

## **HERTFORDSHIRE COUNTY COUNCIL**

MINUTES of the Annual Meeting of the County Council held at County Hall,  
Hertford, on Tuesday 21 May 2002.

### **MEMBERS IN ATTENDANCE**

N E Agar	M Downing	L R Kercher	D T F Scudder
T I Ambrose	D J Drake	I H Laidlaw-Dickson	A M R Searing
J E Anderson	R J M Ellis	B J Lamb	I Simpson
D A Ashley	K F Emsall	A Lee	E N Singam
S A Batson	B C Engel	D B Lloyd	R H Smith
M V Bayes	F J Escott	D E Lloyd	R J Smith
D Beatty	G D Game	R Mays	W A Storey
D E Billing	S B A Giles-Medhurst	D R McManus	I E M Tarry
N K Brook	J Gipps	J T Metcalf	J Taunton
P T J Channell	P V Goggins	R Mills	J W A Usher
G R Churchurch	R I N Gordon	S J Mills	P A Webb
E M Clarke	A K Gray (Chairman)	J R Morton	G F Wenham
D Clayton	M Green	M H O'Neill	C J White
F W Clayton	F Guest	D A A Peek	B A York
R S Clements	B N W Hammond	J M Pitman	
K J Coleman	D W Hills	S Quilty	
M D Colne	J A Hobday	D Royall	
G M Cook	M J Hobday	P A Ruffles	
R N Copping	M H T Janes	R Sanderson	
K M Crout	S E Jones	H M Saunders	
A D Dodd	T G M Kent		

Upon consideration of the agenda for the Annual Meeting of the County Council held on 21 May 2002, as circulated, action was taken or decisions were reached as follows:-

#### **1. ELECTION OF CHAIRMAN OF THE COUNCIL**

The Chairman, A K Gray, being a candidate for election, withdrew in favour of the Vice-Chairman.

The Vice-Chairman, K F Emsall, called for nominations:

A K Gray was nominated by R J M Ellis and this was seconded.

There were no other nominations, whereupon **A K Gray** was declared ELECTED Chairman of the Council to hold office until the Annual Meeting of the Council next following.

He signed his declaration of acceptance of office, thanked the Council and took the Chair.

## **2. ELECTION OF VICE-CHAIRMAN OF THE COUNCIL**

The Chairman called for nominations:

K F Emsall was nominated by R J M Ellis and this was seconded.

There were no other nominations, whereupon K F Emsall was declared ELECTED Vice-Chairman of the Council to hold office until the Annual Meeting of the Council next following.

He signed the declaration of acceptance of office, and thanked the Council.

## **3. MINUTES**

The minutes of the meeting of the Council held on 26 March 2002 were confirmed.

## **4. CHAIRMAN'S ANNOUNCEMENTS**

### **4.1 Potters Bar Rail Tragedy 10 May 2002**

The Chairman referred to the Potters Bar rail derailment tragedy which had occurred on 10 May 2002.

He, together with the Executive Member for Protection, the Leader of the Council and other members paid tribute to those working for the County Council who had been involved in the response to the incident. It was agreed that the Chairman and Group Leaders send a letter of appreciation to all staff and persons from other organisations and services who were involved.

The Council stood for a minute in memory of those who had lost their lives in the tragedy.

### **4.2 Newly Elected Mayor of Watford**

The Chairman, on behalf of the Council congratulated Dorothy Thornhill on her election on 2 May 2002 as Mayor of Watford; the first directly-elected Mayor in the County.

### **4.3 National Health & Safety Award**

The Chairman reported that the County Council had received a national award for its work in establishing a partnership approach to promoting European Health and Safety Week back in October 2001. The Council congratulated everyone who helped achieve the award.

#### **4.4 Former County Councillor Una Bennett**

The Chairman reported the recent death of former County Councillor Una Bennett, who had represented Welwyn Garden City (West) from 1981 to 1985, and paid tribute to her.

