

NORTH HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL

**Meeting held in the Council Chamber, Council Offices,
Gernon Road, Letchworth Garden City
on Thursday, 22nd November, 2018 at 7.30 pm**

MINUTES

PRESENT: *Councillor John Bishop (Chairman) Councillors Ian Albert, Daniel Allen, Kate Aspinwall, David Barnard, Clare Billing, Ruth Brown, Val Bryant, Paul Clark, Sam Collins, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Elizabeth Dennis-Harburg, Sarah Dingley, Faye Frost, Gary Grindal, Nicola Harris, Simon Harwood, Cathryn Henry, Terry Hone, Mike Hughson, Tony Hunter, Steve Jarvis, David Levett, Bernard Lovewell, Ian Mantle, Paul Marment, Ian Moody, Michael Muir, Lisa Nash, Lynda Needham, Sue Ngwala, Helen Oliver, Janine Paterson, Mike Rice, Deepak Sangha, Val Shanley, Harry Spencer-Smith, Martin Stears-Handscorn, Claire Strong, Terry Tyler and Michael Weeks*

IN ATTENDANCE: *Mr Rob Williams (BNP Paribas), Anthony Roche (Deputy Chief Executive), Jeanette Thompson (Service Director – Legal and Community,) Ian Couper (Service Director – Resources), Melanie Stimpson (Democratic Services Manager) and Hilary Dineen (Acting Committee and Member Services Manager).*

ALSO PRESENT: *At the commencement of the meeting approximately 10 members of the public.*

48 APOLOGIES FOR ABSENCE

Audio recording – Start of item – Session 1 – 3 seconds

Apologies for absence were received from Councillors Judi Billing, Jim McNally, and Richard Thake.

Councillors Nicola Harris and Catherine Henry advised that they would arrive late for the meeting.

49 MINUTES - 6 SEPTEMBER 2018 (EXTRAORDINARY MEETING)

Audio recording – Start of item – Session 1 – 32 seconds

It was moved by Councillor Lynda Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That, Minutes of the Extraordinary meeting of the Council held on 6 September 2018 be approved as a true record and signed by the Chairman.

50 MINUTES - 6 SEPTEMBER 2018

Audio recording – Start of item – Session 1 – 2 minutes 22 seconds

It was moved by Councillor Lynda Needham, seconded by Councillor Julian Cunningham, and

RESOLVED: That, Minutes of the meeting of the Council held on 6 September 2018 be approved as a true record and signed by the Chairman.

51 **NOTIFICATION OF OTHER BUSINESS**

Audio recording – Start of item – Session 1 – 2 minutes 11 seconds

No additional business was presented for consideration by the Council.

52 **CHAIRMAN'S ANNOUNCEMENTS**

Audio recording – Start of item – Session 1 – 2 minutes 16 seconds

(1) Declarations of Interest

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, who wished to exercise a 'Councillor Speaking Right', should declare this at the same time as the interest, move to the public area before speaking to the item and then leave the room before the debate and vote.

(2) Paperless Meetings

The Chairman reminded Members that the Council was working towards paperless meetings and that it was important that all Members, that had not already done so, contact IT to ensure that they had access to agendas and Minutes via a tablet.

He informed Members that a familiarisation session, designed to help Members get the most out of Mod.gov, would take place on: 12 December 2018 7pm – 8.00pm

Any Member wishing to go paperless now for every meeting, were to advise Committee Services and they would cease sending papers in dispatch.

From 1 January 2019 Members would no longer receive papers from Committee Services, unless advised otherwise.

From the beginning of the next Civic Year all meetings would be paperless.

(3) Refreshments

All Councillors were invited to refreshments after the meeting in Committee Rooms 2/3.

(4) Comfort break

If the meeting went beyond 9pm a 5 minute comfort break would be convened. Members were to remain in the room prior to this to ensure they were able to vote.

(5) Order of Agenda Items

The Chairman advised that he would take Items 6-8 as per the agenda.

The meeting would then go into Part 2 to consider Item 13.

Following which the meeting would return to Part 1 to consider the rest of the agenda items.

53 **PUBLIC PARTICIPATION**

Audio recording – Start of item – Session 1 – 6 minutes 30 seconds

CITIZENS ADVICE NORTH HERTS

Ms Rosie Waters, Chief Executive of Citizens Advice North Herts, gave a verbal presentation regarding that organisation.

She updated Council on the work of Citizens Advice North Herts including the number of clients supported, the types of issues they presented and the outcomes.

She advised that funding was static and more difficult to source and staffing and volunteer levels could not be increased.

Future plans included offering support with issues such as digital exclusion, budgeting, to meet unmet demand and invest in IT.

