

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

Meeting held at Council Offices, Gernon Road, Letchworth Garden City
on 27 June 2006

Minutes

PRESENT: *Councillors F.J. Smith (Chairman), Tricia Gibbs, T.W. Hone, I.J. Knighton, Mrs. L.A. Needham, R.A.C. Thake and Sarah Wren.*

IN ATTENDANCE: *Chief Executive, Strategic Director of Customer Services, Strategic Director of Financial and Regulatory Services, Accountancy Manager, Head of Community Development and Cultural Services, Head of Policy, Partnerships and Performance, Head of Planning and Building Control, Head of Leisure and Environmental Services, Head of Legal & Democratic Services, Regional & Strategic Sites Manager, Scrutiny Officer, Democratic Services Manager, Parks and Countryside Development Manager, Project Manager, Scrutiny Officer and Committee and Member Services Officer.*

ALSO PRESENT: *Councillors David Billing, J.M. Cunningham (Chairman of Performance, Audit and Review Committee), Lorna Kercher (Chairman Scrutiny Finance Sub Group), M.R.M. Muir (Chairman Usage & Promotion of Market Task & Finish Group) Martin Stears (Chairman Scrutiny Committee), Sally Patient (Communications Manager, Herts Police), 4 members of the public.*

CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Cabinet that the meeting would be adjourned at 7.50 p.m. to allow Members to attend a meeting of the Council which was to be held at 8.00 p.m. in the Council Chamber. The meeting of Cabinet would then be resumed upon the rising of the Council meeting.

11. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor A.D. Young.

12. MINUTES

RESOLVED: That the Minutes of the meeting of Cabinet held on 6 June 2006 be approved as a true record of the proceedings and signed by the Chairman.

13. NOTIFICATION OF OTHER BUSINESS

The Chairman had agreed consideration of an urgent item regarding Hitchin Market Traders Association Business Plan. This matter would be considered as Agenda Item 6a.

- The Chairman added that an Addendum to Agenda Item 9; East of England Plan – Report of the Panel (June 2006) had been tabled.

14. DECLARATIONS OF INTEREST

During consideration of item 13, Councillor Richard Thake declared a personal interest as his son was currently in unpaid employment for the Hitchin Town Centre Initiative. He remained and voted on the item.

During consideration of item 13, Councillor Ian Knighton declared a personal interest as he was listed as one of the Councillor representative on the Baldock Town Centre Partnership. He remained and voted on the item.

15. 2005/2006 ANNUAL STATEMENT OF ACCOUNTS

The Chairman of the Scrutiny Finance Sub Group presented the comments made by the Scrutiny Finance Sub Group at their meeting of 22 June 2006 regarding the Annual Statement of Accounts 2005/6. Cabinet considered the comments along with the report.

The Portfolio Holder for Finance introduced the report of the Strategic Director of Financial and Regulatory Services that updated Cabinet on the unaudited financial statements for 2005/2006 that were embodied within the Statement of Accounts at Appendix A.

The Portfolio Holder for Finance explained that it was now clear from the regulations that the Annual Statement of Accounts should be approved by a non executive committee and would be going to Council later that evening.

The following documents were appended to the report:

Appendix A – Annual Statement of Accounts 2005/2006, attached as a separate document;

Appendix B – Carry Forward Budgets requested for 2006/07;

Appendix C - Treasury Management Activity 2005/06.

RESOLVED:

- (1) That the contents of the report and its impact on the Annual Statement of Accounts be noted;
- (2) That the increase in the transfer to the DSO reserve of £5k, (paragraph 4.7 of the report referred) be noted;
- (3) That the total carry forwards for the year of £772k, which included the additional carry forward of budgets of £644k, which included the carry forward proposal for the LABGI grant (paragraph 4.4 of the report referred) be approved;
- (4) That the amendments to the 2006/07 budget of £373kcr, (Paragraph 4.1, table 1 of the report referred) be approved;
- (5) That the Council's treasury management activities for 2005/06 and the operational lease agreements entered into in 2005/06, which totalled £366k be noted;
- (6) That the comments made by the Scrutiny Finance Sub Group at their meeting of 22 June 2006 be noted.

