

POLICY & RESOURCES COMMITTEE

Date: 29 September 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:-

Richard Lewis (Chairman)
Glenvil Greenwood-Smith (Vice-Chairman)
Steven North (Leader of the Council)
Philip Hardcastle (Deputy Leader of the Council)

David Brackenbury
Wendy Brackenbury
John Farrar
Richard Gell
Jeremy Taylor

Glenn Harwood
Dudley Hughes
Andy Mercer
Rupert Reichhold

183. PUBLIC SPEAKERS

Mr Jeremy Robinson and Councillor Peter Baden spoke on item 12 (Public Toilets Update).

184. MINUTES

The minutes of the meeting held on 12 September 2011 were approved and signed by the chairman.

185. APOLOGIES

Councillors Roger Glithero and Sue Homer sent their apologies.

186. DECLARATIONS OF INTEREST

Councillor John Farrar declared a personal and prejudicial interest in item 7(a) (Charging for Pre-Application Advice) as he is chairman of a company that submits planning applications. He left the meeting during the discussion and voting on the item.

It was noted that all dual hatted members of Town and Parish Councils and this council had been granted a dispensation to speak at meetings of this council and this removed their prejudicial interest.

187. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

188. CHANGE IN THE ORDER OF PROCEEDINGS

In view of the presence of two public speakers on this item, it was

RESOLVED:

That item 12 (Public Toilets Update) be taken next in the proceedings.

189. PUBLIC TOILETS UPDATE

Further to minute 88 (4 July 2011), the committee received an update report from the Head of Resources and Organisational Development. The report covered –

- an audit of use of the public toilets
- the outcome of consultation with service users and the extensive comments received, including a note of two further comments received after the closing date
- the results of the Equality Impact Assessment (EqIA)
- the current position with Town Councils and the transfer of public toilets to them, and
- an overview of a Community Toilet Scheme (CTS) and details of local businesses that have said that they would be interested in participating in the scheme.

Members viewed the EqIA, which identified a possible negative impact on the following groups of people if the public toilets were closed:-

- disabled
- elderly
- young
- female

Consultation on the EqIA had taken place with organisations representing the above groups and had concluded on 26 September, with feedback only received from one organisation - the Equality and Human Rights Commission (EHRC) - which had verbally advised the council of the following:

- that EHRC was aware that there was currently a lack of clear guidance on how to demonstrate that “due regard” has been shown
- that ENC was doing all that was necessary and that providing ENC gave people who were likely to be most affected by the potential closure of toilets a mechanism to “have their say”, and that that information was recorded, ENC would have done everything it could to mitigate any possible legal challenge
- EHRC was supportive of a CTS which they believed was the only way to mitigate any possible negative impact closure of public toilets might have.

Ongoing discussions had been conducted with Town Councils but to date none of the toilets had been transferred. The position was as follows:-

- Raunds - If East Northamptonshire Council (ENC) decided to close the public toilets, the Town Council had said that it would accept ownership and responsibility. Contracts had been prepared but had not yet been signed.
- Rushden – The Town Council had said that it would accept the transfer of the public toilets to its ownership and responsibility but wanted ENC to help review its cleaning

contract arrangements. As this had only recently been confirmed, no contracts had yet been signed.

- Oundle, Irthlingborough and Higham Ferrers – These Town Councils had said they would accept the transfer of the public toilets providing transitional funding was provided over four years (Year 1 – 30% of costs met by Town Councils, Year 2 – 50% of costs met; Year 3 – 75% of costs met; Year 4 – 100% of costs met, together with other provisos). The Town Councils also requested that the following information was provided to members prior to a decision about the future of public toilets being made:
 - that if details of the transitional funding was not acceptable (i.e. the number of years or the percentages detailed) then ENC makes an alternative proposal to the Town Councils.
 - that the Town Councils are receptive to the concept of the CTS but feel they need more information and that a sufficient number of participating businesses were needed to make it workable and sustainable
 - that following this meeting, the Town Councils be given appropriate time to consider the outcome/decision made before any final action is taken.
- Thrapston Town Council had now decided that it would not accept the transfer of the toilets and urged the council to keep the toilets open with the cost borne entirely by the district council. A letter from the Town Council confirming this was submitted to the meeting. Members expressed disappointment at this decision and hoped that the town council could be persuaded to change its view.

