

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

Meeting held at Council Offices, Gernon Road, Letchworth Garden City
on Tuesday, 28 September 2010 at 7.30pm

MINUTES

PRESENT: *Councillors Mrs L.A. Needham (Chairman), T.W. Hone (Vice-Chairman), Tom Brindley, P.C.W. Burt, Tricia Cowley, I.J. Knighton, Bernard Lovewell and Mrs C.P.A. Strong.*

IN ATTENDANCE: *Strategic Director of Finance, Policy & Governance, Strategic Director of Customer Services, Strategic Director of Planning, Housing & Enterprise, Head of Finance, Performance & Asset Management, Head of Community and Cultural Services, Head of Leisure & Environmental Services, Corporate Strategic Planning & Enterprise Manager, Service Manager – Grounds Maintenance, Accountancy Manager, Cultural Services Manager, Corporate Legal Manager and Committee & Member Services Manager.*

ALSO PRESENT: *Councillors John Booth (Vice-Chairman of Audit & Risk Committee), R.L. Shakespeare-Smith (Vice-Chairman of Overview & Scrutiny Committee), Councillors Judi Billing, J.M. Cunningham, Fiona Hill, A.F. Hunter, David Kearns, David Levett and Michael Paterson.
13 members of the public.*

37. APOLOGIES FOR ABSENCE

There were no apologies for absence.

38. MINUTES

RESOLVED: That the Minutes of the meeting of Cabinet held on 27 July 2010 be approved as a true record of the proceedings and signed by the Chairman.

39. NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

40. CHAIRMAN'S ANNOUNCEMENTS

- (1) 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.
- (2) The Chairman announced that Item 14 – Partnership Health and Safety Compliance Contract – had been withdrawn.

41. PUBLIC PARTICIPATION

- (i) Mr D. Switzer (Letchworth Garden City resident) – Local Development Framework – Site between Radburn Way and Baldock Road, Letchworth Garden City

Mr D. Switzer advised that he was in attendance to appraise Members of the situation regarding the land between Radburn Way and Baldock Road, Letchworth Garden City designated Lr/24 and known as the "buffer strip". As correspondence on this issue went back to 1955, Mr Switzer was only able to cover a microcosm of the matter. He asserted that vital documentation appeared to have disappeared from NHDC archives – however, the residents had pooled items of documentation in their possession which proved that a covenant created in 1958 protected the "buffer strip" as agricultural land in perpetuity.

Mr Switzer stated that, on 7 September 2009, he had sent a letter to all Councillors regarding the matter, and he requested that this letter be read in conjunction with his presentation.

Mr Switzer explained that the land now known as Jackman Estate was subject to a Compulsory Purchase Order (CPO). After a public inquiry held by the Minister's Inspector on 18 January 1958, the Minister, on 15 May 1958, confirmed the CPO together with the modifications to effect the agreed exclusions to Schedule Part I.

Mr Switzer advised that a letter to all Letchworth Urban District Councillors dated 19 May 1958 provided details of the Inspector's findings and confirmed the Minister's decisions on the two part Schedule. The letter at paragraph 9 gave details of all the objectors stating "it was announced at the Inquiry that agreement had been reached with these objectors and the Minister was asked to give effect to these agreements". Paragraph 12 stated "and to confirm the CPO with modifications to effect the agreed exclusions so far as they relate to the land described in Part I of the Schedule to the order and without modification in so far as it relates to the land described in Part II of the Schedule". Paragraph 13 stated "This letter is issued as the Minister's formal decision on both the application and the Compulsory Purchase Order".

Mr Switzer asserted that the NHDC Planning and Legal Departments were aware of the covenant, as the Planning department had used it on several occasions to remove proposed development.

Mr Switzer commented that, having received no definitive answers to the questions in his letter dated 7 September 2009, he pursued the matter via former Councillor Smith in an attempt to ensure Cabinet was made aware that there was a problem obtaining answers from Council officers. This resulted in a three way correspondence between former Councillor Smith, the Strategic Director of Planning, Housing and Enterprise and himself, in which a letter from the Strategic Director of Planning, Housing and Enterprise advised him to wait for the Minister's decision. However, Mr Switzer considered that the Minister of State in 1958, after an Inspector's Inquiry, had already made the final decision on the "buffer strip", and therefore that it should not be included in any building proposals.