REASONS FOR DECISIONS:

- (1) To enable any queries raised to be addressed before the Statement of Accounts for 2005/2006 was presented to Council for approval;

- (2) To ensure Cabinet's budget monitoring role was fulfilled before acceptance of the Annual Statement of Accounts by the 30th June 2006;
- (3) To ensure scrutiny of the Council's treasury management activities for 2005/06 and approval of all operational leases entered into in 2005/06.

The meeting of Cabinet adjourned at 8.00 p.m. to allow Members to attend a meeting of Council.

The meeting of Cabinet resumed at 8.25 p.m.

16. PUBLIC PARTICIPATION

Mrs Cousins had given due notice that she wished to speak at the meeting on behalf of the Hitching Market Traders regarding the Hitchin Market Traders Association Business Plan.

Key points made by Mrs Cousins included:

- Success of the market hinged on the utilisation of the whole of the Business Plan;
- Traders would prefer at least a one year commitment;
- There had been a rapid decline of the market which had been exacerbated by the talk of redevelopment in the area;
- The market benefited the whole of Hitchin.

In response to a question, Mrs Cousins confirmed that there had been a loss of passing trade due to the location of the market.

The Chairman of Cabinet thanked Mrs Cousins for her presentation.

17. URGENT ITEM - HITCHIN MARKET TRADERS ASSOCIATION (HMTA) BUSINESS PLAN

Reason for urgency: The Chairman had accepted that this matter be considered as a matter of urgency because a decision could not reasonably have been deferred because the business plan urgently needed to be considered and resolved prior to the next meeting of Cabinet on 25 July.

This item was taken in conjunction with agenda item 14, Review of Usage and Promotion of Markets Task and Finish Group.

The Portfolio Holder for Leisure and E-Government presented a report of the Strategic Director of Customer Services that asked if Cabinet wished to underwrite the financial risks arising from implementation of the Hitchin Market Traders Association (HMTA) business plan and made the following points:

- The Council was fully committed to the markets;
- Markets make a net loss to the Council;
- Need to balance financial risk with vitality of the markets;
- Churchgate development would have an impact on the market in Hitchin;
- Income was declining;
- Need to act swiftly.

The Portfolio Holder for Leisure and E-Government added that at paragraph 3.5 of the report, the suggested decrease in charges to £10 for any stall on Tuesday market and £15 for any stall on Saturday market could potentially generate additional traders. He further added that there was an amount of £14,000 that could be made available if needed. He suggested that a trial period of six months be agreed and the results analysed using set criteria.

Councillor David Billing (Hitchin Committee) addressed Cabinet. He urged Members to support the proposal to help halt the decline of the market. He added that an advertising and general promotion of the market would be beneficial.

It was suggested that the Hitchin Area Committee may wish to assist in funding advertising.

The Strategic Director of Financial Services advised Cabinet that should they decide to underwrite the potential loss, the resolution would have to be referred to Council for approval as this would be a change to accepted policy.

RESOLVED:

- (1) That a £10 charge for any stall on a Tuesday market, £15 for any stall on a Saturday market and casual traders to pay the same as licensed traders be put in place for a trial period of six months to be determined in conjunction with the Market Traders Association;
- (2) That, in principle, the potential loss of c£31k be underwritten for the same period of six months;
- (3) That the Hitchin Area Committee be advised about the above decisions and be requested to continue to review the actions taken to support Hitchin market;
- (4) That it be noted that a report on an options appraisal for the Council markets would be presented to the next meeting of Cabinet on 27 July 2006.

REASONS FOR DECISIONS:

- (1) To ensure consistency with the Council's agreed budget strategy;
- (2) To provide HMTA, customers and other stakeholders with a direct response to the request for additional financial backing;
- (3) To ensure local oversight of market operations continue to be provided.

