

POLICY & RESOURCES COMMITTEE

Date: 17 January 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Councillors:-

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

David Brackenbury
Wendy Brackenbury
Pauline Bradberry
Lisa Costello
Roger Glithero JP

Sylvia Hughes
Peter MacGovern
Glenn Harwood MBE
Andy Mercer
John Richardson MBE

343. MINUTES

The minutes of the meeting held on 6 December 2010 were approved and signed by the Chairman.

344. APOLOGIES

No apologies were received.

345. DECLARATIONS OF INTEREST

Councillors Peter MacGovern and Pauline Bradberry declared personal and prejudicial interests in agenda item 8 (Changes to the Memorandum and Articles of Spire Homes) as they were two of the Council's representatives on the Board of Spire Homes. They were not present during the discussion and voting on the item.

Councillor Glenvil Greenwood-Smith declared a personal interest in item 10 (CCP Pension Fund Deficit) as he was an observer at CCP trustee meetings. He remained in the meeting during the discussion and voting thereon.

346. QUESTIONS BY MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions.

347. BENEFITS COUNTER FRAUD STRATEGY

The Committee considered a revised Benefits Counter Fraud Strategy. The strategy had been updated to include the new 'One Strike' sanction and minor revisions made to improve the clarity of the document.

RESOLVED:

That the revised Benefits Counter Fraud Strategy attached at pages 484 to 525 be adopted.

348. HOUSING CONTRACT

Further to minute 261 (8 November 2010) the Committee received an update on progress of the housing contract project to date. It was reported that the steering group had agreed that competitive dialogue was the preferred procurement process for the contract and had established the following key principles on which the service specification should be based:

Homelessness:

- Provision of free and accessible advice on homelessness and prevention of homelessness within the district boundary.
- Receipt and processing of homelessness applications.
- Provision of arrangements to meet the statutory duty, such as co-ordination of temporary accommodation.
- Provision of emergency out of hours homelessness response service.

Advice, Allocations and Choice Based Lettings:

- Provision of advice on applications for Housing Register (and level of priority), tenant transfers and exchanges and general housing advice within the district boundary.
- Processing of applications and tenant transfer /exchange requests to join the Housing Register.
- Ensure operation of, or access to, a Choice Based Lettings system covering the district.

The Committee also discussed the implications of the Council joining the Sub-Regional Choice Based Lettings Scheme and concerns that it would result in applicants moving from Kettering, Corby and Wellingborough to East Northamptonshire to the detriment of applicants with a local connection.

RESOLVED:

- (1) That the publication of the appropriate procurement notice, as advised by the Welland Procurement Unit, be approved.
- (2) That the key principles be approved.
- (3) That the Committee's position on the Sub-Regional Choice Based Lettings Scheme be considered at a later date.

349. STUDENT TRAVEL SCHEME

Further to minute 258 (8 November 2010), the Members were provided with information on the East Northamptonshire Student Travel Scheme, its usage and the implications of

withdrawal once responsibility and funding for concessionary travel was transferred to Northamptonshire County Council (NCC) on 1 April 2011. The Committee considered the considerable financial implications and possible legal implications of running a student travel scheme independently of NCC. It was noted that NCC's Cabinet had not yet decided what level of subsidy it would offer for students.

It was reported that 50 students had purchased passes for the Autumn term 2010 and that there had been no representations received from the public on the advertised likely end to the current scheme. The Committee agreed that the student travel scheme was only one of many reasons that might affect whether a student chose to attend sixth form and the cost would be disproportionate to the number of students accessing the scheme. The opportunity would remain for NCC to pursue additional concessionary schemes.

Taking into account the small group of students currently accessing the scheme, the lack of response from the public regarding the end of the scheme, the decision by NCC as the Transport Concessions Authority to only undertake the mandatory scheme, and the potential costs of administering a scheme, it was

RESOLVED:

That the Council ends its student travel scheme on 31 March 2011.

