

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, Council Offices, Gernon Road, Letchworth Garden City on Thursday, 3 December 2009 at 7.30pm

PRESENT: Councillors David Miller (Chairman), David Levett (Vice-Chairman), Mrs A.G. Ashley, A. Bardett, D.J. Barnard, Liz Beardwell, David Billing, Judi Billing, S.N. Bloxham, Clare Body, John Booth, P.C.W. Burt, Tricia Cowley, J.M. Cunningham, Gary Grindal, Fiona Hill, T.W. Hone, A.F. Hunter, R.E. Inwood, Sal Jarvis, S.K. Jarvis, David Kearns, Lorna Kercher, Joan Kirby, Marilyn Kirkland, I.J. Knighton, Bernard Lovewell, Paul Marment, H.M. Marshall, Alan Millard, M.R.M. Muir, Elliot Needham, Mrs L.A. Needham, Lawrence Oliver, Michael Paterson, Deepak Sangha, R.L. Shakespeare-Smith, F.J. Smith, Martin Stears-Handscorn, Mrs C.P.A. Strong, R.A.C. Thake and M.E. Weeks.

IN ATTENDANCE: Chief Executive, Strategic Director of Customer Services, Strategic Director of Finance, Policy and Governance, Strategic Director of Planning, Housing and Enterprise, Planning Control and Conservation Manager, Area Planning Officer, Acting Corporate Legal Manager, Democratic Services Manager and Senior Committee and Member Services Officer.

ALSO PRESENT: Approximately 45 members of the public.

45. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop, Paul Clark, Melissa Davey, Lee Downie, Jane Gray and A.D. Young.

46. MINUTES

It was moved by Councillor F.J. Smith, seconded by Councillor T.W. Hone, and

RESOLVED: That the Minutes of the meetings of the Council held on 24 September 2009 and 20 October 2009 be approved as true records and signed by the Chairman.

47. NOTIFICATION OF OTHER BUSINESS

The Chairman referred to an omission in respect of Recommendation 9.3 on page 16 of the agenda, in respect of Item 6: Hitchin Town Hall – Museum Feasibility Study – Outcomes and Actions arising. After the words “FSR can still be completed” the words “subject to Cabinet agreeing arrangements with Hitchin Town Hall Trust for the future management of the property” should be added.

48. CHAIRMAN'S ANNOUNCEMENTS

(1) Green Apple Awards

The Chairman announced that the Green Organisation was dedicated to promoting environmental best practice around the world. It was best known for organising the International Green Apple Environment Awards - one for environmental best practice, and one for enhancing the built environment and architectural heritage.

The Chairman advised that their work began in 1994 and experience had shown that many had followed the examples of environmental best practice demonstrated by the Green Apple Award winners.

The Chairman was pleased to announce that the Council (and its partners) had recently won three Green Apple Awards. The first two awards were for Norton Common, Letchworth and Oughtonhead Common, Hitchin. Both were given for partnership working with the Countryside Management Service by developing plans that had attracted nearly £100,000 of external funding between them and for developing and managing very active “friends Groups” for each site.

The third award went to Buzzworks, together with the Parks & Countryside Development Service, for work at the Old Hale Way Allotments in Hitchin and for assisting a local bee keeping group to develop an educational facility on a piece of derelict land.

The Chairman presented the awards to the following officers and representatives of the Council's partner organisations:

Andrew Mills (Service Manager - Grounds Maintenance – NHDC);

Stephen Sears (Parks & Open Spaces Officer – NHDC);

Mike McCarthy (Grounds Maintenance Area Monitoring Officer - NHDC);

Angela Foster (Countryside Management Service);

Phil Lumley (Countryside Management Service);

Robin Dartington (Buzzworks).

(2) Baldock Town Centre Enhancement

The Chairman stated that the enhancement of Baldock Town Centre had been a major project over the past few years. He was sure that all Members would agree that the completed scheme looked excellent and was helping the business and social environment of the town. He was pleased to announce that this environmental enhancement project was the winner of the Horticulture Week Award for Best Commercial Scheme. He showed the Award to the Council, and commented that the project was an excellent example of NHDC leading a £3.2million partnership project involving the County Council, the designers (Building Design Partnership) and contractors (Skanska).

(3) Declarations of Interest

The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Chairman commented that there had been a number of enquiries from members concerning declarations of interest regarding Hitchin Town Hall. He invited the Acting Monitoring Officer (the Acting Corporate Legal Manager) to make some general remarks which he hoped would be of assistance to Members.