Ms Waters thanked NHDC for funding their core work, but stressed that they required more funding in order to meet the needs of the community.

The following Members asked questions, which were answered by Ms Waters:

- Councillor Julian Cunningham;
- Councillor Ian Albert.

REGENERATION OF CHURCHGATE

Prior to the item being presented Councillor John Bishop (Chairman) declared a declarable interest in that he knew Vicky Wyer, one of the people making a presentation to Council. He stated that this was not so significant as to prevent him listening to the presentation.

Mrs Vicky Wyer, Churchgate Resurgence PB, gave a verbal presentation regarding the regeneration of Churchgate.

She outlined the problems and risks associated with the refurbishment of Churchgate rather than redevelopment.

Ms Wyer presented an alternative concept for the regeneration of Churchgate, that included residential as well as retail use with a modern market as the centrepiece and advised that the group would be willing to work with the Council on a design.

She acknowledged that any scheme would have to be financially viable.

The following Members asked questions, which were answered by Mrs Wyer:

- Councillor Julian Cunningham;
- Councillor David Levett;
- Councillor Paul Clark.

REGENERATION OF CHURCHGATE

Mr Brian Foreman, representing the tenants of Churchgate, gave a verbal presentation regarding the regeneration of Churchgate.

He advised that the Centre was in need of TLC, but was popular and drew people into Hitchin and cautioned against a substantial shutdown associated with redevelopment due to effect this would have on the tenants.

The Centre required inspections regarding the neglected state of the building and enforced work carried out following this.

54 **7A - ITEM REFERRED FROM LICENSING AND APPEALS COMMITTEE: 5 NOVEMBER 2018 - GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES 2019 - 2022**

Audio recording – Start of item – Session 1 – 28 minutes 31 seconds

The Council considered an item, referred from the Licensing and Appeals Committee, made at its meeting held on 5 November 2018, in respect of the Gambling Act 2005: Statement of Licensing Principles 2019 – 2022 as presented by the Chairman of that Committee. The following appendices were presented with the referral:

- Appendix A - Proposed Statement of Licensing Principles;
- Appendix B - Summary of Public Consultation Responses;
- Appendix C - Consultation Responses in Full.

The Chairman of the Licensing and Appeals Committee advised that, since the meeting of the Licensing and Appeals Committee, it had been established that Paragraph E1.6 was unnecessary, as there was nothing in the Constitution that prevented Ward Members from sitting on such a Sub-Committee. Additionally, any Member could represent their constituents at a Licensing and Appeals Sub-Committee hearing as a Member Advocate.

It was moved by Councillor Michael Muir and seconded by Councillor Bernard Lovewell that, subject to the removal of Paragraph E1.6, the Gambling Act 2005: Statement of Licensing Principles 2019 - 2022 be adopted.

The following member asked a question, which was answered by Councillor Muir:

- Councillor Steve Jarvis.

Upon the vote the amendment was agreed.

Upon the vote on the substantive item it was:

RESOLVED: That, subject to the removal of Paragraph E1.6, the Gambling Act 2005: Statement of Licensing Principles 2019 - 2022 be adopted.

REASONS FOR DECISION:

- (1) Licensing authorities are required to publish a policy every three years by virtue of section 349 of the Gambling Act 2005 (“the Act”);
- (2) A new policy must be published by 3 January 2019 to comply with this statutory requirement;
- (3) The Policy builds on the effectiveness of the existing policy with minor amendments to reflect changes in legislation, statutory guidance, consultation responses and further clarification on the requirement for local area risk assessments.

55 **7b - ITEM REFERRED FROM CABINET: 20 NOVEMBER 2018 - REGENERATION OF CHURCHGATE SHOPPING CENTRE**

Audio recording – Start of item – Session 1 – 38 minutes 58 seconds

The Chairman announced that this matter would be considered in conjunction with Agenda Item 8. Regeneration of Churchgate Shopping Centre (Minutes 58 and 59 refers).

56 **7c - ITEM REFERRED FROM CABINET: 20 NOVEMBER 2018 - WASTE COLLECTION SERVICE IN NORTH HERTFORDSHIRE**

Audio recording – Start of item – Session 2 – 1 hour 23 minutes 47 seconds

In accordance with 100B (4)(B) of the Local Government Act 1972 and in accordance with the urgent procedure rules as contained within the Council's Constitution it was announced that the item would be considered having been omitted from those published with the other referrals.

Tabled at the meeting was the report presented to the Cabinet meeting on 20 November, where due to the disruption for the collection of waste in North Hertfordshire since May 2018, the Council were requested to consider and agree initiatives that recognised the inconvenience caused to the residents of North Hertfordshire.

