

POLICY & RESOURCES COMMITTEE

Date: 6 December 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:-

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

Wendy Brackenbury
Lisa Costello
Roger Glithero JP
Sylvia Hughes

Peter MacGovern
Andy Mercer
John Richardson MBE

298. MINUTES

The minutes of the meeting held on 8 November 2010 were approved and signed by the Chairman.

299. APOLOGIES

Councillors David Brackenbury, Pauline Bradberry, Sean Lever and Glenn Harwood sent their apologies.

300. DECLARATIONS OF INTEREST

Councillor Steven North declared a personal and prejudicial interest in agenda item 11 (Northamptonshire Sport – Financial Contributions) as the Council's representative on this body. He was not present during the discussion and voting on the item.

Councillor Peter MacGovern declared a personal interest in agenda item 8 (Changes to the Memorandum and Articles of Spire Homes) as one of the Council's representatives on the Board of Spire Homes. He remained in the meeting during the discussion and voting thereon.

301. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

302. WORKING PARTY MINUTES

The minutes of the following meetings were received:-

(a) Finance Working Party - 17 November 2010 (see pages 427 to 428)

(b) Waste and Recycling Working Party - 1 December 2010 (see pages 429 to 432)

The recommendation in Minute 8.3 of the Waste and Recycling Working Party was considered and it was

RESOLVED:

That the recommendation in Minute 8.3 of the Waste and Recycling Working Party (as outlined below) be approved:-

That the provision of a subsidy for membership of the Green Waste Club be extended until the termination of the existing waste collection contract.

303. CHANGE IN ORDER OF PROCEEDINGS

RESOLVED:

That item 10 (Council Tax Base) be taken next in the proceedings.

304. COUNCIL TAX BASE 2011/12

Consideration was given to the estimated taxbase to be used for calculating the Council Tax for 2011/12. 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 be achieved.

R.7 RESOLVED TO RECOMMEND:

That the Council determine a taxbase of 30,500 for 2011/12, as set out in Appendices 1 and 2 at pages 425 to 426.

305. NORTHAMPTONSHIRE SPORT AND ACTIVE RECREATION STRATEGY 2010 TO 2015

The Committee considered the above strategy, which sought to increase participation in sport and active recreation over the next 5 years and would be delivered by NSport, a partnership of all the district and borough councils, schools, youth clubs, sports governing bodies, police, health bodies, and universities and colleges. The strategy complemented the activities already undertaken by the Council such as the Greenway and Stanwick Lakes.

RESOLVED:

That the Northamptonshire Sport and Active Recreation Strategy 2010 to 2015 be adopted.

306. LOCAL ENTERPRISE PARTNERSHIPS

The Chief Executive reported on the current position regarding Local Enterprise Partnerships (LEPs), following the abolition of Regional Development Agencies. The government had approved proposals for the following LEPs but not one for Northamptonshire –

- South-East Midlands (SEMLEP)
- Greater Cambridge/Greater Peterborough (GCGP).

It was envisaged that LEPs would drive business, jobs and housing growth to support the local economy, with each LEP deciding how best to achieve this, supported by businesses. The precise role, governance, and administrative structures would be decided by each LEP but no core funding would be provided by the government and it was likely that contributions would be required from all partners.

In view of the geographical position of East Northamptonshire, it was felt sensible for the Council to be involved in discussions with both LEPs as they developed, and although it seemed unlikely that a Northamptonshire LEP would be approved, Members believed that the Council's options should remain open.

RESOLVED:

- (1) That both SEMLEP and GCGP be supported in principle.
- (2) That, should a Northamptonshire LEP be subsequently approved, the support in principle be also extended to that partnership.
- (3) That relevant officers and the Leader and Deputy Leader engage as appropriate in discussions with the LEPs as proposals for governance, administration and funding develop.
- (4) That a further report on the benefits and costs to the District of involvement in one or more LEPS be considered by the Committee once details become clear.

307. CHANGES TO THE MEMORANDUM AND ARTICLES OF SPIRE HOMES

The Chairman welcomed to the meeting John Farrar and Lynn Stubbs from Spire Homes. Before Members considered this item, it was

RESOLVED:

That the representatives from Spire Homes be given the opportunity to address the meeting and answer Members' questions.

