

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, District Council Offices, Gernon Road,
Letchworth
on Thursday, 18th April, 2024 at 7.30 pm

PRESENT: Councillors: Daniel Allen (Chair), Chris Lucas (Vice-Chair), Ian Albert, Amy Allen, Matt Barnes, Clare Billing, Simon Bloxham, Ruth Brown, Val Bryant, Adam Compton, Mick Debenham, Elizabeth Dennis, Dominic Griffiths, Chris Hinchliff, Terry Hone, Keith Hoskins, Steve Jarvis, David Levett, Ian Mantle, Nigel Mason, Bryony May, Ian Moody, Ralph Muncer, Michael Muir, Louise Peace, Tom Plater, Claire Strong, Mandi Tandi, Richard Thake, Tom Tyson, Phil Weeder, Alistair Willoughby, Dave Winstanley and Daniel Wright-Mason.

IN ATTENDANCE: Ian Couper (Service Director - Resources), Steve Crowley (Service Director - Enterprise), Philip Doggett (Principal Estates Surveyor), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Callum Reeve (Democratic Services Apprentice), Anthony Roche (Managing Director), Melanie Stimpson (Democratic Services Manager), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).

ALSO PRESENT: There were 4 members of the public present..

274 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 16 seconds

Apologies for absence were received from Councillors David Barnard, Raj Bhakar, Cathy Brownjohn, Juan Cowell, James Denselow, Faye Frost, Daniel Marsh, Gerald Morris, Lisa Nash, Sean Nolan, Sean Prendergast, Tamsin Thomas, Terry Tyler, and Michael Weeks.

Councillor Sam Collins was absent.

275 MINUTES - 25 JANUARY 2024 AND 29 FEBRUARY 2024

Audio Recording – 2 minutes and 2 seconds

Councillor Daniel Allen, as Chair, proposed and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meetings of the Committee held on 25 January 2024 and 29 February 2024 be approved as a true record of the proceedings and be signed by the Chair.

276 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 2 seconds

There was no other business notified.

277 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 10 seconds

- (1) The Chair advised that this year marked the 50th Anniversary of North Hertfordshire District Council.
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (3) The Chair reminded Members that the Council had declared both a Climate Emergency and an Ecological Emergency. These are serious decisions, and mean that, as this was an emergency, all of us, Officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (4) 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.
- (5) The Chair advised that the normal procedure rules in respect of debate and times to speak will apply.
- (6) The Chair advised that 4.8.23(a) of the Constitution did not apply to this meeting. A comfort break would be held at an appropriate time, should proceedings continue at length.
- (7) The Chair thanked attendees to his Civic Event and confirmed that £2,365 had been raised for his chosen charities.
- (8) The Chair advised that there had been some changes to Polling Station locations at the upcoming election, with posters available for Members to display at suitable locations around their wards.
- (9) The Chair advised on the process for those Members not standing or unsuccessful with their re-election to return their IT equipment.
- (10) The Chair thanked those Members not standing at the forthcoming election for their service to the Council and the following Members provided comments:
 - Councillor David Levett
 - Councillor Elizabeth Dennis
 - Councillor Ruth Brown
 - Councillor Ian Albert
 - Councillor Nigel Mason
 - Councillor Ralph Muncer
 - Councillor Steve Jarvis
 - Councillor Richard Thake
- (11) The Chair reminded Members to submit the required elections expenses forms by 6 June 2024.

278 PUBLIC PARTICIPATION

Audio recording – 22 minutes 45 seconds

There was no public participation.

279 QUESTIONS FROM MEMBERS

Audio recording – 22 minutes 52 seconds

There were no questions from Members.

280 NOTICE OF MOTIONS

Audio recording – 22 minutes 54 seconds

There were no motions submitted in accordance with Standing Order 4.8.12.

281 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 22 Minutes 59 seconds

N.B. Councillor Claire Strong left the Chamber at 19:53 and returned at 19:54.

N.B. Councillor Tom Tyson entered the Chamber at 19:53.

