

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Ballroom, Spirella Building, Icknield Way,
Letchworth on Tuesday, 11 April 2017 at 7.30pm

PRESENT: *Councillors John Booth (Chairman), Alan Millard (Vice-Chairman), Ian Albert, David Barnard, Clare Billing, Paul Clark, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jane Gray, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, T.W. Hone, Tony Hunter, S.K. Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Ian Mantle, Paul Marment, Gerald Morris, M.R.M Muir, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb, R.A.C. Thake, Terry Tyler and Michael Weeks.*

IN ATTENDANCE: *Chief Executive, Head of Finance, Performance and Asset Management, Corporate Human Resources Manager, Corporate Legal Manager and Monitoring Officer, Senior Lawyer and Deputy Monitoring Officer, Democratic Services Manager and Committee and Member Services Manager.*

ALSO PRESENT: *Hon. Alderman F.J. Smith
Suzanne Ornsby QC
Approximately 70 members of the public.*

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop, Judi Billing, Bill Davidson, Elizabeth Dennis, Gary Grindal, Sandra Lunn and Mrs C.P.A. Strong.

97. MINUTES – 9 FEBRUARY 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor T.W. Hone, and

RESOLVED: That the Minutes of the meeting of the Council held on 9 February 2017 be approved as a true record and signed by the Chairman.

98. NOTIFICATION OF OTHER BUSINESS

No additional business was presented for consideration by the Council.

99. CHAIRMAN'S ANNOUNCEMENTS

(1) Councillor Peter Burt

The Chairman announced that, as Members would be aware, Councillor Peter Burt passed away recently. He would be sadly missed.

The Chairman advised that Peter had represented the Royston Heath Ward since 1998, and was the Cabinet Member for Waste Management, Recycling and Environment for the past 7 years. He served on a variety of other Committees during his time at NHDC, and represented the Council on a number of Outside Bodies. Peter was also the Chairman of the Council in 2001-2002.

The Chairman invited all present to stand and observe a minute's silence in memory of Councillor Peter Burt.

The Chairman, Councillor Mrs L.A. Needham (Leader of the Council) and Councillor Fiona Hill (Chairman of the Royston & District Committee) all paid tribute to Councillor Peter Burt.

(2) Long Service Award – Stephen Geach

Stephen's first job on leaving school aged 16 was as a grave digger, but after a time he decided to leave to start work in Local Government. He started working as a gardener for the London Borough of Brent. He had a 3 year break at college, returning to local government as a parks technical officer for the London Borough of Harrow.

In March 1992, Stephen joined the Parks client team at NHDC. His first role was to help manage the new Grounds maintenance contract, but during the mid 1990's Stephen's portfolio expanded to include public toilets and street cleansing. At the turn of the century, Stephen had another change in direction and took on his current role as Parks and Countryside Development Manager.

Throughout his time with North Herts, Stephen had been involved in delivering a vast number of improvements to green space. These had ranged from providing small skate parks across the District to helping in the delivery of large lottery funded park refurbishment programmes like Broadway Gardens and Howard Park in Letchworth.

More recently Stephen was instrumental in producing a new Green Space Management Strategy that took into account the Council's financial position and protected the most important elements of green space for current and future generations to enjoy.

It was moved by the Chairman, seconded by Councillor Mrs L.A. Needham, and

RESOLVED: That the Council places on record its sincere thanks to Stephen Geach for his long and valuable service to local government in North Hertfordshire.

The Chairman invited Stephen to come forward to receive the award.

Stephen made a short speech thanking the Council for the award and further thanking officers and Members who had been particularly supportive during his time with NHDC.

Councillor Jane Gray (Executive Member for Leisure) paid tribute to the work carried out by Stephen throughout his time with NHDC.

(3) 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.

The Corporate Legal Manager and Monitoring Officer stated that prior to the Council meeting held on 20 July 2016, he had read an explanation of the enquiries he had made of all Councillors with regard to their potential interests and approach to the Local Plan. Those enquiries related to the three issues that Members needed to consider on any report a committee received, namely:-

1. Whether they had a Disclosable Pecuniary Interest, as defined by the regulations;
2. Whether they had Declarable Interest, as defined by the Council's Members Code of Conduct; and
3. Whether they had committed themselves to a particular course of action in relation to the Local Plan decision they were being asked to take and were therefore not able to approach the decision with a sufficiently open mind.

The Corporate Legal Manager and Monitoring Officer advised that a number of Members had potential interests due to involvement with bodies such as housing associations, county council, heritage foundation or where they lived, which could be considered to be potentially affected by the decisions Council was making on the Local Plan. In total, approximately one third of all Councillors identified some form of

potential interest, which clearly had potential implications for the ability of residents to be represented in this process, and therefore he had concluded in all the circumstances, including it being in the interests of persons living in the area, that it was appropriate to grant a dispensation to those Councillors listed in the minutes of the 20 July 2016 meeting.

The Corporate Legal Manager and Monitoring Officer explained that a dispensation, if granted, was a permission for the Member concerned to take part in the debate and vote, notwithstanding the potential interest. The grounds for giving dispensations were set out in section 33 of the Localism Act and in section 8 of the Council's Code of Conduct for Members. Council delegated to the Monitoring Officer the authority to grant requests for dispensations, where it was considered appropriate.

