

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held as a Virtual Meeting
on Thursday, 8th October, 2020 at 7.30 pm

PRESENT: Councillors: Terry Tyler (Chair), Val Bryant (Vice-Chair), Ian Albert, Daniel Allen, Kate Aspinwall, Clare Billing, Judi Billing, Ruth Brown, Paul Clark, Sam Collins, George Davies, Steve Deakin-Davies, Elizabeth Dennis-Harburg, Morgan Derbyshire, Jean Green, Simon Harwood, Terry Hone, Keith Hoskins, Mike Hughson, Tony Hunter, Steve Jarvis, David Levett, Ian Mantle, Jim McNally, Ian Moody, Gerald Morris, Michael Muir, Lisa Nash, Sue Ngwala, Sam North, Helen Oliver, Sean Prendergast, Mike Rice, Adem Ruggiero-Cakir, Carol Stanier, Martin Stears-Handscomb, Claire Strong, Richard Thake and Tom Tyson

IN ATTENDANCE: Suzanne Ormsby QC, Anthony Roche (Managing Director), Ian Fullstone (Service Director - Regulatory), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Isabelle Alajooz (Legal Commercial Team Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Louise Symes (Strategic Infrastructure and Projects Manager), Nigel Smith (Strategic Planning Manager), Hilary Dineen (Committee, Member and Scrutiny Manager) and William Edwards (Committee, Member and Scrutiny Officer)

48 WELCOME AND INTRODUCTION

Audio recording – 18 seconds

The Chair welcomed everyone to this virtual Extraordinary Council meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen and view proceedings.

The Chair invited the Committee, Member and Scrutiny Manager to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Manager undertook a roll call to ensure that all Members and Officers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live on the Council's You Tube channel and also recorded via Zoom. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a later date.

Please stay in view of the camera at all times.

If for any reason the meeting was not quorate an Officer would notify attendees by interjecting the meeting. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

If a remote Member lost connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item were entitled to vote.

Noise emitting devices should be muted and the mute button on the tablet or computer should be activated when not speaking.

If a Member wished to speak they should use the raise hand button and microphones would need to be unmuted before speaking.

If a Member had a closure motion, personal explanation or point of order, please interject the meeting and wait for the Chair to invite you to speak.

When requested to vote, voting would be via the Green tick for "Yes", Red Cross for "No" and Blue Raise Hand for "abstain" functions. To enable the votes to be counted, votes should not be cleared until requested to do so .

The Chair of the Council, Councillor Terry Tyler started the meeting proper.

49 APOLOGIES FOR ABSENCE

Audio recording – 9 minutes 59 seconds

Apologies for absence were received from Councillors David Barnard, John Bishop, Bill Davidson, Gary Grindal, Val Shanley, Kay Tart and Michael Weeks.

Councillor David Levett informed Council that sadly Councillor Barnard's wife, Sue, had passed away on 7 October 2020 and expressed condolences on behalf of the Members.

50 CHAIR'S ANNOUNCEMENTS

Audio recording – 11 minutes 27 seconds

(1) Audio Recording

The Chair advised that, in accordance with Council policy this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC Youtube channel.

(2) Declarations of Interest

Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.

The Service Director- Legal and Community reminded Members that she had issued dispensations in respect of interests in property ownership and membership of various bodies in relation to the items on the agenda.

Councillor Muir advised that he had an interest as a Baldock County Councillor. It was expected that 3,300 houses would be built in Baldock on County Council Land, despite the dispensation, he would listen to the debate but would not be voting this evening.

(3) Rules of Debate

Members were reminded that the normal procedure rules in respect of debate and times to speak would apply.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion had been seconded.

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

In accordance with the Constitution no speech should exceed five minutes without the consent of the Chair

(4) Comfort Break

The Chair advised that a comfort break would be called if the meeting was still in progress at 9pm.

(5) Order of Business

The Chair advised that, to aid discussion the order of business would be amended as follows:

- Items 3 and 4 would be considered together;
- The motion would be introduced, proposed and seconded;
- Then the Part 2 Item would be considered;
- The Part 1 report, motion and amendment would then be considered and debated as one discussion, after the Part 2 item.

51 NORTH HERTFORDSHIRE DISTRICT COUNCIL SUBMISSION LOCAL PLAN

Audio recording – 1 hour 34 minutes 10 seconds

The Committee, Member and Scrutiny Manager undertook a roll call to ensure that all Members and Officers were present and could hear and be heard.

The Chair reminded Members to take heed of Counsel advice given in Part 2.

