

# **+NORTHAMPTON BOROUGH COUNCIL**

## **CABINET**

**Wednesday, 8 July 2009**

**PRESENT:** Councillor Woods (Chair); Councillor B Hoare (Deputy Chair); Councillors Beardsworth, Church, Crake, Perkins and PD Varnsberry

### **1. APOLOGIES**

There were none.

### **2. MINUTES**

The minutes of the meeting held on 29 June 2009 were agreed as a true record and signed by the Chair.

### **3. DEPUTATIONS/PUBLIC ADDRESSES**

#### **RESOLVED**

- (1) That Sharon Skinner and Mrs Kingston be granted leave to address cabinet on Item 15: Future of Allchin Steamroller
- (2) That Beverley Mennell, Martin De Rosario, Norman Adams, Dave Green, Ronald Mendel, Councillor Joy Capstick, Councillor Tony Clarke and Councillor David Palethorpe be granted leave to address the Cabinet in Item 10: Evaluating Ways of Delivering Services and Improving Value for Money (VFM) for the Council Tax Payers of Northampton.
- (3) That Tony Skinner and Councillor Tony Clarke be granted leave to address the Cabinet on Item 14: Community Centres.

Sharon Skinner then addressed Cabinet, stating that the Northampton and Lamport Railway Preservation Society was looking forward to the opportunity to restore the Allchin Steamroller as a working exhibit for Northamptonshire. She commented that some relatives of the original family were still alive and were proud to be connected with such an important item of the town's history. Although it was a shame that the steamroller was currently in bits, she pledged to soon have it rolling again.

In response to a question from the Chair, Councillor Woods, Mrs Skinner assured Cabinet that funding would be made available for the restoration and that any necessary missing parts could be made.

Mrs Kingston then addressed Cabinet and showed them some old papers and pictures relating to the steamroller that had belonged to her father-in-law, who was a relative of the Allchin family. She suggested that her husband might be willing to donate these and other artefacts to the restoration trust.

Beverley Mennell addressed Cabinet referring to an article in the previous week's press informing readers of the Borough Council's intention to consider the privatisation of its services. As the services provided were to be paid for by the taxes of the service users, she asked that any intention to approach private companies be referred to those service users and their responses to be taken into account. She explained that her experience of privatised services in another Borough had shown that private companies had performed well for the first year to gain the contracts and then the quality of its services had declined.

Martin De Rosario addressed Cabinet stating that he was appalled at the quality of street cleaning and rubbish collection services currently being delivered in the town. He was concerned at the lack of consultation on the proposed privatisation of services, not only with the public but also within the political groups themselves. He was further concerned that additional charges might be levied in the event of private companies taking over public services.

Norman Adams addressed Cabinet and enquired whether the concept of privatisation had been mentioned prior to the election of the current Administration. He did not consider that the proposed outlay of £100k to employ a consultant to carry out a feasibility study was good value for money. It was his opinion that privatisation was ultimately more expensive.

Dave Green addressed Cabinet suggesting that members look to the historical evidence of the failure of previous privatisation projects, particularly with the railways. He was of the opinion that in the past, the public sector had only taken on the provision of services that the private sector had not wanted to be involved with. The provision of public services by the public sector ensured that there was equal access to these services by people of all means. He felt that the hiring of consultants was a waste of money and was not convinced that the £100k quoted in the report would be the whole cost.

In response to questioning about the consideration of alternative ways to improve services and provide better value for money, Mr Green reiterated that service users should be consulted and that he could see no justification to privatise the services.

Ronald Mendel, President of the Northampton Trades Union Council, stated that his members of UNISON had most to lose with the proposed privatisation of services. He called for evidence that the current services were not providing value for money and that privatised services would be better. He also asked whether there would be pay cuts, job losses or hidden costs attached to the proposed scheme.

Councillor Beardsworth asked whether Dr Mendel had considered the possibility of working in partnership with other councils and Dr Mendel responded that it was his experience that this had previously led the way to widespread privatisation and was not a viable option under current circumstances.

