

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 20 January 2010

PRESENT: Councillor B Hoare (Chair); Councillor PD Varnserry (Deputy Chair);
Councillors Beardsworth, Church, B Markham and Perkins

1. APOLOGIES

Apologies had been received from Councillor Crane.

2. MINUTES

The Minutes of the meeting held on 16 December were agreed as a true record and signed by the Chair.

3. DEPUTATIONS/PUBLIC ADDRESSES

RESOLVED

- (1) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 6, "West Northants Joint Strategic Planning Committee – Approval of Minutes".
- (2) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 7, "Legal Framework Agreement: West Northamptonshire Joint Strategic Planning Committee".
- (3) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 8, "Housing Tenancy Agreement".
- (4) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 9, "Flexible Warranting for health and Safety Enforcement".
- (5) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 10A, "Performance Monthly Report – November 2009".
- (6) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 10B, "General Fund Revenue Budget Monitoring – Period 8".
- (7) That Councillors Mildren and Clarke be granted leave to address Cabinet on Item 10C, "Housing Revenue Account Monitoring – Period 8".
- (8) That Councillor Clarke be granted leave to address Cabinet on Item 10D, "Capital Programme Monitoring Period 8".

4. DECLARATIONS OF INTEREST

Councillor Church declared a personal, non-prejudicial interest in Item 7, "Legal Framework Agreement: West Northamptonshire Joint Strategic Planning Committee" as he was a member of the West Northamptonshire Development Corporation Board.

5. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

6. WEST NORTHAMPTONSHIRE JOINT STRATEGIC PLANNING COMMITTEE - 20 OCTOBER 2009

Councillor Mildren addressed Cabinet. He queried the appropriateness of a proposed option outlined in the minutes and was informed that this had been a specific comment made by a representative of and relating to Daventry District Council.

Councillor Clarke addressed Cabinet commenting on what he saw as a democratic deficit in the requirement to note decisions agreed in the name of Northampton Borough Council, when the council's representatives on the Board were all members of the Administration. He

felt that other councillors might have opinions on, for example, the distribution of development in the county.

It was pointed out that the views of the WNJSPC were not necessarily those of Northampton Borough Council and that members of the public could put their views to the Joint Planning Unit.

As Portfolio Holder for Planning and Regeneration and a representative of NBC on the WNJSPC, Councillor Church advised Councillor Clarke to attend the public meetings of the Committee to gain a clearer understanding of the depth of discussion that took place before decisions were made. He then explained the background to one of the decisions referred to by Councillor Clarke.

RESOLVED

That the minutes be noted.

7. LEGAL FRAMEWORK AGREEMENT: WEST NORTHAMPTONSHIRE JOINT STRATEGIC PLANNING COMMITTEE

Councillor Mildren addressed Cabinet with concern that the accounting function for the organisation lay with South Northants Council, as Northampton Borough Council was the largest contributor to the budget and was likely to experience the largest development growth.

Councillor Clarke addressed Cabinet calling for a rejection of the document as it did not reflect the views of the whole Council but only the Administration. He referred to the recent quinquennial review of WNDC and expressed dissatisfaction that NBC has insufficient influence on the sub group considering that it paid for one third of the budget. He observed that the people of Northampton had been short-changed and that planning powers should be returned to district council level.

Councillor Church, as the relevant Portfolio Holder, presented the report to Cabinet and explained that the legal agreement was in place to formalise arrangements that had already been agreed and were in practice. The existence of the Joint Planning Unit was a Government-led requirement. He further explained that the West Northants Joint Strategic Planning Committee was not the West Northants Development Corporation. The Committee dealt with policy matters and not development control. Members of the Committee were all elected representatives from across West Northamptonshire. He felt that it was right and proper that Northampton Borough Council had the important role of managing the Joint Planning Unit.

The Leader, Councillor B Hoare reiterated the important role this Authority had in the organisation and welcomed the formalisation of roles in this legal document.

RESOLVED

That the "Agreement" relating to the administration and functioning of the JPU at Appendix 1 of the Cabinet report be approved and agreed, and authorisation be given to the Chief Executive to sign the Agreement on behalf of the Borough Council.

