

# POLICY & RESOURCES COMMITTEE

Date: 5 December 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)

David Brackenbury  
Wendy Brackenbury  
Roger Glithero  
John Farrar  
Richard Gell  
Jeremy Taylor

Glenn Harwood  
Sue Homer  
Dudley Hughes  
Andy Mercer  
Rupert Reichhold

## 273. PUBLIC SPEAKERS

The following people spoke at the meeting:-

- Mr Alan Wheeler on item 7 (House to House Collections Policy)).  
Mr Wheeler presented the views of the Textile Recycling Association and urged the council to adopt the NAELO guidance.
- Councillor Gill Mercer on items 6 (Community Development Strategy) and 11 (Funding for Groundwork Northamptonshire)  
Councillor Mercer, the council's representative on Groundwork, spoke in favour of continued funding and using the skills of Groundwork to the best advantage but urged members to defer the consideration of funding options until an officer/member working group had considered the issues in depth.

## 274. MINUTES

The minutes of the meeting held on 7 November 2011 were approved and signed by the chairman.

## 275. DECLARATIONS OF INTEREST

The following councillors declared interests as shown:-

Councillor	Item	Reason	Personal	Prejudicial
John Farrar	7	Organises house to house collections	Yes	No
	8	Runs Salvation Army Hall, Ithlingborough	Yes	No
	11	Groundwork has donated in kind to Christmas Fair	Yes	No
	12	Chairman of applicant company	Yes	Yes

	13	Salvation Army refers homelessness cases to ENC	Yes	No
	14	Chairman of a company which installs disabled facilities	Yes	No
	18	Chairman of rival company	Yes	Yes
Andy Mercer	11	Spouse is the council's representative on the body seeking funding	Yes	No

Councillor John Farrar was not present during the discussion and voting on items 12 (Request for Capital Funding) and 18 (Housing Contract – Award of Contract).

## **276. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3**

Councillor Dudley Hughes asked the chairman the following question:-

*“What is the movement, in and out, of the Capital Resources in the last five years with the sources and destination?”*

The Chief Executive indicated that the officers had not had sufficient time to formulate a detailed response and that a written reply would be circulated.

## **277. APOLOGIES FOR ABSENCE**

Councillor Philip Hardcastle sent his apologies.

## **278. MINUTES OF SUB-COMMITTEES AND WORKING PARTIES**

Members received the minutes of the following meetings:-

- Personnel Sub-Committee – 17 November 2011
- Personnel Sub-Committee – 29 November 2011
- Finance Working Party – 16 November 2011 (see pages 471 - 488).

Members felt that recommendation (2) in minute 9.3 of the Finance Working Party should be amended to make it clear that any terms of a lease with Oundle Town Council beyond 1 April 2012 should be submitted to the committee for approval.

### **RESOLVED:**

- (1) That the recommendations in the following minutes of the Finance Working Party, as set out below, and amended, be approved:-

#### **Minute 9.3 – Oundle Recycling Centre**

- (1) *That, initially, advice be sought from the Head of Planning Services on acceptable future uses for the site and a further report be made.*
- (2) *That, in the short term, the council be minded to lease part of the site to Oundle Town Council and that the committee approve the terms of the lease if it is intended that the period extend beyond 1 April 2012.*

### **Minute 10.1 – Asset Management Plan – Site Appraisals**

- (1) *That, following consultation with the Head of Planning Services to confirm the preliminary action to be taken, outline planning permission be sought for the site at Newton Road, Rushden and it be offered for sale.*
- (2) *That no action be taken at the present time in relation to two other sites in Rushden but the position be reconsidered at a later date as part of the regeneration of the town.*

### **Minute 11.2 – Loan – Easton-on-the-Hill Parochial Church Council**

*That the request for an interest free loan of £8,000 be refused but the Parochial Church Council be given advice, by the council's External Funding Officer, on possible sources of grant aid.*

(NOTE: Councillor Dudley Hughes wished it recorded that he had voted against the above recommendation).

- (2) That the recommendations in minute 9.5 of the Personnel Sub-Committee on 29 November 2011 (as set out below), be approved:-
  - (1) *That a dedicated budget of £30,000 be retained for employment and economic development specialist studies for the years 2012/13 and 2013/14.*
  - (2) *That the Executive Director be authorised to secure the continuing services of the consultant providing the cost is contained within the original budget for the temporary Principal Development Control Officer.*

### **279. CHANGE IN THE ORDER OF PROCEEDINGS**

#### **RESOLVED:**

That items 10 (Council Tax Base) and 15 (Response to DCLG Consultation – Technical Reforms of Council Tax) be taken next in the proceedings.

