

COUNCIL MEETING

Date: 23 April 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

Present: Councillors:-

Sylvia Hughes (Chairman of the Council)
Clive Wood (Vice-Chairman of the Council)
Steven North (Leader of the Council)

Peter Baden
Tony Boto
David Brackenbury
Wendy Brackenbury
Pauline Bradberry
John Farrar
Michael Finch
Richard Gell
Roger Glithero
Glenn Harwood
Marika Hillson
Sylvia Hobbs
Marian Hollomon
Dudley Hughes
Barbara Jenney
David Jenney

Eloise Lucille
Andy Mercer
Gill Mercer
Bob Nightingale
Brian Northall
Sarah Peacock
Ron Pinnock
David Read
Rupert Reichhold
Anna Sauntson
Phillip Stearn
Robin Underwood
Peter Wathen
Pam Whiting
Clive Wood
Colin Wright

479. OPENING ANNOUNCEMENT - COUNCILLOR PHILIP HARDCASTLE

The Chairman opened the meeting by addressing the members as follows:

"In a few minutes I shall be presenting awards to individuals who have given great service to their community. Before I do I would like to remember our colleague who gave great service to his village community of Clopton and to this Council. Please stand for a moment to remember Philip Hardcastle."

Members of the committee stood for a minute's silence in memory of Councillor Hardcastle.

480. APOLOGIES FOR ABSENCE

Councillors Jeremy Taylor, David Bateman and Glenvil Greenwood-Smith sent their apologies.

481. MINUTES

The minutes of the meeting held on 29 February 2012, and the Extraordinary Meeting held on 28 March 2012 were approved and signed by the Chairman.

482. DECLARATIONS OF INTEREST

There were no declarations of interest.

483. ANNOUNCEMENTS BY THE CHAIRMAN AND CHIEF EXECUTIVE

The Chairman reported as follows:-

"I will begin my official announcements with the presentation of the awards for this evening. We have here tonight winners and runners-up for the Chairman's Volunteer Awards 2012, as well as representatives from my charities that are here to receive their cheques.

I would like to begin by asking the 3 runners-up to the Chairman's award to come down; they are: Janet Embling, Diana Moore and Alan Palmer.

Janet was nominated for her work with those who have been widowed at a young age. Following her own experience as a young widow she discovered that there was a great need for a support group in our county. Her group is called WAY ON (Widowed And Young of Northamptonshire). It has been said of Janet 'my life started again when I joined the group, emailing Janet was the best thing I ever did.'

Diana is a volunteer for FAIR (Family Action in Our Region); Diana is a major force in FAIR's fundraising and public relations; she organises local fundraising events using her excellent communications skills charm and persuasion to claim their support for FAIR. Diana is described as kindness personified.

Alan is a volunteer from The Sanctuary in Rushden; he is one of those essential volunteers who works tirelessly in the background making sure that those in most need in Rushden are given the emotional support they seek as well as the vital food supplies they desperately need. He keeps a careful eye on supplies and makes sure the process remains efficient. It is said of Alan that 'No one is ever turned away empty handed.'

Now we turn to the winners. It was very difficult to select the winners for this award. It is humbling to read about all the tremendously good work that takes place in our District, but we had to make a choice and I would like to ask the following to come down;

Jane Thorpe on behalf of Susan Deacon, Gary Harlow and Arthur Hollomon the 'Dragon Men' and Katy Weeks.

Susan lives in Woodford and has the recommendation of most of the village. She runs a Brownie pack for 7 to 11 year olds in Woodford and Thrapston for 12 year olds. She runs the local youth club at the Baptist church for 8 to 11 year olds and a separate session for 12 to 16 year olds and has done this for seven years. She is a volunteer at Woodford Church of England Primary School, conducts regular assemblies for the whole school and teaches the Bible Explorer project to the 5/6 year olds. Susan has taken this scheme to Great Addington, Thrapston, Ringstead, Irthlingborough, Stanwick, Cranford, Corby and Desborough. It is said of Susan 'she is creative, vibrant and inspirational in her approach, she is well loved and respected by the children and is an inspiration to us all."