The Executive Director (SM) reported on proposed changes by Spire Homes to its Memorandum and Articles, to be considered at an Extraordinary General Meeting (EGM) on 21 January 2011. These were designed to make Spire Homes 'fit for purpose' and strengthen its governance arrangements.

Spire Homes proposed to –

- Obtain charitable status in 2011. This was seen as a positive step in maintaining its core business – concerned with providing good quality, affordable homes – and its tax liabilities would alter thus enabling money to be saved and invested for existing homes and services
- Reduce the number of its directors from 17 to 11 and recruit them on the basis of skill (with the traditional constituency groups no longer existing and therefore no guarantee of places for tenants although tenants would have a much stronger role via a robust tenant scrutiny framework)
- Pay its board as part of a new performance framework, to ensure it attracted and retained the right level of directors
- Ensure that the strategic working between it and the Council was sustained and improved by establishing quarterly meetings between the managing director and Chairman of Spire Homes and the Leader of the Council and ensure that the Scrutiny Committee would have the ability to oversee contracts run by Spire Homes on behalf of the Council.

Members expressed some concerns that the proposals to recruit directors purely on a skills basis appeared to disregard people who had the knowledge and understanding of the aspirations of the local community and could also represent the consumer. They felt that some of the directors recruited should possess these abilities and that Spire Homes should be asked to define the role of non-executive directors and specify the number of such directors.

RESOLVED:

That consideration of this matter be deferred to the next meeting of the Committee and that, in the meantime, Councillors Philip Hardcastle, Andy Mercer and John Richardson, together with officers, engage with Spire Homes to discuss the most appropriate way of meeting the Council's concerns expressed in the preamble above.

308. TREASURY MANAGEMENT – HALF YEAR REPORT

The Committee received details of the Council's treasury activities for the period 1 April to 30 September 2010 to accord with the CIPFA Code of Practice on Treasury Management 2009.

Members noted:-

- the economic conditions affecting the Council's investment strategy
- the officers' reassessment of expectations for interest rates and downward revision of estimates
- the Council had primarily adopted a strategy of keeping money liquid in either AAA rated money market funds and instant access accounts operated by banks with access to the Bank of England's credit guarantee scheme
- the average return on the Council's portfolio to date of 1.35%, which was 0.92% above the average 7 day LIBOR rate
- the amount of interest earned was £73,527 against an annual budget of £186,670 and it was anticipated that the Council would be about £50,000 below budget based on current market conditions.

309. NORTHAMPTONSHIRE SPORT – FINANCIAL CONTRIBUTIONS

Members considered a report recommending continued financial support for Northamptonshire Sport (NSport) – a partnership of all the district and borough councils in the County, youth clubs, sports governing bodies, police, health and universities and colleges working together to provide opportunities for everyone to be able to access and participate in sport and active recreation.

It was noted that a new Service Level Agreement (SLA) had been signed between NSport and the Council, covering the period 1 April 2010 to 31 March 2010. The Committee acknowledged the key initiatives developed by NSport in East Northamptonshire and that the financial contribution to the organisation represented good value for money.

RESOLVED:

That the sum of £7,500 be included in both the 2011/12 and 2012/13 budgets for the contributions to NSport through the SLA.

310. MASTERPLANNING ARRANGEMENTS FOR OUNDLE

Further to minute 209 (11 October 2010), the Executive Director (SM) presented a report on:

- the approach being taken on the Oundle 2020 Plan
- how funding for consultancy support complemented and extended work carried out on the Rural North, Oundle and Thrapston (RNOT) Plan, and
- the details of the two proposed phases,

and she sought approval to the release of funding for the Phase One work.

The Committee noted that Phase One had two key elements –

- To consider and review a number of existing studies, strategies and plans to assess their continuing validity/accuracy and to identify and fill gaps in information, and
- To review the current traffic management in Oundle and potential condition of transport in 2020, based on the growth scenario set out in the current Core Spatial Strategy (subject to its own review).

The cost of these two elements was estimated at between £15,000 and £20,000. The Committee noted the detail on the Phase Two work, under the heads of Trade and Tourism and Oundle as a Rural Service Centre, and that some of the themes appeared to be emerging on other masterplanning exercises and may link to possible corporate plan priorities around sustainable communities. It was therefore proposed that consideration of this work be delayed until these exercises were more advanced.