The Corporate Legal Manager and Monitoring Officer confirmed that he had contacted all Members and asked them whether their answers had changed since the enquiries made ahead of the 20 July 2016 Council meeting. He also confirmed that the Member elected in November 2016 had answered the same list of questions sent to all Members previously. On the basis of the responses received he confirmed that the dispensations previously granted had been extended to cover tonight's Council meeting for the following Councillors:

Councillor David Barnard – Interests: Hertfordshire County Council and North Herts Homes

Councillor Clare Billing – Interest: Aldwyck Housing Group

Councillor Judi Billing (though not present) – Interest: Hertfordshire County Council

Councillor Faye Frost – Interest: D.H. Frost and Sons

Councillor Jane Gray – Interest: North Herts Homes

Councillor Jean Green – Interest: Property

Councillor Fiona Hill – Interests: Hertfordshire County Council and property

Councillor Terry Hone – Interests: Hertfordshire County Council and Letchworth Garden City Heritage Foundation

Councillor Tony Hunter – Interest: Hertfordshire County Council

Councillor Lorna Kercher – Interest: Hertfordshire County Council

Councillor Ian Mantle – Interest: Letchworth Garden City Heritage Foundation

Councillor Michael Muir – Interest: Hertfordshire County Council

Councillor Lynda Needham – Interest: Letchworth Garden City Heritage Foundation

Councillor Richard Thake – Interests: Hertfordshire County Council and property

For the avoidance of doubt, the Corporate Legal Manager and Monitoring Officer advised that a vote tonight on the district wide Local Plan would not restrict Members' role in respect of the determination of any subsequent planning applications for an allocated site which was submitted to this authority. A vote in favour tonight would not prevent a Councillor speaking against, or voting against, a planning application in due course. The reverse, of course, also applied.

100. PUBLIC PARTICIPATION

(i) Mr Jack Rigg (Chairman of Graveley Parish Council)

Mr Rigg advised that, having attended some of the sessions for the Stevenage Local Plan Examination, he wanted to strongly urge all Parish Councils and groups opposed to the North Hertfordshire Local Plan to meet together to see if sufficient common ground existed for a joint approach to fighting this Plan at Examination. If those objecting to the Plan were serious about opposing it, then they needed to be organised, supported by a good QC and having commissioned consultant reports on issues such as road congestion where appropriate. The Inspector would only be interested in legal arguments backed by solid evidence.

Mr Rigg felt that clearly there may be conflicting priorities on some issues, but that should not stop common agreement on the big issues, such as housing numbers, green belt, brown field development, infrastructure and policies in the Plan which were contrary to National Planning policies. Such a strategy would also allow individual parishes and groups to focus on other more localised issues specific to them.

Mr Rigg commented that if NHDC was successful in pushing for the Examination to take place in the final quarter of 2017, then there was not a lot of time to get organised. His objective in speaking tonight was to offer to arrange a venue for such a meeting to get the process started. Where it went from there would be up to the participants.

Mr Rigg considered that if residents and groups had been involved in opposing North Hertfordshire's Local Plan then they would know that Cabinet and Planners had been ruthless in their determination to push through the Plan, ignoring the objections of residents and pressurising District Councillors to vote the Plan through, regardless of the individual District Councillor's own or their constituents' concerns or opinions. The same would be true when individual development applications came before the Council's Planning Control Committee.

Mr Rigg stated that the Examination format was described as an informal discussion - it most certainly was not. Taking Stevenage as a precedent, NHDC's presentation at the examination would be managed and directed by a senior QC, supported by an array of consultants, as well as NHDC planners as required. It would take place over a period of 3 months, typically for 4 to 5 days a month.

Mr Rigg commented that during the Examination NHDC would produce reams of new/amended documentation which participants would need to read in order to be aware of any material change in NHDC's stance on individual issues. The Council's QC would seek to belittle opposition objections, and would speak in a measured tone, in effect dictating answers to objections made by objectors to the Inspector for his or her future reference. Where the objection related to an issue, such as road congestion, for which they did not have an adequate answer they would ignore it, seeking to change the subject or basis of the discussion (please see point 8.32 of Councillor Levett's report this evening the Herts Highways Strategy, in dealing with ever increasing traffic congestion, would appear to be to encourage everyone to get on their bikes or use public transport, which was wholly unrealistic, rather than considering that the level of proposed development may be excessive).

Mr Rigg advised that, unfortunately, identifying all the legal issues on a particular subject was only half the battle, as the presentation was equally if not more important. To effectively oppose this Plan, the objectors would need their own legal representation and perhaps a planning and/or traffic consultant. This would not be cheap and was almost certainly beyond most if not all individual parishes or opposition groups' purses.

Mr Rigg considered that the creation of one opposition group drawn from across North Hertfordshire had a number of advantages. It would permit the pooling and maximising of resources, personal skills and localised knowledge. It would allow a division of labour, focusing individual members on specific areas of responsibility, rather than each group or person trying to do and read everything. It would make clear to the Inspector that opposition to the Plan existed across the whole of North Hertfordshire. The examination would be a marathon not a sprint, NHDC had a large team of planners and professional experts, and had taken years in preparing the Plan. Objectors would only have a matter of months.