### **280. COUNCIL TAX BASE 2012/13**

Consideration was given to the estimated tax base to be used for calculating the Council Tax for 2012/13. Once again, the provision for collection of Council tax (99.2%) remained the highest in the County and despite the recession, the officers remained confident that this could still be achieved. The Leader of the Council congratulated the officers on this achievement.

#### **R15. RESOLVED TO RECOMMEND:**

That the Council determine a tax base of 30,700 for 2012/13, as set out in Appendices 1 and 2 at pages 457 to 458

*(Reason: To provide a base on which to calculate the council tax for 2012/13).*

**281. RESPONSE TO DCLG CONSULTATION – TECHNICAL REFORMS OF COUNCIL TAX**

The Head of Customer and Community Services reported on a consultation paper published by the Department for Communities and Local Government (DCLG) on technical reforms proposed for council tax, ie giving billing authorities greater discretion over reliefs in respect of second homes and some empty properties. A suggested response to the consultation paper was submitted.;

Councillor Mercer asked the officers to confirm the number of taxpayers who had been arrested and imprisoned for non-payment of council tax in 2010/11 and how this compared with neighbouring authorities.

**RESOLVED:**

That the council's response to the consultation paper, as submitted, be endorsed.

**282. COMMUNITY DEVELOPMENT STRATEGY 2012 - 2015**

The committee considered a draft Community Development Strategy, setting out a new approach to community development. It involved supporting local communities in developing community plans and master plans to give effect to the provisions in the Localism Act 2011.

The officers proposed that the new approach would commence on 1 April 2012 and the rationale for taking this work forward was set out in the draft strategy. The first priority was supporting the market towns but there would also be a need to refresh parish plans. Members were asked to agree to the transfer of £15,000 from the ABI budget to the Community Planning budget in 2012/13 to support the community development work. Overall there would be a budget saving of £5000 next year. However, members felt that the transfer should not be considered until the approach on the overall budget for next year had been determined.

**RESOLVED:**

- (1) That the new Community Development Strategy 2012-15 be adopted.
- (2) That the rationale for moving forward with community development from 1 April 2012, as set out above and in section 6 of the strategy, be approved.
- (3) That consideration of the transfer of £15,000 from the ABI budget to the Community Planning budget in 2012/13 be deferred until the council considers its overall budget.

*(Reason: To support local communities in East Northamptonshire to develop community plans that contribute to the achievement of our vision of "working with local communities to sustain a thriving district" and our Corporate Plan outcomes)*

**283. REVIEW OF HOUSE TO HOUSE COLLECTIONS POLICY**

Consideration was given to a report from the Licensing Enforcement Officer seeking a review of the council's House to House Collections Policy, adopted in September 2010. This

policy laid down strict guidelines regarding the distribution of the proceeds from any collection on an 80% - 20% split in favour of the named charity. Since the introduction of the policy, no collectors had been able to meet this split and there had not been any authorised collections.

The National Association of Licensing and Enforcement Officers (NALEO) had, since the introduction of the council's policy, produced guidance, supported by the Trade and Charities Commission and a wide range of other stakeholders including an officer from this, and other councils and the key advice was that decisions regarding the division of proceeds be left to individual charities, with a certificate signed by the relevant charities that they had exercised due diligence and were satisfied with the proportion of the proceeds they would receive.

Members noted the consultation responses received.

In considering this issue, members believed that a change should be made regarding the distribution of the proceeds but were concerned that adherence to NALEO guidelines could result in too high a percentage being retained by organisers and which would be considered unreasonable by residents. It was therefore

**RESOLVED:**

That the council's House to House collections policy be amended to provide for a 70% - 30% split on the distribution of proceeds in favour of the relevant charity.

*(Reason – To provide greater clarity and a more realistic approach)*

**284. WHEELED BIN POLICIES – PROVISION OF SERVICES FOR VILLAGE HALLS, PLACES OF WORSHIP & OTHER NON-DOMESTIC PREMISES**

Further to minute 474 (11 April 2011) additional policies were submitted to accompany the Wheeled Bin policies 1 – 14. These related to the above premises and included premises occupied by a club, society or association of persons in which activities were conducted for the benefit of the members.

**RESOLVED:**

That the Wheeled Bin Policy additions (as set out in Appendix 3 on pages 459 - 466) be approved.

