

## HERTFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting of the County Council held at County Hall, Hertford, on Tuesday 25 November 2003.

### MEMBERS IN ATTENDANCE

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

Upon consideration of the agenda for the meeting of the County Council held on 25 November 2003, as circulated, action was taken or decisions were reached as follows:-

#### 1. MINUTES

The minutes of the meeting of the Council held on 16 September 2003 were confirmed.

#### 2. CHAIRMAN'S ANNOUNCEMENTS

##### 2.1 Death of County Councillor F J Escott

The Chairman reported the sudden death on 11 October 2003 of County Councillor Frank Escott, member for Hertford All Saints since May 1997.

The Chairman was joined by County Councillors Goggins, Mays and Ellis in paying tribute to him.

The Council stood in his memory.

## **2.2**            Election of new County Councillor

The Chairman welcomed to his first full Council meeting, County Councillor Richard Roberts who had been elected to represent Kings Langley on 18 September 2003, in place of Janet Anderson, whose resignation had been reported at the last meeting.

## **2.3**            Welcome to new Director of Children, Schools and Families

The Chairman welcomed to his first full Council meeting, John Harris who had joined the County Council on 1 October 2003 as Director of Children, Schools and Families.

## **2.4**            Farewell to Departing Officers

The Chairman referred to John Evans, Deputy Director of Children, Schools and Families who was leaving in early 2004 to become Director for Education and Children with Peterborough City Council.

The Council thanked him for the contribution he had made to the County Council since he joined the former Education Department in 1985.

The Chairman then referred to Mike Palmer, Assistant Director of Environment, who was retiring in December after over 36 years with the Council.

The Council thanked him for the contribution he had made to the County Council and wished him a long and happy retirement.

## **2.5**            Hertfordshire Compact Commendation

The Chairman announced that the County Council had received a parliamentary commendation for the way it had worked with the districts and with the voluntary and community sectors to develop the Hertfordshire Compact and to set up District Compacts.

The Council congratulated everyone concerned with the enterprise.

## **2.6**            Buddy Mentor Scheme

The Chairman announced that the County Council had won a national Community Care Award for its Buddy Mentor Scheme.

The Scheme, designed to help disabled people across the County seeking training, or starting or returning to work was

managed by Giselle Ruoss from Adult Care Services, who was present at the meeting along with her manager Shirley Wilson.

The Council congratulated them and all those involved in this scheme.

## **2.7** Rugby World Cup

The Chairman referred to England's victory in the Rugby World Cup and the whole Council congratulated them on it, and in particular, Richard Hill and Kyran Bracken who play for Saracens based in Watford and who train at the University of Hertfordshire; and Joe Worsley from Welwyn Garden City who first played rugby for Welwyn.

## **3. QUESTIONS: HERTFORDSHIRE POLICE AUTHORITY – STANDING ORDER 7 (6)**

### **3.1 (a) R S Clements** asked the Chairman of the Police Authority (I H Laidlaw-Dickson):-

*“Would the Chairman of the Police Authority agree that there is a very serious situation with regard to major parking problems on the streets of Hertfordshire, which the public feel is the result of the precipitous decision to withdraw the traffic warden service? What steps has he taken to deal with this problem?”*

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

*“The Constabulary continues to enforce waiting restrictions in those Districts and Boroughs that have not decriminalised parking restrictions, albeit with a reducing number of Traffic Wardens supplemented where appropriate by attention from police patrols who will always deal with dangerous parking, and Police Community Support Officers, some of whom are being designated with the necessary powers.*

*Dacorum, Watford and Three Rivers Councils have decriminalised and now deliver enforcement themselves with St Albans responsible for some on-street parking zones. All other Districts and Boroughs report progress toward the same.*

*The Chief Constable has promised interim support to those Authorities that cannot be ready by 1 April and Area Command Teams are working closely with them to agree transitional enforcement arrangements in the event that decriminalisation is delayed beyond that date.”*

- (c) **R S Clements** then asked the following supplementary question:-

*“Will the Chairman of the Police Authority meet yet again with the Chief Constable to seek his assurance that police resources will be directed towards addressing this problem?”*

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

*“I talk to the Chief Constable regularly and I am sure that this subject will come into our discussions.”*

- 3.2 (a) **S B A Giles-Medhurst** asked the Chairman of the Police Authority:-

*“Can the Chairman please inform members how many police are normally deployed to the central Watford area on a typical Friday and Saturday night over the last calendar year; how many of these are special constables, and how this resourcing might be considered to have to change if the change in the legislation permitting 24 hour opening of establishments in Watford serving alcohol is applied here?”*

