

**INFORMATION NOTE: CHURCHGATE AND ITS SURROUNDING AREA**

REPORT OF THE STRATEGIC DIRECTOR OF FINANCE, POLICY AND GOVERNANCE

**1. PURPOSE OF REPORT**

- 1.1 To inform Members on latest position regarding Churchgate and its surrounding area

**2. OVERVIEW**

- 2.1 Members will be aware of the Full Council resolution on 24<sup>th</sup> July 2014, which states:

**RESOLVED:** *That, having considered the proposals by the various interested parties, and the risks to delivering the Council's aspirations for the Churchgate area, it be agreed to:*

- (i) Commit budget of £10,000 at this stage to enable procurement advice to be sought on the Council's ability to enter an exclusivity agreement;*
- (ii) Continue to await the publication of the draft Local Plan, whilst at the same time considering the approach to take (as per recommendation (v) below) based on the options considered in the 18<sup>th</sup> July 2013 Full Council report;*
- (iii) Not to enter into any form of exclusive discussions with any interested party until full unchallenged planning permission is gained and a solution for the market and car parking is obtained as part of such planning permission;*
- (iv) Consider the option of a 150 year lease agreement as part of any development agreement on a scheme which has gained full planning permission;*
- (v) Continue an open dialogue with all interested developers on the Churchgate site in the interim. Any discussion over the design of proposals are to be with the local planning authority only as part of normal pre-application discussion; and*
- (vi) Commit budget for expert advice and support in progressing a development agreement only once a developer has obtained full planning permission and procurement advice has confirmed exclusivity is possible.*

**REASON FOR DECISION:** *To allow the Council to progress its aspirations for the Churchgate area of Hitchin to protect the medium to longer term vitality and viability of the town, in the light of updated planning policy considerations and prudent use of Council funds.*

- 2.2 Officers are in discussion with the Council's legal advisors in seeking the necessary procurement advice on the Council's ability to enter an exclusivity agreement with a developer as per resolution (i) above. This advice will not be available until sometime towards the middle of September. That advice will then be discussed with the Churchgate Project Board before a report is submitted to Full Council. This would be in accordance with the Terms of Reference of the Churchgate project Board;

*"1.1 To act on behalf of the Council in respect of all functions required under the Development Agreement and the delivery of the Churchgate project generally."*

The next available Full Council meeting will be 27<sup>th</sup> November 2014.

- 2.3 Members will recall that at the above Full Council meeting, reference was made in Hammersmatch's submission to their seeking legal advice concerning public authorities procurement process and Members requesting to view this advice. Officers have contacted Hammersmatch who have agreed to make this legal opinion available to Members on a confidential basis. This information has been circulated to all Members.
- 2.4 In the meantime, as per resolution (ii) and (v) above, officers are progressing work on the Local Plan and will continue to talk to any interested party in relation to the Churchgate area. To date nothing further has been submitted to the Council.

### **3. CONCLUSION**

- 3.1 That the Hitchin Committee note the content of this Information Note

### **4. CONTACT OFFICERS**

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