

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

Meeting held at Council Offices, Gernon Road, Letchworth Garden City
on Tuesday, 8 April 2008 at 7.30pm

Minutes

PRESENT: *Councillors F.J. Smith (Chairman), T.W. Hone (Vice-Chairman), Tricia Gibbs, I.J. Knighton, Bernard Lovewell, Mrs. L.A. Needham, Mrs C.P.A. Strong and R.A.C. Thake.*

IN ATTENDANCE: *Chief Executive, Strategic Director of Financial & Regulatory Services, Strategic Director of Customer Services, Head of Financial Services, Head of Leisure & Environmental Services, Head of Planning & Building Control, Corporate Legal Manager, Democratic Services Manager and Senior Committee & Member Services Officer.*

ALSO PRESENT: *Councillors J.M. Cunningham (Chairman of Performance, Audit & Review Committee), Mrs A.G. Ashley, A. Bardett, Mrs F.R. Hill, A.F. Hunter, R.E. Inwood, H.M. Marshall, L.W. Oliver & Martin Stears, Ms. D. Hanson (Audit Commission) and approximately 45 members of the public.*

116. APOLOGIES FOR ABSENCE

There were no apologies for absence.

117. MINUTES

RESOLVED: That the Minutes of the meetings of Cabinet held on 29 January 2008 and 19 February 2008 be approved as true records of the proceedings and signed by the Chairman.

118. NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

119. CHAIRMAN'S ANNOUNCEMENTS

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

120. PUBLIC PARTICIPATION

- (1) "Ban the Bag" petition from St.Christopher School, Letchworth Garden City – Clara Bagenal-George and Shruti Chaudary (Sixth Form Students)

Cabinet was addressed by Clara Bagenal-George and Shruti Chaudary (Sixth Form Students from St. Christopher School, Letchworth Garden City), in respect of the "Ban the Bag" petition organised and submitted by the School. The petition contained over 300 signatures of teachers and students at the School and over 1,000 signatures of Letchworth Garden City residents.

Clara Bagenal-George explained that students at the School had formed an Environmental Group. The issue of plastic bags had been discussed in the light of depleting landfill sites and the fact that such bags took over 100 years to degrade. It used to be common for people to re-use cotton bags, and the group saw no reason why re-usable bags could not become the norm again. On average, each person in Letchworth Garden City used 300 bags per year (a total of 12 Million bags).

Shruti Chaudary added that, in order to seek to address the issue, a “Ban the Bag” petition had been organised by the School. The petition contained over 300 signatures of teachers and students at the School and over 1,000 signatures of Letchworth Garden City residents, collected in a 2 hour period on 9 February 2008. The next step was to obtain the support of the District Council towards the implementation of a plastic bag ban in Letchworth Garden City.

The Portfolio Holder for Waste & Recycling commented that the petition had already been of enormous help in the early discussions that the Council had already had with retailers across the District aimed at banning or at least reducing the amount of plastics bags in North Hertfordshire. The Portfolio Holder also took the opportunity to congratulate the School on its recent award of Green Flag status for its grounds maintenance.

The Chairman thanked Clara Bagenal-George and Shruti Chaudary for their presentation, and congratulated them on their achievement.

(2) Bus Services in North Hertfordshire – Mr David Dixon

Cabinet was addressed by Mr David Dixon, a resident of Letchworth Garden City, in respect of Bus Services in North Hertfordshire.

Mr Dixon commented that a number of local bus routes were now running at a rate of only one bus per hour. He had contacted Arriva, who had advised him that the reason for the reductions in these services was due to the withdrawal of the funding by the District Council. He asked if this was the case.

The Portfolio Holder for Planning & Transport replied that the provision of public transport was a County Council, not District Council, function. The bus network was dependent upon routes being commercially viable to the bus operators. The bus operators were demanding an increasing amount of money, often as high as £4 per passenger mile on some routes. Therefore, changes in the frequency of routes had nothing to do with lack of District Council subsidy, but were purely commercial decisions made by Arriva.

The Chairman thanked Mr Dixon for his question.

(3) Gypsy and Traveller Sites - Pirton

Cabinet was addressed by Mr Steve Goodman, on behalf of Pirton Parish Council, regarding Gypsy and Traveller sites in Pirton.