RESOLVED:

- (1) That approval be given to the release of up to £20,000 from the Town Centre Regeneration Capital Allocation, for the work outlined in Phase One of the report, to enable the Oundle 2020 work on the Town Design Statement to proceed.

- (2) That a further report be made to the Committee on the district wide applicability of the work outlined in Phase Two, once the corporate plan priorities are agreed.

311. PERMISSIVE PATH DESIGNATION – COLLYWESTON

Members considered a report from the Head of Planning Services on the designation of two permissive paths across the Burghley Estate land at Collyweston. Following the dedication, by the Estate, of a new public footpath linking Collyweston with the road and footway to Ketton, and also to the public paths to Easton-on-the-Hill, the Estate was now proposing to create two paths to connect with Duddington and with other routes to Easton.

Northamptonshire County Council (NCC) considered that becoming a party to the agreement with the Estate would place it in conflict with its statutory roles as Highway Authority under the Highways Act 1980 and the Surveying Authority under the Wildlife and Countryside Act 1981. It therefore had asked this Council to consider entering into the agreement under the wellbeing powers in section 2(1) (b) of the Local Government Act 2000. The proposal would fit with the aims of the Council's Sustainable Communities Strategy.

The Head of Planning Services undertook to clarify the period of the agreement.

RESOLVED:

That authority be given for the Council to enter into Permissive Path Agreements for the routes across the Burghley Estate land at Collyeston.

312. PRIVATE WATER SUPPLIES REGULATIONS

The Committee was reminded that Environmental Services were responsible for ensuring the wholesomeness of the 26 private water supplies in the District. The Private Water Supplies Regulations 2009 had come into force in January 2010 and earlier regulations had been revoked. The new regulations had introduced new requirements for sampling and assessing supplies (including the carrying out of risk assessments) and enabled charges to be made and enforced against owners of unwholesome supplies.

It was proposed that the Council introduce a standard charge of £100 to an occupier of a private supply for undertaking sampling – to cover the cost of analysis, officers' time and any necessary retest. It was also proposed to charge £100 for undertaking a risk assessment but where owners completed and returned the self assessment no charge would be made.

Authority was also sought to adopt the legislation and delegate the responsibility for carrying out the provisions of the Regulations to the relevant officers.

RESOLVED:

- (1) That the new responsibilities placed on the Council under the new Private Water Supplies Regulations be noted.
- (2) That the costs of sampling and completion of the risk assessments be recharged to the owner of the private water supply as follows:-

Sampling - £100

Risk assessment £100 but no charge in cases where owners complete and return the risk assessment

It was further

R.8 RESOLVED TO RECOMMEND:

- (1) That the Council adopt the Private Water Supplies Regulations 2009 and that officers be authorised, where necessary and applicable, to issue authorisations or serve a legal notice to ensure works are completed in cases where private water supplies fail.
- (2) That the Executive Director be authorised to specify the officers to administer the Regulations, subject to:-
 - (a) a central record being kept and Part 3.1 of the Constitution (Delegation to Officers) being amended, and
 - (b) Ward Members being notified of action taken under delegated powers.

313. UPDATE TO SCHEME OF DELEGATION

A report from the Commercial Health Manager was received, indicating that the Environmental Services teams of the local authorities in Northamptonshire had reviewed the legislation they were authorised to use. This had highlighted some areas of legislation missing from the Council's existing Scheme of Delegation:-

- Animal Health Act 1981 – administration of Orders made by the government
- Animal Health & Welfare Act 1984 – Seizure for the purpose of preventing the spread of disease
- Animal welfare Act 2006 – Action to deal with the mistreatment of animals; links to licensing of pet shops, dog breeding and riding establishments and power to check licence conditions
- Caravan Sites Act 1968 – Prevention of eviction from caravan sites and other provisions to benefit owners
- Dangerous Dogs Act 1991 and Dangerous Dogs (Amendment) Act 1997 – Prohibition of persons from having in their possession or custody dogs belonging to types bred for fighting and imposition of restrictions relating thereto; provisions for securing that dogs are kept under proper control
- Disability Discrimination Act 1995 – Commencement order expected late this year giving powers around accessibility in taxis and enabling conditions to be placed on licences
- Environmental Permitting (England & Wales) Regulations 2010 – Replacing the 2007 regulations and allowing the permitting of industrial operations that pollute the environment and giving enforcement powers
- Guard Dogs Act 1975 – Regulating the keeping of guard dogs and allowing licensing of kennels for keeping guard dogs
- National Assistance (Amendment) Act 1951 – Covering the removal of a person from society into a hospital subject to approval of a medical officer
- Protection from Eviction Act 1977 – Regulating unlawful evictions and harassment of occupiers by landlords and giving powers to prosecute for offences
- Waste Minimisation Act 1998 – Making arrangements to minimise the generation of waste