The Committee noted that a Budget Review Group (now renamed Finance Working Party) had been in place for over two years and, working with officers, had identified and delivered significant budget reductions with minimal impact on front-line services. However, there was still a significant budget deficit and it was recognised that the Council had reached the point where non-statutory services which did not provide good value for money could not be sustained. It was felt that public conveniences fell into this category.

The committee considered four options and the costs associated with each option, the comments received and the possible legal implications of closing the public toilets. The council had to pay due regard to the negative impact of any decision on individuals with disabilities. Members had a long discussion on this item, and recognised the strength of local feeling, but also were mindful of the need to reduce revenue expenditure. They did not feel that Option One (immediate closure) was the appropriate option to pursue and favoured a modified Option Two (closure with effect from 31 December 2011 to give time for officers to continue to work with town councils, either to secure transfer of responsibility for the toilets or to put a CTS in place).

RESOLVED:

That the council chooses Option Two as described in the preamble and negotiations continue with all the town councils concerned with a view to finalising a suitable arrangement by 31 December 2011.

(Reason – To decide on the future of public toilets)

It was further

R.10 RESOLVED TO RECOMMEND:

That additional revenue funding of £37,000 be agreed for 2011/12 to cover running costs up to 31 December 2011, and, if necessary, redundancy costs of £11,000.

(Reason – to provide funds not accounted for in the agreed budget)

190. MINUTES OF SUB-COMMITTEES AND WORKING PARTIES

Members received the minutes of the following meetings:-

- (a) Personnel Sub-Committee – 27 September 2011
- (b) Finance Working Party – 21 September 2011,

and considered the recommendations in minute 7.4 of the Finance Working Party. The minutes of both meetings are set out on pages 326 to 332 of these minutes.

RESOLVED:

That the recommendations in minute 7.4 of the Finance Working Party (Thrapston Parking Options), as set out below, be approved:-

- (1) That the council pursues the purchase of the site of Manor Close, Thrapston for short term parking.*
- (2) That the site at Cosy Nook, Thrapston be retained by the council and its future use be considered in the light of the outcome of planning proposals for the town.*

(Reason – To recognise the demand for additional parking spaces in Thrapston and keep the council's options open in the light of redevelopment proposals for the town)

The Finance Manager was asked to check the decisions made by this council on the allocation of funding in the capital budget for a housing scheme at Manor Close and report back to the committee.

191. ANNUAL GOVERNANCE REPORT & STATEMENT OF ACCOUNTS 2010/11

(a) Annual Governance Report

The Chairman welcomed to the meeting Ms Yola Geen, from the Audit Commission, the council's external auditors. She reported on the Annual Governance Report 2010/11 and an addendum (which was tabled at the meeting). Members noted that –

- Having concluded the audit of the council's accounts the auditor was satisfied that, in all significant respects, the council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2011
- Outstanding matters had been satisfactorily cleared and the auditor planned to issue an audit report including an unqualified opinion on the financial statements.

- There had been a number of adjustments to the draft financial statements in respect of land included in the asset register in error and corresponding amendments required to the cash flow statement and disclosure notes; corrections of accounting for s106 contributions; gross value of vehicles plant and equipment; classification of sundry debtors and sundry creditors.
- The recommended action plan covered adjustments to the financial statement for the errors identified through the audit; ensuring that any subsequent LAAP Bulletins were checked so that all required disclosures were made in future years; continuing the work on the Fixed Asset Register and attempting to complete it during 2011/12; and ensuring that complete supporting working papers as agreed in the joint working protocol were supplied to the auditor at the start of the audit in future years.
- Additional work had been undertaken by the auditor and it was hoped that it could be contained within the audit fee agreed by the council but the full impact on the fee would be reviewed at the conclusion of the audit

The external auditor reported that two amendments to the financial statements had not been made by the officers at this stage but these were not considered to be material. She thanked officers from EnCor and the council for the co-operation she had received during the audit.

RESOLVED:

- (1) That the financial statements, as amended, be approved and that the committee agrees to two amendments not being made.
- (2) That the section 151 Officer be authorised to sign the letter of representation.
- (3) That the proposed action plan be agreed.

(Reason – To comply with statute)

(b) Statement of Accounts

The committee considered the Statement of Accounts 2010/11. The material errors which had been identified and incorporated into the final version of the statement were noted.

The Finance Manager reported that, during the year, the council had only drawn on £562,000 of its reserves compared to the £1 million in the original budget.

Members congratulated the Finance Team in EnCor for their efforts in producing the accounts in the new format required by International Financial Reporting Standards (IFRS).