With the aid of a Power Point presentation, Mr Goodman commented that the Scott Wilson report commissioned by the Council in respect of Gypsy and Traveller sites stated that “Green Belt areas should be avoided wherever possible”. However, this was not the intention of the Government, as its Circular 01/2006 stated simply that “there is a general presumption against inappropriate development within Green Belts”. As the Scott Wilson report excluded Green Belt sites, Mr Goodman considered it to be fundamentally flawed.

Mr Goodman explained that Circular 01/2006 stated that “alternatives should be explored before Green Belt locations are considered”. However, none of the 6 remaining sites proposed for Gypsy and Travellers met the criteria drawn up by the Council and Scott Wilson. The Circular also stated that “local planning authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools”. It was clear from this that the first consideration should be sites in proximity to such facilities, and that remote rural areas were never an appropriate option.

Mr Goodman drew attention to the wishes of the travelling community, and referred to a survey conducted on behalf of the East of England Regional Assembly (EERA) by the Ormiston Trust in 2007, as follows:

- 75% of travellers wished sites to be located near a town;
- 81% wished sites to be located near schools;
- 46% wished sites to be located near motorways/roads;
- 52% wished sites to be located on the outskirts of a town;
- 60% wished sites to be located “where there is work”.

Mr Goodman considered, therefore, that the NHDC consultation clearly did not meet the needs and wishes of the travelling community.

In respect of the West of Stevenage Development, Mr Goodman stated that that this area was highly likely to come out of the Green Belt in the near future. If so, the criteria in Circular 01/2006 would be met, in that the site would be in close proximity to schools, shops and medical facilities, and would also be close to motorways and potential employment, as requested by the travelling community. The site would also be more likely to meet Paragraph 64 of the Circular in that consideration should include “the promotion of peaceful and integrated co-existence between the site and the local community”.

Mr Goodman referred to observations from NHDC Planning Officers on the Scott Wilson report, as follows:

“- Firstly, we think that some recognition should be given to the development west of the A1(M) at Stevenage, maybe designating it on the plan as a ‘proposed urban extension’.

- Planning permission has now been granted for 3,600 dwellings, subject to a S.106 agreement. This includes a number of services, including schools and doctors...

- We think that serious consideration should be given to potential sites within 1km of these services.

- This is particularly important, as this area will be part of the roll back of the Green Belt.”

Mr Goodman reminded Cabinet that new Draft Policy H4, issued by EERA in February 2008, stated that “Local authorities should seek to achieve levels of provision required by 2011 as soon as possible through the development control process, particularly when opportunities present themselves in respect of new major developments and through the preparation of Local Development Documents”. Mr Goodman considered that, as the area to the west of Stevenage offered a much better solution for the travellers and a better prospect for integration in the community, the Council would be obliged under Policy H4 to use this obviously suitable area at a very early opportunity.

The Chairman thanked Mr Goodman for his presentation.

(4) Gypsy and Traveller Sites – St. Paul’s Walden (Whitwell)

Cabinet was addressed by Mr Chris Perks (Warmington’s), on behalf of St. Paul’s Walden Parish Council, regarding Gypsy and Traveller sites in St. Paul’s Walden.

Mr Perks advised that St. Paul’s Walden Parish Council shared the concerns of Pirton and Holwell Parish Councils that the Scott Wilson report had not been prepared in line with the considerations of Circular 01/2006. No consideration had been given to the use of public owned/ unused / underused land (ie. brownfield sites, where there was a realistic of them becoming available).

Of the proposed site in Whitwell, Mr Perks explained that the 4 plots of land were all privately owned, and that all of the owners were opposed to their use for a Gypsy and Traveller site. He questioned why no sites around the fringe of Royston had not been identified through the Scott Wilson report.

Mr Perks commented that the facilities in Whitwell were not sufficient to meet the accepted criteria for a Gypsy/Traveller site. There was only a primary school in the village, one Post Office/shop, poor public transport connections and poor local roads with limited connections to the primary road network.

Mr Perks advised that the proposed site was abutted by 2 residential properties and was adjacent to the Whitwell Water Cress Farm, which required a supply of fresh water for its operations. The Parish Council was concerned with the potential pollution to this source of fresh water that could be caused should a Gypsy and Traveller site be agreed for this location. The site was crossed by a number of high pressure gas pipes and was on one of the flight paths into Luton Airport, both of which, in Mr Perks' opinion, precluded development of the land for use by Gypsies and Travellers.

The Chairman thanked Mr Perks for his presentation.

