

POLICY & RESOURCES COMMITTEE

Date: 13 February 2012

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)

Wendy Brackenbury	Sue Homer
Roger Glithero	Dudley Hughes
John Farrar	Andy Mercer
Richard Gell	Rupert Reichhold
Glenn Harwood	

380. PUBLIC SPEAKERS

The following person had indicated her wish to speak on the item indicated:-

Mrs Dawn Girardi item 11 (Release of Restrictive Covenant 15 Mallard Close, Higham Ferrers)

Mrs Gilardi, as owner of 15 Mallard Close, urged the committee to approve her request and felt that the circumstances were different from the earlier case affecting another property in Mallard Close. This had been considered by the committee in November 2011.

381. MINUTES

The minutes of the meeting held on 16 January 2012 were approved and signed by the chairman.

382. DECLARATIONS OF INTEREST

Councillor Richard Gell declared a personal and prejudicial interest in item 5 (b) (Funding for Higham Ferrers and Thrapston Masterplans) because he is a Higham Ferrers Town Councillor. He left the room during the discussion and voting on this item.

He also declared a personal interest in item 11 (Release of Restrictive Covenant) as he knows the Girardi family. Although he remained in the room during the discussion, he did not vote on the issue.

383. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

384. APOLOGIES FOR ABSENCE

Councillors David Brackenbury, Philip Hardcastle and Jeremy Taylor sent their apologies.

385. CHANGE IN ORDER OF PROCEEDINGS

RESOLVED:

- (1) That item 11 (Release of Restrictive Covenant) be taken next in the proceedings.
- (2) That item 10 (b) (Minutes of the Waste & Recycling Working party) be taken before consideration of the Finance Working Party minutes.

386. EXCLUSION OF THE PUBLIC

RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item 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.

387. RELEASE OF RESTRICTIVE COVENANT – 15 MALLARD CLOSE, HIGHAM FERRERS

The committee considered a report from the council's Solicitor asking it to approve the release of a restrictive covenant on the above property which prevented more than one dwelling from being constructed at the property. Further information and preliminary valuation advice was submitted in relation to the compensation that would be payable. The council had the benefit of the restrictive covenant as the land had been sold in 1965 by Higham Ferrers Borough Council.

The committee was told that full planning permission had been granted in 2011 for a 2 storey 4 bed roomed house in the garden of the property. The Solicitor to the Council reminded the committee that a similar request for the release of a covenant affecting No. 7 Mallard Close had been considered on 7 November 2011 (minute 251 refers) and refused. He advised however, that each case should be considered on its merits.

Members took the view that the circumstances of this case were different to the earlier request for No. 7 Mallard Close. The reasons for refusing that request were not applicable to No. 15 and, provided that only one further dwelling was erected on the site, Members were minded to allow the request.

RESOLVED:

That the request for the release of the restrictive covenant on 15 Mallard Close, Higham Ferrers be granted, on the condition that the current site should only accommodate a maximum of 2 dwellings (i.e one further than the current dwelling) and that the Solicitor to the Council be authorised to act upon the valuation advice received, negotiate compensation in the best interests of the council and complete the necessary deed of release.

(Reason: The request is granted because the committee does not consider the proposed second dwelling would represent overdevelopment of this particular plot; it would be consistent with providing a balance of housing sizes in Higham Ferrers; the site is not a gateway site and has a suitable turning space at the end of the Close which would aid vehicular access and egress)

388. FUNDING FOR PLANS

(a) Oundle and Raunds Masterplans

The Head of Planning Services reported that up to £20k each for Oundle and Raunds Masterplans was not ring fenced and it was not currently planned to be spent in the current financial year. It was anticipated that money would be spent on the examination and referendum aspects of Neighbourhood Plans and neither of the two Town Councils had yet reached this point in the process.

It was noted that In addition to significant staff input into the development of these two plans to date, the council had incurred costs in supporting the Raunds Masterplan, which would underpin that Neighbourhood Plan (£50k), and in supporting the work of the Oundle 2020 Group in terms of commissioning a traffic management report from consultants and supporting public consultation (£20k).

