borough and emerging priorities for an Economic Development Strategy for Hertsmere. The emerging priorities, as a result of this research, included: creating certainty for investment, nurturing employment and enterprises, championing learning and skills and quality places. There would be consultation and stakeholder engagement in January to take this forward.

An update was given on 96 Shenley Road which opened at the end of November. Hertsmere Leisure Trust had been appointed as the operator by the County Council (to March 2019). The state-of-the-art building offered an exciting range of community activities for people of all ages. As well as a new library, museum and services for young people run by Youth Connexions, there was also meeting rooms and a large hall for hire for films, theatre and concerts as well as other events such as conferences and wedding receptions. There would be a Management Advisory Group, Chaired by the County Council, with officer representatives from key stakeholders and service providers.

- **Audit**

A meeting of the Audit Committee took place on 13 January 2014 and commenced with consideration of the regular performance report on Anti-Fraud work. Details of seven prosecution cases were noted. Reports on progress with the implementation of External Auditors recommendations and the Annual Audit letter from Grant Thornton were

noted. An Officer report on Risk Management was considered and further consideration would be given to the Council's risk matrix. Finally, a report of progress made by the Shared Internal Audit Service was approved.

- **New Reception Area**

The Leader reported that the newly refurbished reception area at the Civic Office had opened last week. It boasted improved customer facilities and accessibility, including a payment kiosk. The building work was part of a larger project to extend the Civic Offices to accommodate the police from across the road at Borehamwood Police Station. The Council already shared this building with Hertfordshire NHS Partnership which meant the Council could serve the needs of the communities in a more effective way.

- **Christmas Food Parcels**

The Leader drew attention to the support and generosity of Hertsmere staff, which had allowed families struggling on the breadline last Christmas to receive the gift of food. More than 300 kilograms of grocery items were donated by staff to help the Borehamwood Foodbank and the Potters Bar Foodbank.

- **Working with you for a better Hertsmere**

The Leader reminded everyone to watch the latest film release from the heart of British Hollywood. While it was not a big budget action thriller, the four and a half minute production entitled "Working with you for a better Hertsmere" was a fun way of showcasing the wide range of activities provided by the Council at the moment as well as giving an insight into the Council's objectives for the future.

- **Barnet Lane/Elstree Crossroads**

The Leader then referred to the traffic delays occurring at the Barnet Lane/Elstree Crossroads junction where road works were taking place. He said the position at the crossroads was totally unacceptable. While a degree of hold-up was expected with such works, but not at the recent level.

He, as Leader of the Borough Council, Cllr Caroline Clapper as the county member and the MP James Clappison had all been on to county council today to say this matter must be resolved. Although it was BT carrying out the work, it was Hertfordshire County Council who had responsible to oversee such matters on the highways.

The Leader suggested that if anyone contacted a member about the delays they say that they were aware of this matter and it was being looked into as a matter of urgency. He suggested that any emails be

forwarded on to Councillor Caroline Clapper so she could keep the pressure on County.

- **Waste Operative Staff**

Finally the Leader took the opportunity to thank all the Council's waste operative staff for their excellent work in clearing refuse and keeping the streets clean during the very wet and windy festive fortnight. Their work was always very much appreciated.

422. **REPORT OF THE OVERVIEW AND PERFORMANCE CHAIRMAN**

The Chairman of the Overview and Performance Committee gave an oral report on the work of the Overview and Performance and two Scrutiny Committees.

Environment Scrutiny Committee - 5 December 2013.

This Committee received an update on methods of monitoring air quality and were reassured to learn that air quality in Hertsmere was mainly good. Members also received an update on economic development, including the steps being taken to encourage business development in Hertsmere and the progress made to date with developing an Economic Development Strategy. Finally, members considered the revised draft Homelessness Strategy and noted the priorities for action, which included mitigating the impact of welfare reform, increasing access to the private rented sector, managing client expectations, and ensuring the availability of appropriate support to help clients maintain their tenancies.

Resources Scrutiny - 9 December 2013.

The Resources Committee received its annual update on the Police Community Support Officer service, which continued to perform well and receive positive feedback from the public. In light of the County Council withdrawing its Schools PCSO funding, the Committee recommended that Hertsmere amend its PCSO Service Level Agreement with the Police to enable one of its PCSOs to be allocated as a Schools PCSO. The Committee also received an annual update on WIIS. It noted that the Scheme's administration met audit standards and was on par with other councils' schemes.