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

*“For Friday and Saturday night policing in the Western Area the Area Commander has available a minimum of 2 Inspectors, 3 Sergeants, 32 regular Constables and 6 to 8 Special Constables.*

*Up until 3 am, 1 Inspector, 2 Sergeants and 16 Constables are dedicated to Watford Town Centre. These dedicated resources are augmented by 2 Community Constables until 1 am. In addition we draw on Area Road policing and Operational Support resources when required.*

*Our response to the potential for disorder is intelligence-led and we often enhance these resources still further to deal with special events such as ‘garage nights’ and certain weekends which coincide with monthly pay days!*

*It is difficult to predict what the effect of the new Act will be (which has now received Royal Assent). However we are planning to extend the length of the enhanced patrol to ensure we can cope with any extended drinking during what we anticipate will be a settling down period of a few months. We will then resource according to the pattern of demand that emerges. The responsibility for licensing will be taken over by Local Authorities, it is anticipated in April next year. The Constabulary will have the opportunity to comment on licence renewals.*

*It should be of interest to members that we are also in the advanced stages of the development of a multi-agency problem solving approach to reducing alcohol-related violence in Watford Town Centre. This will be implemented on 1 December and will include many tactics which will remain permanently deployed. Learning from this work will be extended to other town centres in the Western Area."*

- (c) **S B A Giles-Medhurst** then asked the following supplementary question:-

*"I would like to place on record my thanks, and that of my residents, for the work the police do, in particular on Friday and Saturday nights, in my division, to deal with potential problems. Would the Chairman of the Police Authority be supportive of the police remaining proactive in opposing unnecessary licences where they are likely to cause public order difficulties?"*

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

*"I shall make sure that the Area Commander is aware of your views."*

**4. PUBLIC QUESTIONS – STANDING ORDER 7 (10)**

None notified.

**5. PUBLIC PETITIONS – STANDING ORDER 14**

Mr Roy Oakley on behalf of the Watton-at-Stone Parish Council presented a petition and addressed the Council for three minutes, relating to the Home to School Transport Policy which came into force in September 2003, and how this affected the rural community of Watton-at-Stone.

The petition stood referred to the Director of Children, Schools and Families for consideration and report to the local member and Group Spokesmen.

**Reports from Cabinet – 10 November 2003**

**6. HERTFORDSHIRE SUBMISSION TO REGIONAL PLANNING PANEL ON DISTRICT LEVEL HOUSING FIGURES FOR RPG14**

The Council noted the views of the Structure Plan and Regional Issues Panel on 13 November 2003 and also received a supplementary report from the Director of Environment (item 6A).

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

*“That the report approved by the Cabinet at its meeting on 10 November 2003 be endorsed.”*

- 6.2** The following amendment, proposed by **B A York**, and duly seconded, was LOST:-

*“That the motion be amended to read:-*

*‘That the report approved by the Cabinet on 10 November be noted and that the County Council now reconsiders the housing figures for Hertfordshire and makes a new submission to the EERA (through its RPP) as a matter of urgency’.*”

- 6.3** The motion at 6.1 was then CARRIED.

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

*“That, following the meeting of the Regional Planning Panel and its recommendations, the County Council will work with district councils in reconsidering the housing figures for Hertfordshire and if possible will make a further joint county and district council submission to the EERA as a matter of urgency.”*

- 6.5** The following motion was proposed by **B A York**, and duly seconded:-

*“That the EERA be further advised that Hertfordshire County Council will expect the Regional Spatial Strategy to address the shortage of housing and particularly affordable housing.”*

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

*“That the motion at 6.5 be amended to read:-*

*‘That the EERA be further advised that Hertfordshire County Council will expect the Regional Spatial Strategy to address housing need through a proper evaluation of development options’.*”

- 6.7** The substantive motion (as set out in 6.6) was then CARRIED.

**7. PROPERTY PLAN 2003 ONWARDS**

The following motion proposed by **D Beatty**, and duly seconded, was CARRIED:-

*“That the Property Plan for 2003 onwards, as circulated with the agenda, be endorsed.*

**8. REPORT OF THE COMMUNITY SERVICES SCRUTINY COMMITTEE – 14 OCTOBER 2003**

(Presented by J A Hobday, Chairman of the Scrutiny Committee)

The Report of the Community Services Scrutiny Committee dated 14 October 2003 was received.