#### **5. QUESTIONS UNDER STANDING ORDER 7(1)**

(a) **I Simpson** asked the Executive Member for Children, Schools and Families (R I N Gordon):-

*"In view of the decision to close Norton School in September 2002, will the Executive Member for Children, Schools and Families please provide clarification of the following points:-*

- (i) *whether he agrees that it is crucially important to ensure that the ongoing arrangements for children and parents who will in future look to Knights Templar, The Highfield and Fearnhill Schools for their secondary education are adequate to meet their needs;*
- (ii) *whether he is satisfied that the proposed reduction in capacity from 21 forms of entry (provided over the last few years at Knights Templar, The Highfield, Fearnhill and Norton Schools) to 19 forms of entry will adequately meet the needs of those parents who legitimately wish their children to attend one of the 3 remaining schools, particularly bearing in mind that this September there are likely to be somewhere between 20 and 21 forms of entry in the 3 schools;*
- (iii) *whether there are contingency plans to expand the standard numbers proposed should next year's numbers turn out to be very similar to this year's;*
- (iv) *whether such plans will require parents to suffer the pressure and uncertainty of the appeals process which would be the worst possible way to inspire confidence amongst parents who have been told that we have in place a sensible and robust plan for the future of education in this area?"*

(b) **R I N Gordon** replied:-

- (i) *Yes*
- (ii) *There is an important distinction between Standard Numbers and the actual number admitted. Aggregate Standard Numbers at the four schools has been 20.3 forms of entry. Actual admissions from 1997 to 2001 have been 18.1, 19.1, 19.5, 17.9 and 18.5.*

*During the admissions process, there is an inevitable drop in the number of places required as a result of appeals, transfer to the independent sector and the like. The initial 20.6 forms of entry has already fallen to 19.7 and is likely to fall still further as a result of formal appeals and other decisions taken by parents.*

*Aggregate numbers on roll for 2001 equate to 18.4 forms of entry and officers now forecast these over the next four years at 18.5, 18.6, 18.2 and 18.0.*

*Hence, the best advice is that the proposed aggregate 19 forms of entry will be sufficient.*

- (iii) *There are no specific contingency plans but, as ever, the Department maintains the capacity to respond effectively should unforeseen circumstances arise.*

*The physical built capacity of the three schools proposed for Letchworth and Baldock will allow each of the schools to run with an extra teaching group, thereby providing capacity to meet some fluctuation in demand. The aggregate site capacity is greater still.*

- (iv) *There are no such plans."*

- (c) **I Simpson** then asked the following supplementary question:-

*"Thank you for your detailed answer. It is difficult to absorb the figures quickly. Will the Executive Member look again at the proposed figure of 19 forms of entry being sufficient to meet demand for places? Having such a tight aggregate number is not really the way to begin a new structure of education; and it would be unfortunate if parents were to be dissatisfied."*

- (d) **R I N Gordon** replied:-

*"The best advice is that the proposed aggregate 19 forms of entry will be sufficient, but this will be kept under review, and there will be a response if something untoward arises."*

## **6. QUESTIONS - HERTFORDSHIRE POLICE AUTHORITY - STANDING ORDER 7(6)**

- 6.1** (a) **I Simpson** asked the Vice-Chairman of the Hertfordshire Police Authority (I H Laidlaw-Dickson):-

*"Would the Vice-Chairman explain the present position regarding the policing of traditional local events (shows, fairs, carnivals, markets etc.) where such events may overlap the public highway? Is he aware*

*that, at least in some parts of the county, the police have refused to provide any traffic control so that the only solution is to institute expensive road closures and diversions which may render the event unviable?"*

(b) **I H Laidlaw-Dickson** replied:-

*"The Constabulary have carefully reviewed their approach to public events as part of ongoing consideration of the deployment of resources and in the light of advice following a challenge to police powers in another police area.*