Tony Skinner, President of Abington Community Association, addressed Cabinet. He explained that the Abington Community Centre had been built in 1949 as temporary accommodation and had been self-managed in partnership with the Council for 60 years. He was concerned that there would be increased costs to the Association that would have to be passed on to the Centre users and also pointed out that the report did not take into account previous investment by the Association for furniture, past repairs etc. He called for wider consultation to take place before any decision was made.

In response to a question from Councillor B Hoare, Mr Skinner thought that the last review of community centres had been undertaken in 1978 when they were handed over from the County to the Borough Council.

#### **4. DECLARATION OF INTEREST**

1. Councillors Woods and Church declared personal and prejudicial interests in Item 7 as they were both Board members of WNDC.
2. Councillor Woods declared a personal, non-prejudicial interest in Item 9, owing to his involvement with the Northampton Arts Collective.

3. Councillor P D Varnsberry declared a personal, non-prejudicial interest in Items 7 and 8 as he had participated in the Task and Finish groups.

## **5. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**

### **5.1 OVERVIEW AND SCRUTINY 1 PRE-DECISION SCRUTINY: COMMUNITY CENTRES**

Councillor Wilson presented the report to Cabinet emphasising that the decision put before members had been based on a presentation to the O & S group as the report had not, at the time of the meeting, been ready. It was her intention, along with Councillors Clarke, Davies and Palethorpe to ensure that the process was properly followed and that rather than rush through any decisions affecting community facilities, the work be done thoroughly and properly so that it was right the first time.

#### **RESOLVED**

That Cabinet receive the report.

## **6. RESPONSE TO O & S HOUSING AND ENVIRONMENT (BILLING WASTE WATER) TASK AND FINISH GROUP 26.11.08**

As the relevant Portfolio Holder, Councillor Crake explained that the investigation had arisen following complaints about the smell from Billing Waste Water Treatment works. However, having spoken with relevant officers, Councillor Crake was satisfied that there was insufficient evidence to serve an Abatement Order. She was pleased to report that the Task and Finish Group had supported this and showed that officers were acting correctly.

The Chair made comment on the excellent piece of work, carried out with several authorities and proposed that it stand as an exemplar of good scrutiny.

#### **RESOLVED**

1. That the recommendations be agreed as set out in the Overview and Scrutiny 2, Billing Waste Water Task and Finish Group in 3.3 (1 to 7) below namely:
  - a) That continuous improvement reviews of the service are carried out to ensure that their working practices continue to be in line with national standards and Government guidance
  - b) That a robust proactive continuous monitoring regime be put in place by the Council's Regulatory Services
  - c) That the evidence collected by this working party is forwarded onto West Northamptonshire Development Corporation for their information in the consideration of any planning applications submitted by Anglian Water
  - d) That Officers be instructed to monitor the iron salts releasing programme Water and request details of the iron salts releasing programme
  - e) That a copy of the report be forwarded to all neighbouring Local Authorities
  - f) That the Council's Regulatory Services Officers contact each petitioner within the Northampton Borough Boundary, and forward the rest of the petition to Wellingborough Borough Council for action according to their processes.
2. That it be noted that currently there is insufficient evidence to serve an Abatement Notice

3. That this response be confirmed by Cabinet to Overview and Scrutiny 2.

**7. RESPONSE TO O & S 1 REPORT ON WNDC PARTNERSHIP WORKING WITH NBC 25.02.09**

At this point, Councillors Woods and Church left the meeting and Councillor B Hoare assumed the Chair for the duration of the item.

Councillor B Hoare then presented the report and explained that officers had worked through and responded to the 23 recommendations set out in the original report, presented on 25 February 2009. He then read through the recommendations commenting that the 5-year review of WNDC had commenced. Cabinet was to receive a further report, written in conjunction with Overview and Scrutiny, at a special meeting early in September prior to the response deadline to CLG.

Councillor B Hoare then highlighted the concern in paragraph 3.2.5 of the report about the suitability of WNDC, with its limited lifespan, to deliver investment and growth in Northampton over the next 20 years. He also drew attention to the points in 3.2.8 of the report that outlined proposals for the change in role of WNDC.

Referring to recommendation 2.2 in the report, Councillor B Hoare suggested that Cabinet endorse Overview and Scrutiny's proposals.