Overview and Performance Committee - 17 December 2013.

This meeting looked at the validation process for planning applications and recommended that discounts should not be given for payment by cheque. Instead agents should be advised that it was policy to receive electronic payments. The Committee also heard Officers' outline plans for the new microphone system for the meeting rooms and suggested

that when rooms were hired out to external customers the hire fee should charge extra for providing microphones, so as to help offset the costs of the new microphones. The Committee noted that the update on the Council's finances was positive, which had been a constant pattern this year. The Chairman reiterated his commendation to all Department Heads in the Council since every Department was within budget.

A detailed update was then given on the local pooling of business rates. The Committee said it supported whatever the Director of Resources recommended on whether to join the pool or not. The Chairman pointed out that a decision had now been taken to postpone implementation. Whatever the final recommendation, the Committee asked Officers to monitor what would have happened if the Council had followed through on the alternative recommendation, as this data would inform future deliberations on whether the Council should remain in/join a pool. The Chairman said the Overview & Performance Committee thought it prudent to postpone pooling and it was something the Committee had suggested. As a banker the Chairman did not believe that there was anything that had a win, win, win outcome and he had concerns about the downside of the proposal, so was grateful for the deferral.

Finally the Overview & Performance Committee had discussed and agreed terms of reference for a series of scrutiny reviews on infrastructure provision and the need across the Borough. The Council had set up four area based groups to look at social infrastructure i.e. medical, educational, leisure and social facilities. In addition two extra groups would be dedicated to look at transport infrastructure and employment needs and its impact on infrastructure. The purpose of these groups was to inform future policy to allow the Borough to develop its plans and policies for the future to meet the needs and aspirations of local residents. The Chairman emphasised that the reference to site allocations was not a specific part of the work of these Groups but they would be able to take into account projected housing need and look at the implications of that so that the Council could drive its vision and desire for future development rather than being reactionary. The Chairman expressed his gratitude to the large number of councillors in the Chamber who had volunteered to join these Groups and looked forward to working with those Members over the coming months.

423. **ELSTREE WAY CORRIDOR AREA ACTION PLAN - SUBMISSION DRAFT**

The Council had prepared a draft Area Action Plan for the Elstree Way Corridor to help deliver development in a co-ordinated way and provide a degree of certainty for both landowners and developers through the setting out of clear planning guidance. The first stage of public consultation on the draft Plan had been carried out and approval was now sought to undertake a further period of consultation; submit for

Examination; and, for the Plan to be used for interim development management purposes in the determination of all planning applications registered on or after 23rd January 2014.

During debate it was suggested that the Council provide a single phone line dedicated to the recording of residents views. The Planning and Localism Portfolio Holder undertook to look into that suggestion.

RESOLVED that

(1) the Council approve the Submission Draft of the Elstree Way Corridor Area Action Plan for:

(i) publication for a six week 'deposit' period allowing for representations to be made ahead of the public examination;

(ii) submission to the Secretary of State for Communities and Local Government for public examination; and,

(iii) interim development management purposes for use in the determination of all valid planning applications registered on or after 23rd January 2014.

(2) following the deposit period, the Director of Environment be authorised to agree any further required proposed modifications to the Elstree Way Corridor Area Action Plan, in consultation with the Portfolio Holder for Planning and Localism, prior to the submission and during the public examination.

424. **REVISED STATEMENT OF COMMUNITY INVOLVEMENT (2014)**

The Policy and Transport Manager submitted this Council's Statement of Community Involvement (SCI) to the meeting. This was a statutory document which set out how the Council would consult on both planning policy documents and individual planning applications. The SCI was first published in 2006 and had been updated in order to better reflect current legislative requirements and comments made during a period of public consultation in May 2013. Changes had also been made in light of the Elstree Way Corridor public meetings where the extent of consultation on individual planning applications was considered.

RESOLVED that the revised Statement of Community Involvement be adopted with immediate effect.

425. **ANTI-BRIBERY POLICY AND PROCEDURE**

Report C/14/01 advised the Council of the implications of the Bribery Act 2010 and the steps it needed to take to ensure compliance with the Act.