The Acting Monitoring Officer advised that the Council was the sole trustee of the Trust property attached to Hitchin Town Hall. The discharge of the trust functions was an executive function. For this purpose, the Cabinet had set up a sub-committee to manage and administer the Trust. The Members of the Sub-Committee were not the trustees.

The Acting Monitoring Officer explained that when Members of the Sub-Committee were considering matters relating to the trust property they must act in the best interests of the Trust; in other circumstances they must act in the best interests of the Council. Such a tension between roles was not uncommon in local government.

The Acting Monitoring Officer stated that there were two considerations where any Member was involved in decision-making:

- **The Code of Conduct:** the Members of the Sub-Committee cannot have a personal interest in this matter because the Cabinet Sub-Committee was part of the Local Authority and not a separate body. In the event that there was no personal interest, there could be no prejudicial interest.
- **Predetermination:** Predetermination or bias is where a councillor who was involved in making a decision was closed to the merits of any arguments relating to a particular issue. The basic legal position was that a councillor should not be party to decisions in relation to which he had a closed mind, and had pre-

determined the outcome of the matter to be decided irrespective of the merits of any representations or arguments which may be put to him or gave an appearance of being biased. It was important to be clear that it was legitimate for a councillor to be predisposed towards a particular outcome on the basis of their support of a general policy or position, as long as they were prepared to be open-minded and consider the arguments and points made about the specific issue under consideration.

The Acting Monitoring Officer stated that Members of the Cabinet Sub-Committee had been advised that as a matter of good practice, where they were taking part in debate and discussion that links to Hitchin Town Hall, they may wish to remind their Member colleagues of their involvement in the Cabinet Sub-Committee. This was only a matter of good practice and was not a legal requirement. In the event that a Member did this it did not mean that they had a personal or prejudicial interest, nor was there any legal requirement to declare one. It also did not mean that they were declaring themselves to be biased or having predetermined a decision, unless they were explicitly stating that to be the case.

49. PUBLIC PARTICIPATION

The following members of the public addressed the Council in relation to Item 6 on the agenda – Hitchin Town Hall: Museum Feasibility Study – Outcomes and Actions Arising (see Minute 50 below):

(i) Rosemary Read (Hitchin Forum)

Ms Read stated that she would be speaking on behalf of the business and community organisations in Hitchin that had been so closely involved in this issue. These organisations were the Hitchin Chamber of Commerce, and Hitchin Initiative; the civic organisations Hitchin Forum, Hitchin Society and Keep Hitchin Special, and the arts in the form of the Arts Council for North Hertfordshire and Hitchin Art Club.

Ms Read began by explaining that the whole museum question went back to the Fundamental Service Review of Museums held in 2004. This identified the Collections Centre as a very high priority, although this had now effectively disappeared as a result of the high capital cost of implementing the current plans.

Ms Read advised that, for the last four years, the Council had been running an Arts, Museums and Heritage Forum, involving representatives of community groups throughout the District. A great deal of time and effort had been put into this process by community volunteers, but whenever they expressed concern they were assured that the time was not right for such a discussion, and an appropriate opportunity would occur in the future. In short, she considered that the views of community representatives throughout this process had been effectively overruled.

Ms Read commented that the community representatives had been told that the right time to raise concerns would be when a Facilities Working Group was established, but again an appropriate time for raising issues of fundamental concern never occurred. Instead, the Council announced a sudden and unexpected decision in January 2009 that Hitchin Town Hall would be converted to a District-wide museum. No meaningful discussion or consultation had been permitted since then, and she understood that the conversion of Hitchin Town Hall remained the firm intention of the District Council, without any willingness to consider alternative options.

Ms Read noted that this course of action had been strongly challenged by Council committees: the Hitchin Area Committee, the Letchworth Area Committee and the Scrutiny Committee. It was being progressed in the face of a range of well-reasoned arguments from community groups and the wider general public in Hitchin. This was confirmed by the letters to the local press and by a strongly supported petition, with over 5,000 signatures, asking the Council to pause and reconsider its position.

In terms of what the community groups considered was wrong with the current proposals, perhaps most fundamentally, they believed that a town of 30,000 people, and still growing fast, needed a high-quality vibrant, successful community centre. This was essential to fostering the spirit of a well-functioning society; without it, residents were all the poorer, and surely no-one would advocate, even in today's straightened circumstances, having any lesser sense of community in Hitchin. In this

respect, the Town Hall played a unique role in the life of Hitchin, in being common ground for the whole community; members of Hitchin's minority groups were able to feel at home there, in the same way as did members of the wider community.

