

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## CABINET

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY  
ON TUESDAY, 19TH JUNE, 2018 AT 7.30 PM

## MINUTES

**Present:** *Councillors Councillor Lynda Needham (Chairman), Councillor Julian Cunningham (Vice-Chairman), David Barnard, Tony Hunter, David Levett, Bernard Lovewell and Michael Weeks.*

**In Attendance:** *David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Ian Couper (Service Director - Resources), Ian Fullstone (Service Director - Regulatory), Steve Crowley (Service Director - Commercial), Jeanette Thompson (Service Director - Legal and Community), Andrew Mills (Service Manager - Grounds Maintenance) and Ian Gourlay (Committee and Member Services Manager).*

**Also Present:** *Councillors Simon Harwood (Vice-Chairman of Finance, Audit and Risk Committee), Judi Billing, Helen Oliver and Martin Stears-Handscomb. At the commencement of the meeting 5 members of the public, including 2 registered speakers.*

### 1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 2 MINUTES - 27 MARCH 2018

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 27 March 2018 be approved as a true record of the proceedings and be signed by the Chairman.

### 3 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

### 4 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices. In addition, the Chairman had arranged for the sound at this particular meeting to be recorded;
- (2) 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;
- (3) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak; and

- (4) The Chairman advised that, as per the agenda, the Part 1 Item 12 (North Hertfordshire Museum and Hitchin Town Hall – Acquisition of 14/15 Brand Street), will take place immediately before Item 13 (Exclusion of Press and Public) and the Cabinet will then consider Item 14, the Part 2 item on the same matter. The press and public will then be invited back into the meeting to hear the Cabinet's decisions on Item 12 in Part 1 of the meeting.

## 5 PUBLIC PARTICIPATION

- (i) Dr Mervyn Miller (North Herts Arts Council) re: Funding for the Arts Council

Dr Miller advised that the Arts Council for North Hertfordshire (ACNH) celebrates its Golden Jubilee in 2018. In 1968, the drive and enthusiasm of George Thomas, the founding Principal of the then Hitchin College of Further Education, (now North Hertfordshire College) and the then Hitchin UDC, established a pioneer voluntary body distributing Council grant funding to local groups for arts for the benefit of local residents. Brian Foreman, the Chairman since 2000, was closely involved. In April 1974, the newly-established North Hertfordshire District Council (NHDC) extended the activities of the ACNH across its area, including the towns of Royston, Baldock, Letchworth and Hitchin, and the numerous villages between. ACNH is a Registered Charity.

Dr Miller stated that the present Constitution of ACNH dated from 1997. It provided for an Executive Committee to be made up of Members of the Council, including representatives of NHDC. Its latest AGM was held at Howard Hall, Letchworth on 6 June 2018.

Dr Miller explained that an annual block grant has been allocated to ACNH. The Committee was serviced by the Hon. Secretary, Dianne Price-Smith, who processed applications for Committee consideration. Financial support took the form of a grant or a contribution against loss. The latter had proved a lifeline for many smaller organisations and had encouraged broader and more inclusive programmes, which had enriched the cultural life of the District. ACNH was an enabler, and a vital link between the District Council and its constituency of the local community.

Dr Miller commented that, since 2012-13, a reduction in the annual grant had affected the best endeavours of ACNH to maintain its core role. The challenge had been to maintain an equitable spread across the range of arts and their geographical distribution within the District. Since the early 1990s, 900 applications had been processed, an annual average of 33. It was estimated that 1,800 applications had been received since 1968.

Dr Miller advised that the Arts Council's Chairman, Brian Foreman, addressed the Full Council on 10 April 2018, following notice that the ACNH grant would be terminated in April 2019, and sadly informed Members that ACNH would cease activities. Subsequent local government elections had changed the rota of Council appointments to NHDC. He wished to record his thanks to the many who enthusiastically attended ACNH Meetings, and welcomed the appointments notified on 1 June 2018. He was pleased to see Councillor Steve Deakin-Davies at the recent AGM, and Ros Allwood had been a most informative NHDC officer on the Committee.