Katy, despite setbacks in her health, has used her professional skills and her local knowledge to develop a youth club for local teenagers; it is called 'The Underground Centre' and runs for 9 to 11 year olds on Wednesdays and older teenagers on Fridays. She has gathered a large team of enthusiastic volunteers from the graduates of The Underground Centre to an 80 year old Vicar. She has transformed the basement of the village hall into a stunning physical space for the teenagers. Her territory includes ten surrounding villages and has expanded to include other local partners; Police, Sure Start, Careers and university advice. Youth crime has diminished since The Underground began. The young people of The Underground say 'Katy is a very inspirational, kind person. She provides a vital service to the youths of Kings Cliffe and the surrounding areas. I would be a very different person without Katy and I think everyone owes her a great deal; I have the utmost respect for Katy.' "Katy is an amazing inspiration and is so selfless in everything she does. She deserves this more than anybody else. She deserves this for all the time, effort and love she has given to us all. Thank you Katy."

And now we come to the presentations of the Chairman's charity funds. We have four recipients tonight, my two main charities Life Education Centres (LEC) and Rushden MIND. Pamela Jennings and Les Smith Chairman of LEC are here to receive the cheque on behalf of LEC, Jim Vokes the Chairman of Mind is here to collect the cheque for Rushden MIND.

We ran two specific events to raise funds for these two charities - the Dr Busker evening for Rushden Mind and the Valentine Moth Ball for Life Education Centres. You may recall that LEC brought their classroom truck to a Council meeting so that you could better understand the vital service that they deliver to the children of our District. We have already had an insight into the work going on to rebuild the Rushden Mind Centre for all those who they serve, which includes all the surrounding towns and villages of Rushden. I would like to present you both with a cheque for £1500.

I would also like to ask Lieutenant Clare Read and Unit Management Committee Chairman Andrew Jolly to join us from Northampton and Wellingborough Cadets and Andy Richardson from Phoenix Resource Centre Social Enterprise Charity.

We have a cheque for £450 to provide bursary funds to assist Rushden Cadets to go on visits/voyages during the summer and £200 for Phoenix Resource Centre (PRC) to help them on their way to becoming the first environmental charity of its kind in UK; their Headquarters are based here in the District.

Thank you for coming here tonight, congratulations to our Volunteers and good luck to LEC, MIND, The Sea Cadets and the PRC.

To continue with Chairman's official announcements:-

We continue to represent ENC at many different kinds of civic events taking place in neighbouring districts and towns especially here in East Northamptonshire. They have included Kettering, Raunds, Huntingdon, Irthlingborough, Rushden and Higham Ferrers, Northampton and Peterborough.

Here in our own District we have seen the placing of the heritage stones for the Heritage Trail in Stanwick Lakes and the 21st anniversary of the 'Save our Station' event at Rushden and of course the launch of the 2012 Oundle Festival programme. The continued international focus brings thousands of tourists to our district.

There were two International Women's Day events this year, one in Rushden focusing on the achievements of some of our highest ranking female military personnel and one in Raunds. As chairman I worked in partnership with Manor School and Northamptonshire

Community Foundation. We had an Olympic theme, celebrating the potential of women Olympic athletes of Northamptonshire including keynote speaker Donna Fraser, World Championship bronze medallist, to inspire them to achieve their dreams through commitment and skill.

We have kept our much treasured focus on the youth of the District, attending schools, libraries, a concert at Corby Cube, the opening of the Chris Moody Centre, Moulton College for sports health facilitation and the Nene Valley Scouts St George's Day Parade in Rushden. We joined with many other civics in the excitement of the visit of Prince Andrew the Duke of York who came to inspect the Northampton and Wellingborough Sea Cadets. But it could not compare to the invitation we received as guests to the presentation of the freedom of the Borough of Northampton to the Northampton and Wellingborough Sea Cadets and then the march past of at least 250 cadets in the town centre on a brilliantly sunny, but chilly day.