Ms Read stated that this sense of sharing was not something that could simply be achieved by hiring commercial premises or church halls, valuable as these were, for specific events. The Town Hall belonged to Hitchin, and that was how local people felt.

Ms Read explained that the overwhelming view in Hitchin was that the Town Hall, a fine Italianate art deco building designed by Geoffrey Lucas and E.W. Mountford in the closing years of the nineteenth century, should continue, by one means or another, as the principal community venue for Hitchin, not least because the main hall was the only hall in central Hitchin big enough to accommodate large-scale events.

More specifically, Ms Read commented that there were too many uncertainties around the current plan. She believed that the planned conversion had simply not been costed, and certainly not costed with the rigour required even for a decision in principle to go ahead. This exposed the Council (and council tax payers) to a level of risk not justified by any possible merits of the scheme. There was also no robust business plan backing the proposal; indeed there was no business plan at all, again exposing the Council to further financial risk and very uncertain outcomes.

The Chairman thanked Ms Read for her presentation.

(ii) Keith Hoskins (Hitchin Initiative)

Mr Hoskins commented that, in addition to the concerns raised by the previous speaker, further uncertainty had now arisen around the intentions for Letchworth. It was understood that future arrangements for a Letchworth Museum were being actively considered, which could result in Letchworth exhibits, and possibly some District-wide aspects of the collection, being housed in the former Letchworth Town Hall. Should such a scheme go ahead, it would effectively undermine the concept of a District-wide museum in Hitchin Town Hall. The small, and locally focused museums in Baldock, Ashwell and Royston, confirm the essentially local nature of local museums, and that was as true for Hitchin as elsewhere.

Mr Hoskins referred to the role of the Trustees of the Gymnasium and Workman's Hall, an integral part of the scheme to accommodate a District-wide museum in Hitchin Town Hall. He was sure the Trustees understood that their primary responsibility lay to the charitable trust and not to a Council or Cabinet to which they might also belong. There was also an issue concerning the boundaries of the area covered by the charitable trust - this needed to be resolved, and approved by the Charity Commission, before any decision could be made affecting that part of the Town Hall. Any premature decision was not only unnecessary, but could be challenged, thereby introducing great uncertainty into the process.

In terms of a way forward, Mr Hoskins and the community groups recognised the almost unprecedented pressures under which local authorities were operating. Financial constraints were severe, and all too likely to intensify next year. They were under no illusions that better times were around the corner, and recognised that severe constraints will continue into the future.

Against this background, Mr Hoskins and the community groups were not saying, and indeed had never suggested, that the District Council could continue to fund community services as may once had been possible. They were not arguing that it was the Council's responsibility to fund a Town Hall for Hitchin any more than it funded village halls throughout the District. Quite the reverse. They believed that if a community wanted to have a focal point in the form of a town or village hall, it should find the means of making this possible. However, it was clear from all the testing of opinion over recent months that people in Hitchin, and elsewhere in the District, wanted Hitchin to have a high quality community venue of a size appropriate to a town of 30,000 people.

Mr Hoskins and the community groups believed that urgent steps should now be taken to find ways of making this possible, ultimately through some form of community ownership. This may involve the Town Hall being managed by a

Community Trust or a Community Interest Company, in which Hitchin Initiative and other community organisations would play a role. However, the work of setting up such an arrangement required people to put time, effort and eventually money into a scheme. Clearly, planning for this could not start until the Council was willing to indicate unambiguously that this could be a possible way forward, and was prepared to join in discussions to find ways of making this happen.

Mr Hoskins asked that the Council paused in its tracks as far as the current plans for Hitchin Town Hall were concerned. He asked that the Council did not progress this evening to committing more money to a scheme which had little or no local support in Hitchin, and indeed was strongly opposed by the elected representatives of Hitchin. He further asked that the Council should engage with the wider community in Hitchin by opening discussions in a positive and constructive way to explore the possibility of a community partnership being able to take responsibility for Hitchin Town Hall. This would enable it to remain as the principal community venue for Hitchin, while progressively becoming no longer a burden on the District Council.

The Chairman thanked Mr Hoskins for his presentation.