ANCH recognises the difficult choices to be made by the Council in relation to the complex financial and social demands made upon the diminishing funding of local government responsibilities. Our Treasurer, Paul Smith has ensured that our accounts have efficiently recorded the disbursement of the NHDC grant of £8,250 for 2017-18, and we have received the first tranche for 2018-19, £3850, of a final total of £7,700 (contrast £14,746 in 2011-12).

Dr Miller advised that he was appointed Hon. President of ACNH on 7<sup>th</sup> June 2006, with 12 years observing the distribution of funding, and the added value accrued. As a recently retired architect and town-planning consultant, he was the Principal Conservation Officer for NHDC from 1974-87, and had long been familiar with the wealth of the historic built environment to be found in the District. Grant assistance towards repairs to listed buildings was introduced. Its cultural counterpart had been the vibrant diversity of events enabled by ANCH over the past 50 years, embracing folk music, concerts and local music festivals, musical, youth and experimental theatre, and film clubs.

Dr Miller believed that, once lost, the experience, co-ordination and continuity of ACNH over the past 50 years would sadly evaporate. Hertfordshire was worthily to celebrate a County of Culture in 2020. It would be regrettable if ACNH as a lynch pin of cultural localism was extinct. Cultural diversity and local community events enriched everyone. He earnestly request the Cabinet to reconsider the Full Council's decision to cease funding beyond March 2019.

After some questions and answers, the Chairman thanked Dr Miller for his presentation.

(ii) Mr Robin Dartington (Hitchin resident) re: Churchgate, Hitchin

Mr Dartington advised that he was speaking in relation to Item 9 on the agenda – Capital Programme Outturn 2017/18, and in particular Appendix B to that report, which set out the Capital Programme Funding for 2017/18 onwards.

Mr Dartington commented that Hitchin was the largest town in NHDC, with the most vigorous town centre. He stated that 71% of NHDC Car Parking receipts derived from Hitchin Car Parks (over £1million a year). He felt, therefore, that Hitchin was deserving of investment to ensure a continuation of healthy Car Parking receipts.

Mr Dartington explained that the square footage within Hitchin Town Centre had highly diminished in recent years, due to several large employment sites being converted to housing. Potentially only the Churchgate and Paynes Park areas remained available for strategic development.

Mr Dartington considered that it was essential that any preparations made by the Council for future long term development of these two remaining strategic sites should include some necessary short term improvements.

Mr Dartington stated that the Council's in principle proposals for Churchgate included a new façade to heal the damage to Market Place and regeneration of the Churchgate shops. He felt that no regeneration of Churchgate could take place until NHDC had bought the leasehold, which was the stumbling block on the previous scheme, as the Council did not have control of the site.

Mr Dartington advised that the additional improvements suggested as being necessary for successful regeneration were the renewal of Hitchin Market and the adjoining Public Realm. From a Hitchin perspective, he felt that improving the Market and Public realm were more important to residents than the regeneration of the Churchgate Centre. He was of the view that the Market was a significant factor in the character of Hitchin, and drew people into the town from a wide area.

Mr Dartington urged the Cabinet to add to its estimates at Item 9: Appendix B to cover the following three items:

- Buying back the Churchgate leasehold to enable Council control of the site;
- Renewing Hitchin Market on a smaller part of the existing site, further away from the shops; and
- Improving the Public Realm by opening a level riverside walkway between Hermitage Road and Biggin Lane.

Mr Dartington considered that the above items were worthy in their own rights, but should also be seen as necessary preparations for regeneration of the Churchgate Centre.

In terms of the creation of a riverside walkway, Mr Dartington explained that although this became NHDC policy some 23 years ago, no section of the walkway had been completed. The start of the walk at Hermitage Road only required signage to call attention to the path, which could be broadened and shared with the path beside the adjoining flats. The next section, behind the Post Office development, had been beautifully finished. The section beside the Portmill Lane Car Park simply required some parking spaces to be pushed back in order to widen the pavement. The section across the river terraces was currently blocked by the staircase connecting St. Mary's Car Park. The removal of this staircase would create the level walkway, unite both sections of the river terrace, and create a new large public space, which he suggested would be of great value to the town.

