

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 14 October 2009

PRESENT: Councillor Woods (Chair); Councillor Hoare (Deputy Chair); Councillors Beardsworth, Church, Crake, Perkins and Varnserry

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting on 23 September 2009 were agreed as a true record and signed by the Chair.

3. DEPUTATIONS/PUBLIC ADDRESSES

RESOLVED

- (1) That Mr Alan Brown be granted leave to address Cabinet on item 6, "Camp Hill MUGA"
- (2) That Beverley Mennell be granted leave to address Cabinet on item 11, "New Tenant Participation Structure"
- (3) That Norman Adams be granted leave to address Cabinet on item 11, "New Tenant Participation Structure"
- (4) That Chris Swinn be granted leave to address Cabinet on item 11, "New Tenant Participation Structure"

Camp Hill MUGA

As a member of the Neighbourhood Management Board for the areal and Chair of Friends of Hunsbury Hill Country Park, Mr Brown addressed Cabinet in support of the provision of the Camp Hill MUGA. He had been actively involved in seeking and obtaining agreement with the County Council for the project. The MUGA was a means to address the lack of facilities for young people in the area and should go some way to alleviate the problems of anti social behaviour and nuisance. As such, he asked members to support the application and agree to the recommendations in the report.

New Tenant Participation Structure

Beverley Mennell addressed Cabinet asking them to look again at the way in which things were done with regard to the representation of tenants and the rights they had to elect those who they wished to represent them. She was very much in favour of elected representation and did not believe in the selection process as proposed. She then referred to the figures relating to the consultation and put the view that it had not been carried out properly.

Councillor Church asked how many tenants had voted her in as Chair of N-TACT and questioned that the 37 resident votes was representative of overall support for her position.

Norman Adams addressed Cabinet and suggested that the money spent on consultants used for the consultation could have been better spent on housing improvements. He considered the consultation to have been unsound, undemocratic and insufficient. If the scheme was adopted, the decision would be subject to call-in and Mr Adams intended to seek advice as to grounds for Judicial Review. He referred to guidance stating that tenant board members should be elected by fellow tenants to ensure they were genuinely

representative. He urged all tenants and councillors to have no dealings with the process if the administration continued down the road of selection over election.

Chris Swinn addressed Cabinet describing the consultation as phony and a farce with the 1% response from tenants being statistically insignificant. He felt it had been unreasonable to hold a public meeting for tenants in Kings Heath on a weekday evening. He asked for details of the consultation methods and the information given to tenants before being asked to make their choice. He then suggested that if the scheme was adopted in the recommended form, the party would fail to be re-elected in 2011.

4. DECLARATIONS OF INTEREST

- (1) Councillor Crake declared a personal, non-prejudicial interest in Item 7, "Duston Conservation Area – Reappraisal and Management Plan" as she had relatives living in the Duston Conservation Area;
- (2) Councillor B Hoare declared a personal, non-prejudicial interest in Item 7, "Duston Conservation Area – Reappraisal and Management Plan" as he had close friends living in the Duston Conservation Area.

5. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

6. CAMP HILL MUGA

Councillor Glynane addressed Cabinet and commented on the excellent consultation carried out by the Council and the hard work undertaken by Council officers and community leaders. The MUGA was sorely needed and he hoped that Cabinet would approve the recommendations.

As relevant Portfolio Holder, Councillor PD Varnsvery presented the report and held the scheme up as an excellent example of empowered community working and thorough consultation. He praised the Hills Community Residents' Association for their successful lottery bid and the resulting partnership working with a variety of organisations to realise the project. He commended the report to Cabinet and asked for their approval of this positive asset to the community.

Councillor Crake praised the engagement of young disabled residents in the design process.

RESOLVED

1. That NBC act as Accountable Body for the anticipated capital funding from the Big Lottery 'Changing Spaces' programme of £50,000.
2. That NBC manages the facility as a council asset, on land leased from Northamptonshire County Council.
3. That NBC provide the ongoing, weekly maintenance and inspection of the facility, with any damage and repairs covered through additional external funding.

