

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### CABINET

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY  
ON TUESDAY, 20TH JULY, 2021 AT 7.30 PM

### MINUTES

**Present:** *Councillors: Elizabeth Dennis-Harburg (Chair), Paul Clark (Vice-Chair), Ian Albert, Amy Allen, Judi Billing, Gary Grindal, Steve Jarvis and Ian Mantle*

**In Attendance:** *Anthony Roche (Managing Director), Jeanette Thompson (Service Director - Legal and Community), Ian Fullstone (Service Director - Regulatory), Ian Couper (Service Director - Resources), Steve Crowley (Service Director - Commercial), Nigel Smith (Strategic Planning Manager), Clare Skeels (Senior Planning Officer), Chloe Gray (Commercial Projects Manager), William Edwards (Committee, Member and Scrutiny Officer) and Anna Gouveia (Committee, Member and Scrutiny Officer)*

#### 17 WELCOME

*Audio recording – 29 seconds*

The Chair welcomed everyone to the Cabinet meeting that was being held in the Council Chamber and advised that the meeting was being streamed live on the Council's YouTube channel and some Officers were joining online.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work.

The Committee, Member and Scrutiny Officer undertook a roll call of those officers joining the meeting online to ensure that they could hear and be heard and gave advice regarding the following:

- Voting; and
- Covid Risk Assessment Measures.

The Chair, Councillor Elizabeth Dennis-Harburg, started the meeting proper.

#### 18 APOLOGIES FOR ABSENCE

*Audio recording – 3 minutes 11 seconds*

Apologies for absence were received from Councillor Sam Collins and Deputy Executive Members Ruth Brown and Carol Stanier.

Councillor David Levett, Chair of the Overview and Scrutiny Committee also sent his apologies for absence.

It was noted that Deputy Executive Members were not required to attend Cabinet meetings, therefore their absences would not be noted against their attendance record.

**19 MINUTES - 29 JUNE 2021**

*Audio recording – 3 minutes 59 seconds*

Councillor Elizabeth Dennis-Harburg proposed, Councillor Paul Clark seconded, and it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 29 June 2021 be approved as a true record of the proceedings and be signed by the Chair.

**20 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 4 minutes 47 seconds*

There was no other business notified.

**21 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes 52 seconds*

- (1) 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 the Council's website and the film recording via the NHDC YouTube channel;
- (2) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, officers and Members should have that in mind as they carried out their various roles and tasks for the benefit of the District;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and 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;
- (4) The Chair advised that she would be taking Item 14 (the Part 2 Item) regarding Land to the South of Clare Crescent, Baldock, SG7 6JR before Item 12 (the Part 1 Item on the same subject).

**22 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 56 seconds*

There was no public participation.

**23 ITEMS REFERRED FROM OTHER COMMITTEES**

*Audio recording – 6 minutes 2 seconds*

7a. Referral from Overview and Scrutiny Committee: 13 July 2021 – Community Grants Policy Review, NHDC Funding Criteria Health Protection Board Community Use, and Review of Cabinet Panels' Terms of Reference.

The Chair advised that this referral would be considered with Item 9.

**24 WAIVER OF ELEMENTS OF THE COUNCIL'S CONTRACT AND PROCUREMENT RULES IN RELATION TO SELECTING TREASURY FUND INVESTMENTS**

*Audio recording – 6 minutes 31 seconds*

The Executive Member for Finance and IT presented the report entitled Waiver of Elements of the Council's Contract and Procurement Rules in Relation to Selecting Treasury Fund Investments.

The Executive Member for Finance and IT confirmed that the Deputy Executive Member for Finance and IT would be consulted as part of the process, although the formal written decision sat with himself and the Service Director – Resources, as reflected in Recommendation 2.

Upon being put to the vote, it was:

**RESOLVED:**

- (1) That Cabinet agree a waiver of the Contract and Procurement Rules to allow the selection process for long-term Treasury Investments (Multi-Asset Funds and Property Funds) to follow the process that has been advised by the Council's Treasury Advisers;
- (2) That the decision on selecting the funds to be invested in, be delegated to the Service Director: Resources in consultation with the Executive Member for Finance and IT.

**REASON FOR DECISION:** To follow a selection process that has been recommended by the Council's Treasury Advisers and they have found to be effective.

**25 COMMUNITY GRANTS POLICY REVIEW, NHDC FUNDING CRITERIA HEALTH PROTECTION BOARD COMMUNITY USE; & REVIEW OF CABINET PANELS' TERMS OF REFERENCE**

*Audio recording – 11 minutes 35 seconds*

The Executive Member for Community Engagement presented the report entitled Community Grants Policy Review, NHDC Funding Criteria Health Protection Board Community Use; and Review Of Cabinet Panels' Terms Of Reference along with the following appendices:

- Appendix A – Community Grants Criteria 2021;
- Appendix B – NHDC – Health Protection Board Funding Protocol;
- Appendix C – The District Wide Community Facilities Capital and Revenue Grants Panel Terms of Reference;
- Appendix D – Cabinet Panel on the Environment Terms of Reference;
- Appendix E – Cabinet Panel on Community Terms of Reference;
- Appendix F – Cabinet Panel on Place Terms of Reference.

