

COUNCIL MEETING

Date: 29 January 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

Present: Councillors:-

Colin Wright	(Chairman of the Council)
Wendy Brackenbury	(Vice-Chairman of the Council)
Steven North	(Leader of the Council)

Tony Boto	Richard Lewis
David Brackenbury	Dorothy Maxwell
Annabel de Capell Brooke	Andy Mercer
Val Carter	Gill Mercer
John Farrar	Sarah Peacock
Richard Gell	Janet Pinnock
Roger Glithero JP	Ron Pinnock
Glenvil Greenwood-Smith	Roger Powell
Marika Hillson	Rupert Reichhold
Dudley Hughes JP	Alex Smith
Sylvia Hobbs	Phillip Stearn
Marian Hollomon	Robin Underwood
Helen Howell	Jake Vowles
Barbara Jenney	Peter Wathen
David Jenney	Pam Whiting
Lance Jones	

336. COUNCILLOR GLENN HARWOOD MBE – A MINUTE’S REFLECTION

The Chairman made the following address to the meeting:

Our last full council meeting was on the 8th November 2017, whereupon in this council chamber we had with us the then Deputy Leader Cllr Glenn Harwood MBE.

Six days after that meeting Glenn Harwood was suddenly taken from us.

His loss was a shock to all those close to him, his family, his close friends and all of us - his Council colleagues, both members and officers.

We know he was a man who was well respected by us all. When he spoke in this chamber he spoke with confidence, he spoke with authority, since he knew all there was needed to know about the topic in question.

Many of you here tonight would have at some point have spoken to him to seek advice and guidance on various issues and you could be assured he would give you the time to answer your question or concern.

Glenn had his love for the countryside, his dogs and his shooting and he also had a sense of humour, essential for any person.

I found Glenn to be a charismatic person who had the ability to attract attention and admiration from others and be seen to be a leader and who worked well with Cllr Steven North. His charisma was such that he provided you with a feeling of stability and a vision for the future and it is without doubt we will miss his presence for some considerable time.

Therefore before we start our Council meeting tonight I would like all of us to take a minute to reflect the impact Cllr Glenn Harwood had on our lives.

Thank you.

337. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anna Sauntson and Geoff Shacklock.

338. MINUTES OF PREVIOUS MEETING

The minutes of the Council meeting held on 8 November 2017 were agreed as a true and correct record of the proceedings.

339. DECLARATIONS OF INTEREST

The Chairman invited those who wished to do so to declare any interests in respect of items on the agenda.

Councillors John Farrar and Richard Gell each declared an 'other interest' which may lead to perceptions of bias in respect of item 12 on the agenda 'Change to the Constitution re Members' Allowances Scheme – Leader of the Opposition Allowance', as both were leaders of the two opposition groups on the council.

340. ANNOUNCEMENTS BY THE CHAIRMAN AND CHIEF EXECUTIVE

The Chairman made the following announcements to the meeting:

Members, the fact we are in 2018 highlights to me the speed at which time flies and that my year of office is now on the last lap. 103 days, 23 hours and 15 minutes to go before my year ends, but I am not counting.

However, my pace is not slowing down. My attendance at functions continues and we are now at the time where fund raising for various other Mayors and Chairpersons is taking place. My own fund raising event took place on January 20th with ABBA REVIVAL and I would like to thank the 425 people that attended, who helped me raise a considerable amount of money for my designated charities.

I still continue to promote the beauty of East Northamptonshire and I will not let up on that since I know the 'WHERE AM I?' spot in the Nene Valley News is popular. How do I know that?— I am now being asked to carry out speeches at various functions on my year as Chairman and the beauty of the district, so maybe people are taking note of my message.

Members, there is a lot of work to be done in this current year, so let us get on with it by getting onto the Agenda Items.

The Chief Executive had no announcements to make.

341. LEADER'S ADDRESS

The Leader of the Council reiterated the kind words spoken by the Chairman in reflection of the former Deputy Leader, Glenn Harwood MBE, and emphasised his own tribute to him.