**RESOLVED**

1. That the broad thrust and direction (more particularly as set out in paragraph 2 below) of the Recommendations from Overview and Scrutiny Committee 1 be supported and accepted and that thanks be given to the Committee for their report on this important matter.
2. That Cabinet respond to Overview & Scrutiny Committee 1 as follows: (numbers relate to groupings i. to vi. as set out in para. 3.1.1. of the report)
  1. That recommendation 1 (Appendix 1) is accepted and that Cabinet instructs officers to prepare a comprehensive and constructive response to the Secretary of State on the review of WNDC to take place during 2009, in accordance with the terms of reference of that review; the objectives set down by Overview and Scrutiny Committee and having regard to Paras 3.2.5 to 3.2.8. of this report.
  2. That Cabinet recognises that there has been an improvement in the working relationship and partnership arrangements between NBC and WNDC. However, that this improved relationship is still maturing and should not be taken for granted and that officers be instructed to prepare an annual review and report on the achievements of the two organisations working in partnership.
  3. That the improvement in communications between the two organisations be noted and that this should be covered in the annual review and report to Cabinet.
  4. Cabinet are asked to note that:-
    - a) Officers are already working with our partners in West Northamptonshire to produce a Joint Core Strategy and a report outlining the emergent strategy will be presented to the West Northamptonshire Joint Strategic Planning Committee on the 6th July for the purpose of public consultation. Overview and Scrutiny Committee One's concerns in this respect are already being met.

(b) Cabinet instruct Officers to write to WNDC to record our appreciation for their involvement in the plan making process to date and request that they continue to ensure senior representation at strategic plan making meetings.

5. That Cabinet and Members of Overview and Scrutiny Committee One will receive a further briefing on the Environmental Health Consultancy service to WNDC in due course.
6. That Cabinet notes the improvements that have taken place to date in the consideration of WNDC planning applications and the way in which WNDC considers the corporate response to these applications by the Planning Committee. This will, however, also be kept under review and will be included in the annual review and report.

**8. RESPONSE TO O & S 2 CONTAMINATED WATER TASK & FINISH GROUP  
20.05.09**

As relevant Portfolio Holder, Councillor B Hoare presented the report to Cabinet. He pointed out that having considered Overview and Scrutiny's recommendations, national guidelines advised that the existing multi-agency arrangements remain in place and that no attempt should be made to have one single database of vulnerable people. Evidence suggested that the more efficient method for emergency planning would be where each authority retained its own proper registers and that this be pooled when necessary. He thanked Overview and Scrutiny for their work on this.

The Chair expressed concern about the accuracy of databases and the frequency of testing them. It was pointed out that testing was currently being undertaken in preparation for any action having to be taken as a result of a swine flu emergency.

**RESOLVED**

1. That the Overview and Scrutiny Committee's concern to support vulnerable people in emergency situations be noted and supported;
2. That the Committee be informed that Cabinet supports the continuing development and testing of the multi-agency arrangements designed to ensure that vulnerable people can be identified in an emergency, but in line with national guidance does not support the creation of a single central register of vulnerable people.

**9. MARKET HALL, BRADSHAW STREET - GRANT OF LEASE TO NORTHAMPTON  
ARTS COLLECTIVE**

As relevant Portfolio Holder, Councillor Perkins presented the report to Cabinet. He explained that costs incurred by the Council in the proposed grant of the lease to the Northampton Arts Collective had been incorporated into the Medium Term Financial Strategy. He pointed out that the 10-year lease would have break clauses after five and eight years. In view of the support of the project by other organisations, he urged that Cabinet accept the recommendations.

Councillor Church commented that this was a very good example of partnership working with the voluntary sector and excellent use of a building that would otherwise stand empty. He further mentioned the opportunity for the organisation to develop work to complement Market Square activities.

## RESOLVED

1. That subject to the resolution of issues set out in 3.2.2. of the report to the satisfaction of the Borough Solicitor, the grant of a lease of the Market Hall, Bradshaw Street (shown edged red upon the attached plan at Appendix 1) on the terms set out in Appendix 2 to this report, to the Northampton Arts Collective Limited (Reg. Co. No. 6817424) be supported.
2. That the allocation be supported of £10,000 revenue funding per annum in each of the financial years 2009/10, 2010/11 and 2011/12 to support the cost of necessary maintenance and repair works to the property – consistent with the terms set out in Appendix 2 of the report.