RECOMMENDED TO COUNCIL:

- (1) That a £10 charge for any stall on a Tuesday market, £15 for any stall on a Saturday market and casual traders to pay the same as licensed traders for a trial period of six months be approved at the next meeting of Council on 27 July 2006;
- (2) That, in principle, the potential loss of c£31k be underwritten for the same period of six months.

REASON FOR DECISIONS: To enable Council to review the agreed Council policy of aiming to reduce subsidies.

18. REFERRAL FROM PERFORMANCE, AUDIT AND REVIEW COMMITTEE (PARC) - 26 APRIL 2006 - BEST VALUE FUNDAMENTAL SERVICE REVIEW – STREET SCENE SERVICES OUTCOME

The Chairman of PARC presented an extract from the Minutes of the meeting of the PARC that was held on 26 April 2006 regarding the Best Value Fundamental Service Review – Street Scene Services Outcome.

The Chairman of PARC thanked Members and Officers for the considerable time and effort that they had put into the review process.

A copy of the report and the following documents were included with the minute:
Appendix A - FSR Report
Appendix B - ENCAMS Report.

RESOLVED:

- (1) That the contents of the BVFSR report as presented at Appendix A be endorsed and incorporated into the Corporate Plan;
- (2) That the Cabinet place on record its sincere thanks and appreciation for the 37 years of dedicated service by Pete Marshall (Chief Engineer) who would be retiring on 31 August 2006.

REASON FOR DECISION: To allow the implementation of the findings of the BVFSR – Street Scene Services.

19. REFERRAL FROM SCRUTINY COMMITTEE – 23 MAY 2006 – OFFICER DELEGATED DECISIONS – CALL-IN AND GENERAL PRINCIPLES

The Chairman of Scrutiny Committee presented an extract from the Minutes of the meeting of the Scrutiny Committee that was held on 23 May 2006 regarding Officer Delegated Decisions – Call-in and General Principles. A copy of the report was included with the minute.

RESOLVED: That the concern of the Scrutiny Committee that decisions with profound effects on areas of the District are made without consultation with the Chairman of the relevant Area Committee be noted and that procedures be put in place to ensure that such decisions are the subject of appropriate Member involvement/consultation in future.

REASON FOR DECISION: To inform the Committee of the processes and procedures relating to Officer Delegated decisions.

20. REFERRAL FROM PERFORMANCE, AUDIT & REVIEW COMMITTEE – 25 MAY 2006 – COMPREHENSIVE PERFORMANCE ASSESSMENT – USE OF RESOURCES

The Chairman of PARC presented an extract from the Minutes of the meeting of the Performance, Audit and Review Committee (PARC) that was held on 25 May 2006 regarding the Comprehensive Performance Assessment (CPA) – Use of Resources.

A copy of the report and the following document were included with the minute:
Appendix A – CPA Use of Resources Improvement Plan.

RESOLVED: That in light of the need to provide excellent levels of service delivery and value for money against the demand for resources to achieve a higher level score, the attainment of a Level 3 score be approved as the most appropriate target for this authority

REASON FOR DECISION: To ensure that PARC would remain aware of the improvements required in the CPA Use of Resources for the attainment of a higher score before a full inspection in 2007 or beyond and would balance these against the provision of service delivery and value for money.

21. AMALGAMATION OF POLICE FORCES – IMPACT FOR HERTFORDSHIRE

The Head of Policy, Partnerships and Performance presented a report of the Chief Executive that updated Cabinet on the current status of the amalgamation of police forces across the United Kingdom, with particular regard for how this may affect North Hertfordshire.

The report also reflected the Hertfordshire Police Authority's recent response to the proposals to merge local forces and sought the views of Cabinet to further inform a Hertfordshire wide response.

Appendix 1 – Herts. Police Authority Statement and Resolution was appended to the report.