(5) Old Knebworth Conservation Area Review

Cabinet was addressed by Councillor Alan Bardett in respect of the Old Knebworth Conservation Area Review. Councillor Bardett declared a personal and prejudicial interest regarding this matter, in view of his roles as a Member of the Southern Rural Committee and the Council's appointed representative on the Knebworth Building Preservation Trust. He would therefore be leaving the Chamber prior to Cabinet's debate upon the matter (see Minute 126 below).

Councillor Bardett stated that he had been a resident of Knebworth for 22 years, and had visited Knebworth House and Gardens on a number of occasions. He had always been impressed by the various improvements carried out over the years and a number of the innovative enterprises carried out at the House.

Councillor Bardett considered that the existing Conservation Area for Old Knebworth, which excluded a large part of the Historic Park and Gardens, had served the area well for a number of years. He was opposed to the proposed extension to the Conservation Area, including a large swathe of the Historic Park and Gardens, due to the impact it would have on local ratepayers. He considered that the area was already "protected" by Green Belt status, and that to add another level of "protection" would result in additional costs and overheads regarding the maintenance of the area. Accordingly, he asked Cabinet to reject the proposal for an enlarged Conservation Area.

The Chairman thanked Councillor Bardett for his presentation

(6) Old Knebworth Conservation Area Review

Cabinet was addressed by the Hon. Henry Lytton Cobbold in respect of the Old Knebworth Conservation Area Review.

The Hon. Henry Lytton Cobbold echoed a number of the comments made by Councillor Bardett, and supported his call for Cabinet to reject the proposal for an enlarged Old Knebworth Conservation Area. He considered that there was a sufficient level of protection already in place for the Historic Park and Gardens, which had Grade 2*, as well as Green Belt, status. The House already had regular contact with District Council Conservation Officers regarding the parkland area; tree work/grounds maintenance was carried out on a daily basis; and sometimes on the spot decisions were required regarding works to trees and other features. He felt that, to have to consult Conservation Officers each time some work was proposed would be unduly onerous, as well as costly.

The Hon. Henry Lytton Cobbold advised that the proposed enlarged Conservation Area had been recommended to Cabinet by the meeting of the Southern Rural Committee held on 3 April 2008 on the closest of votes (3 For, 2 Against and 2 Abstentions), and that the matter had been deferred from the earlier meeting of that Committee held on 20 February 2008. He felt, therefore, that the issue was marginal

and that adding a further level of protection to the Historic Parkland area in the name of the Conservation Area would be counter productive.

The Chairman thanked the Hon. Henry Lytton Cobbold for his presentation.

121. REFERRAL FROM PERFORMANCE, AUDIT & REVIEW COMMITTEE – 27 MARCH 2008 – RISK MANAGEMENT UPDATE

The Chairman of the Performance, Audit & Review Committee presented a referral from the meeting of that Committee held on 27 March 2008 in respect of the Risk Management Update. The report considered by the Performance, Audit & Review Committee on 27 March 2008 was included with the referral, as was the following appendix:

Appendix A – Cabinet and Corporate Management Team Risk Matrices.

RESOLVED:

- (1) That the reduction in the assessment of the Cabinet Top Risks of 'Financial Management' and 'Waste Management' be agreed;
- (2) That the reduction in the assessment of the risk of 'Full Compliance with Health and Safety Legislation' and its future management as a Corporate Management Team risk be agreed.

REASON FOR DECISION: To allow Cabinet to be advised by PARC in its overview and scrutiny function for Risk Management matters, as proposed by the Audit and Risk Panel.

122. REFERRAL FROM PERFORMANCE, AUDIT & REVIEW COMMITTEE – 27 MARCH 2008 – AUDIT COMMISSION: ANNUAL AUDIT AND INSPECTION LETTER

The Chairman of the Performance, Audit & Review Committee presented a referral from the meeting of that Committee held on 27 March 2008 in respect of the Audit Commission: Annual Audit and Inspection Letter. The item considered by the Performance, Audit & Review Committee on 27 March 2008 was included with the referral, as was the following appendix:

Appendix A – Audit Commission: Annual Audit and Inspection Letter.

The Chairman of the Performance, Audit & Review Committee advised that a number of the issues raised in the Annual Audit and Inspection Letter had been addressed. These included the consideration of Corporate Planning matters much earlier in the Civic Year. The Efficiency Fundamental Service Review was near completion, which it was hoped would result in a number of further recommendations to address the concerns of the Audit Commission.