The Strategic Planning Manager presented the Part 1 report entitled North Hertfordshire District Council Submission Local Plan together with the following appendices:

- Appendix A – Examination Document ED191A – NHDC Response to Inspector's letter;
- Appendix B – Examination Document ED191B – NHDC 5-year Housing Supply at 1 April 2020.

He advised that the planned hearings scheduled for October and November had been postponed pending the outcome of this meeting.

In view of the Chair's announcement that the report and motion be considered as a single debate, recommendation 2.1 in the report should be amended to read:

"That the contents of the Part 1 and Part 2 reports be noted"

In respect of recommendation 2.3, he drew attention to Paragraphs 8.15 and 8.16 of the report.

If the motion were carried clarity would need to be given regarding which combination of matters would be requested to be reassessed and on what basis.

Councillor Martin Stears-Handscomb proposed the recommendations in the report, as amended and Councillor Ian Mantle seconded.

NB: Discussion regarding this report and the resolutions regarding the recommendations are recorded in Minute 52.

52 NOTICE OF MOTIONS

Audio recording – 18 minutes 24 seconds

In accordance with the Constitution, Paragraph 4.8.3. a(iv), an extraordinary Council meeting had been called by the following Councillors: Ruth Brown, Paul Clark, Sam Collins, Keith Hoskins, Steve Jarvis, Lisa Nash, Sam North, Sean Prendergast, Carol Stanier and Tom Tyson to consider a motion regarding the Local Plan.

North Herts Local Plan

Councillor Sam Collins introduced the motion

Points of order regarding the length of speeches were raised by:

- Councillor Richard Thake;
- Councillor Ian Albert.

Councillor David Levett raised a point of order in that, in his opinion the motion should not be heard as the Local Plan was a matter identified on the Forward Plan and the motion represented a major modification.

The Service Director=Legal and Community advised that the provision with the Constitution stated that the Proper Officer may, with the consent of the Chair, refuse to accept a motion. Therefore it was a discretionary matter. The Chair had accepted the motion and therefore it could proceed.

Councillor Claire Strong raised a point of order regarding the order of business

Councillor Sam Collins proposed the following motion which was seconded by Councillor Ruth Brown.

“The council notes that the projected housing need for North Hertfordshire has reduced as a result of the latest predictions by the Office for National Statistics.

The council believes that the proposed allocation of housing sites in the Local Plan should be reduced to reflect this reduction in projected need and instructs officers to convey this to the Inspector as soon as possible and carry out any review work requested by the Inspector as a result.”

NB at this point the Part 2 and then Part 1 reports were considered.

Audio recording – 1 hour 42 minutes 52 seconds

NB the presentation of the Part 1 report and it being proposed by Councillor Martin Stears-Handscomb and seconded by Councillor Ian Mantle is detailed in Minute 51.

Councillor Tom Tyson proposed and Councillor Paul Clark seconded that the following amendment to the motion:

That an additional sentence be added to the end of the motion to read:

“The work to be conducted by the officers in consultation with the Executive Member and Deputy Executive Member for Planning and Transport.”

Councillor Sam Collins, Proposer of the motions and Councillor Ruth Brown, seconder of the motion, accepted the amendment in full.

The Service Director – Legal and Community reminded Members that before the vote, Members will need to make clear the scale and scope of modifications.

The following Members took part in the debate:

- Councillor Steve Jarvis;
- Councillor Richard Thake;
- Councillor Claire Strong;
- Councillor Martin Stears-Handscorn;
- Councillor Carol Stanier;
- Councillor David Levett;
- Councillor Elizabeth Dennis-Harburg;
- Councillor George Davies;
- Councillor Gerald Morris;
- Councillor Sean Prendergast;
- Councillor Ian Mantle;
- Councillor Tony Hunter;
- Councillor Helen Oliver;
- Councillor Simon Harwood;
- Councillor Ruth Brown;
- Councillor Mike Hughson;
- Councillor Ian Albert;
- Councillor Sam North;
- Councillor Morgan Derbyshire;
- Councillor Daniel Allen;
- Councillor Sam Collins.

RESOLVED:

- (1) That the contents of this report be noted;
- (2) That the Council's current position on the matters of objectively assessed housing need and housing supply as submitted to the Examination in August 2020 and attached as Appendices A & B respectively, be noted;
- (3) That, should Members be minded to approve the substantive motion, officers are advised of the broad scope and scale of the modification(s) being sought and the planning justification(s) for these to forward to the Inspector.