RESOLVED:

That the Statement of Accounts for 2010/11 be approved.

(Reason – To comply with the requirements of the Accounts and Audit Regulations)

192. CHARGING FOR PRE-APPLICATION ADVICE

The Head of Planning Services submitted a paper seeking approval to introduce a system of charging for advice given to applicants prior to the submission of a planning application.

Members considered the approach to be adopted by the council, noting the fees charged by neighbouring authorities and exemptions from fees, and the potential income from charging (£20,000 to £30,000 per annum), and recognised that the charging policy being suggested for this council had three fundamental principles

- Fees and Charges should maximise net income wherever there is a power or duty to do so, providing there is no conflict with corporate outcomes
- the net income raised should cover the full costs of providing the service including all overheads
- charges are agreed in a transparent way so they are seen to be fair and are understandable.

To charge for pre-application advice, it was considered essential that the council's performance met the target of responding to 75% of pre-application queries within 20 working days. In view of the difficulties being experienced, in relation to high workloads, it was proposed that some of the income be re-invested in 2011/12 and 2012/13 in the provision of a new Principal Development Control Officer post and the upgrading of a Development Control Officer post to senior level in 2012/13. Funding was in place for the additional Principal Development Control Officer post in 2011/12.

In the discussion on this item, members welcomed the report, but felt that householders receiving pre-application advice for proposals such as conservatories and extensions to their own homes should be exempt from the charge, and that no discounts should be offered to businesses at this stage.

RESOLVED:

- (1) That a scheme for pre-application charging, as outlined in Appendix 1 to these minutes at pages 324 to 325 be introduced with effect from 1 November 2011 with the exemptions as shown.

(Reason: The recommended charging schedule will help improve the quality of discussions and accordingly the quality of applications and the built environment and will assist in helping to recover costs incurred in providing this service).

- (2) That no discounts for businesses be offered at this stage.

(Reason: Discounts are not considered appropriate for the time being).

- (3) That £15,000 from the projected income in 2012/13 be reinvested to fund a further 12 months of the new Principal Development Control Officer post and a 12 month temporary upgrade of a Development Control Officer.

(Reason: to temporarily increase capacity in the Development Control Team to restart delivery of pre-application advice)

193. BUILDING CONTROL FEE CHARGES

Members were reminded that current charges for building control had been introduced on 1 October 2010 following the Building (Local Authority Charges) Regulations 2010, which required the council to continually monitor the break-even position of its charges and ensure that the level "as nearly as possible equates to the costs incurred" (Minute no 142 - 13 September 2010 refers).

The following adjustments were now required:-

1. A reduction in respect of the charges relating to load-bearing wall removal, chimney removal and re-roofing works.
2. An increase in respect of the charge relating to barn conversions to dwellings.
3. An increase in the added percentage levied for a regularisation application to 35% of the full plans charge. The increased charge would reflect the additional officer time spent on applications of this type and would correct an anomaly whereby the regularisation charges currently levied were slightly less than the Building Notice charge. This situation had arisen in January 2011 following the increase in the rate of VAT.

An Equality Impact Assessment had been made and there was no negative impact arising from the proposals. The committee noted this EqIA.

RESOLVED:

That the revised Building Control Charges document as submitted to the Committee be approved in accordance with The Building (Local Authority Charges 2010) Regulations and come into effect on 1 October 2011.

(Reason – To accord with the Charges Regulations and be cost effective).

194. RESOURCING THE PRODUCTION OF THE FOUR TOWNS PLAN

Following the decision of council on 18 July 2001 to progress with work on the Four Towns Plan with all speed (minute 109 refers) a project programme had been submitted to the meeting of the Planning Policy Committee on 19 September 2011 and approved (minute 162 refers). A resources plan was now considered to meet the adoption date of May 2014.

The committee noted that –

- Carrying out work in house (in addition to external specialists) would incur costs in officer time and in financial terms
- The Rural North, Oundle and Thrapston Plan had required three additional officers to the current structure (two further Planning Policy Officer posts and an Administration Officer post whose time was spent exclusively on that plan). One of the two Planning Policy Officers and the Administration Officer posts had been temporary contracts which had ceased immediately after the completion of the plan. The second Planning Policy Officer post remained on the structure but had been re-graded to a fixed term Senior Planning Policy Officer last autumn in recognition of forthcoming Four Towns Plan requirements. However there was no budget for the post.
- The report sought permission to use the remainder of the allocation in 2011/12 of £150,000 to be used in 2012/13 & 2013/14 to fund two fixed term additional posts within the Planning Policy and Conservation Team to support the production of the Four Towns Plan by April 2014. The two fixed term posts include a budget for the second Senior Planning Policy Officer post noted above and a new Planning Policy Officer whose post would need to be added to the structure for the duration of the development of the Four Towns Plan.
- Approval was also sought to allocate £10,000 from the government grants of £20,000 each given for the production of Neighbourhood Plans for Oundle and Raunds towards the cost of the Planning Policy Officer post.