**9. REPORT OF THE CHILDREN, SCHOOLS & FAMILIES SCRUTINY COMMITTEE – 15 OCTOBER 2003**

(Presented by T G M Kent, Chairman of the Scrutiny Committee)

**9.1 Draft Children, Schools and Families Service Plan 2004/5**

- (a)** The following motion was proposed by **D E Billing**, and duly seconded:-

*“That, in view of the declining LEA performance in relation to schools entering and staying in OFSTED categories (Special Measures and Serious Weaknesses), the County Council welcomes the emphasis being given by the new Director of Children, Schools and Families to early intervention and support for schools causing concern, but regrets the considerable delay in ensuring that the Monitoring of Schools Topic Group gets to work urgently on these concerns.”*

- (b)** The following amendment, proposed by **R I N Gordon**, and duly seconded, was CARRIED:-

*“That the motion be amended to read:-*

*‘That the County Council:*

- i) acknowledge the importance of securing sustained improvement by underperforming and coasting schools, particularly those that have been causing concern for some time;*

- ii) *recognises the success of the LEA in helping a number of schools out of OfSTED categories (Special Measures and Serious Weaknesses) as reported to the CSF Achievement Cabinet Panel on 16 May 2003 and 25 September 2003, showing twelve schools removed and five added, leaving sixteen schools in a category;*
- iii) *notes that the new higher standards introduced by OfSTED from September 2003 may result in an increase in the number of schools in such categories;*
- iv) *welcomes the continued emphasis being given by the current and draft Children, Schools and Families Service Plans to early intervention and support for schools causing concern;*
- v) *endorses the strategy outlined by the Director CSF in his presentation on 'Keeping the child at the centre' including the appointment of a Deputy Director for Learning and Schools Effectiveness;*
- vi) *notes the work on school monitoring carried out by the CSF Achievement Cabinet Panel and proposed by the Monitoring of Schools Topic Group'."*

(c) The substantive motion (as set out in (b)) was then CARRIED.

The Vice-Chairman, G D Game, took the Chair for the remainder of the meeting (note: item 15.2 was taken on the day prior to item 9).

**9.2** The Report of the Children, Schools and Families Scrutiny Committee dated 15 October 2003 as amended by minute 9.1 (c) was received.

## **10. REPORT OF THE ENVIRONMENT SCRUTINY COMMITTEE – 21 OCTOBER 2003**

(Presented by M V Bayes, Vice-Chairman of the Scrutiny Committee)

### **10.1 Hertfordshire Highways**

The following motion proposed by **B A York**, and duly seconded, was CARRIED:-

*"That monitoring of street lighting outages and repair, and particularly the performance of EDF in restoring illumination, be given a high priority during the current winter period."*

**10.2** The Report of the Environment Scrutiny Committee dated 21 October 2003, as amended by minute 10.1 was received.

**11. REPORT FROM THE STANDARDS COMMITTEE**

Report received.

**12. PROGRAMME OF MEETINGS**

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

*“That the programme of meetings for September 2004 to July 2005, as set out in the draft circulated with the agenda, be approved.”*

**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 current edition of the Forward Plan, be noted.”*

**14. ITEMS OF BUSINESS REQUESTED BY MEMBERS UNDER STANDING ORDER 6 (2) (1)**

None notified.

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

**15.1 Speed Limits on Residential Roads**

The following motion proposed by J T Metcalf, and duly seconded, stood referred to the Environment Scrutiny Committee for consideration:-

*“That this Council welcomes the call from the Health Development Agency (in the press release circulated with the agenda) for speed to be cut to 20mph on residential roads to reduce children’s deaths and injuries by 67% and the Council will therefore expect measures to reduce speeds to 20mph on residential roads wherever possible to be included in the Local Transport Plan”*

## 15.2

### Council Tax

- (a) In order to promote the Council's interests the Chairman agreed to deal with this matter on the day, and it was taken ahead of item 9 on the agenda.
- (b) The following motion was proposed by **I Simpson**, and duly seconded:-

*"That this Council:*

- *welcomes the willingness of the Office of the Deputy Prime Minister, in its initial response to the local authorities 'balance of funding' consultation, to investigate seriously, alternative methods of financing local government;*
- *regrets the major and unfair impact that successive council tax increases have had on our most vulnerable residents, especially households on low incomes, such as many of our pensioners;*
- *notes that since 1997, the average Band D Council Tax has risen by 70%.*

*and therefore calls upon the Deputy Prime Minister to:*

- i) *scrap the unfair and non-progressive Council Tax and replace it with a locally-set tax on income, which would be related to ability to pay, and provide a buoyant source of income for local government;*
- ii) *demolish the complicated and centrally-set system of local government grants which disguises accountability, so that residents cannot be certain who is responsible for local tax increases;*
- iii) *introduce a fair and transparent equalisation mechanism with the sole purpose of ensuring that each authority is able to provide a similar service to its residents at a similar cost;*
- iv) *return business rates to local control;*
- v) *reduce centrally-levied Income Tax in line with any savings in central expenditure arising from the above changes."*