350. NORTHAMPTONSHIRE WASTE PARTNERSHIP

The Committee discussed a report seeking Members' views on continued membership of the Northamptonshire Waste Partnership (NWP) and whether to approve the annual financial contribution of £25k requested. Members agreed that the Council had benefitted from its membership of the NWP as a forum for dialogue with the disposal authority and to access government funding. However it was felt that the NWP had not been engaging well with its partners in the last year, there were options for waste solutions outside the county, and the level of the partnership's reserves should allow for a reduced financial contribution this year. The jointly-funded waste education team was considered to be one of the main advantages to membership of the NWP and it was noted that the Council would be able to use this resource to share key messages about the new waste collection arrangements.

RESOLVED:

That East Northamptonshire Council should continue as a member of the Northamptonshire Waste Partnership and the Council's representatives should propose a financial contribution of £20,000 for 2011/12.

351. CHANGES TO THE MEMORANDUM AND ARTICLES OF SPIRE HOMES

Further to minute 307 (6 December 2010), the Committee considered amendments to the Memorandum and Articles of Spire Homes proposed as a result of discussions between nominated members and representatives of Spire Homes. The discussions had resulted in agreement that the proposed Memorandum and Articles should be revised to include provision for:

- Up to four executive directors with the remainder of the eleven to be non-executive with full voting rights

- At least two of the non-executive director posts to be appointed for their local knowledge/community representation with the specific requirement that they be “active in the community of East Northamptonshire “
- Spire Homes to notify the Leader of the Council when there is any change in the people occupying these two non-executive director roles.
- a requirement for a regular scheduled report to the Scrutiny Committee (or successor committee appointed by Council) to follow the annual report/presentation at Council when given in that year.

In order to ensure appropriate ongoing levels of community understanding and involvement in the proposed charitable trust and adequate future liaison between the Council and Spire Homes, it was

RESOLVED:

That that the Council will support the changes to the Memorandum and Articles of Spire Homes that will be proposed at its Extraordinary General Meeting (EGM) on 21 January 2011.

352. CCP PENSION FUND DEFICIT

Members considered a report recommending the offer of a guarantee to the Northamptonshire Local Government Pension Fund in respect of any outstanding CCP liabilities. It was noted that the Council had sponsored CCP's admission into the fund in 2003 to enable it to offer comparable pension rights to staff who were subject to TUPE and to assist with the recruitment of senior management staff in the new organisation. The Committee was advised that if the creation of CCP had taken place in the last four or five years, the Council would likely have been asked to provide a guarantee against any liabilities that CCP might have accrued in the fund or be unable to meet at a later date. There were no immediate financial implications of offering the guarantee but there was a risk that in the future the Council might need to meet the cost of any outstanding pension liabilities. However Members were reassured that, should this happen, any additional contributions would be collected over a number of years as part of the Council's existing fund deficit.

So as to safeguard the continued operation of CCP as the Council's leisure services provider with the minimal upfront cost, it was

RESOLVED:

That the Northamptonshire Local Government Pension Fund be offered a guarantee in respect of any outstanding liabilities from CCP.

353. NEW MODEL FOR INVOLVING AND ENGAGING YOUNG PEOPLE

Further to minute 214 (11 October 2010), the Committee received details of the results of consultation on the proposed new model for involving and engaging young people in local issues. The new model would focus on working with the schools in two areas:

1. Engaging and involving young people in local initiatives and projects through their schools.
2. Develop communication channels to involve young people in district-wide initiatives and consultations.

A forward plan of local initiatives, projects and consultation activities would be developed in conjunction with the schools and current youth councillors. It was also proposed to hold an annual event for young people, such as a Youth Conference. This would give the opportunity for young people to meet with each other, take part in activities around topical issues and share ideas. Young people would be involved in the planning and preparation of such an event and lead aspects of it.