It was suggested that the total budget of £40k be rolled over to 2012/13 to be used for examination and referendum if required. Should the money not be used for this purpose then a final decision on its use could be made at the end of 2012/13. .

RESOLVED:

That the funding of £40,000 for the Oundle and Raunds Masterplans be rolled forward.

(Reason: To enable future financial support to be provided to the development of Neighbourhood Plans for Raunds and Oundle)

(b) Higham Ferrers and Thrapston Master Plans

Members received an update on the revised approach and resultant changes to the funding profile for the Higham Ferrers Master Plan and were asked to approve the release of a maximum of £50,000 to enable consultants to be commissioned to undertake a master planning exercise for Thrapston. Both Master Plans would explore community priorities for the future improvement and development of the respective town.

Officers' attempts to secure external funding for Higham Ferrers had proved unsuccessful. In addition, work did not start as expected in the summer of 2011 due to capacity issues at

Higham Ferrers as a result of the retirement of their clerk. Following his replacement by a Clerk with experience of producing similar Community Plans, and further conversations with officers, Higham Town Council now wished to follow the example of Oundle Town Council and manage the production of its Master Plan. Higham Town Council has requested financial support of £2000 and £16,510 in 2011/12 and 2012/13 respectively to undertake certain aspects of the work, including a specialist transport and parking study (similar to that carried out in Oundle), meeting consultation costs and a contribution to back-filling of the Clerk's role to enable her to project manage the post. It was noted that if additional monies were required at a later stage to complete the Master plan, further reports would be presented to this Committee.

After several meetings with officers and careful consideration of its capacity, Thrapston Town Council had requested funding of £50,000 to enable consultants to carry out a master plan for the town. If successful, a brief would be developed jointly with the Town Council in the next few weeks with an aim to appointing the consultants in April and completing the work in 2012/13.

R.19 RESOLVED TO RECOMMEND:

- (1) That the revised request from Higham Ferrers Town Council for funding to enable it to prepare a Master Plan for the town be noted and that funding of £2,000 in 2011/12 and £16,510 in 2012/13 be released.
- (2) That funding of up to £50,000 be released for the preparation of a Master Plan for Thrapston in 2012/13.

(Reason – Development of these plans will provide timely information to inform the review of the local planning framework.)

389. WASTE & RECYCLING WORKING PARTY

Members received and considered the minutes of the meeting of the working party held on 11 January 2012 (see pages 703 to 705).

Members congratulated the Waste Management Team and the new contractors for their efforts in encouraging the public to reduce the amount of residual waste.

RESOLVED:

That the recommendation contained in minute 6.3 of the minutes of the Waste and Recycling Working Party, as set out below, be approved.

That the introduction of a garden waste collection service as set out in paragraph 6.2 of the minutes of the Waste and Recycling Working Party be agreed and that charges for the service be included in the corporate fees submitted to the Finance Working Party

(Reason: To ensure residents are aware of the service to be provided by Kier from 1 April 2012)

390. BUDGET 2012/13

The Committee received and considered -

- The minutes of the Finance Working Party held on 2 February 2012
- The revised report on the Medium Term Financial Strategy following consideration by that Working Party

and considered the recommendations submitted by the Working Party (see pages 645 to 702). The recommendation in minute 6.6 (Medium Term Financial Strategy and Budget 2010/13) was taken with the report on that item.