Just one more date for the diary, this Friday 27 April we are launching Phoenix Resource Centre at the Rushden Diamonds Centre from 12pm to 2pm. Louise Mensch MP is cutting the ribbon and Waitrose are providing the buffet. Please let me know after the meeting if you wish to go and have not already given your name to Barbara Wiggins. You have in front of you a sample of the opportunities from Phoenix Resource Centre although you probably won't want to take it home tonight if you are a Manchester United fan.

Thank you again to our guests and for all they do for the community. If you would like to stay please do, but we now move on to Council Business."

The Chief Executive reported as follows:-

"Members will no doubt be aware that this Council recently lost an appeal against our refusal to grant planning permission for a wind farm next to Lyveden New Bield. You may have seen comments in the press from the National Trust and English Heritage, who are very concerned by the appeal decision, which seemed to them to set a precedent whereby no listed building was safe.

I held a meeting recently with the National Trust and English Heritage in conjunction with Councillors Pauline Bradberry and Sylvia Hughes to discuss what action we might take collectively. There was strong agreement that we should do something about the decision, but not waste taxpayers' money pursuing a judicial review that stood little chance of success. For JR to be successful, there is a need to show that the process that the Planning Inspector followed was flawed, irrespective of the decision that he reached as a result.

Following consultation by all three parties with their respective legal advisors, I am pleased to be able to report that we have been advised that there are grounds to go forward with a Judicial Review. The costs of both the JR and, if that is successful, the second appeal hearing in relation to the refusal of the planning permission, will be shared equally by the Council, National Trust and English Heritage. The cost to the Council of the Judicial Review is estimated at between £10,000 and £12,000, which will be met from the planning consultancy budget.

The relevant papers have been lodged at court today and there will be a press release tomorrow with quotes from the Leader, English Heritage and the National Trust."

484. LEADER'S ADDRESS

The Leader of the Council addressed the meeting as follows:-

"I just wanted to add to the comments made at the beginning of the meeting, Councillor Philip Hardcastle was an excellent deputy leader and his support and guidance was always very welcome to me during that period and he will be sorely missed."

Councillor Bob Nightingale echoed those comments saying "Councillor Hardcastle was a true friend and gentleman there are few of his calibre about, his loss is a great thing for all of us".

485. REPORTS OF COMMITTEES

(a) Development Control Committee – 1 March, 21 March and 11 April

The reports of the above committee, presented by the chairman, Councillor Pauline Bradberry, were received.

(b) Licensing Committee – 7 March 2012

The report of the above committee was presented by the chairman, Councillor Glenn Harwood and received.

Councillor Harwood also provided the meeting with an outline of the issues faced by ENC as a result of the implementation of the forthcoming Police Reform and Social Responsibility Act. It was noted that member training would be supplied once the legislation was in force.

(c) Policy and Resources Committee – 12 March and 2 April 2012

The reports of the above committee, presented by the chairman, Councillor Richard Lewis, were received.

RESOLVED:

That the recommendations in the following minutes (as set out) be approved:

428(a&b) Food Law Enforcement and Health & Safety Plans 2012/13

That the following Service Plans - as set out in Appendices 1 and 2 at pages 758 to 791 be approved:-

(a) Food Law Enforcement Service Plan 2012/13

(b) Health and Safety Service Plan 2012/13.

(Reason: To ensure that the council complies with its legal obligations in respect of food safety and health and safety)

461 Future Standards Arrangements - East Northamptonshire Council

That the documentation relating to the new standards arrangements be examined by a small working group of members with authority to present the final draft arrangements for approval at the Annual Meeting of the Council on 16 May 2012.

