

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## MINUTES

Meeting of the Council held in the Spirella Ballroom, Icknield Way, Letchworth Garden City on Thursday, 31st August, 2017 at 7.30 pm

**PRESENT:** Councillors Councillor Alan Millard (Chairman), Councillor John Bishop (Vice-Chairman), Ian Albert, Clare Billing, John Booth, Paul Clark, Julian Cunningham, Bill Davidson, Steve Deakin-Davies, Elizabeth Dennis, Jane Gray, Nicola Harris, Simon Harwood, Steve Hemingway, Cathryn Henry, Fiona Hill, Terry Hone, Tony Hunter, Steve Jarvis, Lorna Kercher, David Levett, Ben Lewis, Bernard Lovewell, Jim McNally, Paul Marment, Gerald Morris, Michael Muir, Lynda Needham, Janine Paterson, Mike Rice, Deepak Sangha, Ray Shakespeare-Smith, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn, Claire Strong, Richard Thake and Michael Weeks

**IN ATTENDANCE:** David Scholes (Chief Executive), Ian Couper (Head of Finance, Performance and Asset Management), Anthony Roche (Corporate Legal Manager) and Ian Gourlay (Committee and Member Services Manager)

**ALSO PRESENT:** 16 members of the public.

### 32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Barnard, Judi Billing, Faye S. Frost, Jean Green, Gary Grindal, Ian Mantle, Frank Radcliffe, Valentine Shanley and Terry Tyler.

### 33 MINUTES - 19 JULY 2017

It was moved by Councillor Mrs L.A. Needham, seconded by Councillor Julian Cunningham, and

**RESOLVED:** That, subject to the inclusion of the name of Councillor Nicola Harris in the list of those who had given their apologies for absence, the Minutes of the meeting of the Council held on 19 July 2017 be approved as a true record and signed by the Chairman.

### 34 NOTIFICATION OF OTHER BUSINESS

No additional was presented for consideration by the Council.

### 35 CHAIRMAN'S ANNOUNCEMENTS

#### (1) Councillor John Booth

It was with great pleasure that the Chairman presented an engraved picture, together with the framed Council resolution of thanks, to the past Chairman, Councillor John Booth. Councillor Booth thanked the Council for the gift.

#### (2) Councillor Jim McNally

The Chairman conveyed his congratulations to Jim McNally and his partner, Barbara, on their recent success at the FINA World Masters Diving Championships in Budapest. They won a total of eight medals in various categories, including a gold in a mixed synchronised diving event.

Councillor Weeks also paid tribute to Councillor McNally's achievement, and asked that this be recorded in the minutes. Councillor McNally thanked the Chairman and Councillor Weeks for their kind words.

(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.

36 **PUBLIC PARTICIPATION**

(i) Mr David Leal-Bennett (Director and Company Secretary - HTH Finance Ltd)

Mr Leal-Bennett stated that there had been a lot of misinformation circulating, and so he would like to clarify the role of HTH Finance Ltd, which was banker to Hitchin Town Hall Ltd.

Mr Leal-Bennett advised that HTH Finance Ltd was created to secure 14/15 Brand Street, the entrance to the North Hertfordshire Museum in Hitchin. The property had been put up for sale by the bank, SIB, with whom NHDC officers had several meetings, but never agreed anything. The property was formerly two shops, in the centre of Hitchin with upstairs flats and, during the sale process last year, this was not lost on developers. He knew of at least two developers who were interested, so the threat was very real that the building could be lost forever.

Mr Leal-Bennett organised a meeting with various local businessmen to see what could be done. They considered putting in an offer, but this would not necessarily secure a purchase, as they could be outbid. He suggested that they approached SIB to see if they could be persuaded to take it off the market and buy their loan - they were offering to step into their shoes as secured banker. SIB would not take it off the market but, if they could act quickly, agreed to extend the time period for offers. It was extended by a month while finance and documentation was sorted out.