342. REPORTS OF COMMITTEES

(a) Planning Management Committee – 15 November 2017 and 13 December 2017

The reports of the above Committee, presented by the Chairman, Councillor Phillip Stearn, were received.

(b) Joint Standards Complaints – 22 November 2017 and 17 January 2018

The reports of the above Committee, presented by the Chairman, Councillor Andy Mercer, were received.

(c) Planning Policy Committee – 27 November 2017

The report of the above Committee, presented by the Chairman, Councillor David Brackenbury, was received.

(d) Governance and Audit Committee – 29 November 2017

The reports of the above Committee, presented by the Chairman, Councillor Peter Wathen, were received, subject to a revised paper for Appendix B of the report – 'Changes to Part 9 of the Constitution', the revised report having been circulated by the monitoring officer to all members of the Council prior to the meeting. A copy of the revised Appendix B is attached to these minutes.

It was noted that the proposed changes sought to clarify matters regarding initial assessment outcome, hearing outcome and to reduce the period of uncertainty for the complainant or councillor(s) complained against.

An amendment to the motion was moved and seconded, that in part ii of the motion the word 'either' be removed from the revised Appendix B, in section 6.1, line four.

The amendment was put and carried. The substantive motion was carried

RESOLVED:

That the recommendations in the following minute be approved:

Proposed Changes to Parts 3.2 and 9 of the Constitution

287 That:

- i) the changes in relation to the Scheme of Delegation (Part 3.2 of the Constitution) set out in Appendix A of the report be approved.

(Reason: to ensure that the Planning Enforcement Team has the appropriate powers to undertake its role in protecting the community from unlawful planning development.)

- ii) The changes to Part 9 of the Constitution set out in the revised Appendix B of the report be approved, subject to the word 'either' in section 6.1, line four being removed.

(Reason: To ensure that the procedure followed for Complaints against Councillors is proportionate and fair.)

(e) Policy and Resources Committee – 4 December 2017, and 8 January 2018

The reports of the above Committee, presented by the Chairman, Councillor Richard Lewis, were received. It was noted that the recommendations in relation to the receipt of the minutes of the meeting of the Finance Sub-Committee held on 18 December would be considered under Agenda Item 16.

RESOLVED:

That the recommendations in the following minutes be approved:

Council Tax Base

296 That a tax base of 31,348 for the year 2018/19 be adopted.

(Reason: To fulfil the Council's statutory requirements).

(f) Scrutiny Committee – 6 December 2017

The report of the above Committee, presented by the Chairman, Councillor Jake Vowles, was received.

343. OTHER REPORTS

Licensing Panels

- (i) Taxi and Miscellaneous – 15 December 2017**
- (ii) Liquor and Gambling – 21 December 2017**
- (iii) Liquor and Gambling – 8 January 2018**

The minutes of the meeting of the Licensing (Taxi and Miscellaneous) Panel held on 15 December 2017 and the meetings of the Licensing (Liquor and Gambling) Panel held on 21 December 2017 and 8 January 2018 were received.

344. MOTIONS

It was reported that no Notice of Motions had been received under Procedure Rule 11.

345. QUESTIONS

The following questions were submitted by Councillor Dorothy Maxwell under Procedure Rule 10.2:

- 1. As the Government is wishing to eradicate Homelessness by 2020, would it help to join up with the Borough Council of Wellingborough with their purchase of accommodation especially for people without homes? This would help to address Rushden Town Council's concerns about the anti-social behaviour of homeless people in the town centre?**

Or could we ask the Churches in this area of Rushden if they would like to offer their church halls during the day-time to give homeless people somewhere to go and make a meal? This could be financed by East Northamptonshire Council / Rushden Town Council.

I realise that Full Gospel Church does help at night time, with financial help from ENC, but not during the daytime.

The Chief Executive replied:-

Councillors and officers are closely monitoring the level of homelessness and rough sleeping being reported in the district with a view to possible solutions should the levels increase significantly. The reasons why people are homeless across the council area can be quite complex and different. Solutions for rough sleepers may need to reflect these individual circumstances, which may include support services as well as homes.