(iii) Roger Hawkins (a resident of Hitchin)

Mr Hawkins advised that he was the Deputy Chairman of the North Hertfordshire Arts Council, and had used Hitchin Town Hall for various reasons over the years. He considered that the proposal to convert the Town hall to a Museum was very much one of expediency for the Council, as the facility had been neglected for some time, both in terms of its upkeep and with poor marketing of the facilities on offer. In addition, the Cabinet had decreed that the District should have one large modern museum to house both the Hitchin and Letchworth collections in order to solve this problem by moving it all into Hitchin Town Hall. He felt that the Council was paying lip service to the public, and had totally ignored the view of many Hitchin residents regarding the matter, exemplified by the lack of consultation over the proposals.

Mr Hawkins referred to the Cabinet meeting held in the Town Hall in May 2009, at which Members had agreed to commission the Feasibility Study at a cost of £30,000 to consider options for the future use of the Town Hall. At this meeting, other options were put forward, but it appeared that no alternative options had been considered since the meeting.

Mr Hawkins commented that one report from Council officers described the existing Hitchin Museum as "unfit for purpose". He considered this to be a provocative description that in the minds of some councillors undoubtedly ruled it out as a museum for the future. He felt that it may not fit the purpose of a large District Museum, but would be more than adequate for Hitchin.

Mr Hawkins did not accept the need for a District wide museum, and certainly not in Hitchin Town Hall. There should be a museum in each of the District's towns (as was currently the case). He felt that it would be possible to extend the existing Museum in Hitchin, in consultation with Hertfordshire County Council. He suggested that the Council abandoned the idea of a cafeteria; moved the electricity sub-station on the Paynes Park site; and used the Town Hall gymnasium as a collection centre and the Workman's Hall as study space and office accommodation for staff. There should even be room for the Citizens' Advice Bureau which, he had been informed, was destined to move into the museum premises, when vacated.

Mr Hawkins concluded by urging the Council to reject, or at least defer, the proposals for conversion of the Hitchin Town Hall to a museum, until such time as proper consideration had been given to all possible alternative options.

The Chairman thanked Mr Hawkins for his presentation.

(iv) Colin Dunham (a resident of Hitchin)

Mr Dunham referred to Policy 28 of the NHDC Emergency Plan which stated that, in the event of an emergency, various leisure centres and community halls, including Hitchin Town Hall, would be used as reception centres. He asked that, should the

Hitchin Town Hall be converted to a Museum, where would the reception centre be located in Hitchin?

The Chairman thanked Mr Dunham for his presentation.

- (v) Gulzar Singh Sahota (representing the Sikh and Asian community of North Hertfordshire)

Mr Sahota explained that he was a resident of Hitchin and was Chair of the Trustees of the Ramgarhia Gurdwara Society in Hitchin. He was aware that the proposal for the change of the Hitchin Town Hall's use had been under consideration by the Council for some time. The proposal to change its use to a museum, plus some other facilities, in order to accommodate the existing museums, had brought about a great deal of controversy and had created an atmosphere of disbelief amongst the general public.

Mr Sahota felt that public opposition to these proposals was natural, as to the ordinary person in the street, the Town Hall was a symbol of social and cultural history which nobody wanted to lose. The people of Hitchin had used the Town Hall for civil, social, cultural, business and family purposes, often on many occasions. In addition, residents of other areas of North Hertfordshire had used the Town Hall over the years for a variety of purposes.

Mr Sahota had lived in Hitchin for the last 44 years, and had seen a number of changes, some for the better and others for the worse. He was aware that, part from Hitchin Town hall, there used to be another hall known as the Ballroom Dancing Hall at Hermitage Road in Hitchin. Although its use was limited, it could still be hired for social events. Its use was eventually changed to a Bingo hall, which meant the loss of a vital venue available for social use. There were other halls available in Hitchin, but these were too small for many functions that took place throughout the year which need a larger facility, such as the Hitchin Town Hall.

Mr Sahota explained that the Sikh and Asian communities in North Hertfordshire represented about 6% of the total population. All of these residents currently had use of the Town Hall for weddings – there was no other facility in North Hertfordshire that could be of any use for these weddings, as often the number of guests could be as many as 700. He realised that Hitchin Town Hall alone could not accommodate such numbers, but the venue had been used successfully in the past by “doubling up” with the adjoining gymnasium.