8. HOUSING TENANCY AGREEMENT

Councillor Mildren addressed Cabinet expressing the hope that those involved in the consultation had learned from previous mistakes and that issues of equality around civil partners and vulnerable tenants be addressed in the Agreements, when produced.

Councillor Clarke addressed Cabinet and referred to unresolved problems with tenants' participation. He remained unconvinced that all the proper processes had been undertaken in the consultation exercise and that all tenants had been given the opportunity to have their say.

Councillor Beardsworth, as Portfolio Holder for Housing Services, presented the report to Cabinet to update them on the progress in developing new secure and introductory tenancy agreements. Officers had made every attempt to engage all council occupants and had made a special effort to involve normally hard-to-reach tenants. Owing to the late contribution of some residents to the consultation, the production of the agreement had been delayed but it was important that all tenants' views were properly considered. The new document would be more concise and lay out more clearly the responsibilities of both the tenant and the landlord.

Confirmation was given that a preliminary notice of variation had been sent to all tenants, along with an explanatory leaflet. All tenants had been given the opportunity to comment and to attend drop-in sessions and extra activities, which had been widely advertised. The consultation had also included the Council's forums and comments had been considered from the Disabled Peoples Forum and the Lesbian, Gay and Bisexual Peoples Forum.

Councillor Beardsworth then recorded her appreciation and congratulations to the Director of Housing and her team for the work that had been put into the project.

RESOLVED

That the current position be noted and officers be instructed to consider and incorporate any suggestions from the consultation, if appropriate, and submit the final draft Agreements to the next meeting of Cabinet for formal approval.

9. FLEXIBLE WARRANTING FOR HEALTH AND SAFETY ENFORCEMENT

Councillor Mildren addressed Cabinet and was surprised that there were no financial implications even though staff would be undertaking work on behalf of other people. The report did not give details of any response from the unions, although he was aware that in other areas, unions had made comment on similar schemes. He was also concerned about the information sharing with other councils and authorities.

Councillor Clarke addressed Cabinet and welcomed the report as a move forward in the co-ordination of closer partnership working. He, too, had concerns about trade union consultation and possible resource implications should the scheme go ahead. He felt that Cabinet had not addressed all the risks and problems identified in pilot schemes and urged them not to take a decision until they had all the information.

In the absence of the Portfolio Holder for Environment and Culture, the Leader referred to the relevant officer for clarification of the report. It was made clear that the document was an agreement in principle to the scheme and there was no obligation to undertake individual projects if they were not felt to be cost effective. In any case, there would be no exchange of money as operational activities would be reciprocal on a day-by-day basis. In some projects the Council would be a contributor, in others they would benefit. The initial project would link in with a national initiative involving the use of LPG. The Memorandum of Understanding would create more efficient working and put council officers in a better position to address matters of concern.

RESOLVED

1. That Cabinet support the principle of entering into a flexible warranting arrangement with the Health and Safety Executive and other Northamptonshire LA's and to adopt the Memorandum of Understanding relating to the flexible warrant scheme;

2. That the Head of Public Protection be authorised to enter into the MOU on behalf of the Council; and delegate authority to the Head of Public Protection to authorise relevant officers for the purposes of implementing the scheme.

10. PERFORMANCE

10.1 PERFORMANCE MONTHLY REPORT - NOVEMBER 2009

Councillor Mildren addressed Cabinet and was encouraged by only seeing six red indicators in the report. He felt that the cash flow was acceptable considering the current financial situation. He then congratulated officers whose areas remained within the green indicators.

Councillor Clarke addressed cabinet and commented on the recent stability in the Cabinet's performance. He commented that the Council was good at what it did well, although bad at recovering areas of poor performance. Although not enthusiastic about the way the report was written, he welcomed the positive message in spite of concerns about rent arrears and potential subsequent evictions.

As Portfolio Holder for Performance and Support, Councillor B Markham presented the report to Cabinet. He welcomed the comments received and pointed out that even within the red indicators, improvements were being made month on month and year on year. In many cases, there were external circumstances affecting the figures; for example, there had been a 20% increase in the Revs and Bens case load and yet staff were still coping.