7. DUSTON CONSERVATION AREA - REAPPRAISAL AND MANAGEMENT PLAN

As Portfolio Holder for Planning Regeneration, Councillor Church presented the report and explained that this was part of the programme to re-appraise Conservation Areas within the Northampton Borough administrative boundary. Changes to the Conservation Area boundary were shown on a map appended to the report. Councillor Church confirmed that full consultation had been undertaken.

RESOLVED

1. That the responses to the consultation and officer responses be noted.
2. That the appraisal and management plan attached to the published report, including the proposed boundary amendments, be approved.

8. ELECTORAL REVIEW

Councillor Clarke addressed cabinet and expressed disappointment that, as a whole-council project, there was no Independent representative on the proposed working party for electoral review. He stated that, as this was not a political issue, he saw no reason to exclude the Council's Independent member.

As relevant Portfolio Holder, Councillor Woods presented the report to Cabinet. He explained that the Electoral Commission had directed the Council to commence an Electoral Review and address the electoral variances and imbalances in a number of wards in the Borough. Recommendations on the ward names and boundaries were then to be passed to the Boundary Committee prior to consideration by Parliament. To achieve this, it was recommended that a working party be set up consisting of two councillors from each main party to include the Leader, who would take the Chair. Contributions would be invited from all Councillors and members of the public and all comments would be taken into consideration, including any minority views.

RESOLVED

1. That the establishment of an Electoral Review Member Working Party be recommended to Full Council.
2. That the Member Working Party be made up of two representatives from each of the Political Groups and chaired by the Leader of the Council.
3. The Member Working Party is to be given delegated powers to consider, prepare and agree submissions to the Electoral Review on behalf of the Council. This will include the electorate forecast, political management arrangements and consequent size of the Council, warding patterns and any other information that is requested.

9. CARBON REDUCTION COMMITMENT

As Portfolio Holder for Environment, Councillor Crake presented the report and outlined the legal obligation for a Carbon Reduction Commitment from April 2010. The scheme was designed to encourage and promote energy efficiency through financial and reputational incentives. New skills sets would need to be developed to enable accurate monitoring and carbon trading expertise to be developed.

RESOLVED

1. That the financial, reputational and resource implications for the Council of the new CRC scheme is noted and considered.
2. That agreement is given to participate in Carbon Trading Public Sector 2009/10, which is a 'dry run' of the CRC scheme.
3. That agreement is given to the need for the skills, tasks and roles outlined in 4.2.4. of the Cabinet report to be implemented to undertake the CRC.

4. That a carbon financial trading strategy is to be prepared.
5. That it is noted that TEAM (Energy Auditing Agency) Ltd will provide services to the carbon reduction work of the council.

10. PROPOSED BID TO THE HOMES AND COMMUNITIES AGENCY FOR ROUND TWO FUNDING FOR COUNCIL HOUSE BUILDING

Councillor Beardsworth, as Portfolio Holder for Housing, presented the report to Cabinet. Following the first successful bid, she asked then to consider a second prospective bid to the Housing and Communities Agency for funding to build new council housing on council owned land. She commended housing, finance and planning officers for the good work involved in the first bid and expressed her confidence in the success of a second one.

Councillor Woods commented on the site, which was in his Ward, and expressed his approval of the proposed development.

RESOLVED

1. That authorisation be given to the Director of Housing, in consultation with the Portfolio Holder, to confirm the terms of a second bid to the Homes and Communities Agency for grant funding
2. That approval is given to the extended procurement of the services of Orbit Housing Group partners who assisted the Council with the HCA Round 1 bid.