Mr Leal-Bennett and his associates then established HTH Finance Ltd, who then appointed lawyers and, after some negotiation, an agreement was signed with SIB. The property was then taken off the market and SIB agreed it would refer all enquiries to HTH Finance Ltd - this was over a year ago. Their concerns were validated by SIB, who advised that they had received several bids and that NHDC had been informed they were "a significant under bidder"; they further stated that "if NHDC had been close they could have secured the purchase, but they were not even within three and sixpence", in fact NHDC were off the mark by hundreds of thousands of pounds.

Mr Leal Bennett commented that some Members had been informed that had we not stepped in, NHDC's bid would have secured the property. He absolutely categorically stated that this would not have been the case, and that this was misinformation of the worse kind. He confirmed that one of NHDC's Cabinet Members had also heard this direct from SIB.

Mr Leal-Bennett explained that HTH Finance was not making any money and, in negotiations with NHDC, they had agreed to take a "haircut" to secure a deal. This was because the business backers wished the Town Hall to always be available for the community of North Hertfordshire. We wish to ensure that NHDC purchase 14/15 Brand Street to enable the Museum to be open and that a fair arrangement be sought, which would secure the Town Hall for the future and will ensure that there was no litigation. He felt that this was not an unreasonable request, especially as the land was originally gifted by a group of Quaker businessmen in 1897.

Mr Leal-Bennett advised that those Members who had visited the new museum would realise what a superb facility it would be, but that it needed 14/15 Brand Street to work. The only 'confidentiality' aspect that was important was the price of £550,000, but unfortunately this was leaked.

For clarification, Mr Leal-Bennett stated that HTH Finance Ltd gave its consent for all documentation to go into the public domain so that councillors and the public may decide, rather than rejecting the proposal 'out of hand'. As representatives of the 'Community of North Hertfordshire', he believed Members that needed to have a democratic discussion about this facility, which was important for the whole of North Hertfordshire, and to instruct NHDC officers to "make it happen". HTH Finance Ltd's experienced Local Authority lawyer was of the view that NHDC was able to do this deal. This was now an NHDC Members' decision.

**Thursday, 31st August, 2017**

In summary, Mr Leal-Bennett considered that, if it were not for HTH Finance Ltd, the current situation would not be prevailing, as the site would have been developed, probably as shops. NHDC would have had to spend over £800,000 for access, and there would still be outstanding litigation. He was pleased that the business community were able to step in, and he confirmed that the directors of HTH Finance Ltd were able to sign this documentation now.

(ii) Stephen Pike (Hitchin Town Hall Limited)

As Chairman of Hitchin Town Hall Ltd (“HTH”), a registered charity, Mr Pike represented his members and the community groups of Hitchin; he was required to comply with HTH’s charitable objects and Charity Law. He had undertaken many discussions with the Charity Commission on this matter, and was legally bound to consider the assets and liabilities of HTH Ltd, including the Development Agreement, property, debtors and creditors. He was also required to obtain ‘Best Value’.

Mr Pike advised that, at an Extraordinary General Meeting of HTH Ltd, it was agreed that there must be ‘robust’ protection of the Town Hall. It had always been the case that HTH Ltd required Hitchin Town Hall to be a Community Asset (to this end NHDC were prepared to grant a 125 year lease). He was of the view that the Community Asset Register was virtually meaningless, as it would not give sufficient protection, particularly with regard to time, should NHDC no longer wish to keep the Town Hall. The documentation merely ensured that this was the case.

Mr Pike stated that HTH Ltd went to great lengths to ensure that their proposal would be acceptable under Local Authority rules. They employed the services of an expert lawyer, specialising in both these rules and Charity Law. The original NHDC documentation did not take into consideration the complexity of the unwinding process and HTH Ltd had spent many hours with their lawyers, costing over £12,000, to ensure that all aspects had been covered. This effort was to ensure that all parties would be satisfied with the outcome and they considered this money to have been well spent.

Mr Pike commented that Mr Scholes (NHDC Chief Executive) had turned down the detailed documentation, stating that this was a direct result of his discussions with the “Executive Members” where the “implications” had been discussed. There was absolutely no attempt at any compromise, just a statement saying that NHDC “best considerations” would not be met. It appeared as if those Executive Members did not want to proceed. Not knowing who they were, HTH Ltd wrote to all Executive Members expressing their concerns in the hope that pragmatism would prevail. After all, HTH Ltd’s lawyer had been briefed to ensure that NHDC would be able to comply.