Ms. D. Hanson (Audit Commission) summarised the content of the Letter, and drew attention to the Key Messages contained in the document, together with the Action Needed by the Council, which was as follows:

- “• complete a detailed analysis of the cost and performance information available to enable it to undertake a comprehensive benchmarked assessment of the value for money of services;
- implement the recommendations of the Efficiency Fundamental Service Review to improve value for money and to strengthen its overall arrangements;
- implement a co-ordinated approach to service improvement, with an overall improvement plan drawing together key projects and plans;
- strengthen performance management arrangements to provide a greater focus on the Council's key improvement areas and priorities in line with the recommendations included in our performance management report; and

- develop and implement action plans to address the areas for improvement and recommendations included in our reports on use of resources and data quality.”

Ms. D. Hanson answered a number of Members' questions regarding the Letter.

RESOLVED:

- (1) That the comments and recommendations in the Audit Commission – Annual Audit and Inspection Letter be noted;
- (2) That appropriate action be taken to ensure that all NHDC Portfolio Holders are aware of the key messages in this document;
- (3) That the answers of the Audit Commission to the questions raised by Cabinet be noted.

REASON FOR DECISION: To allow Cabinet to comment on the Audit Commission: Annual Audit and Inspection Letter.

123. CAPITAL PROGRAMME – 2007/08 ONWARDS

The Portfolio Holder for Finance presented a report of the Head of Financial Services regarding the impact of the proposed capitalisation in respect of contributions to the Authority's Pension Fund upon the 2008/09 Capital Programme and upon available capital funding resources. The report contained the following appendix:

Appendix A – Capital Programme 2007/08 Onwards.

Cabinet was advised that Appendix A summarised the Capital Programme for 2008/09 onwards, and showed the revised costs of schemes approved by Cabinet, together with the provisional programme from 2009/10 to 2011/12, together with the overall funding surplus/deficit year on year. The projected expenditure for 2007/08 was revised to £8.940 million, which reflected the recent approval for the lump sum payment into the Council's pension fund. The total Capital Programme was only funded up to and including 2010/11 and the estimated funding deficit at the end of 2011/12 was £3.637 Million.

Cabinet noted that Options for the reduction of projects currently programmed and linked to capital receipt funding were limited. The only large project programme is the affordable housing programme, averaging an annual spend of £3.25 million to 2011/12. The Council's commitment to a target of promoting/enabling 500 affordable homes in the first five years following stock transfer meant that the affordable housing programme represented a significant portion of the annual capital programme, 42% (2008/09). The Council had been able to exceed its affordable housing target whilst not spending a significant portion of its capital allocation, 44% underspend. This was in part due to the Council's success in securing significant Housing Corporation support for RSL schemes.

The Council's Housing Strategy was currently undergoing a review, which would give the Council the opportunity to consider its level of investment to the affordable housing programme and the role of North Herts Homes and the use the Community Benefit Fund in meeting its affordable housing targets. The Housing Strategy was scheduled for Cabinet consideration at its meeting on 24 June 2008, following the completion of its consultation stage. At the same meeting the Council's Capital Strategy would also be reviewed. At that meeting Members would have the opportunity to consider in more detail options to achieve a fully funded capital programme.

RESOLVED:

- (1) That the changes to the projected Capital Programme for 2007/08 onwards, as detailed in the report, be noted;

- (2) That Cabinet the current issues relating to the partially un-funded Capital Programme and the opportunity it has to resolve the under-funding when it receives the recommended Housing and Capital Strategies in June 2008, be noted;
- (3) That the Capital Programme be reviewed by Cabinet at its meeting in June 2008 to consider options to reduce the accumulative funding shortfall referred to in Paragraph 4.12 of the report.

REASON FOR DECISION: To monitor the revisions to the Capital Programme and to ensure that it is fully funded.

124. NORTH HERTFORDSHIRE HEALTH & SAFETY STRATEGY AND POLICY STATEMENT

The Portfolio Holder for Finance presented a report of the Head of Financial Services seeking approval of the revised 2008 Health & Safety Strategy and Policy Statement. The report contained the following appendices:

Appendix A – Health & Safety Strategy;
Appendix B – Health & Safety Policy Statement.

The Portfolio Holder for Finance commented that the Health & Safety Strategy had been first published in July 2006 and the Policy Statement was last reviewed in February 2004. Both documents had been updated to reflect the current position on Health and Safety compliance within the Council, and the proposed revisions were minor.