11. NEW TENANT PARTICIPATION STRUCTURE

Councillor Clarke addressed cabinet and referred to a previous call-in on the issue, on the grounds that inadequate consultation had taken place but the Committee had not supported this view and the call-in had failed. He then referred to the small number of people who attended the meetings and suggested that a large proportion of tenants may not have understood the letter or its implications. He now considered that two very poor consultations had taken place resulting in an outcome that was not representative of the 12,800 tenants. He warned that if the recommendations were adopted, he would call the issue in and if that failed, he would apply for a judicial review.

As the relevant Portfolio Holder, Councillor Beardsworth presented the report to Cabinet. She explained that PEP, who had carried out the consultation, had been appointed by a selection board of tenants and that every tenant in the Borough had been given the opportunity to have their say on the proposed tenant engagement structure. The low response was in line with similar exercises in other local authorities and reflected tenants' lack of interest in engagement with the Council. However tenants were being encouraged to become involved through Area Boards and assistance would be given to local resident bodies. Once in place, the structure would be reviewed in two years. Councillor Beardsworth then commented on the internal disputes that had led to the failure of NTACT and expressed the need to engage with tenants who were willing to listen and be listened to. The intention was to encourage as many people as possible to become involved and not be put off coming to meetings.

Councillor Church suggested that, as NTACT had failed to represent tenants, an alternative body was needed. He felt that those who were in favour of election to the board, rather than selection, could have lobbied to persuade more tenants to return their tear-off slips.

Councillor PD Varnsberry gave an account of a meeting with a member of the tenants' sounding board who had been 100% in favour of the new structure as the way forward for tenants. The previous scheme had failed and there was a need of people representing tenants to make positive contributions.

Councillor B Hoare observed that the very behaviour displayed at tonight's meeting was indicative of the reasons that NTACT had been banned from holding meetings at the Guildhall and why an alternative tenant engagement structure needed to be put in place. The scheme should be area-based to take the process closer to the people. Although there had been a low response to the consultation, there had been a flavour of what the tenants wanted. He was happy to support selection at this stage with the proviso that a different way could be considered if there was a clear steer.

There was concern at the apathy of residents in the participation in something this significant and the importance was stressed of a structure that truly represented tenants and allowed the 'small voice' to be heard. It was accepted that selection was not a popular idea, but previous structures had not worked and the process of consultation had concluded in a majority in favour of selection over election. The aim of the paper was to increase representation and have more people involved who would then comment back to the Council.

RESOLVED

1. The Council is to adopt at this stage the 'selection' methodology for choosing Tenant Board members as indicated as the preferred option by 50% of the tenants responding to the consultation and it will promote further resident engagement in the process of establishing its new resident involvement structure.
2. The Council is to agree an initial Area Housing Partnership Board composition of two Members, three local senior staff and five tenants with an option for the Boards to further co-opt independent Board members.
3. During October to December 2009, the Council is to implement a programme to support the development of the Area Housing Partnership Boards by the promotion and provision of joint training and Board development sessions aimed at the relevant Members, Officers and tenants for each of the four Housing Areas.
4. The Council is to note the initial suggestions made by tenants during the consultation about what should constitute the elements of a Board member person specification.
5. The process of appointing tenants to the Area Partnership Boards will begin in accordance with the timetables outlined in the report
6. A further progress report is to be forwarded to Cabinet in March 2010.
7. Elected Member engagement as part of this process will commence.

12. ANNUAL LETTER OF LOCAL GOVERNMENT OMBUDSMAN

As Portfolio Holder for Partnerships and Improvement, Councillor Woods presented the report to Cabinet. He explained that, although there were some negative comments in the report, these related mostly to historical issues and the Council in fact was making improvements.

RESOLVED

That the contents of the Annual Letter are noted.

13. ENVIRONMENT AND CULTURE DIRECTORATE - IMPROVEMENT AND EFFICIENCY PLAN

Councillor Clarke addressed cabinet expressing his deep concern that joint working with Northamptonshire County Council and Daventry District Council was the thin end of the wedge leading to a West Northants District Council. He foresaw a huge risk without having a business case presented. He then questioned the ability of Kendric Ash to carry out improvements if there was not the skill and ability in-house to implement them. He suggested that the current workforce, under the direction of managers and team leaders, could carry out most of the improvements outlined in the report. He stated that change started from within and called for the use of existing staff to be brought up to speed to improve the service.

