

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**CABINET**

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY  
ON TUESDAY, 20TH NOVEMBER, 2018 AT 7.30 PM**

**MINUTES**

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

**In Attendance:** *Councillor Ian Albert (Chairman of Hitchin Committee), Rob Williams (BNP Paribas), Anthony Roche (Deputy Chief Executive), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Vaughan Watson (Service Director - Place), Steve Crowley (Service Director - Commercial), Melanie Stimpson (Democratic Services Manager) and Hilary Dineen (Acting Committee and Member Services Manager)*

**Also Present:** *At the commencement of the meeting Councillors Judi Billing, Paul Clark and Martin Stears – Handscomb and 13 members of the public.*

**51 APOLOGIES FOR ABSENCE**

*Audio recording – Start time of item – Session 1 - 1 minute 5 seconds*

There were no apologies for absence.

**52 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – Start time of item – Session 1 - 1 minute 9 seconds*

There was no other business notified.

**53 CHAIRMAN'S ANNOUNCEMENTS**

*Audio recording – Start time of item – Session 1 - 1 minute 16 seconds*

- (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, in accordance with Council policy, the sound at this meeting was being 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.

**54 PUBLIC PARTICIPATION**

*Audio recording – Start time of item – Session 1 - 2 minutes 11 seconds*

Garden Waste Service

Mr Colin Dunham had registered to speak regarding the garden waste collection service, however was unable to attend the meeting.

Regeneration of Churchgate Shopping Centre

Mr Steven Haynes, Churchgate Resurgence PB, gave a verbal presentation regarding the regeneration of Churchgate Shopping Centre.

Mr Haynes advised Cabinet of his working background and that the Churchgate Resurgence PB Group had presented alternative proposals for the development of Churchgate to the Hitchin Committee on 13 November 2018.

He explained these proposals and that they were based on making the market the central hub for the area supported by flexible retail units and public space improvements, funded by residential development. He further referred to the Council's previous consultation on Churchgate

He asked that Cabinet pause to consider alternative options, such as that proposed by the Group, in order to achieve a development that the Community had an input.

Members asked questions of clarification, which were responded to by Mr Haynes.

Regeneration of Churchgate

Mr Brian Foreman, representing tenants of Churchgate, gave a verbal presentation regarding the regeneration of Churchgate Shopping Centre.

Mr Foreman stated that he was concerned about the livelihood of the 24 tenants of Churchgate, particularly during any proposed regeneration.

He continued to believe that the Centre should enforce the landlord to undertake proper maintenance and repairs as a matter of urgency as well as some minor improvements.

Members asked questions of clarification, which were responded to by Mr Foreman.

**55 5A - ITEM REFERRED FROM HITCHIN COMMITTEE: 13 NOVEMBER 2018 - REGENERATION OF CHURCHGATE SHOPPING CENTRE**

*Audio recording – Start time of item – Session 1 - 25 minutes 24 seconds*

**RESOLVED:** That consideration of this referral takes place in conjunction with agenda item number 7 (Minute 58 refers).

**56 5B - ITEM REFERRED FROM CABINET SUB-COMMITTEE: 20 NOVEMBER 2018 - NORTH HERTFORDSHIRE MUSEUM & HITCHIN TOWN HALL: ACQUISITION OF 14/15 BRAND STREET**

*Audio recording – Start time of item – Session 1 - 25 minutes 38 seconds*

**RESOLVED:** That consideration of this referral takes place in conjunction with agenda item number 8 (Minute 59 refers).

**57 WASTE COLLECTION SERVICE IN NORTH HERTFORDSHIRE**

*Audio recording – Start time of item – Session 1 - 25 minutes 51 seconds*

Councillor Weeks, Executive Member for Waste, Recycling and the Environment, presented the report of the Service Director – Place in respect of the Waste Collection Service in North Hertfordshire.

The following Members of Cabinet asked questions and contributed to the debate:

- Councillor Julian Cunningham;
- Councillor Bernard Lovewell;
- Councillor Lynda Needham;
- Councillor Tony Hunter;
- Councillor David Levett;
- Councillor David Barnard.

The Service Director – Resources clarified the financial implications of the proposal.

Councillor Weeks and the Service Director - Place responded to the questions

Upon the vote it was

***RECOMMENDED TO COUNCIL:***

- (1) That, in recognition of the service received since the start of the new waste contract, which has not been of the standard we expect, the Council agrees an extension of the current 12 month payment period for green waste collection, for a further period of 3 months. The loss of income based on current (52%) uptake is approximately £290k;
- (2) That, in addition, to provide a free roll of compostable liners for the kitchen food waste caddies. The estimated cost of the liners is circa £30k.

***REASON FOR DECISION:*** To acknowledge service disruption in our waste collection service and demonstrate to residents that the Council is taking the issue and the inconvenience caused extremely seriously. Predominantly, garden waste collection and food waste collection have been disrupted.