She explained that, following a thorough discussion at the Overview and Scrutiny Committee meeting of 13 July 2021, it had been decided that Recommendation 2.1 should be removed from the report, in order to make the grant application process as accessible as possible.

Councillor Elizabeth Dennis-Harburg proposed, Councillor Paul Clark seconded, and upon being put to the vote it was unanimously:

**RESOLVED:**

- (1) That, having reviewed the Grants Policy, the revisions of the Grants Policy criteria as set out in the Report not be taken forward;

- (2) That Cabinet approves the Protocol for the NHDC / Health Protection Board Funding (as set out in Appendix B) and approves the amendments to the District Wide Community Facilities Capital & Revenue Grants Panel (as set out in Appendix C); and
- (3) That Cabinet approves the amendments to the Cabinet Panels' Terms of Reference as set out in Appendices D, E & F.

**REASON FOR DECISIONS:**

- (1) Reviewing the new Protocol or revised criteria that have been put in place on a regular basis, provides the Council with assurances that the grant process achieves its stated aim, that the revised criteria has made the funding more accessible to a wider range of organisations who are working to support the community work in North Hertfordshire with vulnerable people or people of protected characteristics;
- (2) The NHDC/Health Protection Board ('HPB') Funding detailed, has been secured and must be used by the end of March 2022. It is proposed that this is to be considered by the District Wide Community Facilities Capital & Revenue Grants Panel, whose terms of reference therefore should be updated to reflect remit;
- (3) The Administration has requested a review of the three other Cabinet Panels to align to the Council's renewed priorities.

**26 NORTH HERTFORDSHIRE COMMUNITY LOTTERY - NEW POLICIES**

*Audio recording – 17 minutes 10 seconds*

The Executive Member for Community Engagement introduced the report entitled North Hertfordshire Community Lottery – New Policies together with the following appendix:

- Appendix 1 – Gatherwell Policies

She drew attention to the following:

- The report had been considered by the Overview and Scrutiny Committee at its meeting of 22 June and a referral to Cabinet had been presented at its last meeting of 29 June;
- The item had been deferred to allow for further consideration of the concerns raised by Members before coming to a final decision;
- Following further deliberation it was considered that the benefits of continuing with the already agreed contract far outweighed the disbenefits of withdrawing at this point.

Councillor Elizabeth Dennis-Harburg proposed, Councillor Paul Clark seconded, and upon being put to the vote it was unanimously:

**RESOLVED:**

- (1) That the age limit for playing the North Hertfordshire Community Lottery should be raised from 16 to 18, should legislation allow;
- (2) That consideration be given to putting a policy in place which would limit any one person to buying no more than £10 worth of tickets per week;
- (3) That Cabinet approves the implementation of the new policies associated with launching and delivering the North Hertfordshire Community Lottery.

27 **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

*Audio recording – 19 minutes 59 seconds*

The Executive Member for Planning introduced the report entitled Developer Contributions Supplementary Planning Document (SPD).

He advised that the report sought the extension of the July 2020 resolutions of Cabinet in relation to the proposed Developer Contributions Supplementary Planning Document (SPD), pending the outcomes of the Local Plan Examination.

The following Members asked questions and took part in debate:

- Councillor Steve Jarvis;
- Councillor Paul Clark.

In response to a question, Councillor Clark confirmed that Cabinet would be updated via the regular Strategic Planning report on the long-term standards to be adopted for open/green space in future.

Councillor Clark reported that, in terms of strategic planning matters, there was an examination into the possibility of extending further the Chilterns Area of Outstanding Natural Beauty, but further information on this was not available at this time.

Councillor Paul Clark proposed, Councillor Elizabeth Dennis-Harburg seconded, and upon being put to the vote it was unanimously:

**RESOLVED:**

- (1) That the Developer Contributions SPD approved by Cabinet in July 2020 continue to be used as a material consideration in the negotiation and determination of relevant schemes;
- (2) That, pending the updated Green Space Strategy and revised programme of Supplementary Planning Documents, *Fields in Trust* standards be used to assess open space provision in new development;
- (3) That officers, in consultation with the Executive Member for Planning, determine whether any areas of the Developer Contributions SPD require additional work prior to adoption and present any revised draft or final version(s) to Cabinet for their approval.