*We remain committed to providing police support to community events commensurate with the demand for policing services across the County.*

*Generally, police have no powers to approve or disapprove events on the highway. One notable exception is the position regarding cycle races where the Chief Officer of Police must authorise an event under regulations before it can take place. However, police do not have the power to close roads under such circumstances unless a Local Authority has made an order under the Town Police Clauses Act. Historically, there has been a marked variance of practice by Local Authorities ranging from making such an order for a token charge to many hundreds of pounds. In the light of events elsewhere in the country officers have recently been advised to take even greater care in their planning to ensure such orders are in place. The costs levied by some authorities have meant that some event organisers have decided not to go ahead.*

*In response to the second point, it is fair to say that the interpretation of this advice in some parts of the County led to some confusion which is very much regretted. Prompt work between Police and Local Authorities enabled events which were considered to be under threat to go ahead without incident and the Constabulary is grateful for the response of one Council which agreed to waive charges completely for some charitable events.*

*In the longer term, approaches have been made to each Local Authority to seek their co-operation in forming Safety Advisory Groups in each Crime and Disorder Partnership to provide joint agency support for event organisers. Early responses are encouraging with this approach receiving warm support from local authorities and event organisers. We are also currently consulting on our policies so they are consistent across the county."*

- 6.2 (a) **B A York** asked the Vice-Chairman of the Police Authority (I H Laidlaw-Dickson):-

*"Given the practice of other Police Forces with regard to community events (e.g. London Marathon and a host of smaller events) and to public safety, will the Police Authority be requesting the Chief Constable in Hertfordshire to review the decision not to police to previous standards community events on the public highway such as carnivals, road running, cycling and sponsored walks?"*

- (b) **I H Laidlaw-Dickson** replied:-

*"Much of the previous reply is relevant, however, in respect of road running and similar events, Hertfordshire follow national guidelines in seeking to discourage events on the highway; particularly so given the density of traffic, vehicle ownership levels and the general unsuitability of highways for such events. This guidance is widely followed throughout the country although we, like most forces, will consider each approach on its merits and pay particular attention to the public interest in major national and international events.*

*Organisers of such events have legal responsibilities for the safety of those taking part and appropriate advice is provided. We do not support sponsored walks and similar events and will always seek to persuade organisers that safer off-road alternatives should be pursued.*

*In answer to the specific point, no."*

- (c) **B A York** then asked the following supplementary question:-

*"How do the police in my area [which includes Elstree Film Studios] justify the increased policing there for the series 'Big Brother' and the reduced policing elsewhere?"*

- (d) **I H Laidlaw-Dickson** replied:-

*"The Big Brother house has been purpose built within the grounds of Elstree studios, Shenley Road, Borehamwood. Security will be provided by Olympus Security both inside and outside.*

*1000 people (over 18 years) will form the audience for both inside the studio and outside the Big Brother house each Friday. Powerhouse Ltd will distribute free tickets in advance of each show. The audience will queue outside the studio in the Tesco's service road, inside a fenced off area. This service road will be policed by two officers paid for by Big Brother. Their role is to provide traffic for deliveries in and out of Tescos and to monitor the gathering audience. These officers will be on rest day working."*

## 7. PUBLIC QUESTIONS - STANDING ORDER 7(10)

- 7.1 (a) Professor J Houldsworth, representing the Whitney Drive (Stevenage) Residents Association, asked the Executive Member for Environment (I E M Tarry):-

*"Would the County Council consider unlocking the unused part of the excess funds from the Sainsbury 1992 S106 Planning Gain to pay for an acoustic barrier to protect the residents of Whitney Drive who live beside Martins Way and the Hitchin Road from the continued escalation of traffic noise?"*

*£190,000 of the planning gain was spent in 1996 on routine maintenance of the Martins Way/Hitchin Road Roundabout but there is still approximately £40,000 remaining in the fund and no current commitments for additional spend. This would almost cover the cost of a modest acoustic barrier.*