Cabinet was advised that the Health & Safety Strategy comprised the following key actions:

- To improve health and safety management within the Council by regular audits and inspections;
- To train managers and staff in achieving suitable levels of competency, enabling them to undertake work activities effectively;
- To manage risk by undertaking appropriate risk assessments that defines risk and that recognises an appropriate balance between risks and benefits;
- To build on our communication and consultation arrangements to ensure all employees are committed to achieving acceptable health and safety standards;
- To increase staff involvement in health and safety performance by the implementation of Behavioural Safety Management systems;
- To demonstrate the moral, business and economic cases for health and safety. Appropriate health and safety management was an integral part of effective management and, as such, was an enabler not a hindrance;
- To support the aims of the Governments 'Revitalising Health and Safety Strategy' and the Health and Safety Commissions (HSC) 'Securing Health Together Strategy' by setting clear health and safety performance targets.

The report outlined the contents of the Policy Statement, as required by the Health & Safety at Work Act 1974, which were as follows:

- A statement of intent – setting out NHDC's goals for safety.
- Organisation – reflecting how NHDC would organise itself to achieve its statement of intent, as amended to reflect the current organisational structure of the Council.
- Arrangements – the procedures which need to be in place to have an effective policy and achieve the goals on health and safety (available as separate documents) and systems for ensuring the protection of all people who could be put at risk from NHDC activities.

RECOMMENDED TO COUNCIL: That the revised Health & Safety Strategy and Policy Statement, as attached at Appendices A and B to the report respectively, be approved.

REASON FOR DECISION: To ensure that the Health & Safety Strategy and Policy Statement is subject to regular review to enable them to reflect current developments and compliance on health and safety matters.

125. REGIONAL AND STRATEGIC PLANNING ISSUES

The Portfolio Holder for Planning & Transport presented a report of the Head of Planning and Building Control informing Members of the current positions regarding:

- The draft East of England Plan (including the EERA Single Issue Review Consultation on Gypsy and Traveller Provision);
- West of the A1(M) at Stevenage and Stevenage/North Hertfordshire Action Plan;
- Growth Area Liaison for Luton conurbation;
- Luton & Dunstable Northern Bypasses;
- London Luton Airport and Stansted Airport.

The report contained the following appendices:

Appendix A – Letter from the Department of Communities & Local Government: Growth Fund Allocations;

Appendix B – Suggested response to EERA Single Issue Review Consultation: Gypsy and Traveller Provision.

In respect of the Gypsy and Traveller Issue, the Portfolio Holder for Planning & Transport stated that North Hertfordshire District Council had consistently maintained that there was no demonstrable need in the District for additional Gypsy / Traveller provision, other than the original modest EERA requirements for a minimum of 3, maximum of 10 pitches. However, as a result of various motions being presented to EERA, a majority of votes had been in favour of a wider spread of such pitches.

The Portfolio Holder for Planning & Transport advised that, because of the contentious nature of the issue, the Council (together with a number of neighbouring Local Authorities) had commissioned Scott Wilson to investigate the matter and identify some proposed sites. He shared the view of the respective Parish Councils that there were a number of flaws in the report produced by Scott Wilson, but explained that since the production of the report, Government Policy had changed, which had resulted in the EERA Single Issue Review Consultation on Gypsy and Traveller Provision, including emerging Policy H4.

The Portfolio Holder for Planning & Transport referred to the suggested response to EERA on the Review, contained at Appendix B to the report. He further proposed an additional recommendation to Cabinet in respect of the matter, as follows:

“That the Council take into account the emerging regional planning policies on Gypsy and Traveller site location and the strong preference that the emerging regional policy has for locating such uses in areas of major development, and that in the consideration of responses to representations in respect of the Council’s Local Development Framework consultation documents (SNAP and Land Allocations) officers will have regard to the preference for such uses to be located in areas of major development” .

Cabinet supported this additional recommendation and, in view of the continuing uncertainty in the Parishes affected by the current proposals, agreed that the Head of Planning & Building Control should be requested to report to the June 2008 Cabinet meeting on representations made in respect of Gypsy and Traveller issues in the Land Allocations Development Plan Document

The Head of Planning and Building Control provided a brief update to Cabinet on a number of other matters. In respect of the Growth Area for the Luton conurbation, he reported that, after several attempts, a meeting between himself, the Chief Executive and the Luton Borough Council Chief Executive to discuss this matter had finally been arranged to take place on Monday, 14 April 2008.