Councillor Crane, as Portfolio Holder for Environment, presented the report to Cabinet. An agreement had already been made to work with Northgate Kendrick Ash with a risk and reward model and an Improvement and Efficiency plan had been produced. She was confident of continued in-house service. However, a business case was being developed for shared back office with NCC and DDC for environmental services.

It was noted that the task of achieving value for money was being made harder owing to the current recession and threats to public sector funding. Using the consultants provided a useful solution when the recruitment process for the best staff was long-winded and expensive in itself. It was pointed out that Northgate Kendrick Ash had achieved enormous success in Revenues and Benefits and had motivated existing staff to attain improved results. Partnership working was essential to tap into expertise from both private and sector partners. Partnership working was already in place for waste management.

Councillor B Hoare did not feel that working alongside NCC and DDC was a precursor to the drawing up of new local authority areas.

RESOLVED

1. That it is noted that the Directorate of Environment and Culture's improvement and efficiency plan will be delivered in partnership with Northgate Kendrick Ash, using an innovative risk and reward model to deliver customer focused service improvements, greater value for money and significant efficiency gains.
2. That it be agreed that the first phase of the improvement and efficiency plan for the Directorate of Environment and Culture, will be delivered as outlined in the Cabinet report.
3. That the estimated savings are noted, as set out in paragraph 4.2 of the Cabinet report, and are projected to arise from implementation of the improvement and efficiency plan.
4. That the financial proposals associated with the first phase of the improvement and efficiency plan, also set out in paragraph 4.2 of the Cabinet report, are agreed.
5. That it is agreed that the Council join Northamptonshire County Council and Daventry District Council in a project to develop a business case to assess the feasibility of a shared back office for environmental services.
6. That, further to paragraph 2.4 of the Cabinet report, expenditure for the shared back office project, as set out in sub paragraph 4.2.9, is agreed.

7. That it is noted that further reports will be brought forward in relation to the first phase of the improvement and efficiency plan, if necessary or as required by Cabinet, as work is progressed and more detail emerges.
8. That it is noted that it is expected that there will be further phases to the improvement and efficiency plan over the course of the contract with Northgate Kendric Ash and such phases will be brought to Cabinet for approval in due course.

14. CONSULTATION ON NORTHAMPTONSHIRE COUNTY COUNCIL'S PARTNERSHIP PROTOCOL

Councillor Clarke addressed Cabinet stating that, as the report had not been sent out with the agenda and as there was no explanation on the website of the report's intent, he was at a loss as to the decision that Cabinet was being asked to make.

As the appropriate Portfolio Holder, Councillor Woods presented the report to Cabinet. The purpose of the report was to ratify a response on behalf of Northampton Borough Council to the NCC's partnership protocol. Councillor Woods was of the opinion that the document showed a weakness in it being 'NCC-centric'. There needed to be a level of trust so that different authorities could take a lead where appropriate.

Councillor B Hoare referred to paragraph 3.3.2 of the report, which set out a reply out the questions asked within the consultation and made proposals for a common protocol based on a number of key points. He wanted confirmation that a joint protocol could be drawn up relevant to all participating authorities and not just a modification of NCC's internal protocol.

Councillor Church questioned NCC's commitment to partnership working following their withdrawal from the Area and Neighbourhood Partnership initiatives. He called for a more consistent approach and favoured a joint protocol agreement. Councillor PD Varnsvery, who cited the good partnership working to achieve Camp Hill MUGA, backed the call for consistency.

RESOLVED

1. That Cabinet endorse the response to the Northamptonshire County Council consultation on the Partnership Protocol as detailed in Section 3.3 in the report.
2. That the Leader of the Council respond to the consultation on behalf of the Council by the 19th October 2009 putting forward proposals for a common protocol.