*We submit that this is not 'public money' and should really be spent for the specific benefit of the community.*

*Alternatively, would the County Council consider consulting Sainsbury to seek their advice on whether or not they would prefer the remaining funds from the excess planning gain to be used on a community project of this kind? They may view this as an extremely valuable exercise in customer relations."*

- (b) **I E M Tarry** replied:-

*"I have great sympathy with your case and thoroughly appreciate the concern that you and many other Hertfordshire residents have regarding traffic noise. The effect of road noise is felt by communities across Hertfordshire and indeed nationally.*

*In response, the County Council has invested in a number of trials of noise reducing road surfaces in an attempt to relieve the burden of traffic noise to the community and taken many other measures as part of its Local Transport Plan.*

*In relation to your specific concerns, I am aware that the Environment Department has investigated them in great detail and that this has included commissioning and paying for independent noise tests, and the surfacing of the roundabout with noise reducing materials. My understanding is that these tests revealed that noise levels in Whitney Drive do not meet any recognised criteria for specific noise measures.*

*It would be therefore be inappropriate to meet your request and use funds, from whatever source they were received, for provision of an acoustic barrier in circumstances that do not meet any statutory*

*requirement and for which there is no adopted policy. Indeed, such expenditure could create a precedent and raise expectations which the County Council would not be able to meet in other parts of the county.*

*This latter point is one you have raised specifically. We are well aware of the action taken by the Highways Agency on the A12 Trunk Road but I have to tell you that the work was only undertaken where certain criteria were met. If the same criteria were to be applied on the roads for which we are responsible in Hertfordshire, I am advised that it is unlikely any site in the county would qualify for similar treatment.*

*I have also considered the point you make about the use of Section 106 monies. However, that provided by Sainsbury's has been and is being used to fund a variety of measures to assist the wider community.*

*On this basis, I am therefore sorry to have to say that I concur with previous responses you have had from the Director.*

*I know this is not the answer you want, but can I assure you that I have considered this very carefully and reviewed all the actions and decisions taken by the department in reaching this view."*

- (c) Professor Houldsworth then asked the following supplementary question:-

*"Under the terms of agreement, Sainsbury can ask the County Council for the return of the unused S106 funds. Will the County Council approach Sainsbury to ask if they want this money back?"*

- (d) **I E M Tarry** undertook to provide Professor Houldsworth with a written reply (to be copied to all members) within seven days.

## **8. APPOINTMENT OF COMMITTEES / PROPORTIONALITY**

In the absence of a resolution to the contrary, members remained in place on Committee for the ensuing year. The Council noted that there was no need to review proportionality on Committees.

## **9. PUBLIC PETITIONS - STANDING ORDER 14**

None were notified.

## **10. REPRESENTATION ON THE LOCAL GOVERNMENT ASSOCIATION**

- (a) The Chairman called for nominations for four members to serve on the LGA General Assembly until 20 May 2003.

- (b) R J M Ellis nominated R J M Ellis, M H T Janes and J M Pitman, and this was seconded.
- (c) R Mays nominated R Mays, and this was seconded.
- (d) P V Goggins nominated C J White, and this was seconded.
- (e) There being more candidates than positions, a written ballot was held under Standing Order 12(5).
- (f) The outcome of the voting was:-

R J M Ellis	44
J M Pitman	44
M H T Janes	43
R Mays	28
C J White	11

- (g) R J M Ellis, M H T Janes, J M Pitman and R Mays were APPOINTED to serve on the LGA General Assembly until 20 May 2003.

## **11. REPRESENTATION ON HERTFORDSHIRE POLICE AUTHORITY**

- (a) The Chairman called for nominations for nine representatives (5 Conservatives, 3 Labour, 1 Liberal Democrat) to serve on the Hertfordshire Police Authority until 20 May 2003.
- (b) R J M Ellis proposed that the existing nine representatives be re-appointed and this was seconded. Those members, namely R J M Ellis, R I N Gordon, D B Lloyd, R H Smith, J Taunton, D E Billing, I H Laidlaw-Dickson, R Sanderson and C J White were then APPOINTED to serve on the Hertfordshire Police Authority until 20 May 2003.