- (c) The following amendment was proposed by **D Beatty**, and duly seconded:-

*“That the motion be amended to read:-*

*‘That this Council:-*

- *welcomes the willingness of the Office of the Deputy Prime Minister, in its initial response to the local authorities ‘balance of funding’ consultation, to investigate seriously fairer and more transparent formulae for the financing of local government;*
- *regrets the major and unfair impact that successive Council Tax increases have had on our most vulnerable residents, especially households on low incomes, and pensioners not in receipt of benefit;*
- *notes with concern that since 1997, the average Band D Council Tax has risen by 70%.*

*This Council therefore calls upon the Deputy Prime Minister to:*

- i) replace with a simpler and more transparent formula than the current complicated and centrally manipulated system of local government grants which disguises accountability, so that residents cannot be certain who is responsible for local tax increases;*
  - ii) adequately fund local government to cover the costs of increases in service levels, function transfers or legislative changes, so that these can be introduced without significant Council Tax increases;*
  - iii) introduce a fair and transparent equalisation mechanism with the sole purpose of ensuring that each authority is able to provide an effective and efficient level of service to its residents, without the need to increase local taxation significantly beyond inflation;*
  - iv) return business rates to local control’.”*
- (d) The following amendment was proposed by **R Mays** and duly seconded:-

*“That the motion be amended to read:-*

*'That the Council:-*

- *welcomes the willingness of the Office of the Deputy Prime Minister, in its initial response to the local authorities 'balance of funding' consultation, to investigate seriously, alternative methods of financing local government;*
- *regrets the major and unfair impact that successive council tax increases have had on our most vulnerable residents, especially households on low incomes, such as many of our pensioners;*
- *notes the above inflation rises in average Band D Council Tax since it was introduced by the Conservative Government in 1993.*

*This Council therefore calls upon the Deputy Prime Minister to:*

- i) scrap the unfair and non-progressive Council Tax and include in its replacement a locally-set tax on income, which would be related to ability to pay, and provide a buoyant source of income for local government;*
- ii) demolish the complicated and centrally-set system of local government grants which disguises accountability, so that residents cannot be certain who is responsible for local tax increases;*
- iii) adequately fund local government to cover the costs of increases in service levels, function transfers or legislative changes, so that these can be introduced without significant local tax increases;*
- iv) introduce a fair and transparent equalisation mechanism;*
- v) return business rates to local control;*
- vi) ensure that any change which increases local taxation is accompanied by a clear and publicly understood reduction in central government taxation which is fiscally neutral'."*

The amendment at (d) was LOST.

The amendment at (c) was CARRIED.

The substantive motion (as set out at (c)) was CARRIED.

**16. QUESTIONS UNDER STANDING ORDER 7 (1)**

**16.1 (a) N K Brook** asked the Executive Member for Environment:-

*"In view of the fact that the new waste strategy is now up and running, could the Executive Member advise how it is working and progressing throughout the County?"*

**(b) D A Ashley** replied:-

*"I am pleased to say that since the Joint Municipal Waste Management Strategy was formally launched in July of this year, a lot of positive outcomes are beginning to emerge. The Hertfordshire Waste Partnership has been formed and I have been elected as its Chairman. Under its stewardship, work is being done on a range of joint projects.*

- *A countywide contract for the collection and disposal of all the vehicles that are abandoned in Hertfordshire – currently approaching 10,000 a year! – will be implemented in January 2004 under which all the vehicles will be removed within 24 hours of a district council request.*
- *A pooling proposal is being prepared for submission to the Government under which the County Council and all the 10 district councils will pool their respective Best Value recycling and composting standards for 2005/06.*
- *A joint partnership bid for the maximum of £5 million from the National Waste Minimisation and Recycling Fund has been submitted and I and a team of officers from the HWP will be attending an interview to determine its outcome in London this coming Friday.*
- *In-vessel organic waste composting facilities to serve the whole county by April 2005 are currently going through the process of procurement.*
- *A financial model is being prepared, aimed at replacing recycling credits with a scheme that will incentivise and reward not only recycling but waste minimisation as well."*

**(c) N K Brook** then asked the following supplementary question:-

*"What is the current position regarding funding of the Waste Aware Campaign?"*

**(d) D A Ashley** replied:-

*“There is an issue about continued funding of the Waste Aware Campaign, which until now has come from recycling credits, which have now been nationalised by the government. We are putting in a bid to try to ensure that this campaign can continue, but the position is not absolutely secure.”*