Cabinet was reminded that behind the statistics presented in the report were real people and improvements in performance would lead to real benefits in the quality of their lives. This was particularly true in the area of public protection, where joint crime reduction initiatives in Lumbertubs, Lings and Thorplands were now being commenced in Spencer and Delapre and were showing pleasing results. There was concern about the domestic violence figures and it was noted that this would be addressed in some part within the proposed new tenancy agreement. There was also preventative work going on to support people at risk of losing their homes.

The Leader expressed his confidence in the quality of the data and was happy with the level of accuracy they produced. It was important to see the figures in context and bear in mind the effects of the recession. Officers were being firm but fair in dealing with rent arrears and evictions were almost 40% down on last year. The team was congratulated for their work in achieving this.

RESOLVED

That the contents of the report be noted.

10.2 GENERAL FUND REVENUE BUDGET MONITORING 2009-10 PERIOD 8

Councillor Mildren addressed Cabinet, having noted the steady forecast of under-spend net of management action. He commented on a number of the details in the savings plans and expressed disappointment that the Richmond Scheme had not progressed. He then mentioned the potential problems arising from the concessionary bus fares issue and wondered about the effect on future bus use.

Councillor Clark addressed Cabinet and suggested there was a lack of clarity and openness in the way the figures were being reported. He felt that the figures hid the way in which money was being spent and pointed out a need for consultation with the public about the large amount of expenditure in the formation of the West Northants Joint Strategic Planning Committee. He felt that the public should be made more aware of exactly how money was being spent.

As Portfolio Holder for Finance, Councillor Perkins presented the report to Cabinet was pleased to point out the achievement of £8.3 million saving. He explained that the budget was an expectation of reality and that action was taken in response to changes in circumstances as they arose.

With reference to the cost of setting up of the Joint Planning Unit, it was made clear that the Council paid a one third share of the cost to do joint work that the Council would otherwise have to undertake on its own at a higher cost. Public consultation was not appropriate on issues that were a legal obligation, and where the Council had no choice in the matter.

RESOLVED

That the report and the forecast under spend of £559k net of management action be noted.

10.3 HOUSING REVENUE ACCOUNT 2008/09 MONITORING PERIOD 8

Councillor Mildren addressed Cabinet and commended the report. He was encouraged by the financial savings set out in the report and by the information that people were getting into their homes more quickly.

Councillor Clarke addressed Cabinet and offered congratulations that the Housing Revenue Account was in such good order, reflecting positive management input. However he was still concerned at the backlog of housing repairs and was not happy that tenants were paying towards the service and maintenance of communal areas that was not being carried out. Nevertheless, Councillor Clarke still congratulated the Director of Housing for the work of her and her officers as reflected in the report.

Councillor Perkins, as relevant Portfolio Holder, presented the report to Cabinet and pointed out the need to make further adjustments to the repairs and maintenance account. He referred to the graphs accompanying the report and was confident that the end of the year would be in line with budget predictions.

Further congratulations were voiced for the Director of Housing Services and her team.

RESOLVED

That the report and the forecast overspend of £122k on the Net Cost of Services be noted.

10.4 CAPITAL PROGRAMME 2009-10 MONITORING PERIOD 8: PROJECT APPRAISALS AND VARIATIONS

Councillor Clarke addressed cabinet and reiterated an earlier comment that these monitoring reports referred to real people. He was not confident that the Council could achieve what had been promised and was particularly concerned about a promise of an updated heating system that had not been delivered. He repeated his concern about the lack of service in communal areas.

In response, the Portfolio Holder for Housing agreed to discuss details of Councillor Clarke's specific concerns outside of the meeting. It had generally been felt inappropriate during this cold weather to perform works that could leave people without heating, even for a short time.

Councillor Perkins presented the report to Cabinet. He assured members that all schemes set out in the report were fully funded and progress was as would be expected at this stage of the financial year. It was made clear that forecast saving was against the original capital plan and there was still money available to finish all current projects in the appropriate way.