Mr Pike explained that HTH Ltd’s lawyer, who dealt with numerous Local Authorities, wrote to NHDC lawyers to explain that the deal was indeed permissible and acceptable. HTH Ltd was therefore surprised that there seemed to be an impasse on this critical point. They fully understand that NHDC may wish to extend the benefit beyond Hitchin, and they had no objection to this, but a total rejection of everything without further investigation or a democratic debate seemed to them to be rather draconian. HTH Ltd had been assured that this was possible under Local Authority rules.

Mr Pike made the following points:

- This was not just a sale of 14/15 Brand Street, it was meant to:
  - draw a line under the Development Agreement;
  - ensure that there will not be any legal claim against NHDC;
  - pass title of 14/15 Brand Street to the Workman’s Hall Trust;
  - ensure the Town Hall was always a Community Asset and cannot be sold off for development.
  
- NHDC did not have
  - an entrance to the Museum;
  - access to three rooms;
  - lift access;
  - access to its servers.
  
- The cost of not including 14/15 Brand Street was significant:
  - modification costs over £800,000;

**Thursday, 31st August, 2017**

- encroachment to the amazing museum displays to “break through three walls”;
- restricted access to the Museum;
- further delay in opening;
- litigation with a no win no fee lawyer who had reviewed the documentation;
- full disclosure of all internal NHDC documentation, e-mails, notes, witness statements etc.

Mr Pike advised that the documentation was passed to NHDC on 27 July 2017 with a legal synopsis and he confirmed that he had his members’ authorisation to sign; this could be done very quickly.

For the record and for Members’ information, Mr Pike attached recent e-mail exchanges and the legal synopsis.

Mr Pike gave his consent that there should be no further ‘confidentiality’; HTH Ltd would much prefer an open discussion. He commented that Mr Scholes had promised to get back to him last week after discussions with his ‘Executive Members’ but at the time of writing his presentation he have heard nothing. However, he had heard from Mr Scholes earlier in the day, and it was hoped that a meeting would be held during the week commencing 4 September 2017.

Mr Pike was of the opinion that this valuable Community Facility for North Hertfordshire had had a considerable amount of Council Taxpayers’ money spent on it, and that it was essential that the facility remained in the control of those taxpayers. He urged Members to discuss this proposition democratically and make it happen for the good of everyone in North Hertfordshire.

Mr Pike concluded by putting a potential new offer on the table which his members may find acceptable, subject to community representation. This was, in addition to the sale, to transfer the Town Hall and Museum into the Charitable Workman’s Hall Trust.

### **37 ITEM REFERRED FROM CABINET: 25 JULY 2017 - CORPORATE PLAN 2018 TO 2023**

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of Corporate Plan 2018 to 2023 (Minute 20 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Corporate Plan 2018-2023.

It was moved by Councillor Ray Shakespeare-Smith, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

**RESOLVED:** That the Corporate Plan 2018 to 2023, as attached at Appendix A to the report, be adopted.

**REASON FOR DECISION:** To ensure that a suitable, high level policy document is in place to inform the Council’s Corporate Business Planning process.

### **38 ITEM REFERRED FROM CABINET: 25 JULY 2017 - MEDIUM TERM FINANCIAL STRATEGY 2018-2023**

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of the Medium Term Financial Strategy 2018-2023 (Minute 21 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Medium Term Financial Strategy 2018-2023.

It was moved by Councillor Julian Cunningham, seconded by Councillor Mrs L.A. Needham and, following debate and upon being put to the vote, it was

**RESOLVED:** That the Medium Term Financial Strategy 2018-2023, as attached at Appendix A to the report, be adopted.

**REASON FOR DECISION:** To assist in the process of forward planning the use of Council resources and in budget setting for 2018/19 to 2022/23, culminating in the setting of the Council Tax precept for 2018/19 in February 2018.