REASONS FOR DECISIONS:

- (1) To ensure Members are in possession of relevant facts in advance of debate on the substantive motion;

- (2) To date, the Examination of the emerging North Hertfordshire Local Plan 2011-2031 ('Local Plan') has been conducted in accordance with the resolutions of Full Council of 11 April 2017. Any departure from, amendment to or replacement of those resolutions requires the consent of Full Council through a new decision;
- (3) This report has been written to address the matters raised in the substantive motion only (i.e. the housing need for North Hertfordshire and the proposed allocation of housing sites in the Local Plan to address this). This report does not address any other matters in the Plan and under consideration at the Examination. This includes, but is not necessarily limited to, the settlement hierarchy, employment, retail, Gypsy & Traveller accommodation, unmet development needs from other authorities, transport, environmental matters, heritage or detailed policy criteria;
- (4) Any amendments to the motion which broaden or alter its scope to cover such matters (or any other relevant matters) could raise new implications which are not covered by this report;
- (5) Should the substantive motion be approved, officers will need to appraise the Inspector of the broad scope and scale of the modifications proposed, as well as the planning reasons, to enable the Inspector to come to a decision with regard the next steps for the Examination.

Councillor Carol Stanier had previously asked for a recorded vote on the Motion, as amended.

Upon the vote the motion, as amended was lost with the votes recorded as follows:

For:

Councillors: Daniel Allen, Ruth Brown, Paul Clark, Sam Collins, Keith Hoskins, Steve Jarvis, Ian Moody, Gerald Morris, Lisa Nash, Sam North, Sean Prendergast, Carol Stanier, Terry Tyler and Tom Tyson.

Total: 14

Against:

Councillors: Ian Albert, Kate Aspinwall, Claire Billing, Judi Billing, Val Bryant, Steve Deakin-Davies, Elizabeth Dennis-Harburg, Morgan Derbyshire, Jean Green, Simon Harwood, Terry Hone, Mike Hughson, David Levett, Ian Mantle, Sue Ngwala, Mike Rice, Adem Ruggiero-Cakir, Martin Stears-Handscorn and Richard Thake.

Total: 19

Abstain:

Councillors: George Davies, Tony Hunter, Jim McNally, Michael Muir, Helen Oliver and Claire Strong

Total: 6

53 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 33 minutes 15 seconds

Councillor Terry Tyler proposed, Councillor Val Bryant seconded that the press and public be excluded.

Councillor Richard Thake raised a concern that discussions would be held in Part 2. Although acknowledged that he had been advised that these discussions could result in the Council being places in special measures.

Upon the vote it was:

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 5 of Part 1 of Schedule 12A of the said Act (as amended).

54 NORTH HERTFORDSHIRE DISTRICT SUBMISSION LOCAL PLAN

There is no audio recording of this Part 2 Item

NB: This item was considered following the motion being introduced, proposed and seconded, but before the debate on the Part 1 report and the motion

The Committee, Member and Scrutiny Manager undertook a roll call to ensure that all relevant Councillors and Officers were present and could hear and be heard.

The Strategic Planning Manager presented the Part 2 report entitled North Hertfordshire District Council Submission Local Plan together with the following appendices:

Appendix A – Local Plan Advice;
Appendix B - NHDC Local Plan Advice.

A number of points of order were raised.

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

- Councillor Claire Strong;
- Councillor Val Bryant;
- Councillor Martin Stears-Handscorn;
- Councillor Steve Jarvis;
- Councillor Simon Harwood
- Councillor Sam Collins;
- Councillor Helen Oliver;
- Councillor Sue Ngwala;
- Councillor Daniel Allen;
- Councillor Kate Aspinwall;
- Councillor Tom Tyson;
- Councillor Richard Thake;
- Councillor David Levett;
- Councillor Adem Ruggiero-Cakir
- Councillor Elizabeth Dennis-Harburg;
- Councillor Ian Albert
- Councillor Terry Tyler.

In response to questions Suzanne Ormsby QC gave advice to Members.

Councillor Martin Stears-Handscorn proposed, Councillor Ian Mantle seconded and it was:

RESOLVED: That Counsels' advice, attached as Appendices A and B, be noted ahead of debate on the substantive motion.

REASON FOR DECISION: To ensure Members have the relevant external legal advice from the Council's retained Counsel for the Local Plan in advance of debate on the substantive motion.

Thursday, 8th October, 2020

NB: The Council took a comfort break at 20.58.

The meeting resumed at 21.04.

At this point the meeting returned to Part 1.

The meeting closed at 10.41 pm

Chair