The resources to support the Four Towns Plan were as follows:-

Activity and Year	Budget from £150,000 already allocated to FTP production £000	Budget from Neighbourhood Plan production grant £000	New Budget requested in this report £000	TOTAL £000
2011/12				
Technical Studies	35	-	-	35
Fixed Term Contract Posts	25	10	-	35
<i>2011/12 total</i>	<i>60</i>	<i>10</i>	<i>-</i>	<i>70</i>
2012/13				
Technical Studies	15	-	65	80
Fixed Term Contract Posts	75	-	-	75
<i>2012/12 total</i>	<i>90</i>	<i>-</i>	<i>65</i>	<i>155</i>
2013/14				
Examination in Public	-	-	150	150
Fixed Term Contract Posts	-	-	75	75
<i>2013/14 total</i>	<i>-</i>	<i>-</i>	<i>225</i>	<i>225</i>

R.11 RESOLVED TO RECOMMEND:

That the proposed Resource Plan for the Four Towns Plan, as set out above, be approved for the current financial year, and that a commitment be made to include provision in future budgets in 2012/13 & 13/14.

(Note: Approval for future years' budgets will follow the normal budgetary framework.)

(Reason – to ensure that the necessary resources required to prepare the Four Towns Plan are put into place)

195. CONTINUATION OF MEETING – COUNCIL PROCEDURE RULE 8

At 9.30pm, the meeting having lasted for 2 hours, it was

RESOLVED:

That the meeting continues until the remaining items on the agenda have been concluded.

196. RUSHDEN TOWNSCAPE HERITAGE INITIATIVE BID

The Head of Planning Services reported that Rushden had been identified as an area eligible for a Townscape Heritage Initiative (THI) grant as it is a conservation area displaying a significant heritage need. This was supported by the council's corporate focus for the regeneration of the town and the corporate plan priority outcome for a high quality built

environment. An expression of interest had been submitted to the Heritage Lottery Fund and it was noted that at least 20% of the overall budget/fund had to be provided by partnership funding (a 25% match for the THI grant). The scheme would focus on the High Street part of the conservation area and it was proposed to work closely with local individuals and organisations, including Rushden Town Council and the Rushden Town Partnership.

RESOLVED:

That approval be given to preparation of a stage one bid for the THI programme.

(Reason: The proposal would provide further opportunities to regenerate Rushden Town Centre, a priority of the council)

(Note: After this decision the meeting was adjourned for 5 minutes. Councillor Richard Gell left the meeting at this point)

197. EAST NORTHAMPTONSHIRE COMMUNITY SAFETY PARTNERSHIP PLAN 2011 TO 2014

Members considered the above document, which had been formally approved by the Community Safety Partnership Board at its meeting on 11 July 2011. The Crime and Disorder Act 1998 required the Partnership to formulate and implement a plan.

Attention was drawn to the achievements of the previous plan, including:-

- Significant reductions in anti-social behaviour and serious acquisitive crime (burglary, vehicle crime and robbery)
- East Northamptonshire was the most improved district in the county for public confidence in the way crime was dealt with – moving from 7th place to 2nd place by March 2011.

RESOLVED:

That the East Northamptonshire Community Safety Partnership Plan 2011-2014 be adopted.

(Reason: To ensure that as a responsible authority in the statutory CSP (as defined by the act) we formally endorse and support the plan for 2011 to 2014)

198. BEST OF BRITISH PROGRAMME 2012

The Executive Director sought endorsement for a high profile programme of existing and new events across East Northamptonshire to raise awareness of the attractions of the area and form the final stage of the “Escape, explore, enjoy” theme from the 2010 Tourism Strategy.

Details of the indicative events, the aims of promotion, the links with plans and strategies, and the make up and role of the organising committee, were given to members.

RESOLVED:

That the concept of the Best of British programme be endorsed and the submission of appropriate grant and sponsorship bids be authorised, providing these do not require any additional funding from this council.