The Head of Policy, Partnership and Performance introduced Sally Patient, Communications Manager of the Hertfordshire Police who advised members about the progress of the merger and the impact that this would have on Hertfordshire:

- Potential problems regarding the equalisation of Council Tax across districts;
- The reduction in the number of uniformed police officers across the districts;
- The uncertainty surrounding the costs involved, and who would bear these, in the reorganisation.

The Chairman of Cabinet thanked Ms Patient for her presentation.

RESOLVED:

- (1) That the proposals made so far in the modernisation of the Police Force be noted;
- (2) That the proposal to merge the Bedfordshire, Essex and Hertfordshire police forces was not the best way forward and the following response be provided to the Hertfordshire Police Authority to inform their formal response to the Home Office, to be submitted by 8 September 2006:
 - a) The Hertfordshire precept would be adversely affected;
 - b) There would be a significant loss of uniformed officers across the area;
 - c) The cost of reorganisation and who would bear that cost remained unclear.

REASON FOR DECISIONS: To respond to the Hertfordshire Police Authority request for a response to the proposals from all district councils.

22. REGIONAL AND STRATEGIC PLANNING ISSUES

The Regional & Strategic Sites Manager presented an addendum to this item: East of England Plan – Report of the Panel (June 2006). A copy of the addendum had been distributed at the meeting.

Officers were requested to set up a Member workshop regarding the Regional Planning Report with a date to be agreed.

The Regional & Strategic Sites Manager presented a report of the Head of Planning and Building Control that updated Cabinet about the current positions regarding:

- West of the A1(M) at Stevenage;
- The draft East of England Plan;
- Growth Area Liaison for the Luton conurbation;
- Luton & Dunstable Northern Bypasses;

- London Luton Airport and Stansted Airport.

With regard to section 4 of the report 'West of the A1(M) at Stevenage', the Regional & Strategic Sites Manager had distributed maps of particular areas of interest that had been referred to in the report at 4.7, 4.8, 4.9 and 4.11 and provided details about each of these areas.

The Regional & Strategic Sites Manager added that both he and the Portfolio Holder for Planning & Transport would be attending a meeting of the Joint Member Panel for Regional Planning Matters on 17 July 2006 and would report back to the 25 July meeting of Cabinet.

RESOLVED:

- (1) That the content of the report be noted;
- (2) That Member workshops, regarding the Regional Planning Report be arranged with a date to be agreed.

REASON FOR DECISIONS: To ensure that Cabinet was aware of current developments.

23. USE OF PLANNING DELIVERY GRANT

The Head of Planning and Building Control presented a report that advised Cabinet of the recent announcement of Planning Delivery Grant for the year 2006/7 and sought approval for the general areas of expenditure identified in the report.

The following document was appended to the report:
Appendix A - proposed expenditure.

RESOLVED: That the use of the 2006/7 Planning Delivery Grant, as set out in Appendix A to the report and explained in section 3 of the report be approved as it would:

- (i) continue to deliver the initiatives identified in the Improvement Plan and action plan arising from the Audit Commission Inspection;
- (ii) provide a funding stream in the medium term for existing and predicated workloads, and
- (iii) assist in managing the financial risk to the Authority associated with the Government's growth proposals.

REASONS FOR DECISION: To ensure optimum impact across the service and corporately.

24. AREA GOVERNANCE AND COST OF DEMOCRACY

The Head of Community Development and Cultural Services presented a report that provided an overview of a number of actions that had been taking place during the past year in relation to the area governance and decision making process of the Council. The Head of Community Development and Cultural Services advised Cabinet that the title of the report that had been published on the agenda had been changed from 'Corporate Governance and Cost of Democracy to 'Area Governance and Cost of Democracy'.

In response to a question, the Head Of Community Development and Cultural Services explained that in the table at paragraph 6.5 of the report, the number of meetings for North Hertfordshire included the Licensing and Appeals meetings that

had taken place. The Head of Legal and Democratic Services informed Cabinet that funds for the Licensing and Appeal meeting had been provided on a temporary basis from an alternative budget. The Head Of Community Development and Cultural Services drew Cabinet's attention to the caveat at the foot of the table stating that the costs had been calculated on an inconsistent basis across all Districts/Boroughs as there were variations in methods of calculation.