### **10. EVALUATING WAYS OF DELIVERING SERVICES AND IMPROVING VALUE FOR MONEY (VFM) FOR THE COUNCIL TAX PAYERS OF NORTHAMPTON**

Councillor Capstick addressed Cabinet suggesting that the proposal to privatise services showed a failure by the Administration to run public services themselves. She considered that there was no transparent process and wondered if the outcome of the market testing was pre-ordained. She then commented on the fact that the press had knowledge of the proposal before the information had been circulated to Councillors. She further questioned the future of Lings Forum and felt that the whole workforce would suffer, especially the lower paid. She was of the opinion that the proposal was misguided and anti-democratic.

In response to a question, Councillor Capstick, whilst accepting that efficiency savings had to be made, considered that the protection of lower paid workers was more important than the retention of highly paid consultants. She felt that the privatisation of core services would not persuade council tax payers that they were getting value for money.

Councillor Clarke addressed cabinet commenting that the report was a 'Trojan Horse' to drive savings and reductions in budget rather than to improve services. He then expressed his dissatisfaction that Portfolio Holders appeared to be pushing through this political decision without referral to Council or even to members of their own group. He was also annoyed that there had been no pre-scrutiny and that the Press had been informed of the decision first. He was of the opinion that public services were never improved by privatisation. He asked for a deferment of the issue so that consultation could be undertaken and appealed to opposition members to call in any decision made at the meeting.

In response to a question about labour-led reviews of services, Councillor Clarke stated that he disagreed with privatisation as, although a saving might be seen in the first year, these savings were rarely sustainable. Solutions should be found to deliver best value for money.

Councillor Palethorpe then addressed the cabinet referring to the growth agenda and the future accountability to the tax payers. He felt that steps should be taken to become more efficient and streamlined in view of reduced funding. However, people's perception was that they were receiving reduced services for the same money. He asked for assurances with regard to market testing, with very specific invitations to tender for each service area. He was of the opinion that current council staff should have the opportunity to tender to continue providing services and was of the opinion that if contracts were offered just on financial outcomes, people's confidence in the council would be irretrievably lost.

In response to a question from the Chair arising from a recent LGA conference, Councillor Palethorpe accepted the expectation that money would be tight for local authorities for the foreseeable future but did not see this as a reason to outsource services.

As the relevant Portfolio Holder, Councillor Woods presented the report to Cabinet pointing out that the issue was about improving the quality of services and providing value for money. He emphasised that the proposal was to provide services at a required quality for an agreed sum of money. It was important to ensure that the current workforce had the opportunity to compete. The report had been brought to Cabinet for a discussion about the principle of outsourcing. That was not to say that this would be appropriate for all services and a wide range of options were being explored. There could be a combination of in-house service delivery, charitable or social enterprises or community groups or a shared arrangement of service provision. Cabinet would be looking at what worked and provided best value for money and not pitching public versus private provision of service delivery.

Councillor Crake commented that, in relation to waste, street scene and grounds maintenance services, market testing would be carried out in conjunction with Daventry, to provide best value for money.

It was general felt that the report was about delivering the best service possible and giving value for money, whether this be by in-house delivery, through partnership or by a private company. Each service would be examined and the relevant Portfolio Holder would interpret the most appropriate business case. Referring to paragraphs 2.3 and 2.4 of the report, Councillor B Hoare reminded Cabinet that, in the event of key decisions being made, further reports would come through the Cabinet decision process.

