

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY REVIEW OF HITCHIN TOWN HALL AND DISTRICT MUSEUM

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON WEDNESDAY, 17TH JULY, 2019 AT 2.00 PM**

MINUTES

Present: *John Richardson (Independent Chairman), Councillors Sam Collins, Ian Moody, Helen Oliver and Val Shanley.*

NB: Councillor Val Shanley arrived part way through the presentation by Mr Chris Parker.

In Attendance: *Melanie Stimpson (Democratic Services Manager), Hilary Dineen (Committee, Member and Scrutiny Manager) and Matthew Hepburn (Committee, Member and Scrutiny Officer).*

Aso Present: *Councillors Ian Albert, Val Bryant, Claire Strong and Sam North, Ann Favell (Communications Officer) and 16 members of the public including witnesses.*

Witnesses: John Robinson, Colin Dunham, Rosemary Read, Hitchin Forum/Hitchin Society and Steve Crowley.

1 CHAIRMAN'S WELCOME

Audio recording – Session 1 - 27 seconds

- The Chairman formally opened the Hearing and the Panel, along with Officers. were introduced.
- The Chairman advised that the meeting would be audio recorded and made available on the NHDC website.

2 HEARING PROCEDURE

Audio recording – Session 1 – 30 seconds

- The Chairman explained the format of the hearing and the purpose of the Panel.

3 WITNESS STATEMENTS

The following witnesses had been invited to attend Day 1 to based on their written statement:

- John Robinson;
- Colin Dunham;
- Chris Parker (Keep Hitchin Special)
- Rosemary Read;
- Ellie Clarke (Hitchin Forum) and Jane Arnold (Hitchin Society)
- Steve Crowley.

A. Statement of John Robinson

The Chairman welcomed Mr Robinson, explained the format and purpose of the Panel
Mr Robinson gave a verbal presentation drawing attention to the following:

- His former position at North Herts District Council.
- Partnership relied on project partnership rather than a Development Agreement or any breaches;
- There were elements within the written evidence that he concurred with and others that he objected to;
- David Morgan's written evidence was balanced and accurate;
- It was clear that senior officers needed to be party to political decisions;
- Throughout the Project political influence was significant;
- Partnership should not be a replacement for a legally binding contract or public consultation;
- Community engagement had largely been the responsibility of HTH Ltd;
- There had been some aggressive behaviours experienced from HTH directors;
- HTH Ltd had used various forms of media to circulate misinformation, particularly regarding the control of finances;
- Confidential information had also been circulated to those not entitled access
- The Council had always been clear that there were limited funds for the project;
- The Council mostly conducted its business within the public domain;
- The involvement of HTH Finance was post his employment at the Council
- Mr Robinson provided the Panel with additional documents that were circulated to the Panel, being:
A schematic to show the difficulty in managing community, political and Council interests and concerns.
A plan showing that construction of the wall across the stage was always intended.

Questions to Mr Robinson were asked by the Panel.

John Richardson Questions:

- How could the project have been better managed?
- How he took on responsibility for project?

A summary of the response by John Robinson was as follows:

- An effective Council relied on functioning political parties, in this case it was particularly difficult.
- Took on responsibility for the project as the Corporate Director of Customer Services - following a restructure the project became part of the remit of that role. This project arose out of Best Value Reviews in 2005.
- He had responsibility for managing the Hitchin Town Hall building and this was brought together with the museum review.
- On leaving the Council's employment the majority of the building work had concluded .
- Cabinet authorised the capital expenditure.

Councillor Helen Oliver questions:

- Why did Council assume HTH Ltd was responsible for community engagement?

A summary of the response by John Robinson was as follows:

- There had been several attempts to improve the management of Hitchin Town Hall.
- A Community initiative came together

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- Hitchin Initiative, a locally based group, had better connections with public, which was helpful given the opposition to the council plans.
- It seemed a good idea, considering the local opposition to the Council's scheme.
- HTH was a much-loved building, but was little used.

Councillor Sam Collins asked questions regarding:

- Statements to press
- Fake news
- Aggression

John Robinson's responses included:

- A number of occasions where information provided by HTH Ltd was published in the press, including a claim that the Project was over budget (the project was never over budget).
- Social media was used, particularly The Future of Hitchin Town Hall and Museum Facebook page, by directors of HTH Ltd and their statements were published verbatim;
- Aggression was verbal, mainly threats against officers regarding future career prospects.
- There were personal threats of violence made towards Mr Robinson.