Mr Switzer advised that the Strategic Director of Planning, Housing and Enterprise's letter dated 28 October 2009 again offered no answers, but requested him "to desist in writing letters on this matter". After further correspondence via former Councillor Smith, the Strategic Director of Planning, Housing and Enterprise confirmed that NHDC was unable to locate the CPO and its attachments.

Mr Switzer stated that documentation provided to NHDC officers clearly proved that there could be no development on the "buffer strip". Inclusion of the "buffer strip" in the Local Development Framework (LDF) proposals was the fourth time in 14 years when the residents' legal rights had been threatened. He and 31 other residents raised individual objections relating to the proposed Lr/24.

Mr Switzer explained that, to date, he had successfully fought off three attempts by the NHDC Planning Department to include the "buffer strip" in planning proposals. The first, included in the Hertfordshire Housing Capacity Assessment 2001-2016, designated LET051, was withdrawn by Hertfordshire County Council (HCC) stating "As you are already aware, LET051 has been identified as a non-starter. This is because officers from North Hertfordshire District Council informed the County Council that a covenants exists on this land". Secondly, part of the "buffer strip" was again put forward by NHDC in its Residential Development Potential Statement (1 April 2002), referred to as LR.6.2. On being challenged, and NHDC Planning Officer had admitted that this had been a mistake and the site was withdrawn from the proposals. The third submission, the Halcrow Report (site 4030) was withdrawn by the NHDC Planning Department and a letter to Mr Switzer stated "we will not be considering site 4030 as suitable for development owing to the existence of the legal covenant".

Mr Switzer considered that the key point was that the “buffer strip” could only be used for agricultural purposes as a condition that allowed the CPO and the 195 acres for the housing development to proceed, the building line for the latter now being set some 210 feet from the rear fences of the existing properties. This modification was confirmed by the Secretary of State in his letter dated 15 May 1958. In addition, HCC and NHDC had both withdrawn previous proposals, citing the covenant.

Mr Switzer advised that the Council’s Freedom of Information Officer had told him that NHDC had no plan defining the building line of the housing development. A photocopy of a plan issued in 1958 to one of the residents who had objected showed precisely the complete parameters of the land known as the “buffer strip”, which was removed from the housing development. This showed the line set at 210 feet from the rear fences of the existing houses on Baldock Road and also the proposed buildings to be erected up to that line. The same resident also held the original letter from the then Clerk of Letchworth UDC setting out the details of the agreement and a carbon copy of the objector’s consent to it.

Mr Switzer commented that, as Letchworth UDC was one of the parties to the agreement reached in 1958, which the Minister approved, present Councillors were the custodians and protectors of the “buffer strip”.

Mr Switzer concluded by appreciating that Councillors were in a difficult position, as NHDC officers continued to submit proposals to develop the “buffer strip” whilst, on being challenged, withdrawing those proposals on the basis that there was a covenant which prevented development. He requested that the “buffer strip” be permanently removed from this and all future building development proposals. Mr Switzer stated that he had supporting documentation for his presentation, and had received off the record legal advice from a barrister that his case was sound.

The Chairman thanked Mr Switzer for his presentation.

(ii) Mr K. Hoskins (Hitchin Initiative) / J. Creswell (Development Trust Association) - Hitchin Town Hall – Museum Proposals

Mr K. Hoskins introduced the presentation by confirming that a decision on the listing of Hitchin Town Hall was imminent, but that regardless of the outcome of this decision, the scheme proposed by the Hitchin Initiative, which had the support of a number of local community groups, was ready to be progressed.

Mr Creswell advised that the Hitchin Initiative’s Bid for Community Builders Funding had progressed through a first stage assessment, which confirmed that the Business Plan was robust. The Bid was now at final assessment stage. The Community Builders Fund had confirmed that money was still available for appropriate projects and was not subject to the Government’s forthcoming Comprehensive Spending Review.

Mr Creswell confirmed that the Bid had been for gap funding of £850,000, in order to develop the gymnasium and other areas into a museum and retain the Main Hall for community use. Part of this gap funding related to the acquisition of adjoining premises, in order to extend the footprint of the building. Community Builders Funding, if approved, would be a mix of grant and loan, with the latter to be repaid by instalments and the raising of a lump sum via a Community Scheme appeal.

Mr Creswell was confident that Community Builders Funding would be received, and was therefore looking for an indication from Cabinet that it would recommend the Hitchin Initiative’s proposal to Council for approval.