Mr Dartington concluded by stating that the Council had a sum of £35,000 in its budgets for repairs to the staircase. He therefore hoped that these repairs would not be expedited should his proposal be accepted and the staircase removed.

The Chairman thanked Mr Dartington for his presentation.

## **6 ITEMS REFERRED FROM OTHER COMMITTEES**

### **6A ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 18 JUNE 2018 – RISK MANAGEMENT UPDATE AND ANNUAL REPORT ON RISK MANAGEMENT 2017/18**

The Vice-Chairman of the Finance, Audit and Risk Committee presented the following referral from that Committee, made at its meeting held on 18 June 2018, in respect of the Risk Management Update and Annual Report on Risk Management 2017/18 (Minute 10 refers):

#### ***“RECOMMENDED TO CABINET:***

- (1) That the increase in the score for the “Waste – Depot/Transfer Station” sub-risk from an 8 to a 9 be approved;

- (2) That a new “Waste – Food and Garden Waste” sub-risk, with a score of 5, be approved;
- (3) That the overall score for the Waste and Street Cleaning Contract renewal” risk remain unchanged at a score of 8; and
- (4) That the Annual Report on Risk and Opportunities Management 2016/17, as set out at Appendix B to the report, be supported and referred to Council for approval.”

***The Executive Member for Finance and IT stated that he was supportive of the recommendations of the Finance, Audit and Risk Committee.***

**RESOLVED:**

- (2) That the increase in the score for the “Waste – Depot/Transfer Station” sub-risk from an 8 to a 9 be approved;
- (2) That a new “Waste – Food and Garden Waste” sub-risk, with a score of 5, be approved;
- (3) That the overall score for the Waste and Street Cleaning Contract renewal” risk remain unchanged at a score of 8; and

**RECOMMENDED TO COUNCIL:** That the Annual Report on Risk and Opportunities Management 2017/18, as set out at Appendix B to the report, be approved..

**REASON FOR DECISION:** To comply with the Risk and Opportunities Management Strategy, which stipulates that an Annual Risk Management report is taken to Council.

**6B ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 18 JUNE 2018 – REVENUE BUDGET OUTTURN 2017/18**

**RESOLVED:** That consideration of this referral takes place in conjunction with agenda item number 8 (see Minute 8 below).

**6C ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 18 JUNE 2018 – CAPITAL PROGRAMME OUTTURN 2017/18**

**RESOLVED:** That consideration of this referral takes place in conjunction with agenda item number 9 (see Minute 9 below).

**7 STRATEGIC PLANNING MATTERS**

The Executive Member for Planning, Enterprise and Transport presented a report of the Service Director - Regulatory informing Members of the current position regarding Other Local Plans and Examinations; North Hertfordshire Local Plan; Neighbourhood Plans; Government announcements; Strategic Planning; and Chilterns AONB. The following appendices were submitted with the report:

Appendix A – Response to East Hertfordshire Proposed Main Modifications consultation;  
Appendix B(1) – Response to NPPF Consultation;  
Appendix B(2) – Response to Developer Contributions Consultation;  
Appendix C – Copy of Chilterns AONB MP letter; and  
Appendix D – Map showing extent of Chilterns AONB.

The Executive Member for Planning, Enterprise and Transport updated the Cabinet on the following matters:

- East Hertfordshire Local Plan – NHDC had responded to the consultation on the Local Plan Main Modifications;
- Welwyn Hatfield Local Plan – the Stage 4 hearing sessions were scheduled to take place during the week commencing 25 June 2018;
- Stevenage Local Plan – there was no update on the holding directive issued by the Secretary of State on 13 November 2018;
- St. Albans Local Plan – due to be approved by the Council in June 2018, in readiness for public consultation;
- North Hertfordshire Local Plan – following the Examination in Public officers had been completing the actions and additional information requested by the Inspector; additional and a proposed schedule of modifications were submitted to the Inspector in early June; it will be for the Inspector to advise the Council on the timetable for the next steps;
- Neighbourhood Plans (NPs) – the Pirton NP was published on 27 April 2018; the process for the selection of an Examiner for the Wymondley NP had commenced; and the Preston NP was currently out for consultation;
- Government Announcements – NHDC had responded to the Government’s consultation on the revised National Planning Policy Framework (NPPF); and
- Chilterns Area of Outstanding Natural Beauty (AONB) – an MP had submitted a letter regarding the merits of exploring the opportunity of the AONB becoming a National Park. The initial view of officers was set out in Paragraph 8.6.2 of the report, and a response to the MP’s letter would be prepared in due course.