RESOLVED that

- (1) the Anti-Bribery Policy and Anti-Bribery Procedure detailed in Report C/14/01 be adopted;
- (2) responsibility be delegated to the Director of Resources to approve updates to the Anti-Bribery Policy and Anti-Bribery Procedure.
- (3) the Head of Human Resources be instructed to consider necessary amendments to the Employee Code of Conduct (Constitution, Part 5.2) to include key messages from the guidance on the Bribery Act 2010, and
- (4) the terms of reference of the Audit Committee be amended to explicitly include overview of the Council's anti-bribery arrangements, as set out in paragraph 8 of Report C/14/01.

426. **SETTING THE TAX BASE 2014/15**

Report C/14/03 detailed the calculations made to arrive at the Council's Tax Base to be used in determining the level of council tax for 2014/15. Account had been taken of the implications of the Council Tax Support Scheme and the Council Tax Technical Reforms effective from 1 April 2013.

Under the council tax legislation it was also necessary to resolve prior to the budget setting to ensure that parish or town council precepts and any special expenses were charged over only that part of the borough to which they relate.

RESOLVED that

- (1) the calculation of the Council's tax base for the year 2014/15 be approved as set out in Report C/14/03 and its appendix.
- (2) in accordance with the Local Government Finance Act 1992, as amended by the Local Government Finance Act 2012, the total tax base calculated for the borough be 38,273 (2013/14: 37,801), which can be summarised by parish as follows and is further explained in paragraphs 2.2 to 2.5 of report C/14/03:

Parish:	2014/15 No	2013/14 No
Elstree and Borehamwood	11,859	11,616
Aldenham	4,971	4,928

Ridge	94	93
South Mimms	315	313
Shenley	1,710	1,688
Bushey & Potters Bar	19,324	19,163
Total	38,273	37,801

427. **PROPORTIONALITY - REVISIONS FOLLOWING CHANGES TO GROUP SIZES**

Following a recent change to the size of the political groups on Hertsmere Council, Report C/14/02 proposed changes to the political representation of the Conservative and Labour Groups on Committees of Hertsmere Borough Council.

RESOLVED that

(1) the Licensing Committee be excluded from the proportionality considerations, as permitted under the provision of the Local Government and Housing Act 1989,

(2) the proportional political split of the Committees of Hertsmere Borough Council be as detailed in Appendix A to report C/14/02 and Councillor Gilligan be appointed to serve on the Personnel Appeals Panel for the remainder of the 2013/14 municipal year and Councillor Maughan be appointed to serve on the Resources Scrutiny Committee for the remainder of the 2013/14 municipal year, and

(3) it be noted that Councillor Maughan will remain as a member of the Licensing Committee as a Conservative Councillor.

428. **APPROVAL OF A PERIOD OF ABSENCE FROM MEETINGS BY A COUNCILLOR**

Report C/14/04 proposed that Council approve a period of absence from meetings by Councillor Gunasekera under Section 85(1) of the Local Government Act 1972. Councillor Gunasekera had been absent from Council duties since August 2013 due to a period of ill-health. Members noted that the Councillor was recovering. The Mayor undertook to pass on to him the best wishes of the Council.

RESOLVED that

(1) the non-attendance of Councillor Derrick Gunasekera at meetings of the Council due to ill-health since 16 August 2013, be noted;

(2) Councillor Derrick Gunasekera's non-attendance at meetings of the authority due to ill health, from 16 August up until this meeting, be approved pursuant to Section 85 of the Local Government Act 1972.

429. **UPDATES FROM OUTSIDE BODIES**

The following Members, appointed as representatives of the Council on outside bodies, made a report on the activities of their respective organisations:

South Mimms Village Hall	Councillor Wayne
Wayside Community Centre	Councillor Swallow
West Herts Crematorium Joint Committee and West Herts Crematorium Joint Committee (Scrutiny Committee)	Councillor Kieran

A report on the activities of Worknet was deferred.

RESOLVED that the information on the activities of the outside bodies listed above, as reported by the Councillors appointed to represent the Council on that body, be noted.

430. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

Nine questions had been received in accordance with Council Procedure Rule 11 as follows:

1) From Councillor Ernie Butler to the Environment and transport Portfolio Holder, Councillor Heywood:-

“Could the Portfolio Holder explain why residents who were deemed by out refuse collectors to have contamination in their bins had a label stuck to their bin saying the bin had been emptied when it had not been emptied?”