The Chairman thanked Mr Hoskins and Mr Creswell for their presentation.

42. REFERRAL FROM AUDIT AND RISK COMMITTEE – 29 JUNE 2010 – RISK MANAGEMENT UPDATE

The Vice-Chairman of the Audit and Risk Committee presented the following recommendation from that Committee, made at its meeting held on 15 September 2010, in respect of Risk Management (Minute 18 refers):

“That the increase in the assessment of the Financial Management Top Risk be agreed”.

Cabinet noted an increase in the probability score for the Financial Management Top Risk to a 3, which in turn increased the overall score on the Risk Matrix to a 9, one of the three highest risks faced by the Council at the present time.

RESOLVED: That the increase in the assessment of the Financial Management Top Risk be agreed.

REASON FOR DECISION: To ensure compliance with the NHDC Risk and Opportunities Management Strategy and allow Cabinet to accept ownership of new Top Risks.

43. REFERRAL FROM OVERVIEW AND SCRUTINY COMMITTEE – 21 SEPTEMBER 2010 – TREASURY STRATEGY MID YEAR 2010-2011

RESOLVED: That consideration of this referral take place in conjunction with agenda item number 13 (see Minute 50 below).

44. REFERRAL FROM OVERVIEW AND SCRUTINY COMMITTEE – 21 SEPTEMBER 2010 – CORPORATE BUSINESS PLANNING – THE STRATEGIC APPROACH TO BUDGET SETTING FOR 2011 TO 2015-2016

RESOLVED: That consideration of this referral take place in conjunction with agenda item number 9 (see Minute 46 below).

45. REGIONAL AND STRATEGIC PLANNING ISSUES

The Corporate Strategic Planning and Enterprise Manager presented a report informing Members of the current position regarding regional and strategic planning matters.

The Corporate Strategic Planning and Enterprise Manager confirmed that there had been no further information received in respect of the Luton and South Bedfordshire Core Strategy.

The Corporate Strategic Planning and Enterprise Manager stated that the Local Development Framework (LDF) Working Party had met on 23 September 2010 and had generally supported the approach to be taken in advancing the LDF, particularly in respect of housing options, detailed in the report, which was the first step in determining District housing numbers for the LDF to 2031. He referred Members to the provisional timetable for the Core Strategy and Development policies set out in Paragraph 4.29, Table 3 of the report, which included a report back to Cabinet in January 2011 following initial consultation.

The Corporate Strategic Planning and Enterprise Manager advised that a proposed review of the Parking Supplementary Planning Document (SPD) had slipped by 2 months due to the delays in progressing the Core Strategy.

In response to Mr Switzer, the Chairman requested that his observations be considered by the Local Development Framework Working Party at the time that the Land Allocations Development Plan Document came forward for consideration.

RESOLVED:

- (1) That a response to the Natural England consultation be submitted on behalf of the Council, as suggested in Paragraphs 4.15 and 4.16 of the report;

- (2) That the Council begins the process of promoting a review of the boundaries of the Chilterns Area of Outstanding Natural Beauty (AONB), in particular to secure the inclusion of Lilley Bottom within the designated AONB;
- (3) That a stakeholder consultation be carried out on the housing target to be included in the Core Strategy;
- (4) That a revised Local Development Scheme (LDS) be submitted to GO-East, details of which to be agreed by the Planning, Transport and Economic Development Portfolio Holder;
- (5) That all other matters in the report be noted.

REASON FOR DECISION: To ensure that Cabinet is aware of current developments.

46. CORPORATE BUSINESS PLANNING – STRATEGIC APPROACH TO BUDGET SETTING FOR 2011/12 TO 2015/16

The Portfolio Holder for Finance presented a report of the Strategic Director of Finance, Policy and Governance in respect of Corporate Business Planning, and outlining a strategic approach to Budget Setting for 2011/12 to 2015/16. The following appendices were submitted with the report:

Appendix A – Medium Term General Fund 5 Year Forecast;
 Appendix B – Scoring Criteria;
 Appendix C – Statutory Functions;
 Appendix D – Discretionary Core Functions;
 Appendix E – Discretionary non-Core Functions;
 Appendix F – Function Groupings and Strategic Questions.