**RESOLVED:**

- (1) That the report on Strategic Planning Matters be noted; and
- (2) That the submissions in Appendices A and B to the report be noted and endorsed.

**REASON FOR DECISION:** To keep the Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

## 8 REVENUE BUDGET OUTTURN 2017/2018

The Executive Member for Finance and IT presented the report of the Service Director - Resources in respect of the Revenue Budget Outturn 2017/18.

The Vice-Chairman of the Finance, Audit and Risk Committee presented the following referral from that Committee, made at its meeting held on 18 June 2018, in respect of the Revenue Budget Outturn 2017/18 (Minute 13 refers):

**“RECOMMENDED TO CABINET:** That, in respect of Table 3 in the report, which outlined the unspent Carry Forward budgets in 2017/18, it be ensured that each item in the list is challenged robustly if further carry forward is requested, with each item being accompanied by an acceptable justification as to why it should be carried forward, in the realistic expectation that the budget would be spent.”

The Executive Member for Finance and IT was supportive of the recommendation from the Finance, Audit and Risk Committee.

The Executive Member for Finance and IT advised that Table 1 in the report outlined the various changes to the Budget throughout 2017/18. Table 2 provided a summary of the significant variances, and he highlighted the variances relating to the CCTV Partnership and Planning Applications Fees income. The overachievement on the latter would be transferred to a planning reserve to mitigate the risks associated with the progress of the Councils Local Plan.

**RESOLVED:**

- (1) That the contents of the report be noted;
- (2) That a decrease of £422,000 in the 2017/18 General Fund expenditure, as identified in Table 2 and Paragraph 8.1 of the report, to a total of £16.053million, be approved;
- (3) That the adjustments to the 2018/19 General Fund budget, as identified in Table 2 and Paragraph 8.2 of the report, of a £346,000 increase in net expenditure, be approved;
- (4) That, in respect of Table 3 in the report, which outlined the unspent Carry Forward budgets in 2017/18, it be ensured that each item in the list is challenged robustly if further carry forward is requested, with each item being accompanied by an acceptable justification as to why it should be carried forward, in the realistic expectation that the budget would be spent; and

**RECOMMENDED TO COUNCIL:** That the net transfer to earmarked reserves of £1.070million, as identified in Table 7 of the report, be approved.

**REASON FOR DECISION:** To monitor and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process; and to ensure that changes to the Council's balances are monitored and approved.

## 9 CAPITAL PROGRAMME OUTTURN 2017/18

The Executive Member for Finance and IT presented a report of the Service Director - Resources in respect of the Capital Programme Outturn 2017/18. The following appendices were submitted with the report:

Appendix A – Capital Programme Summary 2017/18 onwards; and  
Appendix B – Capital Programme Detail including Funding 2017/18 onwards.

The Vice-Chairman of the Finance, Audit and Risk Committee presented the following referral from that Committee, made at its meeting held on 18 June 2018, in respect of Capital Programme Outturn 2017/18 (Minute 14 refers):

**“RECOMMENDED TO CABINET:** That, in view of the fact that Capital funds are likely to be depleted within the next few years, it be ensured that regular scrutiny of the Capital Programme is carried out by the Cabinet.”

The Executive Member for Finance and IT was fully supportive of the recommendation of the Finance, Audit and Risk Committee.

In relation to some of the issues raised by Mr Dartington earlier in the meeting, the Executive Member for Finance and IT advised that the Capital Budget was approved by the Full Council in February each year. Apart from very minor changes to the budget, all major variations were required to be approved by the Full Council. As an example, were it to be the intention to progress a scheme for the regeneration of Churchgate, then the decision to add the cost of that scheme to the Capital Programme would be determined by the Full Council. He commented that the current Capital Programme amounted to expenditure of £20million across the District over the next year.