Councillor Heywood replied that the resident's bin to which Councillor Butler was referring did have the wrong card placed on it. These cards were used during the change from card recycling in the green bin to the brown bin. Other cards were normally used. The brown bin in question had been contaminated with a full black sack of refuse, which the resident admitted to. An Area Officer visited the property and provided the resident with advice on recycling. This occurred on 25 January, during the Christmas and New Year collection period, a time when crews were exceptionally busy. The matter was addressed quickly with the resident receiving a visit from the Area Office and it was the only error of that kind that had been acknowledged. Normally if a bin

was contaminated, a card would be left and the bin would not be emptied.

2) From Councillor Hoeksma to the Leader of the Council, Councillor Bright:-

“Can the portfolio holder inform the Council about the level of demand seen at food banks across the borough over the Christmas period? Do we know if the food banks were able to cope with the demand and had sufficient supplies to meet demand?”

Councillor Bright replied that Members would be aware that the Local Strategic Partnership had given funding to set up the Foodbank in Borehamwood which operated from St Theresa’s Church and was run by hard working volunteers. Since they set up in March last year, they had given out over 1,150 of the 3 day packs providing well over 10,000 meals for people in need.

The Borehamwood Foodbank had a busy period in the run up to Christmas with about 12 vouchers being surrendered at each opening session on Mondays and Thursdays, however it had been relatively quiet since Christmas. For Christmas they delivered about 20 food hampers and gifts to families and individuals they knew to be in particular need.

The Foodbank had a good reserve of food having had collections at Morrison’s and Tesco in October and November. Also in December partners attending the Local Strategic Partnership Board meeting donated food to the collection that was being carried out at the Civic Offices. Over 300 kilos were collected.

Some of the food collected was taken over to the more recently established foodbank in Potters Bar which was set up in October with support from this Council’s Community Grant pot. Whilst the demand was not as great as in Borehamwood, they had been regularly having 4 to 5 referrals a week but in the week before Christmas they received 9 referrals and another 4 referrals directly from the community hospital.

Councillor Bright said at this point in time their supply of food was good. There had been 3 main supermarket collections and the support from shoppers was overwhelming. In addition Sainsbury’s in Potters Bar had a permanent collection point at their tills which allowed for a consistent and constant supply of food from there. There had also been harvest collections from schools- Dame Alice, Cranbourne and Oakmere and from the Catholic Church, St Vincent, Baptist Church and United Reform Church.

Both foodbanks were run entirely by volunteers and Councillor Bright said the Council was grateful for the time and effort they put in to

helping the more vulnerable and those in need within local communities.

In response to a supplemental question, Councillor Bright said he would find out if the cost of heating food was an issue for those helped.

3) From Councillor Harrison to the Planning and Localism Portfolio Holder, Councillor Cohen:-

“I have recently received complaints from residents about noise levels in some of the new flats recently built in Borehamwood. Are there any additional measures this Council can take to help to ensure that the large number of flats being built in Borehamwood and other areas of Hertsmere do not cause such problems for their residents?”

Councillor Cohen replied that sound insulation between dwellings (including between flats) was covered by Part E of the Building Regulations. The last main amendment to these Regulations was in 2003 when the requirement was brought in that required developers to either

- a) carry out physical pre completion sound tests by bodies who have achieved UKAS accreditation. This test requires that floors and walls are required to show a measured amount of sound reduction across a wide range of sound frequencies, or,
- b) register the development with Robust Details Ltd. This organisation was set up by the former ODPM to develop high performance construction details that could show compliance with the Regulations using reasonable workmanship tolerances.

Therefore, the sound insulation between dwellings should now be at a higher level of compliance with the Building Regulations than pre 2003 constructions. But this improvement had been mitigated by the fact that Building Control was a service that was open to 100% competition. This meant developers had the choice to use the Council or a one of many hundreds of private Building Control bodies. These bodies anecdotally tend to carry out far fewer inspections than the Council did. Possibly the flats in question may have been inspected by one of these bodies.

Finally, it was important to remember that the standard set in the Building Regulations referred to only sound insulation and not sound proofing, and it assumed normal noise levels would be generated. Councillor Cohen added that if Councillor Harrison would care to let him know what properties had been suffering, he would check to see if any sound testing had taken place.

In a supplemental question, Councillor Harrison asked if the Environmental Health Department had sufficient equipment to properly monitor noise levels in the many new built flats in the Borough. The Planning and Localism Portfolio Holder said he would pass on that suggestion to the Portfolio Holder with responsibility for Environmental Health.