Cabinet agreed that the invitation from Essex County Council for the Council to participate in the "Council's Opposing 2nd Runway" (CO2) Group should be accepted, subject to any necessary report back on the financial implications of the work associated with the Group.

RESOLVED:

- (1) That the contents of the report be noted;
- (2) That the projects set out in paragraph 4.6 of the report be endorsed for scoping and funding from the Growth Areas bid be included within the Capital Programme;
- (3) That Officers investigate opportunities for a bid for CIF funding to deliver infrastructure projects and that powers be delegated to the Head of Planning & Building Control, in consultation with the relevant Cabinet Portfolio Holders, for the submission of a relevant bid;
- (4) That the proposed response to the EERA Single Issue Review on Gypsy & Traveller Site provision, as set out in Appendix B to the report, be supported, and that any amendments or additions to that response be delegated to the Head of Planning & Building Control, in consultation with the Cabinet Portfolio Holder for Planning & Transport;
- (5) That the Council take into account the emerging regional planning policies on Gypsy and Traveller site location and the strong preference that the emerging regional policy has for locating such uses in areas of major development, and that in the consideration of responses to representations in respect of the Council's Local Development Framework consultation documents (SNAP and Land Allocations) officers will have regard to the preference for such uses to be located in areas of major development;
- (6) That, in view of the wide level of interest with regard to the Gypsy and Traveller site issue, the Head of Planning & Building Control be requested to report to the June 2008 Cabinet meeting on representations made in respect of Gypsy and Traveller issues in the Land Allocations Development Plan Document;
- (7) That extreme concern be expressed regarding the meeting that had taken place between DCLG and Luton Borough Council regarding development within North Hertfordshire, and that in future any such meetings concerning development proposed within the District must include NHDC representatives;
- (8) That the Council's participation in the "Councils Opposing 2nd Runway" (CO2) Group be agreed, subject to any necessary report back on the financial implications of the work associated with the Group.

REASON FOR DECISION: To ensure that Members are made aware of current developments regarding regional and strategic planning issues, and to respond to consultation/bidding opportunities.

126. OLD KNEBORTH, DEARDS END LANE AND STOCKENS GREEN CONSERVATION AREA REVIEWS AND KNEBORTH PARISH REGISTER OF BUILDINGS OF LOCAL INTEREST

The Head of Planning & Building Control presented a report seeking final approval for the Old Knebworth, Deards End Lane and Stockens Green Conservation Area reviews and the Knebworth Register of Buildings of Local Interest. The following documents were appended to the report:

Appendix 1 - Agenda Item No.6 to Southern Rural Committee on 20th February 2008 with appendices;

Appendix 2 - Agenda Item No.9 to Southern Rural Committee on 3rd April 2008.

Cabinet was advised that Old Knebworth, Deards End Lane and Stockens Green Conservation Area Reviews, together with a Knebworth parish-wide Register of Buildings of Local Interest, had been the subject of a 6-week public consultation exercise. Each of the above documents were reported to the meeting of the Southern Rural Committee on 20 February 2008, at which the Deards End Lane and Stockens Green Conservation Area Reviews and the Knebworth Register of Buildings of Local Interest were recommended to Cabinet for approval, as per the officer recommendations. A decision on Old Knebworth Conservation Area Review was deferred and a further report was submitted to the Southern Rural Committee meeting on 3 April 2008.

The Head of Planning & Building Control informed Members that, at its meeting on 3 April 2008, the Southern Rural Committee had recommended to Cabinet for approval the Old Knebworth Conservation Area Review, as per the boundary proposed by the officer recommendations.

In response to the comments made by the public speakers earlier in the meeting, the Head of Planning & Building Control commented that the character of an area was always paramount in officers' minds when reviewing a Conservation Area. The existing Old Knebworth Conservation Area included the House and a part of the gardens, but excluded a large part of the Historic Parkland. As such, therefore, there was no regulatory control over the protection of trees and other important features in this area.

The Head of Planning & Building Control further commented that he would not anticipate the House requiring approval on each occasion that work would be required, but would be prepared to accept an Annual Management Plan for tree maintenance, which would need only to be submitted once a year.

Cabinet noted the comments of the Head of Planning & Building Control, together with those of the public speakers made earlier in the meeting. Members were not convinced of the additional benefits to the Knebworth Estate should the additional protection offered by Conservation Area status be approved. Members felt that the existing controls in the Historic Parkland area were sufficient, and agreed that the matter be referred back to the Southern Rural for further consideration of the boundary of the Old Knebworth Conservation Area.