Mr Sahota commented that the Asian community had also used Hitchin Town Hall for social and cultural functions. A number of important days, such as Indian Republic Day, and festivals such as Diwali, had been celebrated at the Town Hall. On these occasions, the festivities had been enjoyed not only by Asian, but by other communities as well. This had enabled enhanced understanding and harmony amongst people living in the area, and hence the loss of the Town Hall as such a venue would be disastrous for those who worked towards improving race and cultural cohesion in the town and North Hertfordshire generally.

Mr Sahota stated that Hitchin had lost many aspects of a decent town society. It had lost three cinemas, one Ballroom Dancing Hall, many churches, the Court House, and many businesses over the past few decades. He acknowledged that much of this had very little to do with NHDC, but was nevertheless a statement of fact. Changing the use of Hitchin Town Hall would further diminish not only the character of the town centre, but would further deprive Hitchin residents of their right to use a decent venue for their family, social and cultural functions. He felt that it would be a great loss for the general public that relied upon this invaluable facility.

Mr Sahota concluded by urging the Council to reject the proposals that were seeking to change the use of the Hitchin Town Hall, as he considered that these proposals were not in the interests of anybody.

The Chairman thanked Mr Sahota for his presentation.

(vi) Chris Parker (Keep Hitchin Special)

Mr Parker stated that the content of his presentation had not been mentioned before and was extremely important when being considered by those councillors who would be voting at the meeting.

He considered that, if this were left, then it could eventually be dealt with by Cabinet or Council as a Part 2 item, which would exclude the public and press.

Mr Parker found it difficult to comprehend that the Councillors and Officers were supporting the Museum Service, which was there to protect our heritage, whilst on the other hand were supporting proposals to alter significantly the interior of the Town Hall resulting in the loss of the sprung dance floor, removal of the stage, the insertion of a mezzanine floor etc., and make alterations externally which would damage and alter the fabric of this fine building.

Mr Parker advised that it was for this reason, and the fact that the Hitchin Town Hall had Architectural and Historic merit, that an application had been submitted to English Heritage for this to be passed to the Secretary of State to be listed nationally.

Mr Parker commented that the agenda before Members on Page 6 stated "Hitchin Town Hall was not a listed building, and the English Heritage - Law and Government Selection Guide March 2007 suggested that the Hitchin Town Hall would not pass the greater selectivity test applied to municipal building built from the middle years of the nineteenth century onwards to be designated as of Special Interest". However, the current application had been submitted and accepted under Guidance Notes dated 2008 and English Heritage had felt that based on the application this was likely to meet the listing criteria.

Mr Parker considered that what was of concern was that the Council did not appear to have an alternative plan in place should this building be listed. Under normal circumstances, the Council's Planning Department would serve a Building Preservation Notice on the owner of the building, which was not currently listed nationally, but was of special architectural or historic interest and was in danger of alteration in such a way as to affect its character. Mr Parker considered this to be the case with Hitchin Town Hall.

Mr Parker concluded by referring to a telephone call he had received on the morning of the date of the meeting from English Heritage and quoted "Just to let you know that we are going to take this forward as a case. The case reference is 169415. The letters will be going out today, so you should hear from our adviser shortly". This meant that the Council should receive a letter on 4 December 2009 or by 7 December 2009 at the latest.

The Chairman thanked Mr Parker for his presentation.

(vii) David Rice (Hitchin Art Club)

With the aid of Powerpoint slides, Mr Rice presented a scheme for the extension of the existing Hitchin Museum at Paynes Park, Hitchin, as an alternative to the conversion of Hitchin Town Hall to a new Museum.

Mr Rice stated that, for 66 years, the Hitchin Art Club had used Hitchin Museum and its galleries, mainly for the Club's Annual Exhibition. He advised that footfall showed that the Museum and Library on the Paynes Park site had co-existed with mutual benefit for a number of years. The Art Club was fundamentally opposed to the NHDC proposal to use Hitchin Town Hall a District museum (or for any museum purpose).

Mr Rice presented a series of drawings for his proposal to extend the museum to "fill in" the existing central gap between it and the library, in order to create additional gallery space.

Mr Rice considered that Hitchin was visibly growing fast, requiring comparable growth in leisure activities. Hitchin was a lively town of enjoyable restaurants, theatres and nightclubs, and had consistent footfall greater than any other town in North Hertfordshire. If Museum and Town Hall were properly managed, Hitchin would

attract even more visitors to enjoy the town's facilities, and it would justly thrive. For the Hitchin Art Club, it was very important that the existing Museum remained, and was extended on its current site in partnership with the Library.