## **12. MEMBERSHIP OF THE STANDARDS COMMITTEE**

### **12.1** The following motion was proposed by **R J M Ellis** and duly seconded:-

*"That the following independent persons be appointed to interview candidates for the vacant place on the Standards Committee and make a recommendation to the next Council Meeting:-*

*Professor Tim Wilson (Pro Vice-Chancellor of the Hertfordshire University)*

*Nigel Gates (representative of the Regional TUC)*

*Peter Palfrey (member of the Magistrates Courts Committee)"*

- 12.2** The following amendment proposed by **R Mays**, and duly seconded, was LOST:-

*"Add at the end:*

*That the independent panel be augmented with a fourth independent member to be identified by the three Group Leaders, and that the panel be advised that there needs to be a gender balance on the Standards Committee."*

- 12.3** The motion at 12.1 was then CARRIED.

### **13. KEY DECISIONS/FORWARD PLAN**

The following motion proposed by **R J M Ellis**, and duly seconded, was CARRIED:-

*"That the position of Key Decisions in the decision-making process, shown in the edition of the Forward Plan circulated with the agenda, be noted."*

### **14. ITEMS OF BUSINESS REQUESTED BY MEMBERS**

#### **14.1 DATE OF NEXT FULL COUNCIL MEETING**

(Item requested by R J M Ellis, K J Coleman, M H T Janes, D E Lloyd and D Beatty).

The following motion proposed by **R J M Ellis**, and duly seconded was CARRIED:-

*"That the next Council Meeting be moved forward from 16 July to 18 June 2002, so that it can consider the proposals for review of the Structure Plan, within a time frame which is convenient for District Councils, and which has regard to the need for the County Council to advise the Inspector on whether it wishes to pursue the holding objection to the Stevenage Local Plan in the context of its emerging Structure Plan Development Strategy."*

#### **14.2 REPORT ON E-GOVERNMENT**

(Item requested by A M R Searing, N K Brook, F J Escott, D B Lloyd and J W A Usher).

The following motion proposed by **D A Ashley**, and duly seconded, was CARRIED unanimously:-

*"That the Council endorses the progress made to date and considers that this area should form one of the Public Service Agreement targets and that the Best Value review of the Management of the Authority investigates the extent to which the initiative could be extended, and the resulting costs and benefits."*

**15. NOTICES OF MOTION - STANDING ORDER 8(5)**

None were notified.

**16. WHITE PAPER ON REGIONALISM *YOUR REGION, YOUR CHOICE: REVITALISING THE ENGLISH REGIONS***

(a) The Chairman agreed that this matter, which had been to the Cabinet on the previous day, be accepted as an urgent matter for consideration on the day.

(b) The following motion was proposed by **M H T Janes**, and duly seconded:-

*"1. That the Council be invited to express its views, and a cross-party Panel of seven Members be constituted to develop a response to the White Paper for consideration by the Cabinet meeting on 22 July 2002.*

*2. That District Councils and other stakeholders be invited to join with the County Council to try to achieve a consensus which reflects the needs and aspirations of people and communities in Hertfordshire, and that the Hertfordshire LGA participates in such endeavours."*

(c) The following amendment proposed by **J T Metcalf**, and duly seconded was WITHDRAWN following debate:-

*"Amend to read:*

*1. That a Panel of Members be constituted to develop a response to the White Paper for consideration by the Cabinet meeting on 22 July 2002.*

*2. That Herts LGA be asked to try to achieve a consensus which reflects the needs and aspirations of people and communities in Hertfordshire."*

(d) The motion at (b) was then CARRIED unanimously.

**Andrew Laycock**  
**County Secretary**