**39 ITEM REFERRED FROM CABINET: 25 JULY 2017 - CAPITAL PROPOSAL TO PURCHASE CARDIO AND RESISTANCE FITNESS EQUIPMENT FOR THE COUNCIL'S HITCHIN AND ROYSTON LEISURE FACILITIES**

The Council considered the Minute of the meeting of the Cabinet held on 25 July 2017, in respect of the Capital proposal to purchase Cardio and Resistance fitness equipment for the Council's Hitchin and Royston Leisure Facilities (Minute 24 refers). A copy of the report considered by the Cabinet was included with the agenda, as was the following appendix:

Appendix A – Proposed repayment schedule.

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

**RESOLVED:** That the project for the purchase of Cardio and Resistance fitness equipment for the Hitchin and Royston Leisure Centres, as detailed in the report, be approved and added to the Council's Capital Programme for 2017/18 onwards.

**REASON FOR DECISION:** To help in achieving the Council's Attractive and Thriving corporate objective, through increasing health and wellbeing, and ensure customer satisfaction is maintained within the Council's Leisure Facilities.

**40 QUESTIONS FROM MEMBERS**

**(A) Homelessness**

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Clare Billing to Councillor Bernard Lovewell (Cabinet Member for Housing and Environmental Health):

“Could the Executive Member for Housing and Environmental Health update the Council on the number of homeless people recorded in North Hertfordshire, including Street Homeless, people ‘sofa surfing’ and those ‘rural homeless’ who might be living in cars, tents and farm buildings, and what measures are being taken to manage the increasing number of rough sleepers we see in the towns of North Hertfordshire, especially Hitchin and Letchworth, which are causing so much concern to residents and business owners?”

Councillor Lovewell replied that reliable statistics concerning different levels of homelessness were not always available. For example, those that sofa surfed were often referred to as the “hidden homeless” because of their concealed nature. In terms of rural homelessness in cars, tents and farm buildings the numbers were not known, but officer experience suggested that it was very limited and transitory.

Councillor Lovewell explained that the Council had current data concerning local housing stress. Following a recent exercise carried out in urban areas by Stevenage Haven (who also managed the North Herts Sanctuary) they, together with the Police and NHDC officers, had identified 22 individuals, some of whom could be termed Rough Sleepers, but there was an element who were street drinkers and/or beggars who may not be actually homeless. It was considered that of these 22, 13 may be homeless, but that number was subject to fluctuation due to the transient nature of the situation.

Councillor Lovewell stated that the current number of households in temporary accommodation was 79, which equated to 207 people. The Council had a legal duty to accommodate these people. Of the 79 households, 4 were in Bed and Breakfast accommodation.

Councillor Lovewell turned to the measures the Council was taking to support those people seen on the streets of the District's towns and the action being taken to control those who would not engage and displayed criminal and anti-social behaviour. As the question correctly stated, they were causing a lot of concern to residents and business owners, especially in Hitchin and Letchworth Garden City. The Council had embarked on the three pronged strategy.

**Thursday, 31st August, 2017**

Firstly, the Council was commissioning an outreach service to be run by a highly reputable local charity which was experienced in dealing with homelessness. They would do this in partnership with another dedicated local charity who were experts in this field. The aim of the service was to assist rough sleepers off the street into settled independent accommodation. The service provider would work with specialist agencies to ensure that appropriate support was provided for rough sleepers although, of course, engagement by the individual was crucial to providing them with the support they needed.

Secondly, the Police and Council were working together to tackle those people who would not engage and who displayed evidence of criminal or anti-social behaviour. Community Protection Notice warnings (which were available under the Anti-Social Behaviour, Crime and Policing Act 2014) had been issued to some individuals on 24 August 2017. Unfortunately, some had not heeded the warning and Community protection Notices (CPNs) had been issued to those people on 30 August 2017. Should a CPN be breached then appropriate enforcement action would be taken via a Magistrates Court. In appropriate cases, the Council would apply for a Criminal Behaviour Order which, on failure to comply, could result in a prison sentence.

Thirdly, the Council was urging members of the public who wished to help homeless people, or those they believed to be homeless, to refrain from donating money to those on streets and to support local homelessness charities instead, such as the North Herts Sanctuary or Stevenage Haven. That was their money would be used to productively support services for homeless people, rather than finding its way directly into the pockets of drug dealers or off licence tills which so often happened.