The Executive Member for Finance and IT explained that the Capital Programme contained projects which the Council had previously considered would be necessary, although there was always a possibility that the Programme would change, particularly if Council priorities changed. Therefore, if Mr Dartington's proposals were considered worthy of progression, they would need to be costed, and a business case prepared, and then added to the Capital Programme for approval by the Full Council.

In respect of the report, the Executive Member for Finance and IT referred to Table 2, which outlined the significant re-profiling of capital projects. He assured the Cabinet that each project was frequently reviewed and challenged as part of the process.

**RESOLVED:**

- (1) That expenditure of £9.484million in 2017/18 on the Capital Programme (Paragraph 8.2 refers), and in particular the changes detailed in Table 3 which resulted in a net increase on the working estimate of £0.011million, be noted;
- (2) That the adjustments to the Capital Programme for 2018/19 and onwards as a result of the revised timetable of schemes detailed in Table 2, increasing the estimated spend in 2018/19 by £1.506million (re-profiled from 2017/18), be approved;
- (3) That the position of the availability of Capital resources, as detailed in Table 4, Paragraph 8.6, and the requirement to keep the Capital Programme under review for affordability, be noted;
- (4) That the application of £1.437million of Capital receipts towards the 2017/18 Capital Programme, and the drawdown of £6.390million from set aside receipts, as referred to in Paragraph 8.6 of the report, be approved; and
- (5) That, in view of the fact that Capital funds are likely to be depleted within the next few years, it be ensured that regular scrutiny of the Capital Programme is carried out by the Cabinet.

**REASON FOR DECISION:** To approve revisions to the Capital Programme; and to ensure that the Capital Programme is fully funded.

**10 ANNUAL TREASURY MANAGEMENT REVIEW 2017/2018**

The Executive Member for Finance and IT presented a report of the Service Director - Resources in respect of the Annual Treasury Management Review 2017/18. The following appendix was submitted with the report:

Appendix A – Annual Treasury Management Review 2017/18.

The Executive Member for Finance and IT advised that some of the Council's investment funds could well be moved in the future to fund items in the Capital Programme. It was proving increasingly difficult to find investments which provided a reasonable rate of return.

The Executive Member for Finance and IT reminded the Cabinet of the important revisions to the Treasury Management Strategy made during the year in relation to changes to the boundaries in respect of borrowing, should the Council be in a position where borrowing was required. However, he commented that borrowing would not be required until and unless the Council had exhausted its Capital reserves.

The Executive Member for Finance and IT stated that, during the year, there had been three breaches of the limit set on the percentage that could be invested with a single counterparty. The Service Director – Resources explained the processes and procedures to be put in place to prevent any future breaches.

The Executive Member for Finance and IT alluded to the risks faced by the Council in dealing with its finances, and in this regard, encouraged as many Members as possible to attend the Risk Management training session scheduled for 25 June 2018.

**RESOLVED:** That the position of Treasury Management activity as at the end of March 2018 be noted.

**RECOMMENDED TO COUNCIL:**

- (1) That the actual 2017/18 prudential and treasury indicators be approved; and
- (2) That the Annual Treasury Management Report for 2017/18 be noted.

**REASON FOR DECISION:** To ensure the Council's continued compliance with CIPFA's Code of Practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

## 11 GREEN SPACE MANAGEMENT STRATEGY

[Prior to the consideration of this item, Councillor Tony Hunter made a declarable interest, as he was personally involved in a business case for the retention of Betjeman Road and Farrier Court play areas in Royston. Before he left the meeting, he highlighted an omission from the report, namely that County Councillor Fiona Hill had received an application for a grant of monies from her Locality Budget to support the retention of the above play areas.]

The Executive Member for Leisure and Green Issues presented the report of the Service Director – Place in respect of the Green Space Management Strategy. The following appendix was submitted with the report:

Appendix A – Time line of actions.