The Chairman thanked Mr Rice for his presentation.

50. HITCHIN TOWN HALL: MUSEUM FEASIBILITY STUDY – OUTCOMES AND ACTIONS ARISING

[Prior to the consideration of this item, Councillors I.J. Knighton, Bernard Lovewell and Mrs C.P.A. Strong, declared that they were Members of the Cabinet Sub-Committee (Hitchin Town Hall Trust) and that they would be considering the matter with an open mind].

The Council considered a report of the Strategic Director of Customer Services in respect of the Hitchin Town Hall: Museum Feasibility Study – Outcomes and Actions arising. The following annexes were submitted with the report:

Annex 1 - Hitchin Town Hall Museums Feasibility Study - October 2009;
Annex 2 - Report to Cabinet 20th October 2009 Hitchin Town Hall- Museums Feasibility Study – Update on progress;
Annex 3 - Report to Cabinet 20th October 2009, Hitchin Town Hall- Museums Feasibility Study – Technical annex.

In introducing the item, the Strategic Director of Customer Services advised that a meeting had taken place with many of the regular hirers of the venue on 2 December 2009. He reported that, in general terms, the hirers of the gymnasium and Lucas Room were content with the proposals. The major hirers of the Main Hall for large scale events were less content with the proposals, although an offer had been made by the Council to these hirers to assist them as much as possible in providing future accommodation for their events.

At the invitation of the Chairman, and with the aid of Powerpoint slides, Mr Neal Charlton (on behalf of Buttress Fuller Alsop Williams, the Council's consultant Architects) gave a presentation on the various aspects of the proposed scheme, both in terms of the new Museum element and the improved community facilities. One of the features that Mr Charlton drew attention to was the shared entrance, which enabled the new facilities to be in use at the same time or independently of each other. Mr Charlton advised that the scheme had an estimated construction cost of £2.5million, with an additional fit out budget of £1million, a total of £3.5million. He presented an indicative timetable for the project, which showed a potential opening of the new facility around Easter 2012.

It was moved by Councillor Tricia Cowley, and seconded by Councillor F.J. Smith, that the recommendations contained in the report be approved.

The Portfolio Holder for Community Engagement and Rural Affairs (Councillor Cowley) made reference to the additional information set out in the report which had been drafted in response to a number of the issues raised by the various councillors and residents who had addressed the Cabinet at its meeting held on 20 October 2009 regarding the Hitchin Town Hall - Museum Feasibility Study.

The Chairman advised that three amendments to the motion had been submitted by Councillors Stears-Handscomb, L.W. Oliver and R.A.C Thake. He exercised his discretion by taking the amendment submitted by Councillor Thake first as it referred to a possible deferral of the matter.

It was moved by Councillor R.A.C. Thake, and seconded by Councillor R.L. Shakespeare-Smith, that recommendation 9.3 of the report be replaced with "That, before considering whether or not to progress this project, the whole matter be deferred to the next meeting of Council on 4 February 2010, to allow proposals from community groups who have previously expressed interest to be submitted, examined and reported on".

Following a full debate, and, in accordance with Standing Order 16.5, Councillor F.J. Smith asked for a recorded vote be taken on this amendment.

(Voting:

For: Councillors Mrs A.G. Ashley, A. Bardett, D.J. Barnard, Liz Beardwell, David Billing, Judi Billing, S.N. Bloxham, Clare Body, John Booth, Tom Brindley, P.C.W. Burt, Tricia Cowley, J.M. Cunningham, Gary Grindal, Fiona Hill, A.F. Hunter, T.W. Hone, R.E. Inwood, Sal Jarvis, S.K. Jarvis, David Kearns, Lorna Kercher, Joan Kirby, Marilyn Kirkland, I.J. Knighton, David Levett, Bernard Lovewell, Paul Marment, H.M. Marshall, Alan Millard, D. Miller, M.R.M. Muir, Elliot Needham, Mrs L.A. Needham, L.W. Oliver, Michael Paterson, Deepak Sangha, R.L. Shakespeare-Smith, F.J. Smith, Martin Stears-Handscomb, R.A.C. Thake and M.E. Weeks – 42.

Against: 0.

Abstention: Councillor Mrs C.P.A. Strong – 1.

The amendment was carried.)