Councillor Lovewell concluded by emphasising how important it was for people who were threatened with homelessness, or who were actually homeless, to contact the Council's Homelessness and Advice Team for assistance at the very earliest stage. Ashe hoped his answer confirmed, the Council would give every help possible to those who wanted to engage, but would also take action against those whose behaviour caused stress for the District's residents and business owners.

As a supplementary question, Councillor Billing asked what support was available for the homeless with drug and alcohol problems, bearing in mind that the Sanctuary had a policy of not accommodating such people?

Councillor Lovewell replied that the people to be used to do the outreach work were extremely experienced in this field, and would work in tandem with other appropriate agencies. There were plans in the county to introduce some form of hostel accommodation for those with drug and alcohol problems, but this was a very specialist service. He was unable to provide any further information on this matter at the current time.

Councillor Lovewell stated that the Council did have some successes in this area. In the last week, one of the people on the streets who had not previously engaged with the Council was now so doing and as a result was now living in his own private accommodation. Similarly, there was another case in Hitchin where an individual's addiction was being treated, and it was hoped that he could be found suitable accommodation in the near future.

## **(B) Commercialisation**

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Steve Jarvis to Councillor Lynda Needham (Leader of the Council):

"When is it expected that the Commercialisation Project Board will make further recommendations to Cabinet or Council?"

Councillor Needham replied that she was not expecting any more reports from the Commercialisation Project Board to either Cabinet or Council. She reminded Members that the project Board's remit was to consider the outcome of the Commercialisation Task and Finish Group report and to recommend a way forward, which the Project Board duly did to the Cabinet in March 2017.

Councillor Needham further reminded Members that, at the Annual Council meeting on 18 May 2017, the Cabinet Sub-Committee (Local Authority Trading Companies Shareholder) had been established to carry forward all of the commercialisation work areas supported by the Cabinet. When commercialisation reports were ready they would come to the new Sub-Committee and Cabinet and Council as required. Members would also be updated through the Members' Information Service.

**Thursday, 31st August, 2017**

As a supplementary question, Councillor Jarvis asked if the Leader of the Council was satisfied that the suggestions made by the Commercialisation Project Board would be sufficient to deliver the sort of commercially raised income that the Council was going to need in order to fund its activities at anywhere near current levels?

Councillor Needham replied that the vehicle to take matters forward would be the new Shareholder Sub-Committee. The commercialisation work areas approved by Cabinet would be supported, one of these being the establishment of a housing company. Also being progressed were a number of the work areas highlighted by the Task and Finish Group. When decisions were required, Members would be fully updated.

**(C) Charges for collection of garden waste**

In accordance with Standing Order 4.8.11(b), the following question had been submitted by Councillor Paul Clark to Councillor Michael Weeks (Cabinet Member for Waste Management, Recycling and Environment):

“What effect would the introduction of charges for the collection of garden waste have on the Council’s recycling rates?”

Councillor Weeks replied that nothing had yet been decided on this matter, however, it would be a consideration as part of the new Waste Contract that a charge for the collection of garden waste may be applied. It was unknown at the present time how this would affect recycling rates. However, members should be aware that there were a number of other factors that could impact on recycling rates.

Councillor Weeks stated that the views of the appointed contractor would also need to be taken into account. However, it was felt that there would be little change on recycling rates, with a possible slight downturn. However, as NHDC’s recycling rate was currently at 60%, this was 10% higher than was expected of the Council, and was a further consideration to be taken into account.

As a supplementary question, Councillor Clark asked what measures were in place to prevent residents from placing garden waste in the purple general waste bins?

Councillor Weeks replied that, in addition to the issue raised by Councillor Clark, there was also the issue of residents adding waste/recycling to other residents’ bins. He had no specific answer to the question, other than to state that most of the purple bins put out for collection were full, and so there would be limited or no room to add to them. He felt that the take up on the garden waste charging scheme would be good, similar to current levels, although it was too early to give a precise indication.

**41 NOTICE OF MOTIONS**

There were no notices of motions.

The meeting closed at 9.20 pm

Chairman at the meeting on  
Thursday, 31 August 2017