4) From Councillor Richard Butler to the Planning and Localism Portfolio Holder, Councillor Cohen:-

“I understand that Hertfordshire County Council have had to return to developers £800k of s106 money that had not been spent in the timeframe allowed. Was any of this money supposed to have been spent on projects in Hertsmere? Has Hertsmere Borough Council forfeited any s106 money due to failure to spend it on time? Is there any money in the current s106 pot with either HBC or HCC (available for expenditure in Hertsmere) which is in danger of being forfeited back to developers?”

Councillor Cohen replied that none of the £800k of s106 which Hertfordshire County Council had recently had to refund related to applications or projects in Hertsmere. In total, since 2006, one s106 agreement for £10,000 had had to be refunded by HCC. This related to funding towards traffic calming/management measures in a road Borehamwood and was refunded because there were insufficient funds to implement that particular scheme.

Hertsmere Borough Council had refunded two contributions of £28,550 plus index linking and £11,463 in the same period, out of several million pounds collected by Hertsmere. These were both Greenways contributions in Borehamwood and the funds were collected for Greenways. No feasible scheme could be identified for the former and for the latter, a cycle path, was identified but not sought by local Members. The s106 monies were therefore refunded.

There were a limited number of schemes which were nearer their potential refund date and these were being closely monitored. Officers had successfully negotiated an extension on one of those schemes, the Arsenal training ground development at London Colney, and managers in relevant spending departments had been reminded of the need to identify any spending priorities which could be funded through these s106 contributions.

As members would be aware, s106 agreements were often very strictly worded and if they were not, would be at risk of being found to be unlawful and in some cases, rejected by Planning Inspectors. They funds normally have to be spent on projects very close to the development they come from. Councillor Cohen said the monies collected were not the Council's to spend as it saw fit. However, the

Community Infrastructure Levy (CIL) would be non-negotiable and non-refundable. He said that colleagues may be aware that Hertsmere had just had its CIL charging schedule approved by the Planning Inspectorate, the first in Hertfordshire, and its introduction later this year would ensure that the Council had control over where and when the funds collected for local infrastructure could be spent.

In response to a supplemental question, Councillor Cohen undertook to let Councillor Richard Butler know how much S106 funding the Council and the County Council had in the Borough.

5) From Councillor Harrison to the Planning and Localism Portfolio Holder, Councillor Cohen:-

“Whilst we share the delight of the Tory group that the government has made a U-Turn and will now not be taking a large percentage of the New Homes Bonus to support the LEPs does the portfolio holder share our disgust at the proposal in the Autumn budget statement that if housing developments are given permission on appeal the Council will not receive the New Homes Bonus. Does he not agree that this is tantamount to blackmail and subverts the planning process making it virtually impossible for officers and Councillors to turn down any application to build new residential property?”

Councillor Cohen replied that he was very pleased that the coalition government had decided not to proceed with its proposals to direct a proportion of the New Homes Bonus receipts to support the work of Local Enterprise Partnerships. The Overview and Performance Committee was of the view that a robust response was merited and it was reassuring that Ministers had listened, in response to the views of Hertsmere Borough Council, the Local Government Association and many other local authorities.

Councillor Cohen said he would not support any proposal to withhold New Homes Bonus on any planning application which was granted permission on appeal. This idea was announced in the Chancellor’s Autumn Statement as part of a raft of proposed changes to the planning system. Any proposal seeking to withhold New Homes Bonus for applications granted on appeal, would be subject to consultation and he expected this authority, and many others, to respond in due course to such a proposal.

In the meantime Councillor Cohen expected this Council, as the Local Planning Authority, to continue to determine planning applications on their individual merits, regardless of any future fiscal penalty.

6) From Councillor Hoeksma to the Housing and Economic Development Portfolio Holder, Councillor Quilty:-

“Can the portfolio holder inform the Council if any local landlords are now refusing to rent to those receiving benefits? What steps are we taking to ensure our local landlords do not refuse to accommodate those on benefit particularly those who have been made homeless? How much higher are benefit levels paid to those in private rented accommodation than those who are in housing association accommodation?”

Councillor Quilty replied that there had always been a number of Private Landlords that did not accept Housing Benefit claimants. The Council was looking to hold another Landlords forum in February this year to discuss any concerns Landlords may have with letting to HB claimants. The Council could not force landlords to accept Housing Benefit claimants and would continue to do its best to talk to Landlords and encourage them to accept HB claimants. Those that had been made homeless could be given a property through our Private Sector Leasing scheme which did accept Housing Benefit claimants.