The Executive Member for Leisure and Green Issues advised that, on 10 November 2015, Cabinet resolved "That, subject to receipt of a Sport England grant of £80,000, a new £170,000 multi use informal games area (MUGA) be constructed at Bancroft Recreation Ground, Hitchin". In March 2018, Sport England made a provisional award of £60,000 towards the cost of the MUGA. In April 2018, an additional £15,250 Section 106 contribution was secured towards the scheme. This left a funding shortfall of £4,750, and it was therefore proposed to increase NHDC's capital contribution by this amount to allow the works to proceed.

The Executive Member for Leisure and Green Issues reminded Members that, on 27 March 2018, Cabinet resolved “That for Betjeman Road and Farrier Court play areas Royston, the Council allows a period of time of up to three months for confirmation of funding sources from third parties; and for Symonds Road, Hitchin and Linnet Close, Letchworth, the Council allows a period of up to three months to assess whether a business case could be developed with local community groups.”

The Executive Member for Leisure and Green Issues explained that a funding application had been submitted to Brian Racher Trust to retain play equipment at Betjeman Road and Farrier Court play areas Royston for a period of three years. It was therefore proposed that, by September 2018, and subject to the approval of this funding application, the Council would continue to maintain these play areas at nil cost to the Council.

In the case of Symonds Road, Hitchin and Linnet Close, Letchworth, the Executive Member for Leisure and Green Issues stated that officers were approached by a local resident who aimed to form a Social Enterprise scheme to fund the retention of play equipment at both these sites. However, this was later withdrawn. Accordingly, it was proposed that if no firm proposals were received from a community group by the deadline date of 27 June 2018, the play equipment would be removed from Symonds Road, Hitchin and Linnet Close, Letchworth, and the sites would be landscaped back as green space.

The Cabinet supported the recommendations proposed by the Executive Member for Leisure and Green Issues.

**RESOLVED:**

- (1) That the Capital contribution for a Multi Use Games Area (MUGA) at Bancroft Recreation Ground, Hitchin, be increased by £4,750;
- (2) That, by September 2018, and subject to approval of funding from the Brian Racher Trust for the maintenance and future replacement of equipment at Betjeman Road and Farrier Court Play Areas, Royston, the Council will continue to maintain these play areas at nil cost to the Council; and
- (3) That, in respect of the Symonds Road and Linnet Close Play Areas, if by 27 June 2018 no sustainable proposals have been received, the equipment be removed from both sites and landscaped back to green space; with the Service Directors for Place and Resources being authorised to determine if any proposals are sustainable and could be developed into a business case.

**REASON FOR DECISION:** To enable the construction of a MUGA at Bancroft recreation Ground, in accordance with the previously agreed Master Plan for the site; and to enable the retention of green space within the budgets available to the Council.

**12 NORTH HERTFORDSHIRE MUSEUM AND HITCHIN TOWN HALL - ACQUISITION OF 14/15 BRAND STREET, HITCHIN**

[Note: This item was considered both before and after Minute 14 below - the Part 2 item on the same matter.]

**Tuesday, 19th June, 2018**

[Prior to the consideration of this item and Minute 14 below, Councillors Julian Cunningham, Bernard Lovewell and Michael Weeks declared that they would be withdrawing from the meeting, as they were Members of the Cabinet Sub-Committee (Council Charities), which was responsible for making decisions on the North Hertfordshire Museum and Community Facility on behalf of the Hitchin Town Hall: Gymnasium and Workmans Hall Trust. Accordingly, they withdrew from the meeting.]

The Cabinet considered the Part 1 report of the Chief Executive and Service Director – Commercial in respect of the North Hertfordshire Museum and Hitchin Town Hall – Acquisition of 14/15 Brand Street, Hitchin.

The Chief Executive advised that the options to open the facility without occupancy of 14/15 Brand Street had been fully investigated and a number of options were available to the Council. Whilst the preferred option was through the agreed acquisition of land formerly known as 14/15 Brand Street this had not yet proved possible on terms agreeable to the Council, despite over 19 months of negotiation. A costed options appraisal considering a number of scenarios for the occupation of the land which the Council currently owned had also been undertaken to guide the commercially confidential negotiations. The potential compulsory purchase of the properties known as 14/15 Brand Street was an option and could be pursued in parallel with the negotiations.