**58 REGENERATION OF CHURCHGATE SHOPPING CENTRE**

*Audio recording – Start time of item – Session 1 – 39 minutes 9 seconds*

The Chairman of the Hitchin Committee presented the following referral from that Committee, made at its meeting held on 13 November 2018, in respect of the Regeneration of Churchgate Shopping Centre. He explained that the committee:

***“RECOMMENDED TO CABINET:***

- (1) That the Chairman of Hitchin Committee should be a member of the Churchgate Project Board;
- (2) That the Hitchin Committee:
  - (i) Welcomes the ideas and concepts put forward by the community groups, as presented by John and Vicky Wyer;
  - (ii) Notes that, whilst some of the proposals may not be viable at this time, nevertheless many of the concepts and ideas make a positive contribution to the development of the project;

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- (iii) Asks the Council to engage with representatives of the community groups in the design and development of the project, should it go ahead.”

The Executive Member for Finance and IT advised that, although he did not have a problem with the suggestion, it was not constitutionally the role of Cabinet to appoint members of a project board, it was the role of the lead officer.

The Executive Member for Finance and IT explained that it would be necessary to consider the Part 2 Item on this subject prior to considering the Part 1 report.

At this point Cabinet considered the Part 2 report (Minute 61 refers).

*Audio recording – Session 2 – 1 second*

Following consideration of the Part 2 Item the Executive Member for Finance and IT presented the report of the Deputy Chief Executive regarding the Regeneration of Churchgate Shopping Centre. The following appendices accompanied the report:

- Appendix A - Report due to be considered by Council on 22 November 2018;
- Indicative Site Plan - Ground Floor;
- Indicative Site Plan - First Floor.

He advised that, as a result of consideration of the Part 2 report, Cabinet had passed the following resolution:

“Cabinet recommends to Full Council that it notes that in light of the risks associated with the proposals, including the reliance on funding from the Local Enterprise Partnership, officers will urgently consider in more detail the alternative options in the event that the current proposals are unable to proceed; such alternative options to be reported to Full Council early 2019 if required.”

In respect of the referral from the Hitchin Committee, Councillor Cunningham proposed:

- (1) That the Chairman of Hitchin Committee should be a member of any Churchgate Project Board and notes that Paragraph 1.2.6 of the Council’s Constitution authorises the lead officer to choose the membership of the project board, in consultation with the Leader of the Council;
- (2) Cabinet notes the recommendations of the Hitchin Committee regarding engagement with community groups and recommends to Full Council that the Consultation Strategy, which will form part of any development management agreement with a developer, clearly sets out how the community will continue to be engaged with and how they will have opportunities to see and influence the final proposals.

Upon the vote it was:

**RESOLVED:** That Cabinet notes the recommendation that the Chairman of Hitchin Committee should be a member of any Churchgate Project Board and notes that Paragraph 1.2.6 of the Council’s Constitution authorises the lead officer to choose the membership of the project board, in consultation with the Leader of the Council.

**RECOMMENDED TO COUNCIL:**

- (1) That the proposals progress to the final work required prior to Full Council’s final approval of the terms of any proposal;

- (2) That the Consultation Strategy, which will form part of any development management agreement with a developer, clearly sets out how the community will continue to be engaged with and how they will have opportunities to see and influence the final proposals.

**REASON FOR DECISION:** The Council has been seeking to regenerate the Churchgate Centre for a number of years and a number of different proposals have been considered during that time, with none of those proposals progressing to a successful conclusion. The proposal currently being considered finds a solution to a number of the problems faced by previous proposals and would appear to be achievable in the short term. The proposals would also see significant investment in Hitchin Market and the public realm. The Council's potential investment in this regeneration opportunity is also expected to provide a reasonable financial return. The initial proposals received significant public support when they were consulted on in March/April 2018.

**59 NORTH HERTFORDSHIRE MUSEUM & HITCHIN TOWN HALL: ACQUISITION OF 14/15 BRAND STREET**

*Audio recording – Start time of item – Session 2 - 8 minutes.57 seconds*

Prior to the item being discussed Councillor Bernard Lovewell declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item.

Prior to the item being discussed Councillor Julian Cunningham declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item.

Prior to the item being discussed Councillor Michael Weeks declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item.

The Executive Member for Community Engagement and Rural Affairs presented a report of the Deputy Chief Executive in respect of North Hertfordshire Museum & Hitchin Town Hall: Acquisition of 14/15 Brand Street. The following Appendices were presented with the report:

- Appendix A - Proposed Settlement Agreement;
- Appendix B- Gantt chart of activities required for the full opening of Hitchin Town Hall and District Museum.

The Executive Member for Community Engagement and Rural Affairs referred Cabinet to the referral from the Cabinet Sub-Committee (Council Charities) (Minute 56 refers) which:

**RESOLVED:** That the Charities Sub-Committee:

- (1) Notes the proposal for the Council to acquire 14/15 Brand Street for a purchase price of £550,000.00;
- (2) Confirms that it has no objections to the settlement agreement referred to in the submitted report;
- (3) Authorises the Council to execute the settlement agreement on behalf of the Trust;
- (4) Delegates to the Service Director - Customers in consultation with the Trust Lawyer and the Chairman of the Cabinet Sub-Committee authority to review the management agreement entered into between the Hitchin Town Hall Gymnasium and Workmans Hall Trust and the Council and to make any minor amendments to take account of the settlement agreement in the event that it is completed;

- (5) Requests that the Cabinet be informed of the resolutions of the Sub-Committee as detailed in (1) – (4).