The Chairman thanked Mr Rigg for his presentation.

(ii) Ms Cheryl Norgan (Graveley resident)

Ms Norgan advised that she was speaking on behalf of Graveley residents and was also the Vice-Chairman of Graveley Parish Council. She commented that Graveley residents were not opposed to a Local Plan, but were opposed to the proposed North Hertfordshire Local Plan because they considered it was based on false housing needs figures.

Ms Norgan explained that, according to the 2014 figures supplied by the Office of National Statistics, the natural growth of the region over the Plan period was 6.4%. However, the Council planned to build at a rate of plus 29%. In respect of migration figures into North Hertfordshire, she stated that nobody reliably know what these would be post-Brexit. She accepted that there would be some migration into the

area, but considered that it would be a total disaster for the area should population growth be plus 29% over 20 years.

Ms Norgan was of the view that because the Plan was based on false figures it should be returned for a more careful appreciation of the real growth in the population of North Hertfordshire, as required by Government policy laid down in the National Planning Policy Framework (Paragraphs 158 and 159).

Ms Norgan considered that it was not at all acceptable for councillors to dodge their responsibility in rejecting the Plan should they find it unsound, in the expectation that the Planning Inspector would reject it later.

Ms Norgan suggested that NHDC took a long look at what had been done by Guildford Borough Council. That Council had had dropped the Plan period length and had removed some key sites from its Plan (including a large Green Belt site). This had been in response to on-going public concerns regarding development in the green Belt. Guildford Borough Council had also increased the number of homes to be built on brownfield sites in the town centre, and was proud of its brownfield fist policy of proposing previously developed sites. NHDC did not even have a brownfield sites register, and is a member of the public wished to find out about brownfield sites they were forced to go through a Freedom of Information request.

The Chairman thanked Ms Norgan for her presentation.

(iii) Mr Anthony Burrows (Save the World's First Garden City Group)

Mr Burrows began by advising that his Group had taken a much broader interest in the Plan that its title would imply.

Mr Burrows was of the view that the draft Local Plan had an enormous hole in it, because it nowhere mentioned the nation's decision to leave the European Union. The results of that were, as reported by The Times five days ago, huge chunks of new housing developments in London and its satellite towns were being bought by foreign residents or overseas companies, so making it even harder for young people to find a first home.

Mr Burrows considered that there was a clear answer to that serious problem, but it was not even mentioned, let alone specifically adopted as a policy, and that answer was to reserve in the Plan a percentage of new dwellings for local people. Other authorities seemed to have adopted such a policy. For example, South Oxfordshire District Council had reserved 20% of its new social housing for local people. In South Cambridgeshire, its MP Heidi Allen had been pressing for new homes to be reserved for local people and had actually been opening such reserved developments in her constituency. In Cumbria, Local Plans had also adopted such policies.

Mr Burrows had previously mentioned this omission from the North Hertfordshire Local Plan, but nothing seemed to have been done about it. He felt that there was no point in councillors saying that their Plan was intended to provide housing for their sons and daughters, great grandfathers and grandmothers etc. without adopting such a policy.

Mr Burrows stated that the District's three MPs had spoken against building in the Green Belt and had indicated instead that the focus should be on proposing a third Garden City in North Hertfordshire. There did not appear to be any mention of such an idea in the Local Plan. He visualised a new Garden City as making the destructive expansions of, for example, Baldock and Letchworth Garden City gradually unnecessary.

Mr Burrows was of the view that the Local Plan was inaccessible in various ways to voters unfamiliar with planning documentation. One simple example was that the housing densities of existing dwellings around a proposed site and those proposed for the actual site were nowhere given in the Plan. For example, the important triangular area of Letchworth Garden City bounded by Cashio Lane, Croft Lane and Norton Road consisted of housing at a density of probably six houses to the acre, with those roads having fifty houses backing onto the County Council owned Green Space. The

proposal was to build 37 new homes, but nowhere did the Plan state exactly what that density would be. His guess was that it would involve a much higher density than the adjacent density, but how could non-specialists know? There was no point in adding the densities to the Plan now because it would be too late for voters to be properly consulted.

Mr Burrows referred to the New Homes Bonus, an initiative instigated by the Cameron/Clegg Coalition Government in 2010. He felt that this damaged only England and thus not the rest of the United Kingdom, thereby making England's problem even worse. His Group only learnt of it through it being mentioned at a UKIP conference attended by a member of the Group. The Group was extremely unhappy about the fact that it had never been mentioned in Council meetings which he had attended, nor in the Local Plan. He considered that it explained why most councillors were willing to destroy Garden City principles in Letchworth and to destroy the character of Baldock. The Group was aware that Parliament had been reducing its grants to NHDC, and so was bribing and blackmailing the Council to claim the Bonus and forcing it to build on the Green Belt. He asked councillors to have the moral courage to campaign strongly against the Bonus system.

The Chairman thanked Mr Burrows for his presentation.

(iv) Carolyn Cottier (east Luton resident)

Ms Cottier informed members that she was part of a group of 400 residents against the proposed East of Luton development.