**16.2 (a) S B A Giles-Medhurst** asked the Executive Member for Environment:-

*“Will the Executive Member please explain why a large number of street lights are not on the inventory held by the County Council because they have no numbers on them and thus if they are not working may not be fixed?”*

**(b) D A Ashley** replied:-

*“It is not the case that street lights without visible numbers are not on the inventory. There is a requirement on the County Council to maintain an accurate electronic inventory for electricity charging purposes which is subject to independent audit. All lighting columns have a number on the electronic system (HERMIS). It is however the case that numbers are missing from some street lights. This does not affect general maintenance as all street lights are scouted on a regular 10-day cycle and repaired as necessary, including those with missing numbers.*

*However, I do recognise that the lack of this information could impact on the speed of resolution of faults reported by the public, when location would have to be by description (ie. outside No 55 Railway Cuttings). Work is currently ongoing to address all missing and faded numbers although it will be some time before this is completed.”*

**(c) S B A Giles-Medhurst** then asked the following supplementary question:-

*“I had an e-mail from a county officer yesterday confirming that the street lights I reported are not on the system, and could not therefore be repaired. Similarly I have an e-mail from the Network Manager South-West confirming that certain street lights are not on HERMIS, which is another reason why they have not been repaired. This does not therefore seem to tally exactly with the answer given. Can the Executive Member assure me that measures are underway to rectify this?”*

**(d) D A Ashley** replied:-

*“This is useful information which can be fed into the system. However, these types of observation should be progressed through normal channels, rather than be the subject of questions at full Council.”*

**16.3 (a) S B A Giles-Medhurst** asked the Executive Member for Environment:-

*“Is the Executive member aware that the scouting regime for lights is not working in that lights out and have no numbers on them cannot be reported and that the ‘scouts’ have asked for backup from local officers because of the overall workload particularly in the South West Herts Area where there is an increasing number of street light faults, some of which are not being repaired within months let alone the charter standard?”*

**(b) D A Ashley** replied:-

*“My response to the previous question covers much of this. There is no reason why missing numbers on street lighting columns are affecting the general maintenance regime. However, local officer knowledge is often used when there is difficulty identifying street lights reported by the public through the Customer Service Centre without an identification number. This co-operative approach is encouraged.*

*Although the Council’s independent audit indicates the street lighting service at or about the required standard of an average 98% in lighting across the county I am aware of members’ concerns in respect of longer term outages. These frequently relate to electricity supply faults which generally take longer to repair and are the responsibility of EDF, the electricity supply company in this area. Members will be aware of ongoing supply issues.*

*In terms of street lights not working in South-West Herts, the most recent monitoring information (for October) shows that there were fewer lights out in that month than in any over the last six months.”*

**(c) S B A Giles-Medhurst** then asked the following supplementary question:-

*“Will the Executive Member please supply me with that information so that I could go back to him and to the officers detailing individual instances where it does not appear to be the recollection of myself and other members in South-West Herts that the standards he is referring to are in fact being met?”*

(d) **D A Ashley** replied:-

*"I would be happy to consider that."*

16.4 (a) **S B A Giles-Medhurst** asked the Executive Member for Environment:-

*"Is the Executive Member aware of the considerable complaints from members of the public about the appalling performance of Amey Lafarge on the contract to install a 20 mph zone in part of Oxhey Village and what action has he taken to resolve these problems, in particular has he raised, or will he now raise, the working practice whereby workmen for this firm do not start work on site until mid-morning and leave in mid-afternoon due to the requirement for them to clock in and out at a depot miles away in Kings Langley. Given that this smacks of outdated working practices that may affect other contracts what is being done about this?"*

(b) **D A Ashley** replied:-

*"I am aware that overall performance of this scheme has not been up to the standards expected and these matters have been raised with the works team. A number of these issues have been addressed and some are still in hand to be fully resolved. Any such instances have an impact on the overall assessment of works team performance.*

*In the case of the specific reference to working practices, the workforce are required to clock in/out at Kings Langley for operational and health and safety reasons. Furthermore, lorries, materials and equipment are also stored there and need to be collected/stored at the start/end of each day.*

*A balance has to be made between the numbers (and costs) of depots against their locality. Part of the vehicle operator's licensing involves a requirement for vehicles to be operated from (i.e. stored and collected from) a depot. This is based on both security as well as the desire by residents for such vehicles not to be kept at individual workers' homes.*

*In the case of the Oxhey Village Scheme, Kings Langley is the nearest operational depot. Despite a 7.30am start, the men may not arrive on site until after 9.00am and leave by about 3.30pm. This issue has been raised with the works team to identify areas where operational practices can be improved."*