John Richardson asked questions in relation to:

- What point was a mediator brought in?
- Did it work?
- Why were there two Development Agreements?
- Light Brigade appointment and dissolution.

John Robinson's responses included:

- The Council encouraged HTH Ltd to attend arbitration, but this was not progressed.
- Mediation had been suggested, which was post Mr Robinson's employment. From Mr Robinson's perspective mediation had not been successful .
- The first Development Agreement (DA) in October 2012 included one property (14 Brand Street).
- The second DA in December 2013 included both 14 and 15 Brand Street and was a more ambitious project.
- Inclusion of 15 Brand Street was a cause of major problems.
- DA1 was a comprehensive legal agreement, not readily understood by all involved.
- Both parties relied on the DA.
- Council's original plan was to use gym as community space and Mountford Hall as Museum.
- A feasibility study was undertaken to show that the community scheme was viable.
- Plans from the feasibility study illustrated the wall, which was the reason HTH Ltd cited for withdrawing from the DA. However, the wall had always been detailed.
- Parties had clear and direct knowledge of the wall at an early stage.
- Was incredulous to use the wall as reason to withdraw from the DA.
- Partitioning of the stage was the cause of a lot of opposition on the basis that live performances were not able to use the space.
- It was the responsibility of Council to complete the Project in a timely manner.
- Contractors were appointed following the procurement process. Tenders were vetted and the advice of the Finance Team was to proceed with caution.
- Due to the longevity of project, two service directors responsible for the Project had been made redundant.

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- With hindsight Mr Robinson considered that it might have been wise to limit his involvement in the project. However, the behaviour of a former Councillor made the task more difficult.

Sam Collins Question:

- At what point did you raise concern regarding the behaviour of the former Councillor?

John Robinson's responses:

- From commencement the issues were obvious.
- The councillor's involvement in the Project provided an opportunity to lobby Members
- Senior officers discussed how to protect the interests of the Council
- It was not unusual for Councillors to have community interests, there were some benefits, but also some dangers.

John Richardson asked a question in relation to:

- The rationale behind building on land not in the ownership of NHDC.

John Robinson responded:

- 14 Brand Street was brought forward by community group to improve design and aesthetics.
- It was a way for community to do something Council couldn't ie bring more property into the project.

Councillor Sam Collins asked a question regarding:

- Was there an impact from NHDC not owning the land?

John Robinson responded:

- £1m from heritage lottery fund was main funder and part of the application process required reassurances if anything went wrong.

John Richardson asked questions in relation to:

- Why did the project not run to schedule?
- What was biggest lesson learnt?

John Robinson's responses included:

- HTH Ltd was conduit for community.
- HTH Ltd promised results that they couldn't deliver.
- Political power struggles in the Conservative party - disquiet within leading Conservative Group and challenges on leadership.
- The Council needs to be clear regarding the difference between partnership and a legally binding contract.
- Despite the difficult history, people of District have exceptional facility that would provide sustainability for HTH – the facility was built to national museum level and without embarking on the project there would be no facility.

Audio recording – session 1 – 51 minutes 29 seconds

B. Statement of Colin Dunham

At the invitation of the Chairman, Mr Dunham delivered a verbal presentation drawing attention to the following:

- Public were kept in dark;
- Photographic evidence at the various stages throughout the construction should have been displayed in public areas such as in local libraries.

John Richardson posed a number of questions regarding:

- Light Brigade;
- His comment on the fork lift truck incident;
- Damp issues in the Hall;
- Who was head of the project?
- Why the Project wasn't run to schedule
- Would it be considered that HTH and the Museum were community assets.

Colin Dunham responded as follows:

- For years the Hall had never made a profit;
- There was a list of creditors that Light Brigade owed money to and the Panel should look at the companies that were owed money by Light Brigade.
- Complaints were recorded as comments by the Council
- Surely the Council shouldn't have used Light Brigade.
- He had personally witnessed the fork lift truck incident as was able to walk into the building and it was there for more than one day.
- It was not appropriate for a old floating floor to have a fork lift on it;
- The damp by the bar was still a problem. It had been proposed to tank the basement but this had not happened;
- John Robinson was the lead officer for the project, but blamed the Councillors for all decisions.
- There was not a professional project manager used for the Project.
- Some of the finish in the Museum was not to a high standard;
- HTH and the Museum were an asset;
- The Council was fortunate to access a lottery grant as the form had not been completed properly as it had been stated on the form that the property was in the ownership of the Council.
- It was not advisable for the Council to proceed with a project of such magnitude without being aware of the full facts.
- His personal opinion was that Councillors were to blame for the situation, not John Robinson
- The venue was an asset to the Town and District and he was happy to see that the café was selling fairtrade products.