Ms Cottier advised that in the Conservative Party Manifesto it had stated that "we will protect/safeguard the Green Belt" no less than seven times. She considered that Local Government should be bound to follow the National Government's policies. This was reiterated in the Government's Housing White Paper which stated that "Councils must demonstrate that they have examined all other reasonable options so that the existing protection of the green Belt remained unchanged".

Ms Cottier commented that Luton's claimed unmet housing need was the basis for this proposed assault on the east of Luton Green Belt. Luton had stated that it had a housing crisis. For her, the main crisis was what Luton was actually doing with the land it had. Six months ago Luton lost 110 apartments in a five-storey building. The sold Unity House to a private developer and Milton Keynes snapped it up to house their homeless.

Ms Cottier explained that another poor decision made by Luton Borough Council in 2016 was the selling off of a large plot in Flowers Way/George Street West. Oyster bought it for £356,000 and then advertised the off-plan apartments in Malaysia, Russia and China. The brochure listed 130 one and two bedroom flats priced between £450,000 and £650,000 each. The developer was an unregulated company not bound by any UK laws, and the brochure was incorrect in stating that Luton was a borough in London.

Ms Cottier explained that the Ambient Air Quality Directive set out legally binding limits for air pollution, both indoors and outdoors. However, when she asked for their studies into air pollution over the last five years in the proposed development areas, both NHDC and Luton Borough Council had replied that they had not carried out any monitoring. The east of Luton site was near to the fourth largest airport in the UK, so how would it be possible to know if the air quality was acceptable now, let alone before any further development took place. She advised that, on 19 April 2017, there was to be held a London Luton Airport Public Surgery Event, and that she would be raising these concerns at that meeting.

Ms Cottier commented that the proposed East of Luton development must have a Sustainable Urban Drainage Scheme (SUDS). The Civil Aviation Authority had stated that such schemes should not be located within 13 kilometres of an aerodrome because they attracted large flocks of migratory birds, dangerously close to flight paths. She asked who would be liable legally should the safety advice on SUDS be ignored.

Ms Cottier referred to traffic and school places. Using Office of National Statistics figures, 2,105 homes would generate a minimum of 5,052 new residents, 1,800 or so being children. The Plan mentioned one small new primary school east of Luton – so where would the other 1,400 children go to school? Where would the 5,052 people shop? If a retail park was included in the development then people from outside the area would start using it, with thousands of cars clogging up one narrow country lane.

Ms Cottier concluded by stating that it was NHDC's business to know what Luton was planning with its housing. Once the Green Belt was gone it was gone forever. So much precious land was in NHDC's hands, were councillors now going to throw it away?

The Chairman thanked Ms Cottier for her presentation.

(v) Councillor Peter Chapman (Luton Borough Council – Wigmore Ward)

Councillor Chapman advised that one of his main concerns about the current Local Plan process was that joined up thinking appeared to be absent from it. It seemed to him that each Local Authority went its own way and ended up with Plans that satisfied nobody and failed to solve any existing problems.

In terms of education, Councillor Chapman stated that there were three secondary schools in his area, all of which were bursting at the seams. Children attended these schools from all parts of Luton, which contributed to the traffic congestion in the town. There were two primary schools, one of which was in the process of erecting further demountable classrooms to cope with the existing population growth. He could see no education commitment from Hertfordshire to sustain the proposed east of Luton site.

In respect of pollution, Councillor Chapman considered that Luton was turning into a traffic-gridlocked town. On two key roads (Hitchin Road and Stockingstone Road), it often took hours to travel a mile. The issue was that pollution studies had not been undertaken and developments were therefore not sustainable. Century Park, a development funded by the Government, would attract 4,000-5,000 extra cars per day on the existing road network. The airport was in the process of expanding to 20 million passengers per annum, all to be sustained on basically the same highway network. There were 4,000 units currently being built in Luton Town Centre, again with no more roads planned to deal with the increased traffic.

Councillor Chapman commented that on top of the above developments, the east of Luton site was proposed. This failed to solve NHDC's problems. It may keep the Government at bay, but did not solve North Hertfordshire's or Luton's housing needs. It just worsened the existing situation.

Councillor Chapman advised that, three weeks ago, Central Bedfordshire Council was granted £27 Million to complete the relief road from the M1 to the A6. That would release thousands of acres to the north of Luton for development. Similarly, the completion in 2017 of the road linking the M1 to the A5 around Houghton Regis would also create a huge area of land to be developed first, with access roads. He felt that this was where Luton's unmet housing need should be satisfied, to the west of Luton, and not stuck on the east of Luton.

Councillor Chapman considered that if the North Hertfordshire Local Plan had stated that it was going to complete the ring road from the A6 to the A505, and then take the A505 round the back of the airport, then it might have had some credibility. However, the proposed development was just stuck on the eastern edge of Luton.

Councillor Chapman concluded by commenting that he and his supporters would keep fighting to oppose the North Hertfordshire Local Plan, which did not help NHDC and certainly did not help the residents that he represented.

The Chairman thanked Councillor Chapman for his presentation.

101. NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

The Executive Member for Planning and Enterprise (Councillor David Levett) presented the report of the Head of Development and Building Control in respect of the North Hertfordshire Local Plan. The following appendices were submitted with the report:

Appendix 1 – Regulation 22 Consultation Statement;
Appendix 2 – North Hertfordshire Local Plan 2011-2031 Proposed Submission Draft, October 2016;
Appendix 3 – Schedule of Proposed Additional Modifications; and
Appendix 4 – Local Development Scheme, April 2017.

The Executive Member for Planning and Enterprise began by summarising the recommendations in the report. In respect of Recommendation 2.4, he referred to the errata page which had been tabled at the meeting which corrected his title from Executive Member for Strategic Planning and Enterprise to Executive Member for Planning and Enterprise, and also corrected the title of the Head of Planning and Enterprise to Head of Development and Building Control.

The Executive Member of Planning and Enterprise reminded Members that the consultation period on the Local Plan had taken place from 19 October 2016 to 30 November 2016, and had been publicised via briefings for councillors, Parish and Town Councils; at local libraries; through the local press; radio and TV interviews; on the Council's website and at the Council's Offices. In addition 12,300 e-mails/letters had been sent out to consultees registered on the NHDC database.

The Executive Member of Planning and Enterprise advised that 2,549 responses had been received, containing 5,675 representations (an average of 2.3 representations per response). A full statistical analysis of the consultation responses was set out in Appendix 1 to the report.

The Executive Member of Planning and Enterprise commented that 68% (3,841) of the representations had related to specific sites, with the remaining 32% (1,834) concerned with Policy and other matters. Of the 3,841 site-specific representations, 1,419 (37%) related to Strategic Sites SP14-SP19, 1,799 (47%) related to other sites, and 623 (16%) related to general issues. In respect of the 1,834 Policy and other matters representations, 74% (1,357) were in relation to Sites SP1-SP13, 15% (277) related to Normal Policies and 11% (200) related to general/other issues.

The Executive Member of Planning and Enterprise stated that the Submission Local Plan document had been approved by the Council on 20 July 2016 to go out for consultation as a sound and evidenced Local Plan. The question was whether anything had changed since then either as a result of the consultation responses or other relevant changes in legislation to make that document fundamentally unsound or non-compliant. Following detailed consideration of all the consultation responses, he reported that nothing had been identified which altered his view that the Plan was compliant and that there were no matters that could not be resolved through the Inspection process.

The Executive Member of Planning and Enterprise explained that the main issues were set out in Paragraphs 8.20 to 8.33 of the report, and other matters were discussed in Paragraphs 8.34 to 8.39. 57 proposed amendments to the Plan were referred to in Paragraph 8.40 of the report and set out in detail in Appendix 3 to the report. These amendments were classed as "Additional Modifications", as they did not significantly alter policies or strategy. It would be up to the Inspector to determine if these or any others should be "Main Modifications" that would require additional consultation.

The Executive Member of Planning and Enterprise advised that Recommendation 2.3 of the report was seeking the approval and adoption of an updated Local Development Scheme, as set out in Appendix 4. This Scheme provided a timetable of key milestones for the production of the Local Plan and had last been updated in December 2015.

The Executive Member of Planning and Enterprise stated that, should the Local Plan Submission draft be approved, the document would be finalised for submission (with all the consultation representations) to the Planning Inspectorate by the end of May 2017. An Inspector would then be appointed and he or she would determine the scope and timing of the Examination in Public. An Independent Program Officer would also be appointed to cover all the administrative aspects of the Examination and to act as liaison between the Council, Inspectors and other interested parties. In respect of any preliminary questions from the Inspectors, NHDC would be expected to produce additional documentation and evidence as requested. The date of the Examination would be set by the Inspector, although it was anticipated that it would take place sometime in the Autumn of 2017.

The Executive Member of Planning and Enterprise explained that anyone could attend the Examination in Public, but only those invited by the Inspector to participate in each session would be allowed to speak. Typically, the Examination would be in three stages:

Stage 1 – Fundamentals: Duty to Co-operate and other legal requirements;
Stage 2 – Issues of Principle: Housing Strategy and Green Belt; and
Stage 3 – Detail: Individual Sites and Settlements; and Detailed Policy requirements.

The Executive Member of Planning and Enterprise advised that the Inspector would make recommendations at each stage. It was almost inevitable that changes would arise between now and the conclusion of the Examination as a result of evidence presented or other changes that occurred during the process. The Inspector's powers were wide ranging and could be used to instruct changes to the Plan with the proposal of "main Modifications", which would be subject to further public consultation. Following the Inspector's final report, the Council would be asked to adopt the Local Plan with modifications. Only then would the Local Plan finally become the planning policy for North Hertfordshire. If the Council chose not to adopt the Plan, then the only alternatives at that stage would be to start again or for the Department of Communities and Local Government (DCLG) to intervene.

The Executive Member of Planning and Enterprise summarised by stating that the purpose of this evening's meeting was to vote on the submission of the Plan for examination and not on adoption of the Plan. This was essential in order to allow the representations to be considered and decided by the Inspector. The consequences of not submitting the Plan would be that the Council would need to consider a way forward, with it being unlikely that any alternative would be different; it would admit that the Council felt that it would be unable to resolve areas of disagreement; there would be no 5 year land supply; the District would be open to hostile planning applications, with no control over development, location, affordable homes, parking or infrastructure requirements; and the Council would be unlikely to meet the DCLG deadline of March 2018, and hence be open to intervention, with the Plan being determined by someone with little or no knowledge of North Hertfordshire.