RESOLVED:

- (1) That the revised Old Knebworth Conservation Area appraisal and map, as presented at Paragraphs 5.1 to 5.25 of the report to Southern Rural Committee on 20 February 2008, be reconsidered by Officers with particular regard to "Area A" and that the matter be referred back to the Southern Rural Committee for further consideration;
- (2) That the revised Deards End Lane Conservation Area appraisal and map, as presented at Paragraphs 6.1 to 6.12 of the report taken to and supported by Southern Rural Committee on 20 February 2008, be approved;
- (3) That the revised Stockens Green Conservation Area appraisal and map, as presented at Paragraphs 7.1 to 7.10 of the report taken to and supported by Southern Rural Committee on 20 February 2008, be approved;
- (4) That the proposed Article 4(2) Direction at Stockens Green, as presented at Paragraphs 7.11 to 7.18 of the report taken to and supported by Southern Rural Committee on 20 February 2008, be approved;
- (5) That Resolution (4) above should not be progressed until this authority has received a revised version of the Town and Country Planning (General Permitted Development) Order;

- (6) That the revised Knebworth Register of Buildings of Local Interest, as presented at Paragraphs 8.1 to 8.16 of the report taken to and supported by Southern Rural Committee on 20 February 2008, be approved.

REASON FOR DECISION: To ensure that the Council's statutory duties are carried out and that targets set by the Council with respect to BV219, are satisfied; and to enable the Council to adopt a Register of Buildings of Local Interest and an up-to-date review of Old Knebworth, Deards End Lane and Stockens Green Conservation Areas with appropriate documents to inform future planning decisions.

127. UPDATE ON MARKET TESTING – COUNCIL'S MARKET OPERATIONS

The Portfolio Holder for Leisure & E-Government presented a joint report of the Heads of Leisure & Environmental Services and Financial Services updating Cabinet on the market testing of the Council's Market Operations, and seeking consideration of an increase in the current budgets for the Council's Market Operations.

The Portfolio Holder for Leisure & E-Government informed that the Council had undertaken a tender of the Council's Markets in July 2007, but that unfortunately none of the tenderers achieved the criteria that was set. Therefore, the Council reviewed the process and undertook a second tender in November 2007. Three tenders were received and, of those, two passed the quality evaluation and their financial tenders had been opened.

As only one tender each had been received for Hitchin and Royston markets, the Council's Contract Procurement Rules stated:

"To ensure adequate competition, there must be at least two satisfactory responses i.e. responses which meet a minimum quality standard under which the Council could award the contract. If the Council receives only one satisfactory response, the officer must obtain an additional quote or tender or obtain an exemption under 6.1G."

An exemption under 6.1G would require the written approval of the Strategic Director responsible for markets, the Head of Legal and Democratic Services and the Strategic Director of Financial and Regulatory Services.

Cabinet was advised that the Markets Contracts would be for three years with an option to extend for an additional two years. The current contract commencement date was anticipated to be 1 June 2008.

In terms of the financial implications, the 2008/09 budget for the market undertaking was a net cost of £39,450 based on the 2007/08 original deficit budget. However, the income target had since been identified as unachievable and the current projected outturn for 2007/08 was a deficit of £104,000 an increase of £66,000. This was due to falling stall occupancy rates and the current trial rents system at Hitchin Market. If the service was not contracted out it was likely that a permanent base budget adjustment in the region of £68,000 would be required which would make the net cost of service £108,000.

It was noted that currently the markets service did not make a profit, but did contribute to corporate overheads. This contribution would no longer be made once the service had been contracted out, and was estimated to be £115,300 per annum. However, if the service was contracted out, this would free up officer time which could be dedicated to other services and activities. The additional funding requirements for the markets contracts would be £119,000 for 2008/09 (part year) and £125,000 (full year) from 2009/10 onwards.

The Portfolio Holder for Finance supported the comments made by the Portfolio Holder for Leisure & E-Government, but was mindful of expenditure levels indicated by officers should the markets operation be outsourced. He therefore proposed a series of additional recommendations aimed at enabling negotiations to take place with the preferred bidders to explore potential cost reductions on the bids, and for

officers to examine the scope for reducing overheads. These additional recommendations were supported by Cabinet.

Cabinet further agreed that all future reports concerning the markets operation should show separately the finances for the Hitchin and Royston markets.