(Reason: To inform the further development of the Code and Procedure)

The Leader announced that membership of the working group would comprise Councillors Andy Mercer, Gill Mercer, Barbara Jenney and Brian Northall.

(d) East Northamptonshire Standards Board – 14 March 2012

The report of the board was presented by the chairman, Mr Graham Blagden and was received.

(e) Planning Policy Committee - 19 March 2012

The report of the above committee was presented by Councillor David Brackenbury and was received. He commented on the work of the committee during the last cycle. He also asked that the council put on record its appreciation of the contribution of Mr Watson, as Head of Planning Services, in relation to its planning policy and development control work.

(f) Scrutiny Committee - 4 April 2012

The report of the above committee, presented by the chairman, Councillor Phillip Stearn, was received.

486. OTHER REPORTS

(a) From Representatives on Outside Bodies

There were no reports.

(b) Licensing Panels

The minutes of the Licensing (Taxi & Miscellaneous) Panel held on 26 March 2012 were received.

487. MOTIONS

Councillor Dudley Hughes proposed the following motion and requested a recorded vote.

"In the light of this Council's stated aims of openness and in the spirit of Localism the Finance Working Party reverts to a Finance Sub Committee to enable councillors and members of the public to attend meetings: further to this the Monitoring Officer be given delegated powers to make the necessary change to the Constitution."

The motion was amended to reflect the fact that the sub-committee would be under the auspices of Policy & Resources Committee.

The result of the voting was as follows:-

FOR THE MOTION

Councillor Peter Baden
Councillor Tony Boto
Councillor David Brackenbury
Councillor Wendy Brackenbury
Councillor Pauline Bradberry
Councillor John Farrar
Councillor Michael Finch
Councillor Richard Gell
Councillor Roger Glithero
Councillor Glenn Harwood
Councillor Marika Hillson
Councillor Sylvia Hobbs
Councillor Marian Hollomon
Councillor Sue Homer
Councillor Dudley Hughes
Councillor Barbara Jenney
Councillor David Jenney
Councillor Richard Lewis
Councillor Eloise Lucille
Councillor Andy Mercer
Councillor Gill Mercer
Councillor Bob Nightingale
Councillor Steven North
Councillor Brian Northall
Councillor Sarah Peacock
Councillor Ron Pinnock
Councillor David Read
Councillor Rupert Reichhold
Councillor Anna Sauntson
Councillor Phillip Stearn
Councillor Robin Underwood
Councillor Peter Wathen
Councillor Pam Whiting
Councillor Clive Wood
Councillor Colin Wright

AGAINST THE MOTION

None

ABSTENTIONS

None

It was thereupon

RESOLVED UNANIMOUSLY:

That, in the light of this Council's stated aims of openness and in the spirit of localism, the Finance Working Party reverts to a Finance Sub Committee (under the auspices of the Policy and Resources Committee) to enable councillors and members of the public to attend meetings, and that the Monitoring Officer be given delegated powers to make the necessary changes to the Constitution.

488. QUESTIONS

There were no questions.

489. FUTURE STANDARDS ARRANGEMENTS AT EAST NORTHAMPTONSHIRE COUNCIL

The Monitoring Officer attended and presented a report that advised the Council of the position regarding the future standards arrangements following the introduction of the Localism Act 2011, as per minute 461 of Policy and Resources Committee 2 April 2012. She noted that the regulations in relation to Disclosable Pecuniary Interests and the transitional arrangements had not yet been published and that it was therefore possible that the anticipated implementation date for the new arrangements might change as a result.

490. OTHER CHANGES TO THE CONSTITUTION

The Monitoring Officer presented a report for consideration by Members regarding three changes to the Constitution. The first related to the appointment of Heads of Service via the Officer Employment Procedures whilst the second and third proposed changes to the Scheme of Delegation in relation to the agreement of materials conditions for planning applications and the formalisation of operational financial instructions. It was noted that an amendment to the notice period for motions prior to dispatch of the agenda would be brought to the next Council meeting, changing the notification period to 7 days.