That report included the following issues:-

- Draft Revenue Budget 2012/13;
- Draft Capital Programme
- Key Risks and Assumptions (Employee Borrowing and Other Costs; Investment Income; Council Tax Base; Council Tax increase; Council Tax Benefit; New Homes Bonus; Core Government Funding)
- Reserves & Balances Strategy
- Draft Treasury Management Strategy 2012/13

The Interim Chief Finance Officer (CFO) drew attention to the section of the report dealing with the minimum level of reserves. Having considered the risks facing the Council in the short, medium and long term it was proposed to change the minimum level of reserves as follows:

- An underlying minimum level of £1m for the long term, and
- In the short to medium term to raise the minimum level to £2m to reflect the uncertainties currently facing the Council. These uncertainties included Nene Centre Roof, the delivery of a cost reduction programme to ensure on-going revenue spending was sustainable, and changes to Government policy which could significantly impact on the Council's funding position (e.g. re-localisation of business rates, localisation of council tax discounts, council tax benefits and universal credit).

The Interim CFO also suggested that changes should be made to Appendix D of the Draft Treasury Management Strategy (the criteria for assessing the suitability of investment counterparties) to include the maximum investment limit for each counterparty for the following investment categories money market funds, local authorities and debt management office at £3m. Members agreed that the adjustments should be made.

At the conclusion of the consideration of this item, Members congratulated the Chief Executive and Interim CFO on the way the budget had been handled this year.

RESOLVED:

That the recommendations in the following minutes of the Finance Working Party, as set out below, be approved:

7.1 - Fees and Charges 2012/13

That the fees and charges for 2012/13 (outlined in Appendix A of the Working Party minutes) be approved, subject to clarification that it is the first course of treatment for rat infestations that is free.

(Reason - to set levels of charges to enable income to be secured in 2012/13)

8.1 Asset Management Update

That the release for sale of all identified sites at maximum value be approved.

(Reason - to generate income to be used to finance the capital budget)

It was further

R.20 RESOLVED TO RECOMMEND:

- (1) That the recommendation in minute 6.6 of the Finance Working Party (Medium Term Financial Strategy and Budget 2012/13) as set out below, be approved:-

That, subject to the addition of agreement of a minimum level of resources at £2 million, the contents of the report (**shown as Appendix 1**) be approved.

(Reason - To agree the parameters of the Budget 2012/13 and the vision up to 2016 to enable the council to make decisions on 29 February)

- (2) That, specifically, the following aspects be approved:-

- Draft Medium Term Financial Plan (**Appendix 1.1**)
- Draft Revenue Budget 2012/13 (**Appendix 1.2**)
- Council Tax increase for 2012/13 of 3.5% (subject to confirmation of the regulation for triggering a referendum by Government)
- Levels of reserves, including the minimum level of £2m
- Draft Capital Programme for 2012/13-2021/22 (subject to the ongoing reviews of certain schemes within that programme) (**Appendix 1.3**)
- The Treasury Management Strategy Statement (TMSS) **Appendix 1.4** and Investment Strategy from 2012/13 to 2015/16, and specifically that: -
 - the prudential Indicators in Annexe A of the TMSS be approved;
 - the council's MRP Strategy in section 5 of the TMSS be agreed;
 - the types of investment the council can use, as set out in Annexe C of the TMSS,
 - the criteria for assessing the suitability of investment counterparties in Annexe D of the TMSS (as amended at the meeting) be agreed; and
 - the affordable borrowing limit be agreed

(see pages.602 to 639)

(Reason - to ensure the Council complies with its constitution in setting its Budget).

391. CHANGES TO THE CONSTITUTION

Further to minute 349 of the last meeting, the Monitoring Officer submitted a report putting forward further changes to the constitution to provide greater clarity and remove some redundant paragraphs.

The Scrutiny Committee, on 6 February, had considered this report, and endorsed the proposals.

The proposals related to deletions and additions under the following parts of the constitution:-

- Article 4.1 - paragraph 4.02
- Articles 5 and 6 - Mid-year appointment of Deputy Leader, Chairman or Vice Chairman
- Part 4.1 - Council Procedure Rules - paragraphs 9 and 23
- Part 4.5 - Financial Procedure Rules - paragraphs 3.2.3, 3.2.4, 5.7.3 and 3.8.6
- Part 7 - Management Structure
- Part 4.4 - Scrutiny Procedure Rules (Call In)
- Part 3.2 - Scheme of Delegation.