We have worked hard to deliver 143 new rented units and 102 shared ownership affordable homes in the District in 2016/17 (compared to 92 in 2015/16) and will continue to maximise the delivery of further homes.

We have been involved in discussions between Rushden Town Council and the Night Shelter operated by the Full Gospel Church in relation to recent street drinking issues in Rushden. We understand that not all of those involved are homeless. We will continue to work with the Town Council and other partners to find solutions to the problem.

- 2. Could East Northamptonshire Council set up a fund to further the purchase of school shoes or allow the empowerment funds to be used for children who do not have them due to hardship?**

The Chief Executive replied:-

In these circumstances parents can apply to schools for access to the 'Pupil Premium', which is additional funding paid by the government to assist with school-related activities for disadvantaged children.

The County Council website outlines the qualifying conditions for the Pupil Premium (see <http://www3.northamptonshire.gov.uk/councilservices/children-families-education/schools-and-education/Pages/pupil-premium.aspx>)

The funding is paid directly to the school and if the family are eligible for Pupil Premium they can apply in writing to the school with their request, for example for help with the cost of school shoes. The decision lies with the school but there are no restrictions on what the funding can be spent on. We understand that schools locally have been proactive in making parents aware of the Pupil Premium, and it is also often highlighted on school websites.

3. Will there be a memorial for the late Glenn Harwood MBE?

The Leader replied:-

We will consider a fitting memorial in due course that will pay respect to Glenn Harwood MBE and other councillors who have also passed away whilst in office.

346. ELECTION OF DEPUTY LEADER OF THE COUNCIL

The Chairman reported that, in accordance with Article 6.04 of the Council's Constitution, Councillor David Jenney had been nominated for appointment as Deputy Leader of the Council.

Councillor Jenney's appointment was proposed by Councillor Steven North, and seconded by Councillor Richard Lewis.

RESOLVED:

That Councillor David Jenney be elected Deputy Leader of the Council for the remainder of the 2017/18 municipal year.

347. STATEMENT BY THE DEPUTY LEADER

The newly appointed Deputy Leader made the following statement to the meeting:

I would like to thank all members for their support in electing me as Deputy Leader of the Council. I pay tribute to Glenn Harwood MBE and have big army boots to fill. I will do my best to fill those boots, but using my training in the navy rather than the army this time.

348. CHANGE TO THE CONSTITUTION RE MEMBERS' ALLOWANCES SCHEME – LEADER OF THE OPPOSITION ALLOWANCE

(Councillors Farrar and Gell left the meeting for the duration of this item having each declared an 'other interest' at the beginning of the meeting.)

The Monitoring Officer reported that, following changes to the makeup of the opposition political groups, a change to Article 2 of part 2 of the Constitution was proposed to provide clarity on the designation of the position of Leader of the Opposition for the purposes of payment of the Special Responsibility Allowance associated with that role.

RESOLVED:

That the following additional provision be added to Article 2.05 (Allowances) of the Constitution:

For the purposes of determining the payment of the Leader of the Opposition Group Special Responsibility Allowance (SRA), the “Opposition Group” shall be defined as follows:

- i) The largest minority Political Group represented on the Council by the number of elected Members within the Group will be deemed to be the “Opposition Group” and the designated Leader of that Political Group shall be paid the SRA.

OR

- iii) Where there are two or more minority Political Groups, with an equal number of elected Members in each, forming the second largest Political Groups on the Council, both shall be deemed to be the “Opposition Group” and the designated Group Leaders of those Groups shall be regarded as jointly holding the office of Leader of the Opposition Group. The payment of the SRA associated with the office of Leader of the Opposition Group shall be divided equally between the Group Leaders jointly holding that office.

(Reason: To provide clarity for the payment of Special Responsibility Allowances)

349. TO APPOINT MEMBERS OF COMMITTEES

The Democratic Services Manager reported that, following the resignation of a member from the Independent Group on the Council and receipt of notification that a Labour Group had now been formed, the entitlement to seats on Committees had been recalculated in accordance with the Local Government (Committees and Political Groups) Regulations 1990. Due to the revised entitlements, affecting the Opposition Groups only, a number of committee nominations were made.