It was

RESOLVED:

That Council approve the three changes to the Constitution as detailed in the report and set out in Appendix A to these minutes at pages 881 to 883.

491. COMMUNITY GOVERNANCE REVIEW (PARISH & TOWN COUNCIL ELECTORAL ARRANGEMENTS AND BOUNDARIES)

The Head of Resources & Organisational Development outlined the reasoning for the proposed review.

It was noted that ENC had received informal requests from Oundle Town Council and Raunds Town Council asking for a review, with the possibility of a review to be triggered by petition if ENC did not agree to those requests. Members noted that the last review had been carried out in 1998 and it was considered good practice for reviews to be carried out every 10 to 15 years. Members were advised that ENC was awaiting further guidance on the Community Infrastructure Levy (CIL), whose regulations come into force on 1 April 2014, because distribution of CIL may be dependent to some degree on parish boundaries, although it was not imperative to undertake a review specifically as a result of CIL. If the review was to begin later than 24 April 2012 then any changes may not be implemented until the May 2015 elections.

The Policy & Performance Manager went into further detail of the proposals and stressed the intention to keep costs incurred to a minimum by utilising email and the Council's website for consultation purposes, alongside the In My Area mapping system.

Members expressed concerns that a review of the whole district could generate added

pressure on already stretched resources, and also expressed a desire for the formation of member liaison group.

An amendment to the recommendation was made to ensure that only areas specifically asking for a review would receive one and that a member working group would be created to liaise with officers. It was then

RESOLVED:

- (1) That Community Governance Reviews only be undertaken for Town and Parishes that requested it and the Terms of Reference be amended accordingly
- (2) That a Member Working Group be created to liaise with officers on reviews, the Leader to advise the Monitoring Officer of the membership of that Working Group in due course.

492. ELECTION OF DEPUTY LEADER OF THE COUNCIL AND CONSEQUENTIAL CHANGES TO COMMITTEE PLACES

Councillor Glenn Harwood was nominated by Cllr Andy Mercer for the position of Deputy Leader of the Council. The nomination was seconded by Cllr Philip Stearn.

The Leader then proposed two amendments to committee places; Councillor Glenn Harwood would fill the Planning Policy Committee vacancy and Councillor Jeremy Taylor would fill the vacancy on Development Control Committee. It was

RESOLVED:

- (1) That Councillor Glenn Harwood be elected as Deputy Leader of the Council.
- (2) That Councillors Glenn Harwood and Jeremy Taylor be appointed to the vacant seats on the Planning Policy Committee and Development Control Committee respectively.

Chairman

OTHER CHANGES TO THE CONSTITUTION

Currently Part 4.7 paragraph 6 of the Constitution allows Heads of Service to be appointed following interviews which do not involve any Members. At the Council meeting on 28 March, during consideration of the Pay Policy, it was proposed that the arrangements should change to include councillors on the interview panel.

It is therefore proposed that paragraph 6 should be amended as follows:

6 Appointment of Heads of Service

Where a post has been advertised as provided in paragraph 2(b), ~~the Strategic Management Team~~ **a panel of up to six councillors together with the relevant council Chief Officer(s)** on behalf of the Council shall –

- (a) interview all qualified applicants for the post, or
- (b) interview those included on a short list of such qualified applicants,
- (c) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraph 2(b).

The councillors will be drawn from the Personnel Sub-Committee and the Chairman and Vice Chairman of any committee that is regularly attended by the relevant Head of Service

It was also proposed that the salary scale, including agreement of initial salary, for Chief Officers and Heads of Service should be set by Members. (At present these are set by the Chief Executive for Heads of Service). The scale for a post should be included in the original advertisement and can thus be agreed as part of the advertisement process described in paragraph 2.

It is therefore proposed that paragraph 2 (a) of Part 4.7 be amended as follows:

Where the Council proposes to appoint a Chief Officer **or Head of Service** and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the officer concerned (the job description);
 - ii) any qualifications or qualities to be sought in the person to be appointed (the person specification) and:
 - iii) the salary scale for the post**
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.