It was therefore moved by Councillor David Levett, and seconded by Councillor Mrs L.A. Needham, that the recommendations 2.1 to 2.5 in the report be approved, subject to the corrected nomenclature referred to earlier in respect of Recommendation 2.3.

The Council debated the report. Councillors' observations included the following points:

- There were 43 policies in the Plan which did not relate to Land Allocations. These were very important in improving the quality of development and amenity in the District. The Plan should go forward so that these important policies could be implemented (relating to issues such as design, access and landscaping);
- The Council effectively had only two options – to either go forward and resolve any outstanding issues with the Inspector or to abandon the Plan entirely, which would result in a development free for all;
- There was a housing need for the District's children and grandchildren, but this would not be achieved through speculative development, with no control;

- The Green Belt was important, but it had been so designated to ensure that local authorities concentrated on the development of brownfield sites. However, the supply of remaining brownfield site in North Hertfordshire was limited, which was why potential development in the Green Belt was now necessary;
- A number of Members who had previously voted against the Plan still maintained that it was flawed. However, they were now content to vote that it should be submitted to the Planning Inspectorate, in the hope that the Inspector would make up his/her own mind based on the level of public representations and objections to the Plan;
- Attention was drawn to a representation on the Plan made by the Hertfordshire County Council (HCC) in respect of the Duty to Co-operate and on education and highways matters. It appeared that NHDC was querying the formula used by HCC in respect of its pupils to new homes ratio. That formula had been tested at other emerging Local Plan Examinations, and had been found to be acceptable by the relevant Inspectors;
- The affordable housing policies in the Plan were much more robust than in previous versions and should be supported;
- Some Members were unable to support the Plan due to the overwhelming level of public objections. No consideration had been given in the Plan to the potential for a new Garden City to ease the pressure on urban sprawl in many of the District's towns and villages;
- A number of Members felt that the Council should not rely on a Planning Inspector to solve its problems. The Inspector was likely to use the submitted Local Plan as a base document and then modify it as appropriate. It was unlikely that the document would be fundamentally re-drafted to suit the views and opinions of the thousands of representees, of which more than 98% had objected to the Plan and had considered it to be unsound; and
- Some Members who had previously voted in favour of the Plan now wished to abstain, on the basis that Central Government had placed local authorities in an invidious position, due to a Local Planning process that was virtually incoherent, with little cohesion, and promoting scatter gun development.

In response to some of the points raised during the debate, the Executive Member for Planning and Enterprise stated:

- A petition or representation made on behalf of a number of people was counted as one representation. However, the Inspector would be made aware of the number or people who had signed up to each of these petitions/representations;
- He was confident that the fundamental objections raised by HCC regarding education and highways were already being addressed through regular meetings with HCC officers, and would form part of the evidence to be supplied to the Inspector;
- Councillors would be provided with regular updates on the process, and he encouraged councillors to provide him with any comments and observations on the Plan;
- The primary purpose of the Green Belt was to prevent coalescence between towns and villages. At the moment, there was a small gap between Letchworth garden City and Baldock. That land was currently not in the Green Belt, but would be after the review. The land to the west of the B656 road, which joined Hitchin to Codicote, would also be in the Green Belt after the review, as would the Area of Outstanding Natural Beauty to the east of Luton and the area of land between Stopsley and Hitchin. At the conclusion of the review, all the settlements in North Hertfordshire would have clearly defined boundaries with the Green Belt;

- The effect of the century Park in Luton had not been taken into account in the North Hertfordshire Local Plan because the plans for that development were published after the Local Plan process had commenced;
- In respect of a new Garden City, some work had already been carried out on this initiative, but the whole process would take in the region of 20 years. Work was on-going, but the size of such a new settlement would need to be between 5,000 to 10,000 dwellings;
- With regard to brownfield sites, in 2011/12, the percentage of development on previously developed sites in North Hertfordshire was (8.5% of all completions; in 2012/13 it was 86.3%; in 2013/14 it was 79.5%; in 2014/15 it was 84.4%; and in 2015/16 it was 64.4%. The Council had been building on brownfield land as much as possible, but most of the larger available sites had already been developed. The Council was currently in the process of completing a brownfield register to comply with the Government deadline of December 2017.

At the conclusion of the debate, and in accordance with Standing Order 4.8.16(h), Councillor David Levett requested that a Recorded Vote be undertaken on the motion.

(Voting:

For: Councillors David Barnard, John Booth, Julian Cunningham, Steve Deakin-Davies, Faye S. Frost, Jean Green, Nicola Harris, Simon Harwood, Steve Hemingway, T.W. Hone, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Paul Marmont, Alan Millard, Gerald Morris, Mrs L.A. Needham, Janine Paterson, Frank Radcliffe, Mike Rice, Deepak Sangha, Valentine Shanley, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb, R.A.C. Thake, Michael Weeks - 29

Against: Councillors Ian Albert, Clare Billing, Paul Clark, Jane Gray, S.K. Jarvis, Lorna Kercher, M.R.M. Muir, Terry Tyler - 8

Abstentions: Councillors Cathryn Henry, Fiona Hill, Tony Hunter - 3

The motion was carried.)