The Panel adjourned at 15:04 for a comfort break and reconvened the meeting at 15:25.

C. Statement of Chris Parker, Keep Hitchin Special

Mr Parker delivered a verbal presentation on behalf of Keep Hitchin Special, drawing attention to the following:

- Just before Christmas 2016 an Officer, Patrick Candler, issued a 6 months notice to all users of HTH to quit within 6 months, with the result that they had nowhere to go.
- There were also threats by the Council to board up the venue.
- A petition with 5029 signatures was submitted to the Council to prevent the closure of the Hall.
- There was a lack of consultation with Hitchin Councillors.
- Two of the tenders received were not suitable for financial reasons.
- Neil Charlton, Butress Fuller, failed to recognise the Town Hall was of significant architectural merit.
- As a result Keep Hitchin Special submitted a request to English Heritage on 30.10.09 for HTH to be a listed building.
- The Hall was listed as a grade II listed building on 16.05.10
- The community scheme was presented in 2010.
- A condition of the contract with Borrás was to protect the floor and its mechanism
- Having been provided with authorised access to the building by Borrás, Mr Parker witnessed the incident where a forklift truck was driven on the suspended floor which damaged the mechanism;
- The wall built across the stage was another controversial decision.
- Council built on land it did not own. Therefore public money was spent on a private property.
- An established Right of way was removed during development.
- Light Brigade went into administration however, if credit checks had been conducted this may have been prevented.
- Work was completed without listed building consent, with planning permission being granted retrospectively.
- Reports to Hitchin Committee were presented verbally with no opportunity to consider a report in advance of the meeting.

John Richardson asked questions in relation to:

- Was Hitchin Committee a decision maker?
- What format should consultation take?
- How did partners seek to mend issues?

Chris Parker responded:

- Hitchin Committee used to be a decision maker that received written reports by officers.
- Consultation should be advertised in local papers to highlight the matter to the public.
- HTH Ltd, Council and local groups communicated through HTH Ltd.
- There were times when no information was divulged .

Councillor Helen Oliver posed the following question:

- When you considered communication wasn't working through HTH Ltd did you reach out directly to the Council?

Chris Parker responded:

- This was not possible as communication was via HTH Ltd.
- Keep Hitchin Special attended and spoke at meetings.
- There was never normally a chance to ask questions following a presentation

Councillor Shanley entered the Council Chamber at 15:41

John Richardson enquired:

- If communication had improved?

Chris Parker:

- Agreed that communication was improved and referred to a recent community grant application.

Councillor Sam Collins noted that:

- Meetings were minuted and recorded and enquired of the expectations by the community of Councillors in Hitchin.

Chris Parker stated that:

- Communication was not always available

John Richardson enquired:

- Who was the lead officer for the project

Chris Parker stated that:

- Initially John Robinson was the project lead, but post John Robinson he was not aware who lead the Project.

Councillor Ian Moody:

- Referred to the statement that the Directors of HTH Ltd were prohibited from the Hall and enquired how this had been communicated.

Chris Parker explained:

- That he had been informed of the incident where Directors of HTH Ltd had been prohibited from the Hall, but he did not know the reasons for this.
- The Museum was now open however the Town Hall could have been better decorated, as there were areas where the paintwork was peeling and there was damp in the basement.
- Potential renovations to the Town Hall had been sacrificed for the Museum and the Council could have spent more money

Audio recording – Session 2 – 24 minutes 38 seconds.