However agreement of the starting salary may be a matter of negotiation once a post has been offered. It is therefore proposed that this should be delegated to the Chief Executive, in consultation with the Chairman of the Personnel Sub-Committee, in order that the appointment process is not unduly delayed. It is therefore proposed that an additional paragraph be inserted as part of paragraph 6 which states that:

The starting salary for Heads of Service will be agreed by the Chief Executive in consultation with the Chairman or Vice Chairman of the Personnel Sub-Committee.

Agreement of Materials Conditions for Planning Applications

The Development Control Committee recently reviewed the process by which a materials condition (roof and walls) was agreed by officers. It proposed that where a planning application is brought to Committee for determination, in future, where an application has been taken to Committee for decision, any change in proposed materials from those in the application which significantly impact on the appearance of the development, would be taken by officers in consultation with the chairman or vice-chairman and appropriate ward member(s).

It is therefore proposed to add a new paragraph 1 (c) to part 3.2 (Scheme of Delegation) as follows:

Function and Legislation

1(c) To agree materials conditions (for roofs or walls) which differ from those in the applications and which significantly impact on the appearance of the development where the determination was made by Development Control Committee

Delegation and Provisions

Executive Director, Head of Planning Services or Development Control Manager in consultation with the Chairman or Vice Chairman of Development Control Committee and the relevant ward councillor(s).

Operational Financial Decision Procedures

The first version of the current constitution was originally adopted in 2001, following significant changes required by the Local Government Act 2000. However the version of Financial Procedure Rules included was fundamentally different from what had gone before. It appears from the minutes of the Modernisation Working Party at the end of August 2001 that new advice from CIPFA was produced at the point at which adoption was imminent. As a result the highly detailed rules in force until September 2001 (ie effectively part of the old council standing orders) was not included as part of the constitution although it was envisaged that the rules would continue to be operated by the Chief Finance Officer until amended. These rules include procedures for writing off of debts up to a certain limit and the process for disposing of assets like surplus office equipment. These rules have continued to be used by Finance staff.

Confirmation that it was intended at the time that the more detailed rules were to continue to be used as instructions by the Chief Finance Officer (CFO) by reference in the Financial Procedure Rules (Part 4.5) para 1.4 which states:

The implementation of the more detailed and technical financial procedure, instructions, advice and guidance, that underpin the regulations, is managed by the Chief Finance Officer. The key financial procedures are issued to Members and officers with financial responsibilities, and are available for inspection, but these do not form part of the formal Constitution of the Council.

There is a further reference to the procedures in paragraph 6.3.2 which give the CFO authority to approve procedures for writing off debts.

Having now reviewed these instructions the view of the Chief Finance Officer and Monitoring Officer is that some elements should be included as an additional section in the Constitution, most appropriately positioned next to the Financial Procedure Rules (Part 4.6) within the Constitution, with a reference to the delegations contained within as part of the Scheme of Delegation (Part 3.2)

The proposed new section can be found at Appendix A. For the sake of completeness, the parts of the rules which have been superceded by other parts of the Constitution are shown as well (with the lines scored through). The proposed amendment to the end of Section 3.2 is as follows:

Additional delegated powers to the Chief Finance Officer are outlined in Part 4.6 (Financial Procedure Rules) and Part 4.6A Operational Financial Decision Procedures

It is proposed that Part 4.5 paragraph 1.4 should be amended as follows:

- 1.4 The implementation of the more detailed and technical financial procedure, instructions, advice and guidance, that underpin the regulations, is managed by the Chief Finance Officer. The key financial procedures ~~are issued to~~ ***in relation to*** Members and officers with financial responsibilities, ~~and are available for inspection, but these do not form part of the formal Constitution of the Council~~ ***can be found at Part 4.6A of this constitution.***