RESOLVED:

That the following committee appointments be approved, as set out below:

	Independent Group	Labour Group
Policy & Resources	Cllr Carter	Cllr Farrar (replacing vacant seat)
Planning Policy	Cllr Carter	No seat
Planning Management	Cllr Gell (replacing Cllr Farrar)	Cllr Hillson
Licensing	Cllr Gell	No seat
Scrutiny	No seat	Cllr Hillson
Governance & Audit	No seat	Cllr Farrar (replacing Cllr Gell)

(Reason: To comply with Article 4.01 of the council’s constitution)

350. WARTH PARK JUDICIAL REVIEW OUTCOME

The Monitoring Officer presented a report informing councillors of the end of legal action in relation to the application for permission to Judicially Review the Council's decision to grant planning permission for application 16/02119/FUL - Land end of Scalley Way, Raunds, Northamptonshire, otherwise known as Warth Park Extension.

Councillors noted the complimentary comments made during the court hearings in relation to the officers' report and the weighting of material planning considerations given by councillors during the determination of the application.

It was also noted that this council resolved in July 2017 that, at the conclusion of the legal proceedings, a review of the processes by which planning applications were determined by the Planning Management Committee would be undertaken by the Planning Advisory Service (via its Making Defensible Planning Decisions review process).

It was proposed and seconded that the motion before the Council be amended with the following words being added:-

'That the decision made by this Council in July 2017 to have an independent review of the processes by which planning applications are determined by the Planning Management Committee be overturned.'

The amendment was put, 28 voting in favour, with 3 against. The substantive motion was then put and carried.

RESOLVED: That

- (i) the outcome of the legal challenge be noted;
- (ii) that the decision made by this Council in July 2017 to have an independent review of the processes by which planning applications are determined by the Planning Management Committee be overturned.

(Reason: To ensure Councillors are aware of recent developments and potential financial risks in relation to this decision)

351. PETITION FOR COMMUNITY GOVERNANCE REVIEW OF ARRANGEMENTS WITHIN DUDDINGTON WITH FINESHADE PARISH COUNCIL

The Monitoring Officer presented a report setting out the background to the petition and the proposed programme for the review relating to arrangements within Duddington with Fineshade Parish Council, explaining that the Democratic Services Manager would bring a report setting out the proposed terms of reference for the review to the next meeting of the Council.

Councillors noted that there was no minimum size in terms of property or electorate for a parish meeting and that the council was required to complete the review within 12 months, but that it also had discretion to consider undertaking a review of other areas at the same time.

Councillors discussed the merits of whether or not an extended review should take place at this time, noting that a wide ranging review was undertaken in 2013/14 and local government guidance recommended a review every 10 to 15 years.

It was proposed and seconded that the motion before the Council be amended with the following words to be added:-

‘That this Council should not actively promote the opportunity for a review of parish arrangements in other parts of the District at this time.’

The amendment was put, 33 voting in favour, with 1 against. The substantive motion was then put and carried.

RESOLVED: That

- (i) the report be noted;
- (ii) this Council should not actively promote the opportunity for a review of parish arrangements in other parts of the District at this time.

(Reason: To ensure Councillors are aware of this process in relation to the requested review and consider if the scope of the review should be widened.)

352. EXCLUSION OF PUBLIC AND PRESS

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 3 of Part 1 of Schedule 12A of the Local Government Act 1972, may be disclosed.

353. POLICY AND RESOURCES COMMITTEE – 8 JANUARY 2018

The report of the above Committee had been presented by the Chairman, Councillor Richard Lewis, earlier in the meeting and had been received, with the exception of the minute relating to the recommendation made by the Finance Sub-Committee at its meeting held on 18 December 2017 on the item ‘East Northants Enterprise Centre, (page 361 of the minute book refers)’

The Head of Economic and Commercial Development presented a report providing an update on progress on the East Northants Enterprise Centre project and seeking approval for funding as the basis for acquiring a site and procuring expertise to design the building to obtain planning permission. He outlined the proposal which had been considered by the Finance Sub-Committee and the recommendations made by the Sub-Committee to Council.