It was therefore,

RESOLVED:

- (1) That the results of the Proposed Submission consultation, as set out in the Regulation 22 Consultation Statement attached as Appendix 1 to the report, be noted and recorded;
- (2) That the new Local Plan for North Hertfordshire, attached as Appendix 2 to the report, together with the Schedule of Proposed Additional Modifications attached as Appendix 3, and other associated documentation, be approved and submitted for examination by the Secretary of State;
- (3) That the revised Local Development Scheme for North Hertfordshire, attached as Appendix 4 to the report, be approved with effect from 12 April 2017;
- (4) That delegated powers be granted to the Head of Development and Building Control, in consultation with the Executive Member for Planning and Enterprise, to produce such additional documentation as is required (including documentation requested by the appointed Inspector and the proposing of main modifications) before and during the examination of the Local Plan; and
- (5) That Officers continue to regularly update Members on the progress of the Examination through the Strategic Planning Matters reports which are submitted to Cabinet.

REASON FOR DECISION: To ensure that North Hertfordshire continues to progress a new Local Plan for the management of development in the District.

102. COUNCIL CONSTITUTION – ANNUAL REVIEW 2017

The Corporate Legal Manager and Monitoring Officer presented a report in respect of the Council Constitution – Annual Review 2017. The following appendix was submitted with the report:

Appendix A – Schedule of proposed amendments to the Constitution.

The Corporate Legal Manager and Monitoring Officer reminded Members that, whilst he was responsible for maintaining and updating the Constitution, it was the Council's document. He explained that the 2017 review had been a light touch exercise, with largely minor amendments proposed.

The Corporate Legal Manager and Monitoring Officer highlighted some of the more substantive changes. In respect of Section 4.4.1, relating to Nominations to Outside Bodies, he advised that this had been amended to refer specifically to councillors, which would cease the current practice of non-councillors being nominated to Outside Bodies. The reason for this change was that non-councillors were not covered by the Council's insurance or indemnity policies or the Member Code of Conduct; and were not bound by the Member duty of confidentiality nor were they accountable to the Electorate.

The Corporate Legal Manager and Monitoring Officer stated that feedback had been received from some councillors in respect of the rules relating to Motions on Notice (Paragraph 4.8.12 of the Constitution). Appendix A to the report included some options aimed at tightening these rules, but the recommendation in the report was to retain the status quo.

The Corporate Legal Manager and Monitoring Officer advised that Members would be aware that the Council was seeking to undertake more commercial activity and that, in order to do so, the appropriate governance structures needed to be in place. Therefore, it was proposed to create a new Cabinet Sub-Committee, which would take decisions on behalf of the Council as a shareholder in any companies it owned or part-owned. The Terms of Reference of the Sub-Committee included in Appendix A to the report were deliberately broad, as the details of the types of decisions to be taken would be set out in the individual Shareholder Agreements for each company.

The Corporate Legal Manager and Monitoring Officer stated that the proposed changes to the Member/Officer Working Protocol were aimed at streamlining the document by incorporating its appendix into the main body of the document.

The Corporate Legal Manager and Monitoring Officer informed the Council that a review of Section 14 of the Constitution ((Responsibility for Functions) would await the outcome of the forthcoming organisational restructure. In association with this review, Sections 12 (Officers) and 19 (Financial Regulations) would be updated accordingly. There may also need to be a review of the Council's scrutiny function, depending on whether any proposals were formulated from the recent national review of scrutiny.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

As an amendment, to Paragraph 4.8.12 of the Constitution (Notice of Motions to Council) and therefore to Recommendation 2.1 of the report, it was moved by Councillor David Levett and seconded by Councillor Julian Cunningham that:

“(a) no change to current wording; and

A revised (c) to read “(c) Motions to Council must be about matters which the Council has a responsibility for and which are relevant to and specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chairman of the Meeting, in consultation with the Proper Officer.”

Following debate and upon being put to the vote, the amendment was carried.

Upon the substantive motion being put to the vote, it was

RESOLVED:

- (1) That, subject to the following further amendment, the proposed amendments to the Constitution set out in Appendix A to the report be approved:

Paragraph 4.8.12 – Notice of Motions to Council

- (a) no change to current wording.

A revised (c) to read “(c) Motions to Council must be about matters which the Council has a responsibility for and which are relevant to and specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chairman of the Meeting, in consultation with the Proper Officer.”; and

- (2) That it be noted that Sections 12 and 14 of the Constitution will be reviewed post-reorganisation.

REASON FOR DECISION: To ensure the Council meets its statutory obligations and continues to improve its working practices.

103. REVIEW OF THE COUNCIL’S BYELAWS

The Corporate Legal Manager and Monitoring Officer presented a report in respect of a Review of the Council’s Byelaws. The following appendices were submitted with the report:

- Appendix A – List of NHDC byelaws;
- Appendix B – Example of old byelaws; and
- Appendix C – Steps required for the Revocation of a byelaw.