The Chair advised that there was a referral from Cabinet and two referrals from the Standards Committee and these would all be considered as individual standalone items.

8A) Shared Prosperity Fund Process

The Chair invited Councillor Elizabeth Dennis, Leader of the Council, to present the referral from Cabinet on this item.

Councillor Dennis advised that the rationale for the Cabinet decision was contained within the report and highlighted that funding had been acquired for the Solar for Business programme, which would present significant opportunities.

Councillor Steve Jarvis stated that the Solar for Business programme would assist in reducing the carbon emissions of the district, generate an income for the Council and have benefits for local businesses.

Councillor Elizabeth Dennis proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: The Council approved up to £518,000 capital investment for the Solar for Business Programme, in addition to the £51,285 capital funding from the UK Shared Prosperity Fund.

REASONS FOR DECISION:

- (1) The Council will be provided with funding in April 2024 to allocate to schemes which were originally outlined in the Council's UK Shared Prosperity Fund (UK SPF) Investment Plan that was submitted in July 2021. This plan was approved by Department for Levelling Up Housing and Communities (DLUHC) in January 2022.
- (2) The Funds regulations allow considerable flexibility in how the Council allocates funding and under which approved UK SPF Activities. Officers presented a report to the Leadership Team on 5 February 2024, which outlined how the Council proposed to spend the remainder of the Fund in line with the UK SPF criteria set. The Leadership Team agreed with the proposal in principle, and therefore was presented to the Cabinet for further consideration (and subsequent recommendation to Council).

- (3) The individual projects will be managed by the relevant North Herts Council (NHC) service areas. Executive Members and Service Directors will be delegated to approve spend decisions, payments or grants made under the scheme as identified under table 8.1 of the report.

8B) Standards Matter Report

The Chair invited Councillor Ruth Brown, Chair of the Standards Committee, to present the referral from the Standards Committee on this item.

Councillor Brown advised that there had been a robust debate on the item at the Committee meeting on whether a two month period was a reasonable timeframe in which to undertake the Code of Conduct training and it was concluded that this was acceptable.

The following Members asked questions:

- Councillor David Levett
- Councillor Adam Compton
- Councillor Dominic Griffiths

In response to questions, Councillor Ruth Brown stated that:

- This would be virtual training to make it accessible to Members and Members that had completed the training would be monitored via GrowZone.
- Two months allowed Members flexibility for when to complete the training. It was anticipated that most Members would complete the training straight away, but also that new Members may experience IT and registration delays.

In response to questions, the Service Director – Legal and Community stated that:

- The training should be completed as soon as possible by Members.
- Should Council endorse this recommendation, then any Member failing to complete the training would be in breach of the Code of Conduct.
- Should a Member not complete the training, following reminders, they would be referred to the Standards Committee, which could result in a Standards Sub Committee hearing and subsequent sanctions such as censure.

Councillor Ralph Muncer noted that during the debate at the Standards Committee it had been confirmed that Officers would be available for support with training and to answer any queries.

Councillor Ruth Brown proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That all District Councillors undertake post, all-out election training on the Code of Conduct within 2 months of their election (or availability of the training) whichever is the later date.

REASON FOR DECISION: To ensure good governance within the Council.

8C) Members Planning Code of Good Conduct

The Chair invited Councillor Ruth Brown, Chair of the Standards Committee, to present the referral from the Standards Committee on this item. Councillor Brown advised that:

- Members should refer to the supplement published as that contained the amendments to the Planning Code of Good Conduct from the Standards Committee, as tracked changes.

- The Code summary had been moved from the end of the Code to the beginning of the new version.
- There were some other minor tracked changes to the Code.
- There had been a robust debate on this item at the Standards Committee meeting.
- The Standards Committee would have the scope to review the Code against the model code.
- The Code and its tracked amendments should be adopted by Council.