Councillor Michael Weeks proposed and Councillor Lynda Needham seconded the recommendations as contained in the report.

The Executive Member for Waste Management, Recycling and the Environment presented the report. Most issues related to the collection of garden waste bins and kitchen caddies. However, Members were informed that the number of missed bin collections had greatly improved and were recorded the previous week at between 100 – 150 missed bins.

The following members asked questions, which were answered by Councillor Weeks:

- Councillor Elizabeth Dennis-Harburg
- Councillor Mike Hughson

Councillor Lisa Nash noted that there were areas throughout the district where bins collections were being regularly missed and proposed an amendment which was seconded by Councillor Paul Clark, that the extension of the 12 month payment period for green waste collection should be extended for 6 months, rather than 3 months.

After the following Members had addressed the proposed amendment, on being put to the vote the amendment was lost.

- Councillor Martin Stears-Hanscombe
- Councillor Julian Cunningham
- Councillor Ian Albert

Whereupon it was,

RESOLVED:

- (1) That in recognition of the service received since the start of the new waste contract, which has not been of the standard we expect, the Council agrees an extension of the current 12 month payment period for green waste collection, for a further period of 3 months. The loss of income based on current (52%) uptake is approximately £290k; and
- (2) In addition, to provide a free roll of compostable liners for the kitchen food waste caddies. The estimated cost of the liners is circa £30k.

REASON FOR DECISION: To acknowledge service disruption in our waste collection service and demonstrate to residents that the Council is taking the issue and the inconvenience caused extremely seriously. Predominantly, garden waste collection and food waste collection have been disrupted.

57 **REGENERATION OF CHURCHGATE SHOPPING CENTRE**

Audio recording – Session 2 – 44 seconds

This Item was considered following consideration of the Part 2 Item.

Following consideration of the Part 2 Item (Minute 62 refers) the Executive Member for Finance and IT presented the report of the Deputy Chief Executive regarding the Regeneration of Churchgate Shopping Centre. The following appendices accompanied the report:

- Appendix A - Report due to be considered by Council on 22 November 2018 (Tabled)
- Indicative Site Plan - Ground Floor;
- Indicative Site Plan - First Floor.

He advised that, as a result of consideration of the Part 2 report, Cabinet had passed the following resolution:

“Full Council notes that in light of the risks associated with the proposals, including the reliance on funding from the Local Enterprise Partnership, officers will urgently consider in more detail the alternative options in the event that the current proposals are unable to proceed; such alternative options to be reported to Full Council early 2019 if required.”

The Executive Member for Finance and IT introduced Mr Rob Williams, Consultant from BNP Paribas, who was available to answer any queries from Members.

Councillor Cunningham proposed and Councillor Needham seconded the recommendations contained in the report.

The following Members asked questions and took part in the debate:

- Councillor Harry Spencer-Smith;
- Councillor Sam Collins.

Mr Williams, BNP Paribas and the Deputy Chief Executive responded to questions posed.

Councillor Martin Stears-Hanscomb proposed and Councillor Ian Albert seconded the following amendment to the recommendations:

That Full Council welcomes the proposals put forward by Churchgate Resurgence PB and notes that many of the ideas and arguments put forward are common aspirations shared by Hitchin residents and Councillors alike over many years. Recognising the Council's responsibility to progress the proposals for Churchgate in conformance with Local Government rules, it will nevertheless, wherever possible engage with the Hitchin community groups represented by Churchgate Resurgence PB in future design and development.

The following Councillors took part in the debate regarding the proposed amendment

- Councillor Martin Stears-Handscomb;
- Councillor Ian Albert;
- Councillor David Levett;
- Councillor Julian Cunningham;
- Councillor Sam Collins.

Councillor Sam Collins proposed an amendment to the proposal that the words “represented by Churchgate Resurgence PB” be replaced with “Including Churchgate Resurgence PB”

Councillors Martin Stears-Handscomb and Ian Albert accepted this amendment to their proposal.

The following Councillors took part in the debate:

- Councillor Claire Strong;
- Councillor Steve Jarvis;
- Councillor Lynda Needham;

Upon the vote the amendment, with the agreed amendment was agreed.