The Corporate Legal Manager and Monitoring Officer advised that the Council currently had a large number of byelaws, most of which were either very old, unenforceable or which had been overtaken by other legislation. Having identified this issue, a comprehensive review of all the byelaws had been undertaken, and the conclusion reached that all but one of those byelaws should be revoked.

The Corporate Legal Manager and Monitoring Officer stated that the decision before Council was to approve that public consultation took place on the proposed revocations, prior to a future report to Council for a final decision. The process that would be followed was summarised in paragraph 8.14 of the report and set out more fully in Appendix C to the report.

The Corporate Legal Manager and Monitoring Officer commented that two issues had been identified during the internal consultation on the proposed revocations, relating to grass verge parking and anti-social behaviour in open spaces. The report explained that both these issues could be tackled through other means, and that byelaws were not an effective enforcement tool for either issue.

The Corporate Legal Manager and Monitoring Officer advised that it was not currently proposed to introduce any new byelaws, but for completeness the process for so doing was set out in Paragraph 8.12 of the report. If members identified a local issue, then he suggested that they discussed first with officers as to whether a byelaw would be appropriate and would meet statutory requirements. Constitutionally, the promotion of byelaws sat with Area Committees, but decisions on whether or not to adopt new byelaws rested with Full Council.

The Corporate Legal Manager and Monitoring Officer stated that, given the lengthy list of byelaws set out in Appendix A to the report, if Members had specific queries about the content of any individual byelaws then he suggested that they raise these queries with legal Services during the consultation period.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

Following debate and upon the motion being put to the vote, it was

RESOLVED:

- (1) That the Council's byelaws that are currently in force and identified for proposed revocation, as set out in Appendix A to the report, be noted;
- (2) That consultation with the public on the approach of revoking all of the existing byelaws, except for the 2007 Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis byelaw, be agreed; and
- (3) That it be noted that any new byelaws must be current, relevant and specific to local issues.

REASON FOR DECISION: To ensure that byelaws for North Hertfordshire District Council are usable and enforceable.

104. PAY POLICY STATEMENT 2017/18

The Leader of the Council (Councillor Mrs L.A. Needham) presented the report of the Strategic Director of Customer Services in respect of the Pay Policy Statement 2017/18. The following annex was submitted with the report:

Annex 1 – North Herts District Council Draft Pay Policy Statement 2017/18.

The Leader of the Council advised that a number of paragraph cross-references throughout the report should be deleted, as that information had been transferred to the Annex to the report. Unfortunately, even though the information had been transferred during the drafting process, the cross-referencing to non-existent paragraphs had remained in the report in error.

The Leader of the Council stated that the Localism Act 2011 required the Council to produce and approve an annual Pay Policy Statement. The suggested content of such a Statement was set out in the guidance in section 40 of that Act. Whilst the guidance primarily required the Council to set out a policy in respect of senior pay, it was important to note that NHDC's pay policy adopted in 2004 did not seek to differentiate between senior staff and others.

The Leader of the Council explained that, since the adoption of the first Localism Act driven Pay Policy in 2012, supplementary guidance had been issued by the Secretary of State, and this was described in Paragraph 8.2 of the report. The changes arising from the Enterprise Act 2016 had not yet come into force due to timetable slippage.

In respect of Annex1 to the report, the Leader of the Council drew Member's attention to the pay multiples. She commented that NHDC was well within the guidelines for pay multiples identified in the Hutton Report.

It was moved by Councillor Mrs L.A. Needham, and seconded by Councillor T.W. Hone, that the recommendations contained in the report be approved.

Following debate and upon the motion being put to the vote, it was

RESOLVED:

- (1) That the Pay Policy Statement 2017/18, as attached at Annex 1 to the report, be endorsed; and
- (2) That the Corporate Human resources Manager, in consultation with the Leader of the Council, be delegated authority to agree subsequent revisions to the Policy Statement, such as subsequent pay awards agreed nationally and new legislative requirements, as outlined in Paragraph 3.7 of the Policy at Annex 1.

REASON FOR DECISION: To comply with the requirements of Section 38 of the Localism Act 2011, statutory guidance issued under Section 40 and the Local Government Transparency Codes 2014 and 2015.

**105. ITEM REFERRED FROM FINANCE, AUDIT & RISK COMMITTEE: 22 MARCH 2017
– ANTI-BRIBERY TRAINING**

The Council considered the Minute of the meeting of the Finance, Audit & Risk Committee held on 22 March 2017, in respect of the Anti-Bribery Training (Minute 79 refers). A copy of the report considered by the Finance, Audit & Risk Committee was included with the agenda.

It was moved by Councillor Michael Weeks, seconded by Councillor Mrs L.A. Needham and upon being put to the vote, it was

RESOLVED: That all Members and employees undertake the Anti-Bribery e-learning module, as per the Shared Internal Auditor's (SIAS) report recommendation of November 2016.

REASON FOR DECISION: To ensure that all NHDC councillors and staff are fully aware of anti-bribery matters.

106. QUESTIONS FROM MEMBERS

There were no questions from Members.

107. NOTICE OF MOTIONS

There were no notices of motions.

The meeting closed at 10.58pm.

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Chairman