RESOLVED: That

- i) the recommendation in the following minute be approved:

11. East Northants Enterprise Centre

That £1.8 million be allocated from the Council's capital reserves for site acquisition and the procurement of professional services.

(Reason: To drive forward the delivery of the Enterprise Centre to the next phase of development.)

Chairman

Appendix B – Changes to Part 9 of the Constitution

Stage 4 – Appeal

6.1 An appeal may be made **in respect of Initial Assessment where the outcome is either no further action or 'other action' only** where the complainant or councillor(s) complained about ~~feels that:~~ **presents**

a) ~~the process outlined in this procedure has not been followed~~

b) ~~the outcome proposed is considered inappropriate; or~~

c) ~~significant new evidence is available~~ which has not been considered during the previous process **and which either the Monitoring Officer (or Deputy Monitoring Officer), in consultation with Chair (or Vice Chair), and the Independent Person (or Reserve Independent Person), considers has the potential to change the decision made.**
(References to roles in brackets should be taken to requiring involvement of persons not previously part of the Initial Assessment process.)

Any such appeal should be made in writing (by letter or e-mail) to the Monitoring Officer within ~~20-10~~ working days of the receipt of the notification of the relevant decision.

~~6.2~~ An appeal may not be made against an Initial Assessment decision to refer for further investigation as no finding has been made at this stage.

6.2 Hearing Outcome

An appeal may be made where the complainant or councillor(s) complained about ~~feels that:~~ **presents information that:**

a) **the process outlined in this procedure has not been followed**

b) **the outcome proposed is considered inappropriate; or**

c) **new evidence is available which has not been considered during the previous process.**

Any such appeal should be made in writing (by letter or e-mail) to the Monitoring Officer within 20 working days of the receipt of the notification of the relevant decision

GOVERNANCE AND AUDIT COMMITTEE

Date: 31 January 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

Present: Councillors: Peter Wathen (Chairman)

Annabel de Capell Brooke Rupert Reichhold
Sylvia Hobbs Robin Underwood

External attendees:

Rachel Ashley-Caunt For Agenda Item Internal Audit – Progress and Performance
(Head of Internal Audit)

Jon Gorrie For Agenda items KPMG Audit Plan 2017/18 and Grant
(KPMG – the Council’s Certification 2016-17
External Auditors)

354. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alex Smith.

355. MINUTES

The minutes of the meeting held on 29 November 2017 were approved and signed by the Chairman.

356. DECLARATIONS OF INTEREST

No declarations of interest were made.

357. QUESTIONS UNDER COUNCIL PROCEDURE RULE 10.3

No questions were submitted under Procedure Rule 10.3.

358. NATIONAL SCHEME FOR APPOINTMENT OF EXTERNAL AUDITORS – UPDATE

The Finance Manager provided a verbal update on the national scheme for the appointment of external auditors.

The Chief Finance Officer had attended the Chief Finance Officers' group meeting held the previous week where the Council's new auditors, Ernst and Young, had outlined their programme of work for the next 12-18 months. Ernst and Young would meet with representatives of Councils to which they had been appointed as external auditors throughout 2018 to agree an Audit Plan. A more detailed timetable would follow. External auditors would also engage with the Governance and Audit Committee as part of this work.

Consultations have taken place on the scale of audit fees for the years 2018/19 to 2022/23 and an indicative reduction of 23% on the current scale of fees had been put forward for the first three years. Factors which might change the scale of fees in future included inflation, the scope of work to be carried out and reporting requirements.

359. VARIATION TO THE ORDER OF THE AGENDA

With the consent of the Committee, the Chairman varied the order of the published Agenda.

360. GRANT CERTIFICATION 2016-17

Jon Gorrie presented a report summarising the results of work undertaken by KPMG on the certification of the Council's 2016/17 grant claims and returns.

KPMG had carried out certification work on the Council's Housing Benefit Subsidy claim and no issues or errors had been identified and no recommendations had therefore been made to improve the claim completion process. KPMG had certified the grant claim as unqualified without amendments.