The following additional changes were proposed by Members:-

- Part 4.5 - Deputy Finance Officer and Deputy Monitoring Officer - add need for full council to be notified of appointments
- Part 3.2 - Delegation Scheme - Power 36A - to be subject to consultation with Chairman or Vice Chairman of the Development Control Committee.

R.21 RESOLVED TO RECOMMEND:

That the changes to the constitution set out in bold type and scored text in Appendix 2 to these minutes at pages 640 to 642 (as amended at the meeting) be approved and that the Monitoring Officer be authorised to make any consequential changes as a result (renumbering of paragraphs, cross referencing and other associated documentation such as Committee Terms of Reference).

(Reason – to ensure that the council’s constitution is responsive to the changing working environment).

392. CALENDAR OF MEETINGS 2012/13

A draft timetable for meetings in 2012/13 was submitted. Members made some adjustments and felt strongly that, unless there were exceptional circumstances, full council should be recommended to retain a start time of 7.30pm for all evening committees because of the difficulty of members attending for an earlier start.

It was

RESOLVED:

That the draft timetable as amended at the meeting and set out in Appendix 3 to these minutes on pages 643 to 644 be endorsed for submission to the Annual Meeting of Council in May 2012.

393. PROPOSALS FOR EAST NORTHAMPTONSHIRE COUNCIL'S ARRANGEMENTS FOR STANDARDS

The Monitoring Officer reported on the consideration given by the Standards Working Group to the arrangements to be introduced on 1 July 2012 as a result of the changes contained in the Localism Act 2011.

The Standards Board had endorsed these proposals at its meeting on 1 February (after making some changes to the draft Code) and the Scrutiny Committee had endorsed all but the proposal for a joint Standards Committee with Town and Parish Councils, at its meeting on 6 February. However, the Scrutiny Committee had not ruled out the concept of working with parish and town councils. Feedback from all three committees, plus any amendments required by the draft regulations (which should be available by then), would be fed into a Town and Parish Council Workshop on 27 February for their comments.

The Standards Board Working Party would meet again in late February/early March to propose any final revisions as a result of this consultation. The revised proposals would then be presented to Standards Board on 14 March and thence to Policy and Resources Committee on 2 April and Scrutiny Committee on 4 April, before being finally agreed at council on 23 April together with the necessary constitutional changes.

The committee commented on the following findings of the Standards Working Group:-

- The form of Standards Committee. There were mixed views as to which was favoured at this stage although it was appreciated that some parishes would need guidance. As a principle it was felt that those serving on any ENC Committee should be democratically elected and not co-opted. However the view was expressed that only councillors from the relevant tier should be involved in assessing any complaints.
- Declarations of Interest and Withdrawal from room. There was support for councillors with an interest moving to the back of the meeting room but not leaving the room.
- Dealing with Complaints - (a) The principle of delegation to the Monitoring Officer for receipt of complaints was supported but it was felt that the Chairman of the Standards Committee should also be consulted at the initial assessment stage.
(b) It was noted that the process should include an appeal mechanism against decisions.
- Code of Conduct. Suggested amendments put forward for paragraphs 1.4, 1.8 (a), 1.8 (c), 1.8 (d) and 1.8 (e).

All the other proposals were endorsed by the committee and the Monitoring Officer invited councillors to forward any further comments to her.

RESOLVED:

That subject to the comments outlined above, the proposals submitted by the Standards Board be endorsed at this stage, prior to the views being expressed by town and parish councils and there will be further consideration of this issue in the next cycle of meetings, culminating in recommendations to the council meeting on 23 April.

394. CONTINUATION OF MEETING - COUNCIL PROCEDURE RULE 8

During the discussion on the above item, the meeting having lasted for 2 hours, it was

RESOLVED:

That the remaining business of the meeting be completed.

395. MINUTES OF PERSONNEL SUB-COMMITTEE

Members received the minutes of the meeting of the Personnel Sub-Committee on 31 January 2012 (see pages 706 to 710)

Chairman