- (c) **S B A Giles-Medhurst** then asked the following supplementary question:-

*“Could the Executive Member please explain what has been raised, what has been the result of his raising these issues, and what practices are now going to change to improve the works delivery?”*

- (d) **D A Ashley** replied:-

*“I shall give you a written reply to that question.”*

(Copy attached to these minutes)

- 16.5 (a) **S B A Giles-Medhurst** asked the Executive Member for Environment:-

*“Would the Executive Member agree with me that ‘has been disposed of as part of the normal construction procedure’ is effectively wasteful dumping of valuable builders material, particularly when it includes such items as granite kerbs being taken to landfill when they could be reused?”*

- (b) **D A Ashley** replied:-

*“All three organisations making up Hertfordshire Highways are individually certified to ISO14001 and therefore operate within an environmental management regime subject to external audit. As part of this, there is a commitment to increasing the sustainability of the service. This includes increasing the level of material reuse and recycling, along with monitoring the amount of wastage.*

*With respect to the granite kerbs, such items which are not required for reuse at the same location, are taken to store for future reuse elsewhere. If Mr Giles-Medhurst is aware of any circumstances where this has not happened then I would be more than pleased to know.”*

- (c) **S B A Giles-Medhurst** then asked the following supplementary question:-

*“This relates to Oxhey Village. Would the Executive Member agree that if the information he has just given to me had been elaborated upon at the meeting by officers from Herts Highways, this might not have arisen and the concerns of many local residents, where a large number of granite kerbs have been removed, may not have arisen?”*

(d) **D A Ashley** replied:-

*"Probably."*

16.6 (a) **S B A Giles-Medhurst** asked the Executive Member for Environment:-

*"Would the Executive Member agree that if officers of Mouchel and Herts Highways are having to daily chase issues of poor performance/failure to adhere to the contract specification, that this is a sign of failure by Amey Lafarge to perform and will be taken into account as part of the Hertfordshire Highways Performance Management Review and more importantly will be raised at the most senior level with the company?"*

(b) **D A Ashley** replied:-

*"Yes."*

(c) **S B A Giles-Medhurst** then asked the following supplementary question:-

*"Would the Executive Member agree that, had I got answers from the officers I wouldn't have had to table question at full Council?"*

(d) **D A Ashley** replied:-

*"I recognise the importance of effective communication between officers and members of this authority and I am doing all I can to improve those channels of communication."*

16.7 (a) **L R Kercher** asked the Executive Member for Children, Schools and Families:-

*"With the closure of Norton School, extra places had to be found at Knights Templar, Fearnhill and Highfield Schools. It appears there were not sufficient places for this September's cohort because some children, albeit newcomers, had to be sent to schools outside Letchworth (Hitchin, Stevenage and Royston, I understand). Concerns have been expressed to me from worried parents from this year's cohort that not enough places will be available again this year. If this proves to be the case can I be assured that extra places will be provided to ensure that **all** Letchworth children who ask for a place at a Letchworth school (including newcomers) will be catered for? Can I also be assured that places will be available in future years?"*

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

*“The decision to close Norton School and expand Fearnhill, the Highfield and Knights Templar was taken after the County Council had determined its admission arrangements. In the event total applications (including late applicants) exceeded the published aggregate admission limit of 570.*

*The principle of providing places at local schools was accepted locally and the two Letchworth schools agreed to take additional pupils through a temporary increase in their admission limits. As a result of those additional places, and subsequent successful appeals, a total of 615 places were taken up in September 2003.*

*The current forecast for 2004/5 indicates that there may be a need temporarily to raise admission limits again by some 20 places to meet local demand. This cannot be confirmed until the applicants are fully analysed, and discussions will take place with the schools in good time.*

*Countywide we have now around the peak of the current demographic projection and it appears that demand in Letchworth will decline over the next few years. The position will be monitored closely.*

*At the request of the Admission Forum, consideration is being given to the possibility of dividing the Hitchin/Letchworth Priority Area for admissions from 2005. If the Director decides to consult on such an option there will be a statutory consultation process in the New Year.”*

**16.8 (a) L R Kercher** asked the Executive Member for Children, Schools and Families:-

*“Through talking to parents in Baldock I have been made aware of a shortage of primary school places for Baldock children. Continuing interest lists are quite long and officers are aware that places in Baldock are extremely tight with no surplus provision. One child I know aged 4 years will have to be sent by taxi to Letchworth, with an escort of course. How many other children are or will have to do this? Surely it would be more cost-effective to provide one extra class at one of the Baldock schools. Can I be assured that this matter will be looked at urgently?”*