RESOLVED:

That the implementation of the new model for involving and engaging young people in East Northamptonshire be approved.

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

355. WASTE CONTRACT PROCUREMENT

Members considered a report informing them of the outcome of the waste contract procurement project. It sought approval to award the contract to the company identified as offering the most economically advantageous tender for the provision of waste and recycling collections and street cleansing services.

Concerns were raised about how the change in approach from bags to wheeled bins had been communicated to Members and the public. Quoting from a member briefing issued on 23 September 2010 Councillor Peter MacGovern reminded Members that, 'All of the bidders have recommended solutions which involve the introduction of wheeled bins to the District, however these will only be used by properties who have the means to store them. Those in terraces and flats will be provided with an alternative solution on a case by case basis. The range of solutions available to those residents will be smaller containers (boxes or bags) or larger containers to be used as a communal facility (bring sites or bin stores).' It was also noted that the assisted collection scheme currently in place for disabled residents would continue. Councillor MacGovern also referred to the article setting out likely changes which had been published in Nene Valley News on 11 December 2010.

The Committee was encouraged that the recommended bidder had scored highest in both the quality and service delivery evaluation and the financial evaluation, which had been carried out independently. The likely savings that would be made over the life of the contract were also commented on and welcomed.

Regarding concerns about how to improve recycling rates, it was explained that the simplified system of having just one receptacle for the recycle should encourage more people to recycle.

Members commended the work of project board and officers on the waste contract procurement project.

Consequently, because this bid scored highest on both the quality and service delivery and financial evaluations, it represented a financial saving over the life of the contract, and the proposed solution would increase recycling rates and decrease the amount of material going to landfill, it was

RESOLVED

That a Contract Award Notice be placed in the Official Journal of the European Union awarding the contract to bidder 8.

356. PLANNING APPEAL ISSUES

The Committee considered a report which set out the current position in respect of major planning applications, the alternative approaches available for dealing with appeals, and the likely cost implications to the authority of defending appeals. Members were informed that, when the officer recommendation was for refusal, appeals tended to be defended using in-house staff, with some consultant support where necessary. However, when the officer recommendation was for approval, consultants were used on appeals because:

- it is very difficult for officers to present the Council's case at an appeal hearing when their own professional position differs from that of the Council's decision;
- major appeals dealt with by way of public inquiry are extremely time-consuming and the Council does not have the resources available in house to do the case justice in such circumstances; and
- consultants are selected because of their specialism in and/or knowledge of particular areas of planning law, thereby giving the case the best chance of success and also minimising the likelihood that costs will be awarded against the Council.

There had been instances where consultants' advice was that some of the reasons for refusal were very weak, and they recommended that the Council withdrew them. The dilemma for officers and Members was to balance the expectation of local communities that the Council would defend its decisions as strongly as possible with officers' duty to minimise the damage, both financial and reputational, of taking an approach that the Planning Inspectorate was likely to consider unreasonable.

Members were asked to decide how this issue should be handled so as to give a steer to, and reduce pressure on, the Development Control Committee.

The following issues were debated:

- planning decisions could become subject to financial considerations
- whether officers should give recommendations
- the conflict between the planning framework and changes proposed by the Government
- whether to defer an application until legal advice could be sought when the Development Control Committee was considering going against an officer recommendation and officers felt the reasons would not be defensible.

RESOLVED:

- (1) That the Council should continue to use consultants to defend judicial reviews and appeals on major planning applications where officers' original recommendation was for approval.

- (2) That consultants' advice should be noted, particularly when it states that reasons for refusal should be withdrawn on the grounds that they have very little hope of success, to minimise the financial and reputational damage to the Council of lost appeals.

357. CONTINUATION OF MEETING – COUNCIL PROCEDURE RULE 8

During the consideration of the previous item, the Chairman reported that the two hour period under the above Rule had been reached and it was

RESOLVED:

That the meeting continue until the item had been concluded.

Chairman