The Portfolio Holder for Finance stressed that this was an introductory report, intended for consideration by the first round of Member Budget Workshops in early October 2010. Thereafter, Officers would carry out further work on detailed efficiency savings for consideration by the next round of Member Budget Workshops in early November 2010, in readiness for preparation of the Draft Budget for 2011/12, which would be submitted to Cabinet on 7 December 2010.

The Portfolio Holder for Finance stated that the likely effect on the Medium Term Financial Strategy of the outcome of the Government's Comprehensive Spending Review, due for announcement on 20 October 2010, would probably mean that further efficiency savings would need to be found. He asked Cabinet to give particular attention to Appendix F to the report, which proposed a series of strategic questions to be considered by the October 2010 Member Budget Workshops.

The Vice-Chairman of the Overview and Scrutiny Committee presented the following recommendation from the meeting of that Committee held on 21 September 2010 in respect of Corporate Business Planning – the Strategic approach to Budget Setting for 2011 to 2015/16 (Minute 43 refers):

"That an additional column be added to Appendix F 'Function Groupings and Strategic Questions' which would provide outline costs (with a margin of 15 per cent) for each of the 12 specific projects and if possible costs for sub projects for the guidance of Councillors at the forthcoming Member Workshops."

The Portfolio Holder for Finance replied that Appendix F was a strategic document, the intention of which was to invite Members, at the Budget Workshops, to look at the concept of the various proposals, rather than any financial details.

Cabinet supported the proposed approach, and agreed that possible changes to vehicle mileage rates be added to Appendix F as a further likely area for efficiency.

RESOLVED:

- (1) That, subject to the addition to Item 6 of Appendix F of a further likely area for efficiency to include changes to the vehicle mileage rates, the views of all Members be sought on the report and appendices at the Member Workshops;

- (2) That the Finance Portfolio Holder's response to the recommendation from the Overview and Scrutiny Committee that Appendix F is a strategic document to drive the budget process, and therefore that outline costs against each item would be inappropriate at the present time, be supported.

REASON FOR DECISION: To ensure that all Members are consulted during the Corporate Business Planning process and afforded to comment before Cabinet sets the draft Budget in December 2010.

47. FIRST QUARTER REVENUE BUDGET MONITORING 2010/11

The Portfolio Holder for Finance presented a report of the Strategic Director of Finance, Policy and Governance in respect of the First Quarter Revenue Budget Monitoring 2010/11. The following appendix was submitted with the report:

Appendix A – General Fund Summary.

The Portfolio Holder for Finance drew attention to the significant changes to the General Fund, including interest rates, vacancy control, and parking income.

In respect of vacancy control, Cabinet asked officers to give consideration to the possibility of changing the target from 4 months to 3 months in respect of the length of time that posts remained vacant unless special approval was given by CMT to recruit earlier.

A Member asked whether the effect of the 2.5% VAT increase from January 2011 was reflected in the parking income forecast. The Accountancy Manager undertook to investigate and provide a written answer to Cabinet Members on this matter.

RESOLVED:

- (1) That the report be noted;
- (2) That the changes to the 2010/11 General Fund Budget, as identified in Paragraph 4.1, Table 1 of the report, and totalling a £915K increase in net expenditure, be approved;
- (3) That the changes to the 2011/12 General Fund Budget, as identified in Paragraph 4.1, Table 1 of the report, and totalling a £14K increase in net expenditure, be approved.

REASON FOR DECISION: To enable Members to monitor budgets targets set as part of the Corporate Business Planning process, requesting action as appropriate, and to monitor and approve any changes to the Council's balances.

48. GREEN SPACE STRATEGY – REVIEW OF ACTION PLANS AND POLICY UPDATES RE: FENCING AND CEMETERIES

The Portfolio Holder for Leisure presented a report of the Head of Leisure and Environmental Services in respect of The Green Space Strategy – a review of Action Plans and policy updates regarding Fencing and Cemeteries. The following appendices were submitted with the report:

Appendix 1 – Review of Green Space Action Plans;
Appendix 2 – Rationale for Fencing Policy;
Appendix 3 – Rationale for Cemetery Policy.

The Portfolio Holder for Leisure advised that Officers had prioritised the actions for the Green Space Strategy to show areas of greatest need, as follows:

- High Priority: Strategically important town centre parks, prime play areas serving large catchment areas, which had the greatest impact;
- Medium Priority: Generally neighbourhood facilities serving local communities or sports pitch provision, which had a lower impact on the wider community; and

- Low Priority: Generally smaller capital projects that could be delayed or in part be funded from revenue savings achieved from high and medium priority capital projects.