The Cabinet noted from the report that, in the event that a negotiated settlement did not prove possible, specialist legal advice had been received in relation to the acquisition of the properties known as 14/15 Brand Street, Hitchin by Compulsory Purchase (CPO). That advice supported the Council's view that acquisition via this mechanism accorded with the relevant CPO legislation. Given the progress of negotiations it may be appropriate to consider that an "in principle" decision be sought from Council. This in itself would not prevent an agreed purchase taking place in the event that negotiations proceeded to a positive conclusion. Acquisition by CPO may take a year or so (in the event that the draft Order was contested) though that needed to be assessed against the timescales that the negotiations had taken so far.

The Executive Member for Community Engagement and Rural Affairs referred to Paragraph 4.2 of the report, which referred to the proposed construction of a platform lift to increase accessibility to the first floor of the building. He was fully supportive of this proposal, which had an estimated cost of £20,000. Under NHDC Financial Regulations, the Executive Member for Finance and IT could approve in year changes to the Capital Programme up to a limit of £100,000 per project. It was noted that, as the Executive Member for Finance and IT was a member of the Cabinet Sub-Committee (Council Charities) and was therefore conflicted, the decision would instead be taken by the Leader of the Council.

The Cabinet was supportive of the recommendations contained in the report, but considered that a deadline needed to be placed regarding the negotiations. Accordingly, it was agreed that Full Council be recommended to agree an initial, in principle, resolution to acquire the former 14/15 Brand Street, Hitchin by Compulsory Purchase, in the event that the negotiations did not enable an agreed purchase to be concluded by 31 July 2018.

**RESOLVED:**

- (1) That the current position in relation to the negotiations be noted, and the Cabinet's continued preference for a negotiated resolution be confirmed;
- (2) That the progress on the potential alternative options, as detailed in the report, to enable the Museum to open fully, be noted;

**Tuesday, 19th June, 2018**

- (3) That Council be recommended to agree an initial, in principle, resolution to acquire the former 14/15 Brand Street, Hitchin by Compulsory Purchase, in the event that the negotiations do not enable an agreed purchase to be concluded by 31 July 2018; and
- (4) That it be noted that some elements of any settlement agreement may be required from the Cabinet sub-Committee (Council Charities); and

**REASON FOR DECISION:** To enable the Council to complete the development of the North Hertfordshire Museum/Hitchin Town Hall project as intended by the Council and operate the facility for the benefit of the local community; and to protect the Council's interests and obtain best return from the Council's existing investment and to secure projected income from the facility to offset some of the operational and fixed costs.

### **13 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the said Act (as amended).

### **14 NORTH HERTFORDSHIRE MUSEUM AND HITCHIN TOWN HALL - ACQUISITION OF 14/15 BRAND STREET, HITCHIN**

[Note: this item was considered after Minute 12, but before a decision was made on the matter in Part 1 of the meeting.]

The Executive Member for Community Engagement and Rural Affairs presented the Part 2 report of the Chief Executive and Service Director – Commercial in respect of the North Hertfordshire Museum and Hitchin Town Hall – Acquisition of 14/15 Brand Street, Hitchin. The following appendix was submitted with the report:

Appendix 1 – Note from HTH Limited/ HTH Finance Limited: June 2018.

The Executive Member for Community Engagement and Rural Affairs advised that the report covered the confidential aspects of the progress of discussions/negotiations and provided a detailed commentary in relation alternative options, including the potential acquisition of 14/15 Brand Street by use of Compulsory Purchase Powers.

**RESOLVED:**

- (1) That the current position in relation to the negotiations be noted; and
- (2) That the detailed commentary in the report in relation to the potential acquisition of 14/15 Brand Street, Hitchin by use of Compulsory Purchase provisions be noted.

**REASON FOR DECISION:** To enable the Council to complete the development of the North Hertfordshire Museum/Hitchin Town Hall project as intended by the Council and operate the facility for the benefit of the local community; and to protect the Council's interests and obtain best return from the Council's existing investment and to secure projected income from the facility to offset some of the operational and fixed costs.

The meeting closed at 9.25 pm

Chairman