## **RESOLVED**

1. That it be decided to undertake a full market testing exercise to determine the most cost effective and efficient way to deliver waste management, street care and grounds maintenance services and so improve VFM of these services for Council Tax payers.
2. That Cabinet gives its commitment to implementing the findings of this particular market testing exercise if a well defined and robust business case is established that supports this course of action, subject to paragraph 3 and 4 below.
3. That it be noted that further reports will be brought forward throughout the course of this market testing exercise if key decisions need to be made.
4. That it be noted that, further to paragraph 3 above, before any contract or tender is awarded as a result of the market testing of waste management, street care and grounds maintenance services, a report will be brought to Cabinet to seek its agreement.
5. That, subject to specific agreement with the relevant portfolio holder, Cabinet gives its approval to the principle and practice of market testing Council services where it is considered that the external market might provide greater opportunities to achieve better value for money, efficiencies and effectiveness in service delivery, as part of the Strategic Business Review programme or as distinct projects.
6. That it be noted that the Trades Unions have been informed of this proposal and that management are seeking positive and active engagement of the Trades Unions in pursuing this programme, to ensure that the proper interests of all employees, whether Union members or not are duly considered.
7. That Cabinet endorses working together with other Councils on market testing, where this enables potential mutual benefits and sharing of the costs of market testing, as long as such joint working does not fetter future discretion by this Council.

## **11. HOUSING TENANCY AGREEMENT**

As relevant Portfolio Holder, Councillor Beardsworth presented the report to Cabinet, passing on her thanks to Councillor Malpas for his lead in the scrutiny. She apologised that the result of the Overview and Scrutiny consultation had been mistakenly omitted from the report. Councillor Beardsworth then pointed out the improvements in the proposed introductory and secure tenancy agreements, which set out clearly the responsibilities of the Council and the tenant. There would be a 3-month consultation period starting at the end of July and, following this, a further report would be brought back to Cabinet. She confirmed that the proposed agreement related only to tenancies in council-owned property and that the Council's consultation toolkit would be used.

### **RESOLVED**

1. That approval be given to the commencement of formal consultation on the draft tenancy agreement (attached as Appendix 1 of the report) and authorisation be given for the issue of the preliminary notice to all council tenants.
2. That, following consultation with tenants a further report be presented to Cabinet detailing the comments received from tenants, any amendments made to the draft tenancy agreement and asking Cabinet authorise the service of the Notice of Variation on all tenants.

## **12. PLACES OF CHANGE PROJECT IMPLEMENTATION**

As Portfolio Holder for Housing, Councillor Beardsworth presented the report to Cabinet asking them to approve further work in accordance with the Project Implementation Plan, including the transfer of the building at a nominal charge on a long leasehold basis.

Referring to the building itself, Councillor Beardsworth explained that the eco-friendly features and high specification design made this project one of strategic and local importance. The Homes and Community Agency (HCA) had challenged the Council to upgrade the features to achieve an 'excellent' status. However, Councillor Woods suggested that any additional investment should be to help the people rather than to enhance the building.

Councillor Perkins asked if the alternative accommodation offered to the building's current tenants had to be brought up to an appropriate standard and, if so, whether this was funded by the HCA.

Councillor Church appreciated the rationale of housing vulnerable people in high quality accommodation in order to raise their confidence and provide a good service for them.

It was made clear that the boxing club would not be affected in any way.

### **RESOLVED**

That Cabinet agree:

1. To transfer the southern section of the Maple Buildings site, (as edged in red on drawing DO2 revision J, in Appendix 2 of the report) to Midland Heart Ltd. Housing Association (MHHA) at a nominal charge, on a long leasehold basis, upon NBC achieving vacant possession of the site and subject to the necessary Social Housing Grant being approved by the Homes and Community Agency (HCA).



2. That vacant possession notices be issued to the existing commercial tenants.
3. To delegate authority to the Director of Housing and the Borough Solicitor to complete the detail of the legal arrangements between Midland Heart Ltd and the council.
4. That the northern part of the site, (as edged in blue on drawing as included in Appendix 3 of the report) be retained by the Council for an alternative use.
5. That the Director of Housing will oversee progress on the next stage of the project as detailed in the Project Implementation Plan.

### **13. GREENFIELD AVENUE - PROPOSED INFILL DEVELOPMENT**

As relevant Portfolio Holder, Councillor Beardsworth presented the report to Cabinet and explained that, following the demolition of some unsafe buildings on the site, approval was being sought to dispose of the land in order that it might be redeveloped for housing.

