CABINET SUB-COMMITTEE (COUNCIL CHARITIES)
TUESDAY, 22 SEPTEMBER 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Response to planning application for Hitchin Town Hall Gymnasium and Workman's Hall Trust

REPORT OF: Director - Resources

EXECUTIVE MEMBER: Executive Member - Environment

COUNCIL PRIORITY: Sustainability;, ,

1. EXECUTIVE SUMMARY

The Council are undertaking a capital project to decarbonise the buildings that make up Hitchin Town Hall and North Herts Museum. These works require planning permission. These buildings share a footprint with the Hitchin Town Hall Gymnasium and Workman's Hall Trust property. This Cabinet Sub-Committee acts as the trustee for the Gymnasium and Workman's Hall Trust property. The Council has written to the Trustees to notify them of the planning application. This report provides the Trustees with the opportunity to comment on the planning proposal and determine whether to make any representations on that planning proposal.

2. RECOMMENDATIONS

2.1. That the Sub-Committee comment on the planning proposal for the decarbonisation works at Hitchin Town Hall and Museum (as they share a footprint with the Trust property of the Gymnasium and Workman’s Hall Trust) and determine whether to make any representations on that planning proposal.

2.2. That the Sub-Committee consider whether to make any representation to the Council on the proposed works being undertaken and the impact on the Hitchin Town Hall Gymnasium and Workman's Hall Trust property.

2.3. That the Sub-committee note that an agreement (between the Council and the Trust) may be required for the decarbonisation works to take place. This will be entered in to in accordance with the delegated powers set out in the table in paragraph 5.11.4 of the Constitution.

3. REASONS FOR RECOMMENDATIONS

3.1. The planning proposal covers the Trust property of the Gymnasium and Workman’s Hall Trust. The Council has therefore provided a notice to the Trust that they have made a planning application. It is therefore appropriate that the Trustees, via the Cabinet Sub-Committee, can comment on the planning application.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 This report enables consultation with the Sub-Committee. The general reports on the decarbonisation project would enable any wider consultation that was required.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1 On 21 May 2019 the council passed a climate emergency motion recognising the urgency of acting on the climate crisis. This is being pursued through our Sustainability Strategy 2025-2030 which aligns to the Council priority of Sustainability. This strategy replaced the Climate Change Strategy 2022-2027.

7.2 Action 1 on the Sustainability Strategy is to "[d]eliver decarbonisation of key council buildings, particularly the council offices and Hitchin Town Hall and North Herts Museum, and utilise heat decarbonisation an assessment management plans to prioritise future projects and deliver a net zero estate". The Council has been awarded grant funding, and added its own capital funding towards the delivery of those carbon objectives in relation to the Hitchin Town Hall and North Herts Museum.

7.3 Part of the Hitchin Town Hall and North Herts Museum is on land which is owned by the Gymnasium and Workman's Hall Trust, which this Sub-Committee acts as trustee for. Broadly the Gymnasium and Workman's Hall Trust property comprises at ground floor level the two museum exhibition rooms (Discovering North Herts and special exhibition space), local studies room, store room, archive room, server room, café and area between the museum entrance area and the café. It is the same footprint at the first floor level which comprises the Living in North Herts gallery, some of the Terrace gallery, most of the roof terrace, the toilets, lobby area and museum office. At second floor level it is the lobby and the classroom. Appendix A shows a plan of the property owned by the Gymnasium and Workman's Hall Trust highlighted in green.

7.4 The various parts of the building (i.e. the property owned by the Gymnasium and Workman's Hall Trust, the Town Hall and the area that was 14/15 Brand Street) are inherently inter-linked. This was agreed by the Sub-Committee when approving the development of the North Herts Museum and works to the Town Hall. It is impractical to decarbonise part of the site, and plant will tend to be put where it is most practical, rather than directly in (or above) the building that it serves.

7.5 The Council manages the day-to-day operation of the Trust building as part of the overall North Herts Museum. It has previously been determined that this meets the Trust's Charitable Objectives, which are:

> *"Upon trust to use or permit it to be used as a Gym for the benefit of the residents of Hitchin and for other purposes mentioned in s6(3) Museums and Gymnasiums Act 1891 and also for any other (charitable) purpose for the benefit of the North*

Hertfordshire District for which North Hertfordshire District Council can lawfully use building and land vested in them".

7.6 As part of running the building, the Council subsidises the running costs of the Gymnasium and Workman's Hall Trust building. The last approved accounts (2024/25) show that the Council contributed £75,661 towards total running costs £105,518.