The Portfolio Holder for Leisure stated that, by delaying low priority works and works to enhance football provision at Walsworth Common, a £640,000 (37%) capital saving could be achieved over the five year programme. In addition, by ensuring improvements to green space either reduced or maintained existing revenue expenditure, there was scope to remove from the strategy the additional revenue allocation associated with improvements. The budget allocation for supporting Friends of Green Space groups could also be adjusted to meet current level of need. This achieved a £130,000 (27%) revenue saving over the five year programme. Full details of all of the proposed savings were set out at Appendix 1 to the report.

In respect of the policy for fencing of green space, the rationale of which was outlined in Appendix 2 to the report, the Portfolio Holder for Leisure proposed:

- (1) That prior to any proposed changes, NHDC would undertake an individual site risk assessment and provide or replace fencing only where a recognised need on grounds of health and safety or to improve design had been established. Notices explaining the proposals would be displayed at the site; and
- (2) That NHDC would engage independent specialist risk assessment companies, such as the Royal Society for the Prevention of Accidents (RoSPA), to undertake annual risk assessments of play areas and be guided by their recommendations.

The Portfolio Holder for Waste, Recycling and Environment echoed the comments made by the Portfolio Holder for Leisure in relation to the Green Space Action Plans and the re-prioritisation of capital and revenue expenditure associated with the Strategy.

In respect of the policy for cemeteries, the rationale for which was outlined in Appendix 3 to the report, the Portfolio Holder for Waste, Recycling and Environment explained that a survey undertaken by officers had revealed that Baldock and Royston cemeteries each had 10 years capacity for burials before they would be full; Hitchin had 6 years capacity; and there were no capacity issues in Knebworth or Letchworth Garden City.

The Portfolio Holder for Waste, Recycling and Environment stated that Wilbury Hills Cemetery, close to Letchworth Garden City, had the facilities and capacity to deliver the burials service for the whole District. The provision of such a centrally located burial facility would be more economic to manage and maintain while continuing to achieve a high quality of service. Accordingly, the Portfolio Holder for Waste, Recycling and Environment recommended the following policy for cemeteries:

- (1) To adopt Wilbury Hills Cemetery as the district wide cemetery; and
- (2) To encourage and promote its use as the district wide cemetery.

The Portfolio Holder for Waste, Recycling and Environment further recommended that the consideration and implementation of controls that would provide longevity in the existing cemeteries in the towns of Royston, Baldock and Hitchin, be referred for consultation to the Area Committees.

RESOLVED:

- (1) That the revised Green Space Action Plans, as listed at Paragraph 4.2.1 and set out in Appendix A to the report, be adopted;
- (2) That the revised revenue expenditure in respect of the Green Space Strategy, as listed at Paragraph 4.3.1 of the report, be adopted;
- (3) That the Policy for fencing of green space, as listed at Paragraph 5.1 of the report, be adopted;

- (4) That the Policy for Cemeteries, as listed at Paragraphs 6.1(1) and 6.1(2) of the report, be adopted;
- (5) That proposed Paragraph 6.1(3) of the Policy for Cemeteries, in respect of the consideration and implementation of controls that will provide longevity in the existing cemeteries in the towns of Royston, Baldock and Hitchin, be referred for consultation to the Area Committees.

REASON FOR DECISION: To provide an affordable value for money approach for the development of green space; and to provide policies that best meets the needs of NHDC's residents within the resources available to the Council.

49. FIRST QUARTER CAPITAL PROGRAMME MONITORING 2010/11

The Portfolio Holder for Finance presented a report of the Strategic Director of Finance, Policy and Governance in respect of the First Quarter Capital Programme Monitoring 2010/11. The following appendices were submitted with the report:

Appendix A – Capital Programme Summary 2010/11 Onwards;
 Appendix B – Capital Programme Detail 2010/11 Onwards;
 Appendix C – Capital Scheme Funding 2010/11 Onwards.

The Portfolio Holder for Finance highlighted the major variances to the Capital Programme, as set out at Paragraph 4.3, Table 1 and Paragraph 4.4, Table 2, of the report. He also referred to capital expenditure of £166,000, in relation to an upgrade to the telephony system and IT infrastructure.