#### **RESOLVED**

1. That the Director of Housing, in consultation with the Portfolio Holder, be authorised to negotiate the terms of the disposal at nil financial consideration of land shown at appendix A to Metropolitan Housing Trust in return for nomination rights to all completed homes.
2. That a report setting out the final terms of disposal be presented to Cabinet for final approval in due course.
3. That Cabinet note that on Health and Safety grounds, numbers 58 & 60 Greenfield Avenue have had to be demolished because of structural instability due to subsidence.

### **14. COMMUNITY CENTRES**

Councillor Clarke addressed Cabinet commenting that although Councillor Wilson had given a positive impression of the future of Community Centres, there was insufficient evidence up until now for Overview and Scrutiny to pass any judgement. Figures relating to income and expenditure were not available yet and this would cause a problem for Cabinet, who were committed to reduce expenditure by £100k. In relation to the future management of the community centres, Councillor Clarke felt that, of the 21 centres, some were already being managed well enough to be passed over for the community to run. His concern was that if the Council retained only the centres that needed support, there may be too great a drop in overall income to maintain them. He called for the Cabinet to defer any decision relating to the future of community centres until Overview and Scrutiny had completed their own study.

In response to a question from the Chair relating to the exploration of Community Asset Transfer in appropriate cases, Councillor Clarke reiterated his opinion that community centres in areas of town with affluent people would manage but the subsequent lost income would mean that poorer centres could not be supported

Councillor Clarke responded to Councillor B Hoare's query about previous reviews of community centres by pointing out that, when he had been involved in the Environment Services Committee, such reviews had been carried out annually. It was pointed out that this had been before the Local Government 2000 Act and the reviews had therefore ceased around eight years previously.

Councillor B Hoare, as the relevant Portfolio Holder, then presented the report to Cabinet and pointed out that the provision of community facilities was not the sole preserve of the

Council and that there were good examples in the town of successfully run facilities, such as the Doddridge Centre. Schools could also provide community facilities, an example being the newly commissioned children's centre attached to Kingsthorpe Grove Primary School. A review of community centres was needed, in consultation with partners, to address the needs of communities and with a view to future provision in the light of the growth agenda. He assured those present that any agreement as to the future of the community centres would be brought back before Cabinet.

It was generally felt that any community asset should be for the benefit of the community and that the possibility of selling off these assets worried people as they may then be deprived of any appropriate community facility. Lessons might be learnt from studying the running of the more successful centres. However, it was also pointed out that money raised from selling off successful centres could benefit the poorer ones. The Chair recommended that Overview and Scrutiny be involved in the next phase of the review and their response would be welcomed by Cabinet.

## **RESOLVED**

1. That a review of community centres be approved to ensure they can contribute effectively to thriving communities and provide improved value for money;
2. That the exploration of Community Asset Transfer in appropriate cases be endorsed;
3. That officers be authorised to explore opportunities with other providers of community facilities actively to seek shared solutions to meeting community needs;
4. That officers be authorised to undertake the discussions necessary to understand the opportunities and interest locally in the transfer of community centre assets to appropriate community groups.

## **15. FUTURE OF ALLCHIN STEAMROLLER**

As relevant Portfolio Holder, Councillor Perkins presented the report to Cabinet seeking their support to transfer the ownership of the Allchin Steamroller to the Northampton and Lamport Railway Preservation Society. This was to be conditional on the Society undertaking to restore the roller at its own cost and to exhibit the roller at least twice a year. The roller had been in use until the 1950s and, until the 1990s had been maintained by Borough Council staff. Since then, it had fallen into a state of disrepair, although some of the more sensitive components had been removed and stored appropriately.

Councillor PD Varnsberry requested that the blue prints for the machine, which he believed had been archived at Cliftonville House, be found and passed on to the NLRPS to assist in the restoration.

## **RESOLVED**

That the transfer of ownership of the remaining parts of the Allchin Steam Roller No. 1131, to the Northampton & Lamport Railway Preservation Society ("NLRPS") be supported on precise terms to be approved by the Director of Finance and Support, provided that they are consistent with the conditions set out in 3.2.2 of the report.

The meeting concluded at 21:02