A vote was undertaken regarding the recommendations in the report and the additional amendment and it was:

RESOLVED:

- (1) That the principle of a regeneration of the Churchgate Centre and Hitchin Market with the Council as funder and owner of the regenerated scheme be supported, noting that the deliverability of the proposals is dependant upon securing funding from the Hertfordshire Local Enterprise Partnership;
- (2) That the Deputy Chief Executive, in consultation with the Chief Finance Officer, the Leader of the Council and Executive Member for Finance and IT be authorised, to progress the negotiation of legal agreements with Shearer Property Group for the regeneration of the Churchgate Centre and to progress pre-purchase due diligence, subject to Full Council's final approval of the terms of any proposal.
- (3) That the transfer of up to £130k from the Special Reserve to progress the further work required prior to a final decision be approved;
- (4) That the Consultation Strategy, which will form part of any development management agreement with a developer, clearly sets out how the community will continue to be engaged with and how they will have opportunities to see and influence the final proposals.
- (5) That Full Council welcomes the proposals put forward by Churchgate Resurgence PB and notes that many of the ideas and arguments put forward are common aspirations shared by Hitchin residents and Councillors alike over many years. Recognising the Council's responsibility to progress the proposals for Churchgate in conformance with Local Government rules, it will nevertheless, wherever possible engage with the Hitchin community groups including Churchgate Resurgence PB in future design and development.

REASON FOR DECISION: The Council has been seeking to regenerate the Churchgate Centre for a number of years and a number of different proposals have been considered during that time, with none of those proposals progressing to a successful conclusion. The proposal currently being considered finds a solution to a number of the problems faced by previous proposals and would appear to be achievable in the short term. The proposals would also see significant investment in Hitchin Market and the public realm. The Council's potential investment in this regeneration opportunity is also expected to provide a reasonable financial return. The initial proposals received significant public support when they were consulted on in March/April 2018.

58 MEMBERS' ALLOWANCES SCHEME 2019/20

Audio recording – Session 2 – 37minutes 44 seconds

The Service Director – Legal and Community presented the report entitled Members Allowances Scheme 2019/20. The following appendices were included with the report:

- Appendix A - Report of IRP Panel for 2017/18 Allowances;
- Appendix B - Proposed Members Allowances 2019-20.

Members were advised that a tracked changed version of the Members Allowances Scheme had been made available and that the allowance for the second largest opposition group Leader was £750, which should read £1750 and it was noted that this was a variable allowance.

Councillor Needham moved and Councillor Cunningham seconded the recommendations contained in the report.

Councillor Stears-Handscomb proposed and Councillor Oliver seconded an amendment that the Special Responsibility Allowance for Executive Members remained at £7,000.

The following Members took part in the debate:

- Councillor Sam Collins;
- Councillor Julian Cunningham;
- Councillor Steve Jarvis;
- Councillor Elizabeth Dennis-Harburg;
- Councillor David Levett;
- Councillor Claire Strong;
- Councillor Tony Hunter;
- Councillor David Barnard;
- Councillor Kate Aspinwall;
- Councillor Helen Oliver;
- Councillor Michael Weeks.

Questions asked by Members were answered by the Service Director Legal and Community and the Service Director – Resources.

A recorded vote having been requested by Councillor Julian Cunningham on the amendment, that the Special Responsibility Allowance for Executive Members remain at £7,000, was carried as follows:.

For:

Councillors Ian Albert, Daniel Allen, Kate Aspinwall, Clare Billing, Ruth Brown, Val Bryant, Paul Clark, Sam Collins, Elizabeth Dennis-Harburg, Gary Grindal, Mike Hughson, Steve Jarvis, Ian Mantle, Paul Marment, Lisa Nash, Sue Ngwala, Helen Oliver, Deepak Sangha, Martin Stears-Handscomb, Terry Tyler.

TOTAL 20

Against:

Councillors David Barnard, John Bishop, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Sarah Dingley, Faye Frost, Terry Hone, David Levett, Bernard Lovewell, Ian Moody, Michael Muir, Lynda Needham, Janine Paterson, Mike Rice, Val Shanley, Harry Spencer-Smith, Claire Strong, Michael Weeks

TOTAL 19

Abstain:

Councillors Jean Green, Nicola Harris, Simon Harwood, Tony Hunter.

TOTAL 4

Upon the vote it was

RESOLVED:

- (1) That, subject to the Special Responsibility Allowance for Executive Members remaining at £7,000, the Scheme for financial year 2019/20 as set out in Appendix B be agreed;

- (2) That the payment of an Honorarium of £500 to each member of the Panel, for any year that a Panel reviews and prepares a report on Members' Allowances be agreed.

REASON FOR DECISION: To ensure that the Council meets statutory requirements. Improve the possibility of having a Panel to review Members' allowances.

59 QUESTIONS FROM MEMBERS

Audio recording – Start of item – Session 2 – 1 hour 9 minutes 40 seconds

In accordance with Standing Order 4.8.11(b) of the Council's Constitution three questions were submitted by Members.