RESOLVED

1. That the following schemes be to be added to the capital programme for 2009-10.

Scheme Reference, Description & Directorate	Narrative	2009-10 £	Future Years £	Funding Source
2009-10/GF070 Grimebusters Environment & Culture	Purchase of two trailer mounted pressure washers and a bespoke vehicle for street washing and gum removal. The vehicle and equipment would be used to deliver an enhanced street scene with washed streets (targeting the town centre), free of gum and a reduction in graffiti.	84,000	-	NEIP
2009-10/GF071B Carbon Management Projects – Lighting and Timeclocks Environment & Culture	To undertake a range of energy saving projects to reduce the carbon emissions of the Council, in line with the adopted policy and terms and conditions of the external grant funding. The work will include lighting upgrades to: Greyfriars bus station, Westbridge Cedros block, Camp Hill Depot and Fish Street offices. Timeclocks will be installed at the Central Museum, Fish Street offices and Westbridge Admin block. Passive infrared lighting will be installed at Lings Forum.	52,721	-	50% Prudential Borrowing, 50% Salix
2009-10/GF072 Partnership Information Hub (GIS) Finance & Support	To create a Northamptonshire partnership information hub. This will ensure that there is a comprehensive central information point for demographic, socio-economic and general geographic information.	121,000	49,000	NEIP

Further details of these appraisals could be seen at Annex A of the Cabinet report.

2. That the following variations to schemes in the capital programme for 2009-10 be approved.

Scheme Reference, Description & Directorate	Narrative	2009-10 £	Future Years £	Funding Source
Budget Increase				
2008-09/GF073 V03 Money 4 Youth Assistant Chief Executive	Additional funding of £25k has been awarded to NBC for floodlights and a youth shelter at the multi-use games area in St Davids. The original budget for this project was an estimate of	10,368	-	GOEM

	the funding that would be received, the amount in the capital programme is £14,632 less than the funding received, therefore the budget needs to be increased by a net amount of £10,368.			
Budget Decrease				
2009-10/GF063B V01 Lings Forum Lighting Upgrade Environment & Culture	Further testing has shown that this project is not compliant with the terms and conditions of the Salix funding. Other projects will be submitted to utilise this funding, therefore there are no savings as a result of this variation.	(39,444)	-	50% Prudential Borrowing, 50% Salix
Neutral Budget Impact				
2007-08/CS012 V06 Kitchen Replacement (Backlog) Housing HRA	Additional kitchens requiring urgent replacement and kitchens that are in homes in a general poor state of repair have resulted in the average kitchen cost being higher than estimated.	80,000	-	MRA
2008-09/HRA007 V04 Complete Roofs Housing HRA	An additional roof replacement arising out of a responsive repair issue required capital replacement over and above this year's original programme.	45,000	-	MRA
2009-10/HRA002 V02 Cooper Street Heating Improvements – Phase 2 Housing HRA	This project has been tendered and has come in well within budget. Sizeable contingencies are required to ensure all the technical issues associated with a complex district heating scheme can be resolved quickly and efficiently, to maximize tenant comfort and satisfaction, however there is still sufficient budget to finance other key schemes delivering decent homes.	(100,000)	-	MRA
2009-10/HRA004 V05 Decent Homes & Poor Condition Housing HRA	There are some decent homes issues associated with structural defects and key decent homes failures that need immediate attention in order that the council does not breach its right to repair duty under the Landlord and Tenants Act. These are works to be completed earlier than expected but that would have been	(85,000)	-	MRA

	attributed to decent homes budgets later in the investment programme.			
2009-10/HRA007 V02 Structural Repairs Housing HRA	Following reports of leaks and other reported issues to the roof at St Katharine's Court in Spring Boroughs inspection has shown that the parapet wall to the top of this ten-story block is in a dilapidated state and requires urgent attention. The works are sufficient in scope and nature to warrant capital expenditure.	10,000	-	MRA
2009-10/HRA014 V03 Door Entry Replacement Housing HRA	Additional urgent door replacements and upgrades are required to defend vulnerable blocks from serious antisocial behaviour such as arson, and deliberate damage, where the risk to property and people is considerable.	50,000	-	MRA

Further details of these variations could be seen at Annex B of the Cabinet report.

3. That the following be noted:

- a. The capital programme monitoring position as at end of November 2009, including forecast outturns, revenue expenditure funded by capital and slippage into 2010-11, as set out at Annex C, D and E.
- b. The funding arrangements for the 2009-10 capital programme as set out at Annex F.

The meeting concluded at 19.38