In view of the outcome of the debate upon the above amendment, Councillors Stears-Handscomb and Oliver agreed to withdraw their respective alternative amendments.

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

RESOLVED:

- (1) That the findings set out in the Feasibility Study (Annexes 1 to 3) and the report be noted;
- (2) That the recommendation from Cabinet at its meeting held on 20 October 2009, as set out in the report, be noted;
- (3) That, before considering whether or not to progress this project, the whole matter be deferred to the next meeting of Council on 4 February 2010, to allow proposals from community groups who have previously expressed interest to be submitted, examined and reported on;
- (4) That the closure of Letchworth Museum be delayed to coincide with the plans to open the new museum.

REASON FOR DECISION: To allow for consideration of potential further options for the future use of Hitchin Town Hall, before a final decision is made.

51. MEMBERS' ALLOWANCES SCHEME 2010/11

The Council considered a report of the Independent Remuneration Panel in respect of a proposed Members' Allowances Scheme for 2010/11. The following appendices were submitted with the report:

Appendix A – Recommended Scheme of Allowances 2010/11;

Appendix B – Comparative Information;

Appendix C – Survey of NHDC Members;

Appendix D – Survey of IT allowances/provision within Hertfordshire Districts.

It was moved by Councillor F.J. Smith, and seconded by Councillor D. Miller, that the recommendations contained in the report be agreed.

The Cabinet Portfolio Holder for Finance (Councillor T.W. Hone) commented that the overall cost (£281,810) of the proposed increase in Members' Allowances had been included in Budget estimates for 2010/11.

As an amendment to recommendation 9.1 in the report, it was moved by Councillor R.E. Inwood, and seconded by Councillor S.K. Jarvis, that a 0% increase in Members' Allowances be agreed for 2010/11.

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

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

RESOLVED:

- (1) That the Scheme of Members' Allowances for 2010/11, set out in Appendix A, including a 1% increase in basic and special responsibility allowances, plus a further £50 increase in the basic allowance and £17 increase in SRAs for computer consumables, be approved;
- (2) That, the Independent Remuneration Panel carries out a detailed review of the Members Allowances Scheme, with a view to recommending a revised scheme for 2011/12;
- (3) That a budget of £4,000 be allocated to provide temporary administrative assistance to the Panel, in carrying out necessary research and fieldwork;
- (4) That the Review commence at the earliest opportunity in the new calendar year to enable the Panel to Report to Council prior to the budget setting process for 2011/12.

REASON FOR DECISION: To assist the Council in determining a Scheme of Members' Allowances for 2010/11 and thereafter.

52. ITEM REFERRED FROM LICENSING AND APPEALS COMMITTEE – 5 NOVEMBER 2009 – GAMBLING ACT 2005: STATEMENT OF PRINCIPLES 2010

The Council considered the minute of the meeting of the Licensing and Appeals Committee held on 5 November 2009 in respect of the Gambling Act 2005: Statement of Principles 2010 (Minute 6 refers). A copy of the report considered by the Licensing and Appeals Committee was included with the agenda, as was the following appendix:

Appendix D – Final Statement of Principles 2010.

It was moved by Councillor P.C.W. Burt, and seconded by Councillor D.J. Barnard, that the recommendation contained in the report be approved.

RESOLVED: That the proposed Statement of Principles 2010 in respect of the Gambling Act 2005, as attached at Appendix D to the report, be adopted.

REASON FOR DECISION: To ensure publication of a Statement of Licensing Principles every three years, in accordance with Section 349 of the Gambling Act 2005. A new Statement must be published by 2nd January 2010.

53. PLANNING APPLICATION 09/01840/1SU - LAND NORTH AND EAST OF CADWELL LANE AND WILBURY WAY AND WEST OF STOTFOLD ROAD, HITCHIN (HITCHIN RAILWAY CURVE)

The Council considered a report of the Strategic Director of Planning, Housing and Enterprise in respect of planning application 09/01840/1SU – Land north and east of Cadwell Lane and Wilbury Way and west of Stotfold Road, Hitchin (Hitchin Rail Curve). The following appendices were submitted with the report:

Appendix A1 - Officers report to the North Hertfordshire District Council Planning Control Committee - 2/11/09;

Appendix A2 – Addendum Report to the North Hertfordshire District Council Planning Control Committee - 2/11/09;

Appendix A3 - Minutes of the North Hertfordshire District Council Planning Control Committee - 2/11/09;

Appendix A4 – Covering letter dated 6 November 2009 to Secretary of State for Transport setting out the formal representations of the Planning Control Committee.