D. Statement of Rosemary Read

Mrs Read gave a verbal presentation drawing attention to the following:

- This was the second Hitchin Town Hall, the first building had been sold;
- No-one wanted to lose the building.
- She was first involved in 2009 with the aim of getting building back into community use.
- Council wanted to partition the Hall with a mezzanine floor to improve the Museum.
- Decision had already been made.
- Community wanted to preserve interior, how it could be saved
- Forum set up – 'Keep our town Hall'
- Petitions were raised and meetings held to try to persuade NHDC to consult local community
- It was said the HTH failed to communicate with the community, but there are minutes of meetings
- So concerned residents wrote to local Councillors
- Never felt on an equal footing with the Council and had to fight for everything
- Things were biased in favour of NHDC
- The drafting of the agreement was poor quality
- There were some strange interpretations of plans
- The project management system was totally unsuitable
- It should have been collaborative
- This was NHDC telling us what was going to happen
- We had to adjust our business model to fit.
- At times HTH were banned from divulging information. They were concerned so published information.
- Consultation means consultation, treating partners as partners.
- Should have had an independent project manager.

John Richardson referred to:

- The use of terminology 'gagging' and 'being blocked'.

Rosemary Read responded that:

- They had attended meetings and then had been told that they couldn't divulge the information to anyone else.
- A lot of discussions at Council were during Part 2
- A Director was banned from attending Council meetings
- HTH Ltd were banned from site visits
- They found John Robinson impossible to deal with
- John Robinson was investigated by the Local Government Association.

Councillor Sam Collins asked questions in relation to:

- The wall
- How HTH Ltd were banned from a property that was in their ownership
- Why sign an agreement that was not to their satisfaction?

Rosemary Read responded:

- It was supposed to be a stud wall and temporary.
- They discovered that it was not a temporary wall when they visited the site

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- The reasons for not being allowed access to the property were based on the grounds of health and safety, she thought that the Council were trying to hide building works.
- They signed the agreement as they wanted to move things forward.
- When we believed there was a breach of the DA it should have been obvious to the Council that it was a breach.

Councillor Helen Oliver enquired:

- If community engagement was via HTH Ltd?

Rosemary Read responded that:

- The Council was responsible for disseminating information.
- She was unable to recall who had responsibility for community engagement .

John Richardson enquired:

- Why the Project took so long to complete?

Rosemary Read responded that:

- The Council failed to get an agreement with HTH Ltd on how to proceed with the Project.
- HTH Ltd felt that they should be taking responsibility for the building.
- When things were done that HTH Ltd did not agree with, it felt like the organisation was being pushed out and that the Project was slipping away from the group.
- There was a strong community who wanted the best for the Hall.
- HTH Ltd fully understood that the Council did not have a bottomless pit of money.

Councillor Helen Oliver enquired why HTH Ltd opted for a Ltd Company model?

Rosemary Read responded:

- They had considered and researched Community Interest Company.
- However, had opted for a Ltd company as they wanted to register as a charity

Councillor Sam Collins enquired:

- If the 'gagging orders' were legally binding documents.

Rosemary Read stated:

- That they were not legally binding documents but felt like it.

Audio recording – Session 3 – 21 seconds

E. Statement of Hitchin Forum/Hitchin Society

Ellie Clark on behalf of Hitchin Forum gave a verbal presentation drawing attention to the following:

- The Forum had supported the review of the Museum. However, disagreed with the concept of a District Museum.
- Hitchin had a unique history whereas North Hertfordshire was an administrative area.
- The decision to close the Town Museum was wrong.
- No way could community not have used of Mountford Hall.
- The plans would have resulted in the desecration of a building with architectural merit.

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- The Council took fundamental and far reaching decisions without consultation.
- The public were notified by way of the Forward Plan, but the public have limited understanding of the meaning of the Forward Plan.
- Attended Stakeholders meeting with no mention of museum closures.
- Stakeholders had no hope of influencing decisions.
- Council decided to transfer Hall to a third Party with no public consultation.
- In 2009 Council decided to put the museum in Mountford Hall.
- Project was scheduled to take 5 years.
- If the Council had consulted would have been far less opposition.
- The three main issues were the wall, curtain heating and electrical services.

Jane Arnold on behalf of Hitchin Society gave a verbal presentation drawing attention to the following:

- Chose to be involved from 2005 to 2010;
- Once Hitchin Initiative and HTH Ltd took control thought it was the preferred option to allow consultation with the Council through that avenue, but the Society were still interested in the project.
- They used their experience and skills for the benefit of the community (pro bono).
- Meetings were called to keep the community involved.
- Plans for the building were illiterate.
- Got the impression the plans were done in a hurry.
- The Council portrayed contempt for Hitchin.
- It was always intended to hide electrical services and no explanation was provided as to why this didn't happen.
- It was sad at the way the community was treated

John Richardson posed the following questions:

- Explain how £250K EEDA funding was lost.
- What was relationship with HTH Ltd?
- Were there prospects for better engagement?