(A) Houses of Multiple Occupancy (HMOs)

Councillor Terry Tyler to Councillor David Levett (Executive Member for Planning, Enterprise and Transport):

'You will be aware that the highest density on HMO's in the district is Great Ashby a part of my Chesfield Ward. Indeed, in at least one road over 70% of the houses are HMO's. These dwelling in high density do exasperate already stretched parking and can have a negative effect on community values.

I know that in these days, where our young folk find it near impossible to get on the housing ladder, that controlled HMO's are an important part in providing accommodation and that my concerns are the application of controls and lack of planning permission now required for small HMO's, which can lead to high densities of uncontrolled and unregulated HMO's.

In the light that Stevenage Borough Council's decision to bring Small HMO's (6 or less occupants) back into requiring planning permission, this puts an extra strain on the District, not only on Great Ashby, but many other district areas.

Can you tell me what the North Herts District Council are doing regarding tightening up on new HMO regulating to ensure that those types of accommodation, which is essential for ensuring younger generations can live close to where they work, are of good quality and properly regulated?'

Councillor Levett replied that new legislation had been introduced recently regarding HMO's which now required an application if a premises housed 5 or more unrelated occupants. To date ten applications had been received by the Council and work continued to investigate those premises where applications should have been submitted.

Regarding Article 4 it was currently unfeasible both from a financial or human resources perspective and the issue had not been raised at any budget workshops. However, Councillor Levett would discuss the issue with Officers as to whether a future feasibility study for Article 4 was possible in the future.

Regarding the licensing of HMO's Councillor Lovewell echoed Cllr Levett's statement explaining that the Council had undertaken a publicity campaign to landlords regarding changes to legislation and HMO's.

(B) Breaches of Planning Consent

Councillor Lisa Nash to Councillor David Levett (Executive Member for Planning, Enterprise and Transport):

'How many breaches of planning consent have been reported to the Council in the last 3 years?'

Councillor Levett replied that there had been 453 breaches of planning consent.

As a supplementary question Councillor Nash asked how many enforcement actions had been taken. Councillor Levett replied he did not have the information available. However, many cases complied prior to enforcement action being required and when enforcement action was required the Council was robust in its actions, for example, Claypit Cottages.

(C) Royston Parking Review

Councillor Ruth Brown to Councillor David Levett (Executive Member for Planning, Enterprise and Transport):

'When will the On-Street Royston Parking review be completed?'

Councillor Levett replied that the lack of a Council Transport Officer and pressures on the Strategic Planning department due to the Local Plan preparation had meant progress had not been as expedient as had hoped. However, recruitment was underway for a Transport Officer and the Parking Strategy was a high level priority in the strategic action plan so it was hoped that this would commence early in the new year.

60 NOTICE OF MOTIONS

Audio recording – Start of item – Session 2 – 1 hour 23 minutes 32 seconds

There were no Notices of Motions.

61 EXCLUSION OF PRESS AND PUBLIC

Audio recording – Start of item – Session 1 – 39 minutes 15 seconds

The Executive Member for Finance and IT explained that it would be necessary to consider the Part 2 Item on the Regeneration of Churchgate Shopping Centre prior to considering the Part 1 report. It was therefore,

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act.

62 REGENERATION OF CHURCHGATE SHOPPING CENTRE

As this part of the meeting was discussed in Part 2 there was no audio recording taken.

This item was considered prior to the Part 1 Item (Minute 57 refers)

The Executive Member for Finance and IT presented the report entitled Regeneration of Churchgate Shopping Centre.

Following a detailed debate and questioning the following recommendation was proposed and seconded as detailed in the item tabled at the meeting, the recommendation from the Cabinet made during Part 2 of the Cabinet meeting.

RESOLVED: That Full Council notes that, in light of the risks associated with the proposals, including the reliance on funding from the Local Enterprise Partnership, officers will urgently consider in more detail the alternative options in the event that the current proposals are unable to proceed; such alternative options to be reported to Full Council early 2019 if required.

Thursday, 22nd November, 2018

REASON FOR DECISION: The Council has been seeking to regenerate the Churchgate Centre for a number of years and a number of different proposals have been considered during that time, with none of those proposals progressing to a successful conclusion. The proposal currently being considered finds a solution to a number of the problems faced by previous proposals and would appear to be achievable in the short term. The proposals would also see significant investment in Hitchin Market and the public realm. The Council's potential investment in this regeneration opportunity is also expected to provide a reasonable financial return. The initial proposals received significant public support when they were consulted on in March/April 2018.

At the conclusion of the item the meeting moved back into open session and press and public were re-admitted, where the audio recording of the meeting recommenced.

The meeting closed at 10.39 pm

Chairman