15. PERFORMANCE

15.1 PERFORMANCE MONTHLY REPORT - JULY 2009

Councillor B Hoare, as Portfolio Holder for Engagement, presented the report to Cabinet and pointed out that performance figures had improved by 31% year-on-year. Many of the poorer figures related to the effects of the economic situation.

RESOLVED

That the report be noted.

15.2 CAPITAL PROGRAMME 2009-10 MONITORING REPORT, PERIOD 4: PROJECT APPRAISALS AND VARIATIONS

Councillor Perkins, as Portfolio Holder for Finance, presented the report to Cabinet and asked for approval of the addition and variation of capital schemes as set out in the report.

RESOLVED

1. Approval is given to the following schemes to be added to the capital programme for 2009-10

Scheme Reference, Description & Directorate	Narrative	2009-10 £	Future Years £	Funding Source
2009-10/GF067 Camp Hill Multi Use Games Area (MUGA) Environment & Culture	The installation of a new Multi Use Games Area in Camp Hill. This work will be funded by a grant from the Big Lottery.	50,000	-	The Big Lottery
2009-10 GF068 Bus Station ANPR Environment & Culture	Purchase and installation of an automated number plate recognition (ANPR) system at the bus station to enable the monitoring and management of vehicles as part of the Health & Safety Executive Action Plan improvement works.	30,000	-	Prudential Borrowing

Further details of these appraisals are shown in Annex A to the report.

2. Further approval is given to the following scheme in the Council's capital programme for 2009-10

Scheme Reference, Description & Directorate	Narrative	2009-10 £	Future Years £	Funding Source
2009-10 GF031 One Stop Shop Transformation Finance & Support	The One Stop Shop concept needs to transform and modernize to match demand, and be fit for purpose. To maximize space to the full, enabling staff to respond more professionally to clients needs. This will include an effective queue management system, easily identified waiting areas, plasma information screen, a better variety of seating options, and a children's play area.	250,000	-	£100k Third Party Contributions, £150k Prudential Borrowing

Further details of this appraisal can be seen at Annex A to the report.

3. Approval is given to the following scheme to be added to the capital programme for 2010-11

Scheme Reference, Description & Directorate	Narrative	2010-11 £	Future Years £	Funding Source
2010-11 HRA018 Challenge Fund Round 2 Bid (NBC New Build Scheme) Housing HRA	The project is to seek funding from the Homes & Communities Agency (HCA) challenge fund round 2 bid; to build approximately 6 new council owned family houses. The challenge fund requires at least 50% of the total scheme costs to be funded by the local authority through prudential borrowing, with the remaining cost being funded through a bid to the HCA for Grant funding.	955,259	-	£477,630 Prudential Borrowing, £477,629 HCA

Further details of this appraisal can be seen at Annex A to the report.

4. Approval is given to the following variation to a scheme in the capital programme for 2009-10.

Scheme Reference, Description & Directorate	Narrative	2009-10 £	Future Years £	Funding Source
2008-09/GF068 V03 Market Square Planning & Regeneration	The original costs of the gateway aspect of the project were estimated by the cost consultant, however these have now been revised upwards by the contractor, and are now more than the budget. Therefore the use of section 106 monies is required to fund these additional costs. If the use of the section 106 monies were not approved major items agreed by project board would have to be omitted.	40,052	-	£38,052 Section 106. £2k NEL

Further details of this variation can be seen at Annex B of this report.

5. The following is noted:

- a) The capital programme monitoring position as at end of July 2009, including forecast outturns and slippage into 2010-11, is as set out at Annex C and D of the report.
- b) The funding arrangements for the 2009-10 capital programme are as set out at Annex E of the report.

6. Approval is given to the usage of section 106 funds as outlined in paragraph 3 (above) variations to the capital programme.