Ellie Clark responded:

- Funding was referenced in the Cabinet Minute of 31 January 2006.
- Golden communication means ideas should be discussed with the community prior to making a decision.
- Decisions had already made and different parties were working at cross purposes.
- The Forum were delighted with HTH Ltd as they couldn't believe what was coming from the Council.
- Hitchin Councillors made conversations feel engaging
- They sensed there was now a different temperature and approach by the Council.
- The Council made major decisions because of budget without talking to the community.
- Was told having a District Museum was to save money.
- Found the whole process extremely trying.
- Would not be inclined to be a partner of NHDC unless the whole process changed.
- There was no Hitchin representation on the Cabinet
- Acknowledged the effect on the museum staff who were piggy in the middle.

Audio recording – Session 4 – 5 seconds

F. Statement of Steve Crowley

Steve Crowley delivered a verbal presentation drawing attention to the following:

- Financial checks were undertaken on the awarded fit out contractors which satisfied the Councils criteria
- Mechanisms had been introduced to reduce risks to the Council should the contractor go into administration.

John Richardson asked:

- What was the meaning of 'proceed with caution' and whether it was a common reference.

Steve Crowley responded:

- That the Council should only pay when work was undertaken and that mechanisms should be put in place to protect the Council.

Helen Oliver posed the following questions:

- The effects, other than financial, of the contractor going into administration.
- Did NHDC have the correct professionals in place?
- Could the Team have been strengthened?
- Why did the Project take so long to conclude?

Steve Crowley responded that:

- Light Brigade going into administration slightly delayed the project. However, the Council formed a relationship with the sub-contractors to complete the work.
- The damp, which was referenced to earlier, was not from the basement but from where the old building joined the new building and from a leak in the ladies toilet. Borrás was working to resolve the issue.
- The Council was not aware of a forklift being driven on the sprung floor.
- The floor was not damaged. Having been sanded so many times the floorboards now required replacement.
- The Council was advised to not change the tensions due to the age of the floor and the difficulties in locating a company with the relevant experience required to adjust the mechanism.
- The ventilation equipment was for the Town Hall not the museum.
- The details regarding the ventilation were supplied to and discussed with HTH Ltd.
- He questioned whether there were relevant professionals within HTH Ltd to fully understand the plans.
- Plans clearly illustrated where mechanical and electrical equipment was to be sited.
- There were the right professionals working on the Project within the Council. Mr Robinson had a lot of experience.
- Following the issue with the wall it was difficult to move forward with the Project.
- The continuous barriers created by HTH Ltd delayed the project.
- There were some issues eg asbestos which also contributed to the delay.
- Mr Robinson was the conduit between the Council and HTH Ltd whilst Mr Crowley dealt with the project.
- Questions raised about the plans meant the Project could not proceed until Council agreed the additional funds required.
- Inclusion of 14/15 Brand Street also resulted in the Project being delayed.

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- HTH Ltd took photos of the wall and distributed them via the press which impacted on the relationship with the Council and progress of the Project..
- HTH Ltd were not banned from the site. Borrás however did not allow access on a couple of occasions for health and safety reasons. Borrás did their best to accommodate visits to the site wherever possible.

John Richardson enquired:

- Whether there could have been a way to regain trust.

Steve Crowley stated:

- That this was impossible to answer.

Councillor Sam Collins enquired:

- What was your understanding of the construction of the wall?
- The wall seemed to be a fundamental difference of opinion.

Steve Crowley responded:

- That he did not get into the specific detail regarding the construction of the wall as it was the responsibility of the contractors.
- The architect would have been responsible for the design of the wall.

Councillor Helen Oliver posed the following questions:

- Were the storage rooms in use?
- Details of the damp issues.

Steve Crowley responded:

- The storage rooms were in use
- Specialists were required to provide a remedy for the damp issues.
- The damp was not having a significant impact of the use of the building.
- The Museum was a lovely facility and an asset to the Council.
- He hoped that people would be able to focus on the positives going forward.

The Chairman thanked all those who had given evidence so far and reminded those present that Day 2 of the Review would take place on 18 July 2019 at 10.00am in Brotherhood Hall.

The meeting closed at 5.31 pm

Chairman