RESOLVED:

- (1) That the changes to the projected Capital Programme for 2010/11 onwards, arising out of scheme slippage, as identified in Paragraph 4.3, Table 1 of the report, and totalling a 2010/11 decrease in expenditure of £37,000, be approved;
- (2) That the changes to the projected Capital Programme for 2010/11, arising out of changes to the capital schemes identified in Paragraph 4.4, Table 2 of the report, and totalling a decrease in expenditure of £80,000 for 2010/11, be approved;
- (3) That a total investment of £166,000 in an upgrade to the telephony system and IT infrastructure, as described in Paragraph 4.6 of the report, be approved.

REASON FOR DECISION: To enable monitoring of the Capital Programme for 2010/11 and onwards.

50. TREASURY STRATEGY 2010/11 – MID YEAR REPORT

The Portfolio Holder for Finance presented the report of the Strategic Director of Finance, Policy and Governance in respect of the Treasury Strategy 2010/11 – Mid Year report. The following appendices were submitted with the report:

Appendix A – Treasury Strategy Statement – Adopted 25 February 2010;
 Appendix B – Treasury Management Activity 2010/11.

The Portfolio Holder for Finance commented that the major changes to the Treasury Strategy adopted by Council in February 2010, and as detailed in the report, related to the potential to borrow for specific capital projects; changes to the investment limits with counter parties; removal of non-UK banks from the list of counter parties; use of credit ratings; lower asset size threshold for building societies; an increase in the level of long-term investments; and changes to practice within the Strategy.

The Chairman of the Overview and Scrutiny Committee presented the following recommendation from the meeting of that Committee held on 21 September 2010 in respect of the Treasury Strategy 2010/11 – Mid Year report (Minute 44 refers):

“That the current Treasury Management Strategy be adopted by Council at the meeting to be held on 11 November 2010”.

The Portfolio Holder for Finance welcomed the support of the Overview and Scrutiny Committee. He proposed a change to recommendation 8.1 in the report, and asked Cabinet to recommend to Council the continued adoption of the Strategy with one amendment, namely the replacement of the words “£7.5M per cash manager” with “£15M in total” in Paragraph 3.6.1 of Appendix A to the report.

RESOLVED:

- (1) That the mid-year position on Treasury Management be noted;
- (2) That the support of the Overview and Scrutiny Committee to the continued adoption of the Treasury Management Strategy 2010/11 be welcomed.

RECOMMENDED TO COUNCIL: That the continued adoption of the Treasury Management Strategy be agreed, subject to the replacement of the words “£7.5M per cash manager” with “£15M in total” in Paragraph 3.6.1 of Appendix A to the report, so that it now reads:

3.6.1 To maximise investment interest and take advantage of higher long term interest rates, Cash managers will continue to be permitted to invest for longer than 364 days. A maximum of £15M in total may be invested longer than 364 days with a maximum term of 5 years. (An increase from £10M). All decisions made on long term investments will be made in conjunction with Officers and will be dependant on market conditions and cashflow.

REASON FOR DECISION: To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

51. PARTNERSHIP HEALTH AND SAFETY COMPLIANCE CONTRACT

This item had been withdrawn.

52. HITCHIN TOWN HALL – MUSEUM PROPOSALS

[Prior to the consideration of this item, Councillors I.J. Knighton, Bernard Lovewell and Mrs C.P.A. Strong advised that they were Members of the Cabinet Sub-Committee (Hitchin Gymnasium and Workman's Hall Trust). They stated that they would hear the introduction and any updates to the report, and would thereafter leave the meeting for the remainder of the debate and vote upon the item.]

The Portfolio Holder for Community Engagement and Rural Affairs presented a report of the Strategic Director of Customer Services in respect of Hitchin Town Hall – Museum Proposals. The following document was appended to the report:

Annex 1 – Background / Resolutions of Council and Cabinet.

The Portfolio Holder for Community Engagement and Rural Affairs invited the Strategic Director of Customer Services to update Members on the report.

The Strategic Director of Customer Services advised that all queries in respect of the Business Plan for the scheme submitted by the Hitchin Initiative had been resolved, and therefore that both schemes were awaiting final evaluation. Officers were still awaiting a decision from English Heritage/Secretary of State in relation to the potential listing of Hitchin Town Hall. A decision had been promised by 30 September 2010.