The following Members took part in debate:

- Councillor Claire Strong
- Councillor Adam Compton
- Councillor Richard Thake
- Councillor David Levett
- Councillor Daniel Allen

Point raised in debate included:

- Concerns that the Code implied that Members should not attend a Parish Council meeting when a developer was present unless an Officer was also present.
- It was important that Members attended public meetings to hear comments from both sides on an application.
- Members should use common sense and not make comments at a public meeting, to avoid the risk of predetermination.
- The Planning Control Committee Members should have access to all available information on a planning matter, even public meetings.
- It would be unwise for any Member of the Planning Committee to make comments at a public meeting.

In response to points raised in the debate, Councillor Ruth Brown stated that the intention was to avoid private meetings between Members and developers.

In response to points raised in debate, the Service Director – Legal and Communities stated that:

- It was important the Code aligned to the national model endorsed by the Supreme Court.
- It was important that Members, especially those on the Planning Control Committee, remained open and transparent in approaching applications and discussions at public meetings could jeopardise that.
- If Members attend a public meeting, they should consult with the relevant service managers and adhere to the Code of Conduct. Officers would be able to advise on their conduct at such meetings.
- The second bullet point of paragraph 4 of the code 'Contact with Applicants, Developers and Objectors' could be amended to include the wording 'in private' to resolve the concerns.

Councillor Ruth Brown proposed, with the amendment to paragraph 4, and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That Council adopted the new Code as the Appendix 1 to Section 8 of the Constitution replacement, as further amended under paragraph 4, second bullet point to include the word 'in private'.

REASON FOR DECISION: To ensure good governance within the Council.

282 CONSTITUTIONAL AMENDMENT REPORT

Audio recording – 43 Minutes 8 seconds

The Service Director – Legal and Community presented the report entitled 'Constitutional Amendment Report' and highlighted that:

- The report clarified that at Annual Council there would be an election for the position of Leader of the Council.
- The position of Leader of the Council would then be coterminous with the whole Council election cycle.
- There were a few language changes to align the report to the language of the legislation, notably the word 'disqualified' instead of 'suspended'.

Councillor Elizabeth Dennis proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That Full Council approved the proposed amendments to the Constitution as set out in section 8.4 of this report.

REASON FOR DECISION: To ensure certainty around wording to cover the post all-out elections and better reflect potential situations where an election of a Leader may arise.

283 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 44 minutes 57 seconds

Councillor Daniel Allen, as Chair, proposed and Councillor Elizabeth Dennis seconded, and following a 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).

284 PART 2 MINUTES - 28 SEPTEMBER 2023

N.B. This item was considered in restricted session and therefore no recording is available.

Councillor Daniel Allen, as Chair, proposed and Councillor Elizabeth Dennis seconded, and following a vote, it was:

RESOLVED: That the Part 2 Minutes of the Meeting of the Committee held on 28 September 2023 be approved as a true record of the proceedings and be signed by the Chair.

285 SALE OF LAND AT HITCHIN ROAD, WESTON KNOWN AS THE SNIPE - PART 2

N.B. This item was considered in restricted session and therefore no recording is available.

RESOLVED: That Full Council noted the contents of this report before coming to a decision in relation to Part 1.

REASON FOR DECISION: These recommendations are made as a result of extensive marketing by the Council's appointed agents and take into consideration current Council policies on sustainability and carbon emissions, whilst achieving best consideration.

N.B. Following the conclusion of this item there was a break in proceedings at 21:05 and the meeting reconvened at 21:17. During the break, Councillor Dominic Griffiths left the Chamber and did not return.

Following the comfort break the meeting resumed in open session.

286 SALE OF LAND AT HITCHIN ROAD, WESTON KNOWN AS THE SNIPE - PART 1

Audio recording - 1 hour 47 minutes 37 seconds

The Executive Member for Finance and IT presented the report 'Sale of Land at Hitchin Road, Weston Known as the Snipe, Part 1' and advised that:

- At the Cabinet meeting in December 2020 the land was declared as surplus to requirements and authority for its disposal was delegated to the Service Director – Resources in consultation with the Executive Member for Finance and IT.
- External advice on the sale was sought and a Memorandum of Understanding was entered into with an adjacent landowner to market the site jointly.
- The site was identified in the adopted Local Plan for 40 dwellings.
- The tenders received were higher than expected and therefore this item had been brought to Council for approval.
- Alternative options for the site were considered and these were detailed in paragraph 4 of the report.
- An unconditional offer for the site was received, however it was felt that the density of dwellings on this proposal were not achievable.
- It was deemed that the site was more marketable with the adjacent plot than being marketed in isolation.
- The Parish Council have not objected to the proposed development of this site.
- There were clear aspirations around climate change with the use of Future Homes Standards as detailed in section 14 of the report, and this was the standard for the whole site.
- There was an expectation for 40% affordable housing on the site.
- The capital receipts from the sale of the land would assist in the funding of future capital programmes.
- The report carefully considered the achievable capital receipts and the social benefit from the affordable housing from this sale.
- There had been a delay in advertising the second notice in this matter and the closing date for comments on this development was the 25 April 2024. Therefore, an additional recommendation was proposed (2.4) to allow any objections to be considered by the Service Director Enterprise in consultation with the Executive Member for IT and Finance with delegated authority to determine whether to proceed with the sale.
- Recommendation 2.1 had been amended to incorporate the new recommendation 2.4.

In response to a question from Councillor Muncer, the Principal Estates Surveyor stated that there had been no objections received from the public notices to date.

The following Members took part in debate:

- Councillor David Levett
- Councillor Steve Jarvis
- Councillor Adam Compton
- Councillor Ralph Muncer
- Councillor Alistair Willoughby
- Councillor Claire Strong
- Councillor Ruth Brown
- Councillor Ian Albert

Points raised in the debate included:

- Concerns that the percentage of affordable housing was not guaranteed.
- Concerns regarding the Memorandum of Understanding and the commitments placed on the Council when it came to determining the application at the Planning Control Committee.
- The site formed part of the Local Plan.
- It was sensible to market the two parcels of land together, as this would make the highways and community arrangements more acceptable to residents.
- The site should be sold with the expectation of a minimum of 40% affordable housing.
- It was good that a requirement to ensure that the development would achieve Future Homes Standards, was for the entire site, not just the land owned by the Council.
- There was not enough evidence within the report to satisfy concerns regarding the affordable housing percentage.
- There were concerns regarding the completeness of the report which restricted Members from scrutinising the proposal to ensure the best decision was taken for residents and the Council.
- There were outstanding responses to questions regarding the percentage of affordable housing.
- The commitment to the percentage of affordable housing was outlined at 9.4 of the report.
- The development would be an investment in the Community with affordable, quality housing.
- There was not enough contract information regarding the risks, should the houses not be delivered.
- This offered a chance to provide affordable housing, alongside a partner, and would achieve the desired percentage of housing across the entire site.
- There had been a benefit from delaying the sale, however the contract may be at risk if the matter was further delayed.

N.B. Councillor Amy Allen left the Chamber at 21:39 and returned at 21:43, following the conclusion of the vote.

Councillor Ian Albert proposed and Councillor Elizabeth Dennis seconded, and following a vote, it was:

RESOLVED:

- (1) Subject to 2.4, that Full Council granted approval for the Council to enter into a binding contract with the purchaser, conditional upon the grant of planning permission for a residential development as described in Part 2 of this report.
- (2) That Full Council approved the sale to be entered into jointly with the neighbouring landowner and to share the proceeds on the basis of an apportionment equivalent to the percentage of ownership.
- (3) That Full Council approved that the costs of sale and allowable expenses be shared in proportion as stated in 2.2.
- (4) That any objections received in response to the public notice (up to 25 April 2024) be considered by Service Director – Enterprise in consultation with the Executive Members for Finance & IT and Enterprise & Arts and Service Director – Resources, with delegation to determine whether to proceed with the sale or not.

REASON FOR DECISIONS: These recommendations are made as a result of extensive marketing by the Council's appointed agents and take into consideration current Council policies on sustainability and carbon emissions, whilst achieving best consideration.

Thursday, 18th April, 2024

The meeting closed at 9.44 pm

Chair

This page is intentionally left blank