RECOMMENDED TO COUNCIL: That the Council's Markets Budgets be increased provisionally by up to a maximum of an additional £119,000 for 2008/09 and by £125,000 for 2009/10 onwards.

RESOLVED:

- (1) That officers meet with the preferred bidders to explore whether cost reductions on the bids can be secured;
- (2) That officers closely examine the scope for reducing overheads charges to the Market cost centre;
- (3) That, subject to the foregoing, the Portfolio Holders for Leisure and E-Government and Finance determine whether to accept either bids in accordance with their existing delegated authority;
- (4) That officers be requested to report back on the outcome at the next meeting of Cabinet;
- (5) That all future reports concerning the markets operation should show separately the finances for the Hitchin and Royston markets.

REASON FOR DECISION: To allow the Council's Markets to be tendered out to two bidders.

128. DRAFT CLIMATE CHANGE STRATEGY

The Portfolio Holder for Policy & Green Issues presented a report of the Strategic Director of Financial & Regulatory Services outlining the steps necessary to ensure that the Council met its Nottingham Declaration commitment to have a Climate Change Strategy by January 2009. The report contained the following appendices:

- Appendix A - The Nottingham Declaration;
- Appendix B - Process for developing a strategy.
- Appendix C - First draft proposed Climate Change Strategy.
- Appendix D - Adapting to Climate Change check list (NI 188).

Cabinet was reminded that, on 18 January 2007, the Council resolved to sign the Nottingham Declaration on Climate Change. By doing so the Council was committed to achieving a significant reduction of greenhouse gases from its own operations and to develop plans with partners to address the causes and impacts of climate change within two years. The report was the next key milestone in fulfilling those commitments.

The Council would need a rationale to set the objectives and targets for the Strategy. It was proposed that the Council must first:

- Gain a clear understanding of the current situation in all the key areas by carrying out a benchmark review;
- Gain a clear understanding of the realistic potential to reduce emissions below the benchmark by carrying out an analysis;
- Gain a clear understanding of the likely costs involved;
- Then, armed with this information, set about setting realistic targets and timescales for ratification in the Strategy.

The Council would need to work with the North Hertfordshire Local Strategic Partnership (LSP) and consult on the objectives and targets needed. The stages would include:

- A situation review. For example, establishing the District's carbon footprint (NI 186). A method for doing this was emerging nationally;
- An analysis of the potential to mitigate and adapt by, for example, fulfilling the Council's commitments in the Nottingham Declaration; embodying climate change in all Council policies; and raising awareness and mainstreaming;
- Then setting the targets and timescales to realise this potential.

The report stated that a number of service and policy areas would need to be examined, and that for each of the objectives an associated Action Plan would be developed linking into the Council's Corporate Plan. A mechanism would be devised to monitor and review progress within the action plans.

RESOLVED:

- (1) That it be noted that, subject to a review of existing budgetary provision, a future recommendation to Council regarding approval of a budget for the purpose of commissioning a Climate Change Strategy may be required;
- (2) That the process for progressing the draft Climate Change Strategy, as set out in the report, be agreed in principle;
- (3) That the scope and content of the draft Climate Change Strategy, as set out in Appendix C to the report, is satisfactory;
- (4) That the North Hertfordshire Local Strategic Partnership (LSP) be the mechanism for consulting on the draft Climate Change Strategy;
- (5) That, subject to Resolution (1) above, a report including the proposed Climate Change Strategy be submitted to the Cabinet meeting in December 2008.

REASON FOR DECISION: To fulfil the Council's obligations as signatories to the Nottingham Declaration on Climate Change while recognising the Council's roles as community leader, service provider and employer.

129. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the said Act (as amended).

130. COUNCIL TAX, BUSINESS RATES AND SUNDRY DEBTOR WRITE OFFS

The Portfolio Holder for Finance presented a Part II report of the Head of Revenues & Benefits seeking approval to write off various amounts of Council Tax, Business Rates and Sundry Debtors. The following document was appended to the report:

Appendix 1 – Details of accounts that require Cabinet authority to be written off.

RESOLVED: That the accounts detailed in Appendix 1 to the report, totalling £47,113.39, be written off as irrecoverable.

REASON FOR DECISION: To write off debts regarding which all avenues of recovery have been explored, and which it is not anticipated that any further action would result in the recovery of the outstanding debts.

The meeting closed at 10.40pm.

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Chairman