(Reason: To enable planning for the Programme to proceed in time to meet external marketing deadlines and attract additional funding.)

199. URGENCY PROCEDURE

Further to minute 153 (12 September 2011) Members noted the use of the Urgency Procedure to implement the making of a footpath diversion order for the Priors Hall development under section 119 of the Highways Act 1980 in advance of the adoption of a recommendation to council on 10 October.

200. PROPOSED CONSTITUTIONAL CHANGE

The committee considered a proposed addition to Part 3 of the Constitution (Scheme of Delegation) to authorise the Chief Executive and Executive Director, in consultation with the Leader and/or Deputy Leader, and the Chairman or Vice Chairman of the relevant committee, as appropriate, to approve the submission of responses to government consultations where:

- a) the time frame is too short to permit consideration by an appropriate council committee OR
- b) the level of technical detail is high and political approval is considered appropriate because of the thrust of the response OR
- c) the consultation response is a joint response by a number of authorities so the opportunity for changing the response is limited and the issue is whether East Northamptonshire Council should endorse the proposed response or not.

R.12 RESOLVED TO RECOMMEND:

That the change to Part 3 of the Constitution as outlined above be approved.

(Reason – to ensure that council is able to respond to government consultations where appropriate]

201. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following items of business because exempt information, as defined under paragraphs 3 and 5 of part 1 of schedule 12A of the Local Government Act 1972, may be disclosed.

202. LAND CHARGES SEARCH REFUNDS

Further to minute 143 (13 September 2010), the committee received an update report on the latest position in relation to land charges search refunds and a request for authority to use part of the New Burdens Grant allocation in respect of personal search refunds of £30,000 to contribute to the securing of necessary legal advice required in consideration of current and future litigation. The Environmental Information Regulations had come into force in January 2005 and put in place European regulations which required information to be provided free of charge. As there had been no change to the legislation in the UK, councils had continued to charge for personal searches. The Government had written to all local authorities in April 2011 indicating that it had allocated £11.2 million to councils under the New Burdens legislation but this council's share of that funding was unlikely to cover the cost of refunds. Some personal search companies had instigated litigation and the outcome was unclear.

RESOLVED:

- (1) That the current position in respect of land charge search refunds be noted.

(Reason: Councillors are aware of the potential implications for this authority and action being taken to manage the risks)

- (2) That the council continues to defend against the present litigation and any future claims in this area subject to supportive legal advice and using group responses where appropriate

(Reason: to minimise the cost implications to this council)

- (3) That any costs be funded from the Land Charges Reserve.

(To reduce the call on other budgets of this exceptional activity)

203. OPTIONS FOR LEISURE FACILITIES MANAGEMENT

Members received a presentation from the Chief Executive and Head of Customer and Community Services on the possible future options for leisure services management, and then considered a comprehensive report on the matter.

The report took into account a review undertaken by a leisure consultant FMG on the Nene Centre and the Pemberton Centre. This had concluded that there was significant latent demand for health and fitness facilities within a 4 mile radius of the Nene Centre and a 2 mile radius of the Pemberton Centre. Proposals to satisfy this demand were put forward, together with forecasts of increased membership and the significant financial implications of all options.

Whilst members were cautious about the forecasts, it was recognised that the proposals – involving an “invest to save” approach - represented an opportunity to reduce the revenue costs of leisure provision and help the council to secure more cost effective delivery of the leisure service. It was however recognised that any proposals for investment in the Nene Centre should await the outcome of the deliberations and actions on the centre roof.

R.13 RESOLVED TO RECOMMEND:

- (1) That £2.2 million be allocated in the capital programme for Improvements to the Nene Centre and Pemberton Centre;

- (2) That the investment be funded by using the balance of capital reserves plus an element of the earmarked asset management repairs and renewals revenue reserve.
- (3) That the financial impact that will be built into the 2013/14 budget and the Medium Term Financial Strategy as a result of the investment be noted.
- (4) That a Leisure Contract Member Working Group be set up with delegated powers to -
- Determine the precise timing of the investment in the centres
 - Determine the most appropriate procurement option for management of leisure facilities, and
 - oversee:-
 - (a) the competitive process to procure a specialist leisure construction company and related professional services to undertake the improvements to the facilities identified above; and
 - (b) the leisure facilities management procurement process.

(Reason: To take advantage of an 'invest to save' opportunity to generate significant returns from enhancing two of our leisure centres and to begin the process to put in place management arrangements beyond the expiry date of the current contract with CCP)

Chairman