Councillor Quilty said that questions about housing benefit levels were not simple to answer as benefits were calculated on an individual basis, and took account of a number of factors such as

- whether the claimant is working age or pension age
- the claimant (and partners) income and capital
- the amount they and their family are treated as needing to live on (the applicable amount)
- the circumstances of other adults in their home.

Housing benefit was a national scheme applying throughout the United Kingdom. Any variation in housing benefit received was because of the particular circumstances of the claimant.

Private rented tenants did not receive higher benefits than those in housing association properties simply because they occupy private accommodation. If they received higher housing benefits, it was primarily because the rent for their private property was often higher. Councillor Quilty gave the example of a family in a 2 bed Housing Association property, he said if they moved without a change to their circumstances to 2 bed private rented accommodation with the same rent as their former housing association property, they would receive the same level of housing benefit. He added there was a cap on the amount of housing benefits a claimant could receive.

In reply to a supplemental question, Councillor Quilty said he would let Councillor Hoeksma know of the size of the Council's Private Sector Leasing scheme.

7) From Councillor Harrison to the Housing and Economic Development Portfolio Holder, Councillor Quilty:-

“Can the portfolio holder tell the Council how many of what were previously Council Houses owned by this authority have been sold under the right to buy? How many of these are now owned by private landlords? How many of these are being rented by private landlords to those on Benefit?”

Councillor Quilty replied that the Council did not have this information, the Registered Providers that bought the Housing stock would have the responsibility to keep these records. In reply to a supplemental question, Councillor Quilty said he would join with Councillor Harrison in attempting to obtain this information from the Registered Providers.

8) From Councillor Harrison to the Planning and Localism Portfolio Holder, Councillor Cohen:-

“Does this local authority have within its boundary any potential ‘fracking sites’ and if so how large does the portfolio holder think the bribe will be from the government to give permission for development of these sites?”

Councillor Cohen replied that he was not aware of any potential sites for Hydraulic Fracturing – otherwise known as fracking - within Hertsmere and therefore had not formed a view on the government’s planned incentive to encourage the take-up of this energy source across the country. He added that he was aware that UK regulation of fracking would be the toughest in the world. He added that it was unlikely that fracking would take place in Hertfordshire due to the geology of the County and absence of shale gas; the nearest relevant locations were to the south and west of London. He emphasised that any application would be the responsibility of Hertfordshire County Council – as minerals planning authority.

9) From Councillor Ernie Butler of the Communications and Consultation Portfolio Holder, Councillor Bright:-

“It is understood that many residents are refusing to put their names on the electoral register. Could the Portfolio Holder give the council an indication of how many have refused and state if the Council is intending to take any legal action in these cases?”

Councillor Bright began his reply to Cllr Ernie Butler with a question, and asked the Councillor if he could tell him and officers how he knew that “many residents are refusing to put their names on the electoral register”. This was not a situation the Council was aware of

nor was it helpful to suggest that Hertsmere residents can opt out of registration – they could not said Councillor Bright.

The real situation of registration in Hertsmere was an improving one; in 2009 the Council had a registration rate of 85%; in 2010 it was 88%; in 2011 it was 92% and in 2012 it was up again to 95.5%. It was likely that this year the Council would at least maintain its registration rate of 95.5%. Hertsmere had done well and Councillor Bright was proud that Hertsmere residents were responding to the efforts made to improve the registration rate.

He said the Council rightly made a great deal of efforts to achieve a high registration rate, and no-one should forget that the electoral register was part of the foundations of democracy in this country. The Council initially make postal contact with electors and visited those households who did not respond. In fact it went beyond the legal expectation and knocked on the door of non-responders twice.

There are some members of the public who do not respond and out of 42,000 households in Hertsmere, the Council was aware that 42 persons had refused to register during the present canvas. This was a typical figure and those individuals would be contacted and reminded that the law allowed the Council to prosecute non-registration. Councillor Bright said that overall he was pleased to say that the registration of electors in Hertsmere was improving and the Council would provide clear advice to those few who refused.

431. **NOTICES OF MOTION**

No notices of motion had been received.

432. **OPPOSITION BUSINESS**

No item of Opposition Business had been received.

433. **DATE OF NEXT MEETING**

Noted that the next meeting of the Council would take place at 7.30pm on Wednesday 26 February 2014.

CLOSURE: 9.30 pm

MAYOR