The following documents were appended to the report:

Appendix 1 - Area Governance Action Plan November 2005

Appendix 2 - Referrals from Area Committees on the Area Governance Action Plan 2005.

Appendix 3 - Resolution from Cabinet in response to Audit Report on Planning Services.

RESOLVED:

- (1) That all the actions set out in Appendix 1, Sections A and B and C (except nos: 48,49,54) be agreed;
- (2) That the referrals from Area Committees on the Area Governance Action Plan as set out in Appendix 2 (nos: 48, 49, 54) be noted;
- (3) To agree that officers undertake further detailed work to review the options in paragraph 4.6 on the area governance and decision making arrangements of the Council in order to meet the future savings requirements of the Service and Financial Planning Process;
- (4) That a further report on proposals for new arrangements will be submitted to Cabinet in October 2006 be noted.

REASONS FOR DECISIONS:

- (1) To ensure effective implementation of Area Governance;
- (2) To ensure that savings identified within the context of the Service and Financial Planning process for 2006/7 are achieved.

25. APPOINTMENT OF CONSULTANTS FOR HOWARD PARK AND GARDENS REGENERATION

The Portfolio Holder for Leisure and E-Government presented a report of the Head of Leisure and Environmental Services that sought Cabinet approval for delegated authority to appoint a firm of consultants to undertake the development of a Heritage Lottery Fund (HLF) "Parks For People" lottery bid for the restoration of Howard Park & Gardens.

RESOLVED:

- (1) That delegated authority be granted to the Portfolio Holders for Leisure and E-Government and Environment and Waste Management to agree the appointment of a firm of consultants to undertake consultancy services in connection with the regeneration of Howard Park and Gardens;
- (2) That the evaluation criteria as listed at 4.6 of the report be approved.

REASONS FOR DECISIONS:

- (1) To meet the Council's strategic objective to:
'Promote first class leisure and cultural facilities to contribute to healthy living for all our citizens';
- (2) To provide a means to appoint a firm of consultants at the earliest opportunity. This would provide additional time in the preparation of the Stage 1 Lottery bid and allow for user consultation during the summer period.

26. TOWN CENTRE PARTNERSHIP ARRANGEMENTS WITH PARTICULAR REGARD TO FUNDING AND SERVICE LEVEL AGREEMENTS

The Portfolio Holder for Community Engagement & Rural Affairs presented a report of the Head of Policy, Partnerships and Performance that provided the background to the establishment, legal status and operational procedures of the district's three existing town centre partnerships. The report also clarified the decision taken to implement a one year Service Level Agreement for Hitchin Town Centre Initiative and reported on progress to establish a fourth partnership in Baldock.

RESOLVED:

- (1) That the method by which the three existing town centre partnerships were funded and managed be noted;
- (2) That the progress made to establish a partnership in Baldock be noted;
- (3) That the reasons for establishing a one year SLA for Hitchin, pending clarification on a number of outstanding issues within the town centre and the proposal that this agreement be reviewed in December for continuation funding in the following two years, be noted;
- (4) That the potential growth required on budgets in late 2006 in order to maintain and develop a partnership for each town within the district be noted.

REASONS FOR DECISIONS:

- (1) The three existing partnerships were managed and financed in a number of ways according to their membership, location and, for example, the existence of a town council;
- (2) The 'early' opening of the Baldock Bypass had increased the need for support to retailers in the town centre more quickly than had originally been anticipated;
- (3) The establishment of a one year SLA was not to penalise the Hitchin Town Centre Initiative but to allow consideration of the various changing requirements which may be placed on that partnership over the coming years.