At this point Cabinet considered the Part 2 report (Minute 62 refers).

*Audio recording – Session 3 - 1 second*

Following consideration of the Part 2 report the Executive Member for Community Engagement and Rural Affairs proposed the recommendations as detailed in the report and upon the vote it was:

**RESOLVED:**

- (1) That the purchase of 14/15 Brand Street for £550,000 be approved;
- (2) That the Council should enter into the Settlement Agreement at Appendix A;
- (3) That the timeline for the full opening of the North Hertfordshire Museum be noted.

**REASONS FOR DECISION:**

- (1) To enable the Council to complete the development of the North Hertfordshire Museum/Hitchin Town Hall project as intended by Council and operate the facility for the benefit of the local community;
- (2) 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.

**60 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording – Start time of item – Session 1 - 48 minutes 10 seconds*

It was proposed by Councillor Cunningham and

**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 Paragraph 3 of Part 1 of Schedule 12A of the said Act.

**61 REGENERATION OF CHURCHGATE SHOPPING CENTRE**

This report was considered following the presentation of the referral from Hitchin Committee, but prior to consideration of the Part 1 report (Minute 58 refers)

The Deputy Chief Executive presented the report in respect of the Regeneration of Churchgate Shopping Centre. The following appendices accompanied the report:

- Appendix A - Report due to be considered by Council on 22 November 2018;
- Appendix A - Report of BNP Paribas Real Estate;
- Appendix B - Capital Viability Model;
- Appendix C - Revenue Viability Model;
- Appendix D - Financial Sensitivity analysis;
- Appendix E - initial risk log prepared for LEP bid.

Detailed debate and questioning regarding the report took place with the following Members contributing:

- Councillor David Levett;
- Councillor Lynda Needham;
- Councillor Julian Cunningham;
- Councillor Bernard Lovewell;
- Councillor David Barnard.

The Chairman agreed that Members present, who were not members of Cabinet could ask questions during the Part 2 debate, the following Members asked questions:

- Councillor Judi Billing;
- Councillor Ian Albert;
- Councillor Paul Clark.

The Deputy Chief Executive and Mr Rob Williams, BNP Paribas responded to questions.

Councillor Cunningham proposed the following recommendation to Council:

“Cabinet recommends to Full Council that it notes that in light of the risks associated with the proposals, including the reliance on funding from the Local Enterprise Partnership, officers will urgently consider in more detail the alternative options in the event that the current proposals are unable to proceed; such alternative options to be reported to Full Council early 2019 if required.”

Upon the vote it was:

**RESOLVED:** That the content of the Part 2 Council report be noted.

**RECOMMENDED TO COUNCIL:** That, Full Council notes that in light of the risks associated with the proposals, including the reliance on funding from the Local Enterprise Partnership, officers will urgently consider in more detail the alternative options in the event that the current proposals are unable to proceed; such alternative options to be reported to Full Council early 2019 if required.

**REASON FOR DECISION:** The Council has been seeking to regenerate the Churchgate Centre for a number of years and a number of different proposals have been considered during that time, with none of those proposals progressing to a successful conclusion. The proposal currently being considered finds a solution to a number of the problems faced by previous proposals and would appear to be achievable in the short term. The proposals would also see significant investment in Hitchin Market and the public realm. The Council's potential investment in this regeneration opportunity is also expected to provide a reasonable financial return. The initial proposals received significant public support when they were consulted on in March/April 2018.

## 62 **NORTH HERTFORDSHIRE MUSEUM & HITCHIN TOWN HALL: ACQUISITION OF 14/15 BRAND STREET**

This report was considered following the presentation of the referral from Cabinet Sub-Committee (Council Charities), but prior to consideration of the Part 1 report (Minute 59 refers).

Councillor Bernard Lovewell had previously declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item (Minute 59 refers)

Councillor Julian Cunningham had previously declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item (Minutes 59 refers)

Councillor Michael Weeks had previously declared a declarable interest in that he was a Member of the Cabinet Sub-Committee (Council Charities) and, in accordance with legal advice given previously, would leave the Chamber for the duration of the item (Minute 59 refers)

The Executive Member for Community Engagement and Rural Affairs presented the report of the Deputy Chief Executive in respect of North Hertfordshire Museum & Hitchin Town Hall: Acquisition of 14/15 Brand Street.

Upon the vote it was:

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**RESOLVED:** That the content of the part 2 Council report be noted:

**REASONS FOR DECISION:**

- (1) To enable the Council to complete the development of the North Hertfordshire Museum/Hitchin Town Hall project as intended by Council and operate the facility for the benefit of the local community;
- (2) 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 9.35 pm

Chairman