**REASONS FOR DECISIONS:**

- (1) To allow the continued use of the detailed guidance in the Developer Contributions SPD in the negotiation of relevant schemes;
- (2) To ensure the provision of appropriate levels of open space in new development;
- (3) To enable officers, in consultation with the Executive Member and Deputy, to consider whether any matters arising since the July 2020 resolutions of Cabinet necessitate substantive additional work before the Developer Contributions SPD is formally adopted.

28 **DESIGNATION OF A NEIGHBOURHOOD PLANNING FORUM AND NEIGHBOURHOOD PLANNING AREA FOR CHARLTON**

*Audio recording – 24 minutes 18 seconds*

The Executive Member for Planning introduced the report entitled Designation of a Neighbourhood Planning Forum and Neighbourhood Planning Area for Charlton, together with the following appendices.

- Appendix A – Charlton Society Neighbourhood Forum Application Letter;
- Appendix B – Charlton Society Constitution;
- Appendix C – Map Charlton NP Area.

The Senior Planning Officer advised that the Council needed to look at designating a Neighbourhood Planning Forum for the area of Charlton because it was in an unparished area of the district.

The following Members asked questions and took part in debate:

- Councillor Ian Albert;
- Councillor Paul Clark.

In response to a question, the Senior Planning Officer advised that the recommendations, should they be agreed, would not have a direct impact on the 'Save The Windmill Pub' campaign, and it would be up to a Neighbourhood Planning Forum to develop any policies in future.

Councillor Paul Clark proposed, Councillor Elizabeth Dennis-Harburg seconded and upon being put to the vote it was unanimously:

**RESOLVED:** That delegated authority is granted to the Service Director – Regulatory in consultation with the Executive Members for Community Engagement and Planning to:

- i. determine the current applications for the neighbourhood planning area and neighbourhood planning forum within the statutory 13-week time limit following the conclusion of the public consultation period; and
- ii. work with the Charlton Neighbourhood Forum and other parties interested in neighbourhood planning in the area to address the issues of concern raised in the report and explore the opportunities to progress neighbourhood planning for Charlton.

**REASONS FOR DECISIONS:**

- (1) To ensure the Council meets its statutory duties in relation to neighbourhood planning within the prescribed time periods.
- (2) As part of an unparished area of the District, the application to designate a neighbourhood planning area and neighbourhood planning forum must be considered by the local planning authority. However, for the reasons discussed in Section 8 of the report, it would be appropriate for further discussions to be held with the Charlton Neighbourhood Forum and other (potential) neighbourhood planning bodies before a decision is taken.

**29 LAND SOUTH OF CLARE CRESCENT, BALDOCK - PART I**

*Audio recording – 44 minutes 56 seconds*

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that the Officers joining remotely had successfully re-joined the Part 1 meeting.

The Executive Member for Planning presented the report entitled Land South of Clare Crescent, Baldock, together with the following appendices:

- Appendix A – Site Plan;
- Appendix B – Proposed Development Layout Plan.

Upon being put to the vote, it was unanimously:

**RESOLVED:**

- (1) That Cabinet declares the land surplus to NHDC's requirements;
- (2) That Cabinet authorises disposal of the land on the transaction terms presented in the Part 2 Report to Cabinet.

**REASON FOR DECISIONS:**

- (1) To release surplus property to provide a financial receipt to help fund the capital programme;
- (2) To enable the development of new homes, including affordable homes for local applicants in North Hertfordshire.

**30 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording – 28 minutes 13 seconds*

Councillor Elizabeth Dennis-Harburg proposed and Councillor Paul Clark seconded.

Upon being put to the vote, it was:

**RESOLVED:** That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).

**31 LAND SOUTH OF CLARE CRESCENT, BALDOCK - PART II**

*No Audio Recording Taken*

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that the Officers joining remotely had successfully joined the Part 2 meeting.

The Executive Member for Planning presented the report entitled Land South of Clare Crescent, Baldock – Part 2, together with the following appendices:

- Appendix A – Site Plan;
- Appendix B – Proposed Development Layout Plan.

Following a discussion, it was voted upon and:

**RESOLVED:**

- (1) That Cabinet declares the land surplus to NHDC's requirements;
- (2) That Cabinet authorises disposal of the land on the transaction terms presented, subject to 2.3 and 2.4;
- (3) That officers negotiate with Foxberry Developments on the Passivhaus BREEAM, or similar standards requirements for the development;
- (4) That the final decision on disposal be delegated to the Executive Member for Enterprise, the Arts and Transport in consultation with the Service Director: Commercial.

**REASONS FOR DECISIONS:**

- (1) To release surplus property to provide a financial receipt to help fund the capital programme;
- (2) To enable the development of new homes, including affordable homes for local applicants in North Hertfordshire;
- (3) To meet our Climate Change Strategy proposed actions for 2021-2026.

The meeting closed at 8.18 pm

Chair