*(Reasons – (1) To ensure consistency of approach to all users of the waste management service and (2) to provide service standards for both users and contractors in the day to day operation of the service).*

**285. REVISED WHISLEBLOWING POLICY**

The Monitoring Officer submitted a revised Whistle Blowing Policy which provided important reassurance to staff that any concerns they had about matters relating to the council would be treated seriously by the relevant person investigating their concerns. The policy outlined who to approach and the process to be followed. The revision took account of:-

- Job titles rather than the names of key post-holders and how to obtain their contact details, rather than disclose those details

- The Bribery Act 2010 and the relevance of concerns relating to this area
- Encouragement to staff to raise concerns at the earliest possible opportunity so that the council is aware of any potential problems and can act swiftly to prevent any continuation of inappropriate activity.

The following additions were proposed –

- Paragraph 8.1 – Add after the third bullet point *Two council members to be nominated by the Leader of the Council. These members not to be Leader, Deputy Leader or any Chairman. Members' names to be published on EUNICE*
- New paragraph 10.2 – *Any of the officers or members identified in paragraph 8.1 shall, if approached by employees with concerns, advise the Monitoring Officer at the soonest appropriate time to enable the record to be maintained.*

**RESOLVED:**

That the revised Whistle Blowing Policy , as amended above, be approved.

*(Reason: To put an up to date policy in place to reduce risks to the council).*

**286. GROUNDWORK NORTHAMPTONSHIRE**

The committee considered the future funding to Groundwork Northamptonshire and was reminded that core funding of £25,000 over 6 years to 31 March 2011 had been agreed under a Service Level Agreement, with a further £25,000 for practical “hands-on” support to the Area Based Initiatives (ABI). An extension of the SLA had been agreed to 31 March 2012 to support the completion of the ABI projects and this council had given £10,000 in core funding and £10,000 for project funding.

The future role of Groundwork was discussed and two options were put forward. The earlier consideration of the Community Development Strategy (minute 282 ante) indicated that there was a need to enable and facilitate the development of community plans in parishes and towns in the District, and the range of skills and resources offered by Groundwork could be of benefit to the council.

An initial screen Equalities Impact Assessment was submitted and members considered this carefully, noting that a decision to withdraw funding would largely have a neutral impact but in relation to older people, children and young people and socio-economic exclusion groups it could have a negative impact.

**RESOLVED:**

- (1) That the Equalities Impact Assessment be endorsed.

*(Reason: To comply with equalities legislation)*

- (2) That the council provide core funding of £10,000 to Groundwork Northamptonshire for 2012/13, but no project funding.

*(Reason - To establish the role of Groundwork Northamptonshire and the associated funding arrangements)*

## **287. REQUEST FOR CAPITAL FUNDING**

Consideration was given to the release of £400,000, from the capital budget provision for financial support to social housing, to Spire Homes for funding towards a new development at Nippendale, Rushden.

The proposal was seen as an opportunity to regenerate this part of Rushden and it was noted that Spire Homes had not been able to secure funding from the Homes and Communities Agency. Some of the requested amount (£104,045) would come from section 106 contributions, with £295,955 being “front-funded” from the capital provision.

The committee expressed concerns that the council would be committing a capital contribution before consideration of the total capital budget. It confirmed its willingness, however, to release the £104,045 of section 106 contributions already held for expenditure on new affordable housing, noting that a further section 106 contribution of £376,000 was expected in the next 12 months and there was a small risk associated with this.

### **RESOLVED:**

That Spire Homes be advised that the council is prepared to release £104,045 of section 106 contributions towards the social housing project at Nippendale, Rushden but does not wish to release further amounts from the capital provision in advance of consideration of the total capital budget.

*(Reason – Whilst acknowledging the council's wish to support the development of new affordable housing, there is a need for consideration to be given to the total capital budget before any commitment can be given)*

## **288. HOMELESSNESS GRANT 2011/12**

Members considered an application from the homelessness grant allocation to provide a Severe Weather Emergency Protocol (SWEP) facility in the Full Gospel Church building in Rushden over the winter period.

### **RESOLVED:**

That the release of funds from the homelessness grant allocation for this project – up to a maximum of £3000 – be approved.

*(Reason – To enable officers to deliver a SWEP and administer the homelessness grant 2011/12)*

## **289. CONTINUATION OF MEETING**

At 9.29pm, the meeting having lasted for nearly 2 hours and there being several remaining items to consider, it was

### **RESOLVED:**

That, pursuant to Procedure Rule 8, the meeting continue until the remaining business has been completed.