8. RELEVANT CONSIDERATIONS

8.1. The Council have submitted a planning application for the decarbonisation works. This was under two planning applications (references 26/01938/LBC and 26/01937/FP). Most of the proposed works are to the Hitchin Town Hall building. The works that affect the land owned by the Gymnasium and Workman's Hall Trust are:

- Solar panels in various locations including the roof above the area classroom (above the second floor level), on the elevation facing South-East and the roof above the terrace gallery (inclusive of the area comprising the Trust property).
- A new air handling unit to replace an existing unit would be placed on the roof above the terrace gallery (inclusive of the area comprising the Trust property)
- Replacement of the existing chiller which is on the roof above the Living in North Herts gallery.
- Various cabling and pipework to connect the above (and other equipment) across the overall site.

8.2. The Sub-Committee should consider whether it wants to provide any comments to the planning application (i.e. the Council acting as Planning Authority) or to the Project Executive (i.e. the Council undertaking this capital project). In considering this it should bear in mind the Trust's objectives (as detailed in Paragraph 7.5) and whether this supports the public benefit. A public benefit test should consider the following:

The 'benefit aspect'
To satisfy this aspect:

- a purpose must be beneficial - this must be in a way that is identifiable and capable of being proved by evidence where necessary and which is not based on personal views.
- any detriment or harm that results from the purpose (to people, property or the environment) must not outweigh the benefit - this is also based on evidence and not on personal views.

The 'public aspect'
To satisfy this aspect the purpose must:

- benefit the public in general, or a sufficient section of the public - what is a 'sufficient section of the public' varies from purpose to purpose.
- not give rise to more than incidental personal benefit - personal benefit is 'incidental' where (having regard both to its nature and to its amount) it is a necessary result or by-product of carrying out the purpose.

8.3. Overall, the proposed changes would see the decarbonisation of the building and installation of solar panels to generate electricity. This makes a positive contribution towards tackling climate change (a public benefit) and is at no detriment to the provision of a museum facility which can be used by the public (maintaining the Trust Objectives and a public benefit).

8.4. Part of the changes to the Trust building do not directly benefit the Trust property itself, e.g. the air handling unit is for the Town Hall part of the building. The sub-committee may want to consider this against the overall public benefit and that the Council have and will continue to subsidise the cost of running the Trust building.

8.5. Even if the sub-committee concludes that the changes meet the objectives of the Trust, they will still have an impact on the Trust property, particularly whilst the works are being carried out. Officers will act on behalf of the Trust to determine if an agreement (e.g. a licence agreement) between the Council and the Trust should be in place to cover the works. If this is deemed necessary or good practice, then it will be entered into in accordance with the table in paragraph 5.11.4 of the Constitution.

9. LEGAL IMPLICATIONS

9.1. The Cabinet Sub-Committee has within its terms of reference (Constitution 5.11.4 a)) to act on behalf of the Council as corporate trustee for all assets of the Council that are held on a charitable trust. This report also aligns with sub-paragraphs b), c) and e) of the terms of reference in 5.11.4.

9.2. The Sub-Committee Members are not themselves charity trustees (the Council remains the trustee). They must, however, act in a responsible way so as to ensure that the local authority acts properly as a charity trustee. If Members fail to do this they may be liable to the Council under local government law for any losses it bears as a charity trustee. Members must, on behalf of the trustee, ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there. If trustees act prudently, lawfully and in accordance with the governing document then any liabilities that they incur can normally be met out of the charity's resources. If the trustees act imprudently, or are otherwise in breach of the law or the governing document, the position is different. Here trustees may be responsible for liabilities incurred by the charity or for making good any loss to the charity.

9.3. The table in paragraph 5.11.4 of the Constitution provides delegated powers "[t]o authorise the entering into any agreement, contract, lease, consent, or deed to surrender or termination for administrative or minor matters (including minor amendments)." This is delegated to the "Sub-Committee Chair in consultation with lead Officer for the Trust concerned and Trust lawyer". It is essential that ethical walls remain in place to ensure that there is no compromise in the legal advice provided to the Council.

10. FINANCIAL IMPLICATIONS

10.1 The cost of the decarbonisation works is being met by the Council, with a contribution from grant funding. The charity is not required to contribute to the costs. The Council will also continue to subsidise the running costs of the Trust property.

11. RISK IMPLICATIONS

11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2. Providing the sub-committee an opportunity to engage in the planning application process, and the impact on the proposed works on the Trust building, helps to ensure the delivery of the Trust's charitable objectives. This reduces the risk of acting in a way that did not comply with the Council's obligations as a corporate trustee.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. There are no known equalities Implications arising from this decision.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 An Environmental Impact Assessment has been undertaken. This shows that the decarbonisation project has a positive environmental impact. The assessment is attached at Appendix B.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no HR implications arising from this decision.

16. APPENDICES

16.1. Appendix A- plan of the land owned by the Gymnasium and Workman's Hall Trust (edged in green)

16.2. Appendix B- Environmental Impact Assessment for the decarbonisation project. Elements related to the part of the project affecting the Gymnasium and Workman's Hall Trust property highlighted in yellow.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

None