It was noted that the Council was a consultee in respect of a Transport and Works Act Order which had been submitted, by Network Rail Infrastructure Limited, to the Secretary of State for Transport on 30 September 2009 for a new single track

railway link north of Hitchin station, across the East Coast Main Line, to join the existing Cambridge branch line at Stotfold Road.

The Council was informed that this matter had been reported to the Council's Planning Control Committee on 2 November 2009, in order for the District Council to respond to the Draft Order by 11 November 2009 following the six week consultation period set by the Department of Transport. A copy of the Planning Control Committee officer's report, addendum report and minutes of the meeting, together with a covering letter to the Secretary of State for Transport dated 6 November 2009, were all attached at Appendix A to the report.

The Department of Transport had confirmed receipt of the Planning Control Committee's formal comments on the Draft Order, and had also confirmed that the representations would be considered as holding objections provided that they were endorsed by the full Council as soon as reasonably possible. The provisions of Section 239 of the Local Government Act 1972, as applied by Section 20 of the Transport and Works Act 1992, required that, for a local authority to make a valid objection to a TWA Order, it had to have been endorsed by a majority of the whole number of the Members of the Council.

It was moved by Councillor F.J. Smith, and seconded by Councillor Mrs L.A Needham, that the recommendations contained in the report be agreed, in that the Planning Committee's resolutions be confirmed.

As an amendment, it was moved by Councillor David Billing, and seconded by Councillor S.K. Jarvis, that the Planning Committee's resolutions be confirmed, with the exception of resolution (B), which objected to the proposal on the grounds of its detrimental impact on the Green Belt.

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

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

RESOLVED:

- (1) That, in accordance with Section 239 of the Local Government Act 1972 as applied by the Transport and Works Act 1992, the Council endorses the resolutions of the Planning Control Committee made on 2nd November 2009, as set out in Appendix A to the report and the letter dated 6th November 2009 sent to the Department of Transport to object to the Hitchin (Cambridge Junction) Draft Order;
- (2) That, in addition to the endorsement of the Planning Control Committee resolution and the objections raised on behalf of the Council as landowner, the Council informs the Secretary of State that North Hertfordshire District Council expects the Draft TWA Order to be the subject of a public inquiry.

REASON FOR DECISION: To respond to the Hitchin (Cambridge Junction) Order as set out in detail within the appendix documents, but in summary the District Council, in its capacity as Local Planning Authority and landowner whose landowning interests are affected by the Draft Order, is required to fulfil its statutory obligations to respond to the Draft TWA Order.

54. QUESTIONS FROM MEMBERS

SNAP (Stevenage and North Hertfordshire Action Plan) Consultation

In accordance with Standing Order 10.4(a), the following question had been submitted by Councillor Lee Downie to Councillor Tom Brindley (Cabinet Portfolio Holder for Planning and Transport):

"How many public responses were received to the SNAP consultation and what were the main opinions expressed in those responses?"

It was agreed that, in view of Councillor Downie's non-attendance at the meeting, the question be deferred to the next Council meeting on 4 February 2010.

55. NOTICE OF MOTIONS

(a) Circuses using animals performing on Council land

Due notice having been given in accordance with Standing Order 11.1, it was moved by Councillor Peter Martin Stears-Handscorn, and seconded by Councillor Paul Marment,

“That this Council agrees to take the necessary action to prevent the use of Council land by circuses using performing animals.”

Following a brief debate upon this item, the mover and seconder agreed to withdraw the motion, as it was

RESOLVED: That the Portfolio Holder for Housing and Environmental Health investigate the history of this matter and arrange for officers to provide a full report on the issue to the next Council meeting on 4 February 2010.

(b) Reduction in CO2 emissions – the “10:10 campaign”

Due notice having been given in accordance with Standing Order 11.1, it was moved by Councillor S.K. Jarvis, and seconded by Councillor Lawrence Oliver,

“That the Council notes that the “10:10 Campaign” seeks to persuade individuals, businesses, organisations and UK central and local government to reduce their CO2 emissions by 10% in 2010.

That the Council supports the aims and ambitions of the 10:10 Campaign and therefore resolves to sign the Council up for the 10:10 Campaign.”

Following a full debate, and upon being put to the vote, this motion was lost.

The meeting closed at 11.27pm.

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Chairman