## **290. RECOVERING DISABLED FACILITIES GRANT MONEY**

It was reported that Internal Audit had recommended consideration be given to applying conditions on every Disabled Facilities Grant (DFG) approval that would allow the council to recover a proportion of the grant if the property were to be sold within 10 years. The maximum that could be recovered was £10,000.

Members acknowledged:-

- That grants were registered as a local land charge which would be logged for up to 10 years
- That a number of factors had to be taken into account before requiring repayment of a grant
- That a housing grants policy would be submitted to the next meeting of the committee and this would require that the owners of all properties meeting the test for repayment be required to repay the appropriate amount of funding, with the exception of those falling within the term “exempt disposals”
- That there were various options for repayment (outlined in the report).

An initial screen Equality Impact Assessment was submitted and carefully considered by members, who noted that a decision to introduce grant conditions would largely have a neutral impact but could have a negative effect on people who did not have English as their first language, or had learning difficulties or were within socio-economic exclusion groups.

Members were in favour of the introduction of grant conditions on mandatory DFGs requiring, in certain circumstances, a proportion of the funding to be repaid, and felt that the Case Review Panel already established should be authorised to consider and decide upon the most appropriate option to adopt.

### **RESOLVED:**

- (1) That, in principle, grant conditions be introduced on mandatory DFGs provided by the council requiring, in certain circumstances, a proportion of the funding to be repaid to the council.

*(Reason: The adoption of grant repayments would be beneficial to the council and would meet the recommendation of Internal Audit)*

- (2) That the Case Review Panel be authorised to consider and decide upon the most appropriate option to adopt.

*(Reason: This is considered the most appropriate way forward in view of the expertise held by the Panel)*

- (3) That the Equalities Impact Assessment be endorsed.

*(Reason: To comply with equalities legislation)*

**(NOTE:** Councillor Richard Gell left the meeting at 9.40pm before the consideration of this item)



## **291. CHANGES TO THE CONSTITUTION**

The Executive Director asked the committee to consider changes to the constitution to strengthen the appointment and reporting arrangements relating to statutory officers and provide clarity for standing agenda items for council meetings.

The changes related to

- Part 4.7 (addition of sentence to the end of paragraph 2 and new paragraph 9)
- Article 11.02 (b) (restriction of Head of the Paid Service holding the post of Chief Finance Officer)
- Part 4.1 – paragraph 9.1 (a) – public speaking time to apply to all council meetings
- Part 4.1 – paragraph 10.2 – to enable questions by members to be tabled at all council meetings.

The committee did not consider that a change should be made to Article 11.02 (b). However they asked the Monitoring Officer to consider similar wordings to the change in Part 4.7 paragraph 2 to cover the termination of Chief Officer arrangements where there is no direct employment relationship. This wording would be presented when this item is considered at Council.

### **R16. RESOLVED TO RECOMMEND:**

That the changes to the various parts of the constitution, as shown in bold italics in Appendix 4 to these minutes at pages 467 to 468, be approved.

(NOTE: Councillor Glithero left the meeting at 9.46pm during the consideration of this item)

## **292. LEISURE CONTRACTS WORKING GROUP**

Further to minute 203 10 October 2011) the committee considered the Terms of Reference of the Leisure Contracts Working Group.

### **RESOLVED:**

That the Terms of Reference of the Leisure Contract Working Group, as set out in Appendix 5 to these minutes at pages 469 to 470 be approved.

## **293. 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 1 and 3 of part 1 of schedule 12A of the Local Government Act 1972, may be disclosed.

#### **294. HOUSING CONTRACT**

Members received and considered a report from the Housing Strategy Manager on the award of the new Housing Contract from 1 April 2012. Two tenders had been received for the service. The Housing Contract Working Party had assessed the two submissions under the categories of price and quality – each of which carried a weighting of 50%.

The Working Party believed that Midland Heart had submitted the Most Economically Advantageous Tender under the Public Contract Regulations 2006. A meeting had taken place on 29 November with the company to discuss final points regarding the price element of its submission. As a result, an amended contract price of £201,550 per year had been agreed - £1,300 less than the current contract. If the set up costs of £49,271 (furniture, other office supplies, and IT), were deducted from year one - the price per year was £189,232.

The Leader of the Council expressed his gratitude to the Housing Contract Working Party for its excellent work in relation to the award of the contract and these remarks were endorsed by the committee.

#### **RESOLVED:**

That the housing contract from 1 April 2012 for a period of 4 years be awarded to Midland Heart at an average cost of £201,550 per annum.

#### **295. CHAIRMAN'S THANKS**

The Chairman thanked officers and members for their hard work during the year and wished everyone the compliments of the season.

**Chairman**