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

*“Historically, the balance between the demand and supply of primary school places in Baldock has been closely balanced.*

*Hartsfield School has the benefit of two additional classrooms and has been able to accept larger intakes in 'bulge' years and officers will discuss this situation with that school again should numbers prove it necessary.*

*However, as we are past the demographic peak for reception age children, the problem is not likely to continue. The current forecast for reception admissions within the town for September 2004 is 137, which is well within the total 150 places available. Future forecasts indicate that demand will continue to fall to around 108 in 2009/10."*

**(c) L R Kercher** then asked the following supplementary question:-

*"If Baldock does go against the trend would you still put on even half a class if that became necessary?"*

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

*"I cannot obviously anticipate hypothetically. The figures I have given suggest that, against the current trend there is a significant margin that should be sufficient to deal with unexpected developments; but if there is something larger then we would have to look at it more fundamentally."*

**16.9 (a) B C Engel** asked the Executive Member for Environment:-

*"The Executive Member is aware that there are bus routes operating within the County that are served by multiple operators.*

*One such route is the 333 through Bishop's Stortford served by three operators and I have received complaints from members of the public that each operator issues return tickets but none of them accept the return ticket issued by either of the other two.*

*The consequence of this practice is that a holder of a valid return ticket issued for route 333 on the outward journey has only one chance in three that the ticket will be accepted as valid for the return journey, and two chances out of three that they will be forced to pay for another ticket if they wish to travel on the bus they have boarded.*

*This situation is obviously not conducive to the Council's aim of encouraging the maximum use of public transport.*

*The Under Secretary of State at the Department of Transport has advised, through the good offices of Mark Prisk MP, that competing operators may agree to accept each others' return tickets without contravening the Competition Act of 1998.*

*He has also stated that the Transport Act 2000 gives local authorities the powers to make ticketing schemes if they consider it would be in the interests of the public to do so.*

*My question to the Executive Member is, will he consider making a ticketing scheme to bring this pernicious practice to an end if the operators concerned continue to refuse to accept each others' valid return tickets?"*

**(b) D A Ashley** replied:-

*"I am aware that there are some bus routes which are served by more than one operator and the 333 in Bishop's Stortford is one of these. This is a route run on a commercial basis by the companies and they can choose the same number as their competitors.*

*It is correct that companies can agree to accept return tickets of other companies but there are some complex rules which they must satisfy to avoid contravening competition legislation. They cannot talk to each other about it or agree common prices because that would be seen as anti-competitive. The penalties for breaching this legislation are severe and in practice bus companies do not want to take the risk.*

*The same legislation also applies to the County Council and we must demonstrate that the benefits of a ticketing scheme outweigh the lack of competition on bus fares. Applying a ticketing scheme to all return tickets on a route would be a significant intervention in the operation of the competitive market for bus services. I am not convinced that the major operator on this route would be particularly interested in co-operating with the competitors in this way as they would not necessarily benefit financially (and they have confirmed that in a letter to me). However I have written to all three operators on the Bishop's Stortford to Harlow route to see if there is any likelihood of progress.*

*As County Councillor Engel will be aware, it is a presumption of the legislation that commercial operators can compete on service and price as in other sectors of the economy. I have also written to the Minister responsible for local transport to express concerns about how deregulation is working in Hertfordshire."*

**(c) B C Engel** then asked the following supplementary question:-

*"Acknowledging the commercial disincentives for operators to accept tickets issued by their competitors, I am sure that the Executive Member will agree with me that the County Council should hold the balance between the interests of the operators*

*and those of the passengers who judge whether to board a bus according to the route number on the front and not, generally, according to the operator's name on the side?*

*Would he also agree with me that passengers whom valid return tickets issued for Route 333 were not accepted for the return journey, and were required to pay a second fare, might well consider that they had been subjected to fraudulent misrepresentation when purchasing their original return ticket for that route?"*

**(d) D A Ashley** replied:-

*"I will send you a written reply (copy attached to these minutes). I do recognise the difficulties, but I also recognise the limitations upon us to intervene in the market. We do have a situation with bus services generally where we do need to devise a system which works in our favour, but not against the interests of passengers.*

**16.10 (a) S B A Giles-Medhurst** asked the Executive Member for Environment:-

*"Will the Executive Member please explain why a war memorial in my division was roughly removed on the 11 November (Armistice Day) approximately 11am, and why residents were not informed about this in advance?"*

**(b) D A Ashley** replied:-

*"This memorial horse trough was removed from the site as part of works to develop the Central Watford Green Zone. Residents were consulted about the works and this included leaflets and an exhibition that explained the need to move the trough. The trough was already damaged prior to the works to remove it. The timing of the removal was insensitive and I apologise on behalf of Hertfordshire Highways for this.*