27. REVIEW OF USAGE AND PROMOTION OF MARKETS TASK AND FINISH GROUP

The Chairman of Usage & Promotion of Market Task & Finish Group presented a report of the Head of Policy, Partnerships and Performance that highlighted the recommendations made by the Scrutiny Committee Task and Finish Group as detailed in Appendix 1 to the report.

The Portfolio Holder for Leisure and E-Government thanked the Chairman of Usage & Promotion of Market Task & Finish Group, the Scrutiny Officer and officers for their hard work in making the consultation process widely available to interested parties.

The following document was appended to the report:

Appendix 1 – Report of the Usage and Promotion of Markets Task and Finish Group.

RESOLVED: That the following recommendations made by the Scrutiny Committee Task & Finish Group be referred to the Leisure and E-Government Portfolio Holder for consideration and that a report be brought back to a future meeting of Cabinet:

- (a) Senior Officers in partnership with the Hitchin Town Centre Manager, consider the viability of running a Sunday Market in Hitchin.
- (b) Include some regular specialist markets in Hitchin.
- (c) Remove some empty stalls to allow more space to have additional mobile stalls and trading vehicles at Hitchin.
- (d) Give new traders in Royston the opportunity to rent a stall, if they need one.
- (e) Abolish the requirement for a month in advance system of collecting rent, and introduce an option to pay daily, by using a modern portable device to enable traders to pay by credit card if they prefer to do so.
- (f) Consult with traders about replacing the current holiday allowance system with an alternative system.
- (g) The group would like to see greater control of the spreading policy given to the Markets Manager, so that judgement can be given to traders based on changes in turnout on particular days.
- (h) The Markets Manager to introduce and advertise a promotional scheme to traders for Tuesday rent in Hitchin and Wednesday rent in Royston.
- (i) Senior Officers to look at reviewing annual licenses for the shuttered units at Hitchin market and to report to the Hitchin Area Committee with their proposal.
- (j) A Member of the Hitchin Area Committee to attend and support the quarterly meetings of Hitchin Market Association.
- (k) Once a full risk assessment has been undertaken, the Council to consider opening Biggin Lane car park for shoppers on Tuesdays and Fridays in Hitchin.
- (l) Officers to ensure that they develop and maintain a close working relationship with the new company that now manages Baldock market.
- (m) Due to the lack of advertising in the local press in Royston, the Markets Manager to ensure that adverts are placed in Royston local papers and other local publications.
- (n) The Markets Manager to ensure that the installation of bollards and electric points at Royston market are carried out.
- (o) If a Royston Market Traders Association is set up, consideration be given to involve, officers, the portfolio holder and a Member of the Royston Area Committee in a market group akin to that established in Hitchin.

- (p) The Markets Manager to ensure that vans are not parked on the Royston market site, unless they are trading vans.
- (q) Through the working group suggested in 8.15, traders to be encouraged to finish trading at the same time, to avoid only a few stalls being left trading in the afternoons.
- (r) A District wide publicity campaign to promote all of NHDC markets once the new initiatives are in place.

REASON FOR DECISIONS: To enable the Scrutiny Committee to carry out its work efficiently.

28. ESTABLISHMENT OF JOINT CCTV COMMITTEE WITH STEVENAGE BOROUGH COUNCIL AND EAST HERTS DISTRICT COUNCIL

The Head of Legal and Democratic Services presented a report that proposed that the Council establish a joint committee with Stevenage Borough Council and East Hertfordshire District Council for the management of CCTV.

RESOLVED:

- (1) That the establishment of the joint committee be approved and the following portfolio holders be appointed:
 - Community Engagement;
 - Finance;
 - Leader.
- (2) That the proposals set out in paragraphs 4.3 and 4.4 of the report be approved and raised at the first meeting of the Joint Committee;
- (3) That the Board should meet within the next three months;
- (4) That reports from the Joint Committee should be submitted to the Responsible Authorities Group.

REASON FOR DECISIONS: To ensure adequate governance of this service through Member involvement.

The meeting ended at 11.05p.m.

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Chairman