The Strategic Director of Customer Services clarified that the lease relating to the property adjoining the Town Hall, which formed part of the Hitchin Initiative's scheme, was now being actively marketed. The Community Builders' Fund were now accepting and determining grant funding, although no indication had been given as to when the bid for the Hitchin Initiative scheme would be determined.

The Portfolio Holder for Community Engagement and Rural Affairs stated that she was eager to move forward with this matter, and felt that Cabinet may wish to consider whether to recommend to Council that it proceeded with its decision between the two schemes under consideration, bearing in mind that to do so would create some risk, primarily that any listing decision may impose conditions which would require additional re-design and incur further costs. She therefore drew Cabinet's attention to Paragraph 3.10 of the report, advising that it may wish to consider:

- Advising Council that the delay in determining the decision on listing Hitchin Town Hall would entail a further delay in reporting on the detailed business plan of both proposals; or
- Advising Council that a decision could be taken prior to the decision on listing.

However, the Portfolio Holder for Community Engagement and Rural Affairs recommended that, should the decision on listing Hitchin Town Hall be further delayed beyond the end of October 2010, Council instructs officers to research and report on alternative options for the future of Hitchin Town Hall and the Museum Service.

[Note: At this point, Councillors I.J. Knighton, Bernard Lovewell and Mrs C.P.A. Strong withdrew from the meeting.]

Cabinet debated the various options presented by the Portfolio Holder for Community Engagement and Rural Affairs, and agreed that the Council should consider the situation as it existed in respect of Hitchin Town Hall at its meeting to be held on 11 November 2010. Cabinet agreed to recommend to Council that, instead of a deadline of the end of October 2010, should the decision on listing Hitchin Town Hall be further delayed beyond 11 November 2010, officers be instructed to research and report on alternative options for the future of Hitchin Town Hall and the Museums Service.

RECOMMENDED TO COUNCIL: That the Council reviews the situation at its next meeting, and that should the decision on listing Hitchin Town Hall be further delayed beyond 11 November 2010, Council instructs officers to research and report on alternative options for the future of Hitchin Town Hall and the Museums Service.

REASON FOR DECISION: To progress matter in respect of the future use of Hitchin Town Hall.

53. REGULATION OF INVESTIGATORY POWERS ACT 2000 - POLICY

The Cabinet Chairman presented a report of the Corporate Legal Manager in respect of a draft policy in respect of the Regulation of Investigatory Powers Act (RIPA) 2000. The following document was appended to the report:

Appendix 1 – Draft RIPA Policy.

The Cabinet Chairman advised that the Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to regulate advances in technology and surveillance capability to balance a public authority's need to undertake investigations, against the rights of an individual as set out in the Human Rights Act 1998. It therefore regulated the use of covert surveillance of individuals by public bodies, and provided a framework for authorising officers to authorise surveillance activity prior to that surveillance being undertaken.

The Cabinet Chairman stated that the three elements where RIPA was relevant were directed surveillance; covert use of human intelligence; and access to communications data. The Office of Surveillance Commissioners (OSC) had carried out three inspections into the way in which the Council used its RIPA powers. The most recent inspection was on 1 July 2010, and the previous inspection was in October 2007.

Cabinet noted that, as part of the most recent Inspection, the Inspector reviewed the draft Policy submitted as Appendix 1 to the report. Recommendations made by the Inspector for minor amendments had been included within the Policy.

Cabinet was advised that the Council's Internal Auditors carried out an Audit on the Council's use of RIPA. The report following this Audit was issued on 9 October 2009. The Inspection Report had noted this Audit with approval. In accordance with the usual operating practices, a follow up of the implementation of agreed actions was concluded on 19 May 2010. Matters arising from the Audit had been included within the draft Policy.

The Cabinet Chairman commented that the draft policy recommended reducing the number of NHDC authorising officers from 12 to 7, as set out in Paragraph 4.1 of the report.

The Corporate Legal Manager clarified that reports on the use of RIPA would be submitted to the Partnerships Scrutiny Sub-Committee three times a year.

RESOLVED:

- (1) That the draft RIPA Policy, as set out at Appendix 1 to the report, be approved;
- (2) That the Corporate Legal Manager be authorised to carry out any required minor typographical changes to the draft Policy.

REASON FOR DECISION: To comply with the statutory requirements of the various Consolidating Orders and Codes of Practice relating to the Regulation of Investigatory Powers Act 2000.

The meeting closed at 9.41pm.

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Chairman