RESOLVED:

That the contents of the report and the certification of grants and returns for 2016/17 be noted.

(Reason: This is an information report which addresses the management of benefits payments by the council)

361. KPMG AUDIT PLAN 2017/18

Jon Gorrie presented the Audit Plan for 2017/18 setting out how KPMG would deliver the financial statement audit work for the Council, together with the approach that would be taken on value for money arrangements work in 2017/18.

The Audit and Accounts Regulations 2015 contained a key requirement relating to the 2017/18 financial year where the timetable for the preparation and approval of accounts would be brought forward to a draft accounts deadline of 31 May and an audit deadline of 31 July (previously 30 June and 30 September respectively). The Audit Plan for 2016/17 had been successfully brought forward in readiness for moving towards the implementation deadlines contained in the Regulations and measures would be put in place to ensure that the council and KPMG worked together to complete the audit within the accelerated timescales.

This would be the last meeting of the Committee that Jon Gorrie would attend as a new Director had been appointed to oversee KPMG's work with the Council. The Committee thanked Jon for his contribution and expressed their best wishes to him for the future.

RESOLVED:

That the contents of the report and the External Audit Plan 2017/18 be noted.

(Reason: This is an information report which sets out the arrangements for 2017/18 External Audit of the Statement of Accounts).

362. RISKS IN RELATION TO S106 AGREEMENTS

The Head of Planning Services presented a report providing the Committee with information on the background and mitigating actions taken in relation to the risks associated with the Council securing justifiable developer contributions through Section 106 planning agreements. The report set out the actions taken by the Council to ensure that S106 agreements were being drafted appropriately to optimise their effectiveness.

RESOLVED:

That the report be noted.

363. PROGRESS ON IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS

The Finance Manager presented a report providing current information on the progress made on the implementation of internal audit recommendations. A summary of the overdue recommendations was submitted and it was noted that there were currently six medium and three low priority recommendations outstanding from 2016/17 and for the 2017/18 audits under the revised categories of prioritisation, there were two important and four standard priority recommendations outstanding.

With regard to the outstanding action relating to a review being undertaken to determine how the Council would seek assurance on the fire safety of housing residents, it was noted that this action had now been allocated to the Housing Strategy and Delivery Manager. Registered housing providers in the District had been surveyed and providers would, in future, notify the Council of any changes in circumstance and the Council would issue an annual reminder to providers on the need to do this.

RESOLVED:

That the progress against each of the audit recommendations be noted

(Reason: To review progress on the implementation of recommendations following by Internal Audit)

364. INTERNAL AUDIT – PROGRESS AND PERFORMANCE

The Head of Internal Audit provided Members with information on the progress made on the delivery of the Annual Internal Audit Plan for 2017/18 and associated measures of performance. It was noted that all audits in the Plan were now underway.

The Committee expressed concern at the progress being made to address the issues arising from the audit of fire safety and the Committee wished to explore these matters more fully at its next scheduled meeting to be held on 25 April 2018.

RESOLVED: That

- i) the progress and performance of Internal Audit and the key findings from audits delivered during the period be noted.
- ii) the Head of Economic and Commercial Development and the Head of Environmental Services be asked to attend the meeting of the Committee to be held on 25 April 2018 to provide the Committee with further information on the issues arising from the audit of fire safety.

(Reason: To review the performance of Internal Audit against the agreed plan and any key findings regarding the council's risk management and control arrangements in accordance with the Public Sector Internal Audit Standards)

365. CONSTITUTIONAL UPDATE - PROPOSED REVISIONS TO PART 9 PROCEDURE

The Committee noted that revisions to Part 9 of the Constitution had been approved at the Council meeting held on 29 January 2018 as amendments to the recommendations made by the Committee at its last meeting and this issue did not need to be considered further.

366. DATE FOR AN ADDITIONAL MEETING OF THE COMMITTEE

RESOLVED:

That an additional meeting of the Committee be held on 28 March 2018, commencing at 7.30pm, to enable the 2018/19 Audit Plan to be approved before the commencement of the 2018/19 financial year.

Chairman