- 2008-09/GF068 V03 Market Square

15.3 HOUSING REVENUE ACCOUNT (HRA) MONITORING 2009-10

As Portfolio Holder for Finance, Councillor Perkins presented the report identifying the projected outturn position for the current financial year. He referred to management action being taken in response to the forecast and to minimise the impact on the Council's HRA working balances at the end of the financial year. He pointed out that the £800K overspend was largely caused by Repairs and Maintenance and this was currently under investigation.

RESOLVED

The report and the forecast overspend of £838k on the Net Cost of Services are noted.

15.4 REVENUE BUDGET MONITORING 2009-10 POSITION AS AT JULY 2009

Councillor Perkins presented the report to Cabinet and drew attention to recommendations 2.2 and 2.3 and the approval of unclaimed increase in members' allowances to be appropriated to CEFAP for investment in communities. With regard to the forecast overspend of £908K, it was noted that a significant amount of management action was being undertaken.

RESOLVED

1. The report and the forecast over spend of £908k net of management action are noted.
2. Approval is given for the unclaimed increase in members' allowances from 2008/09 to be appropriated to CEFAP for investment in communities.
3. Approval is given for any unclaimed increase in members' allowances in 2009/10 to be allocated to CEFAP for investment in communities in 2011/12.

16. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

17. AWARD OF BANKING CONTRACT

Councillor Perkins presented the report recommending the delegation of the appointment of the preferred bid to the Chief Finance Officer and Portfolio Holder for Finance as a result of the procurement process for the Banking Services contract.

RESOLVED

That the award of the contract be delegated to the Chief Finance Officer and Portfolio Holder for Finance, subject to satisfying final conditions.

18. GROSVENOR/ GREYFRIARS

As Portfolio Holder for Planning and Regeneration, Councillor Church presented the report to Cabinet. He introduced advisors and an officer who delivered a presentation outlining the main points of the report, especially highlighting the financial and legal implications of the proposed Development Agreement and pointing out the risks involved.

Councillor Church then thanked all council officers involved in the preparation of the Development Agreement up until this point.

RESOLVED

1. That the progress made since signing Heads of Terms in December 2007 is noted and consideration be given to the reports by the Council's Advisors at Appendices 1 and 2.
2. That the Chief Executive be instructed to proceed to complete this Development Agreement on behalf of the Council.
3. That the Chief Executive be instructed to sign the Development Agreement on behalf of the Council, subject to any minor changes agreed by the Chief Executive in consultation with the Leader, Portfolio Holder for Planning & Regeneration and the Portfolio Holder for Finance.
4. That the Chief Executive be instructed to progress the activities and obligations set out in the Development Agreement working collaboratively with Legal & General and with key stakeholders, to enable delivery of a scheme.
5. That it be agreed to delegate to the Chief Executive, authority to sign the side letter requested by Legal & General, in consultation with the Leader, Portfolio Holder for Planning & Regeneration and the Portfolio Holder for Finance.
6. That support is confirmed for the Council to consider the use of powers pursuant to section 226 of the Town and Country Planning Act 1990 to acquire the third party interests by compulsory purchase. The Council will be obligated to use its power to progress a CPO, if required, to assist in bringing forward the land assembly in providing vacant possession. The Council's costs would be indemnified by the Developer as set out in the DA. (Council Officers will report to Cabinet, if any detailed CPO proposals are required, at a later date).
7. That authority is delegated to the Chief Executive to sign the CPO indemnity Agreement simultaneously with the signing of the Development Agreement, subject to any minor changes agreed by the Chief Executive in consultation with the Leader, Portfolio Holder for Planning & Regeneration and Portfolio Holder for Finance.
8. That it is noted that due diligence is being exercised and is still ongoing to allow the DA to be signed within several weeks of this Cabinet meeting.
9. That Cabinet recognise and appreciate the hard work of all officers involved in the project until this point.

The meeting concluded at 21:20