*The removal operation was not carried out roughly, yet during the operation some of the plinth supports fell off and the trough itself was cracked.*

*The trough is now in safe storage and repairs will be carried out to it. Once the new location has been landscaped the trough will be re-erected and a rededication ceremony held."*

- (c) **S B A Giles-Medhurst** then asked the following supplementary question:-

*“In thanking the Executive Member for that answer, it is unfortunate that the information he has just related to Council appears to be rather contrary to the information that has been relayed to me from the local officers and indeed when I personally inspected the trough last week; in that I have been assured, and everybody would agree that I have been assured, that it has not been damaged and has not been cracked, but the plinth has been damaged and requires replacement and I do welcome his apologies, though he was not personally responsible, and equally I welcome the apology of the Area Manager, who equally was not personally responsible; the issue being is it not that the residents should have been informed that was the day that this item was going to be removed, bearing in mind the potential upset that could be caused to local residents, including one who rang me, complaining that their father had been to the dedication ceremony in 1982 when this was dedicated?”*

- (d) **D A Ashley** replied:-

*“Your points are well taken.”*

**ANDREW LAYCOCK**  
**County Secretary**

## APPENDIX TO THE MINUTES

### COUNTY COUNCIL 25 NOVEMBER 2003

The following is the written answer from the Executive Member for Environment to the supplementary question asked by S B A Giles-Medhurst under minute 16.4 (c):

#### Supplementary Question:-

*“Could the Executive Member please explain what has been raised, what has been the result of his raising these issues, and what practices are now going to change to improve the works delivery?”*

#### Written reply from D A Ashley:-

*“The matters raised with the works team have related in the main to progress, co-ordination and completion of the work. There have also been technical aspects to be clarified including the question of the disposal or reuse of granite kerbing. Other matters that have been raised include the contractor's continuing damaging of the grass on the village green, his storage of materials and other aspects that have an impact on the local environment while they are on site. This is not an exhaustive list but summarises the main areas of discussion and concern.*

*Changes agreed with the contractor include an increase in work gangs from one to three this week and the drafting in of a new works supervisor. An agreement was reached to reuse granite kerbs currently in store in Watford.*

*I have asked officers to update myself and the local member weekly on progress towards a satisfactory completion of this scheme.”*

DERRICK ASHLEY  
2 December 2003

## APPENDIX TO THE MINUTES

### COUNTY COUNCIL 25 NOVEMBER 2003

The following is the written answer from the Executive Member for Environment to the supplementary question asked by B C Engel under minute 16.9 (c):

#### Supplementary Question:-

*“Acknowledging the commercial disincentives for operators to accept tickets issued by their competitors, I am sure that the Executive Member will agree with me that the County Council should hold the balance between the interests of the operators and those of the passengers who judge whether to board a bus according to the route number on the front and not, generally, according to the operator’s name on the side?”*

*“Would he also agree with me that passengers whom valid return tickets issued for Route 333 were not accepted for the return journey, and were required to pay a second fare, might well consider that they had been subjected to fraudulent misrepresentation when purchasing their original return ticket for that route?”*

#### Written reply from D A Ashley:-

*“Further to my reply at the recent County Council meeting, I am writing to give you a more detailed response to your supplementary question.*

*The Transport and Competition Acts are designed to enable commercial bus businesses to operate with a minimum of outside control. This legislation and the OFT rules which support it also apply to County Councils. We are not charged with the co-ordination of commercial fares, tickets or services.*

*While it is possible to promote some tickets at the margins which are multi operator (for example the Intalink Explorer ticket), I am advised that ticket schemes which apply to the majority of travel, eg all return tickets, would be seen as anti-competitive.*

*I have sought a voluntary approach with the operators but the dominant operator, Arriva, have replied to the effect that they do not wish to discuss co-ordination of tickets and services because this is likely to be considered a contravention of competition law.*

*It is normal in Hertfordshire as elsewhere in the country for tickets sold on one company’s buses to be available only on that company’s services. There is some inter-availability of ticketing promoted by HCC where our own contracts operate. It is perhaps only because of the recent outbreak of competition that this has caused an issue in Bishop’s Stortford but I can assure you that the issue has been present in many areas since buses were deregulated in 1986.*

*If there is evidence that bus drivers are deliberately seeking to mislead by saying that tickets are valid on all companies when they are not, this should be directed to the Passenger Transport Unit to take up on passengers' behalf.*

*I do recognise the difficulties caused for the public but I trust that the constraints on County Council action are also recognised."*

DERRICK ASHLEY  
2 December 2003