- The Environmental Damage (Prevention and Remediation) Regulations 2009 - Imposing obligations on operators of economic activities requiring the prevention limitation or remediation of environmental damage
- Pollution and Prevention Control Act 1999 – Preventing and controlling pollution, and expired disposal or waste management licences and permits for permitted processes.

R.9 RESOLVED TO RECOMMEND:

That the Council adopts the above legislation and that the Executive Director be authorised to specify the officers to administer the legislation, subject to a central record being kept and Part 3.1 of the Constitution (Delegation to Officers) being amended.

314. 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 2 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972, may be disclosed.

315. ADDITIONAL ITEM

The Chairman agreed, under Section 100 (B) (4) (b), that the next item in the proceedings (Council Response to threat of judicial review of decision to defer Creed Road, Oundle Planning Application) be added to the agenda because a decision was required urgently and in advance of the next scheduled meeting of the Committee.

316. COUNCIL RESPONSE TO THREAT OF JUDICIAL REVIEW OF DECISION TO DEFER CREED ROAD, OUNDLE PLANNING APPLICATION

The Executive Director (SM) reported on the response by The Planning Law Practice (PLP) as agents acting for Persimmon Homes to the decision of the Development Control Committee, on 29 September 2010, to defer the decision on the planning application for the development of 145 houses at the end of Creed Road, Oundle. Their clients were proposing to commence Judicial Review proceedings against the Council in relation to the Council's failure to determine the application.

The Committee had before it the letter from the agents; a further letter from Hegarty LLP, solicitors acting on behalf of Persimmon Homes; a letter from the Head of Planning Services earlier this year to John Martin Associates, who also acted for the developers; and Counsel's Opinion as sought by the Council, and received from Iain Colville.

It was noted that a further application for the development had been submitted in November 2010. This was similar to the original application with the exception of no proposal of section 106 funding towards the Oundle 2020 Town Plan. If the latest application was not determined by 20 January 2010, the developers could appeal to the Secretary of State for non-determination.

In the light of the Counsel's Opinion, which felt that the Council could successfully resist any judicial review, it was

RESOLVED:

- (1) That the Council takes no immediate action on the basis that the reasons for the deferral in September 2010 are still valid and the developer has an alternative remedy via the determination of the second application.
- (2) That PLP and Hegarty LLP be informed that the Council considers there is a satisfactory alternative remedy, i.e. considering the second application, and that the Council would contest any application for Judicial Review on that basis.

317. PERSONNEL SUB-COMMITTEE

The Committee received the minutes of the Personnel Sub-Committee meeting held on 30 November 2010 which are attached at pages 433 to 435 and form part of this minute.

Consideration was given to the recommendations in Minutes 4.3 and 7.1, and a small amendment was proposed to recommendation (2) in minute 4.3.

RESOLVED:

That the recommendation in minute 7.1, as outlined below, be approved:-

That option 5 in Staff Proposal (1) be chosen and that the recommendations presented to the Sub-Committee be adopted, with a further report being submitted to confirm the action that has been taken

It was further

R.10 RESOLVED TO RECOMMEND:

That the recommendations in the following minutes of the Personnel Sub-Committee (as amended by the Committee) be approved:-

Minute 4.3

- (1) *That the changes set out in Appendix 1 to these minutes be approved.*
- (2) *That the authority given to the Monitoring Officer during the review of the Council's Constitution to make adjustments to the Constitution to reflect changes to structure and internal arrangements be extended to cover the further adjustments resulting from the changes to the Sub-Committee's amended Terms of Reference, and management changes, subject to the concurrence of the Leader and Deputy Leader of the Council and the Chairman of the Policy & Resources Committee.*
- (3) *That the changes to the Terms of Reference be reflected in Section 10 of the Council's Redundancy Policy.*

Chairman