

# NORTHAMPTON BOROUGH COUNCIL

## CABINET

Wednesday, 19 October 2016

**PRESENT:** Councillor Nunn, Acting Leader (Chair); Councillors Bottwood, Eldred, Hadland, Hallam, Hibbert and King

### 1. APOLOGIES

There were none.

### 2. MINUTES

The minutes of the previous meeting were agreed and signed by the Leader following the amendment to the clarification to Item 9 on the minutes:

*“Most of the Councils ‘general needs’ bungalow would be re-classified as older persons housing and up to 600 flats, currently classified as ‘sheltered housing’ would be re-classified to ‘general needs’ not 6000 as stated in the previous minutes.*

### 3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There were no items to be heard in private.

### 4. DEPUTATIONS/PUBLIC ADDRESSES

Mr Holland-Delamere addressed Cabinet on Item 7 – *‘Barn Owl Pub - potential relaxation of restrictive covenant’* and submitted a petition explaining that over 700 people had signed the petition asking the Council not to remove the Covenant. He stated that the consultation process had been extremely limited and the views of residents not listened to and as a community they wanted to be involved in the discussions and urged Cabinet to not remove the covenant.

Mrs Wishart addressed Cabinet on Item 13 – *‘Abington Park Café: Proposed Lease and Licence. Park Inn Hotel: Proposed Ground Lease Extension’* and reported that she had 4 main objections to the proposed lease for Abington Park Café; the loss of public space, the lack of competition, the length of the lease and the lack of consultation. She noted that Abington Park was a local treasure to many residents of Northampton, especially as it was in a Conservation Area and the intrusion that the café had on the park needed to be controlled. She considered the proposed lease to be excessive and criticised the lack of consultation.

Mr Wishart addressed Cabinet in respect of Item 13 – *‘Abington Park Café: Proposed Lease and Licence. Park Inn Hotel: Proposed Ground Lease Extension’* and stated that to grant the lease could potentially leave the Council open to legal challenges. He further stated that the 25 year lease was unusually long and questioned why a competitive tendering process had not been undertaken.

## 5. DECLARATIONS OF INTEREST

Councillor Bottwood declared a personal non-pecuniary interest in Item 9 – as Board Member on Northampton Partnership Homes.

## 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

## 7. BARN OWL PUB - POTENTIAL RELAXATION OF RESTRICTIVE COVENANT.

Councillor J Hill addressed Cabinet and stated that the number of residents who were support of the lifting of the covenant was very limited and that the community had been very disappointed with the behaviour of the developers and noted that there was a commitment to work with the Council to establish a proposal that residents would be happier with.

Councillor Hadland as the relevant Cabinet Member introduced a report on the Barn Owl Pub - potential relaxation of restrictive covenant and explained that further correspondence had been received on which he had asked for legal professional advice. He stated that the matter was not being deferred.

The acting Leader welcomed the enthusiasm and passion of the local community and thanked the residents for their contributions.

### RESOLVED:

Cabinet **DID NOT** agree to release the freehold covenant prohibiting the use of the former Barn Owl Public House, other than as a public house, subject to a payment of £30,000 from the owner to the Council and the Council receiving a legally binding agreement for the provisions of a room for community use at no charge to the Community.

## 8. FUNDING FOR EMERGENCY NIGHTSHELTER

Councillor Ashraf welcomed the news of the Nightshelter which would provide rough sleepers with emergency accommodation and emphasised that the building would only be used as a temporary measure. She spoke of the collaborative work that had been undertaken through the 'together we change lives', a strategy and requested a review of the Nightshelter in 6 months.

Councillor Hibbert as the relevant Cabinet Member submitted a report and commented that the purpose of the report was to seek capital expenditure of up to £100,000. He noted the importance to get the Nightshelter, emphasising the need for it to be habitable and safe. In response to the request of Councillor Ashraf, the Cabinet Member confirmed that he would be happy to support a review of the Nightshelter in 6 months' time

### RESOLVED:

- 2.1 That the capital expenditure of up to £100,000 to support the refurbishment of the nightshelter, using the Council's capital resources approved by Council in February 2016 be approved; and
- 2.2 That a one-off supplementary estimate for revenue costs of £160,000 to fund the nightshelter until September 2018, as set out in Paragraph 4.2.6, of the report be approved and for these costs to be funded from housing reserves approved by Council in February 2016.

## **9. NORTHAMPTON WATERSIDE ENTERPRISE ZONE: PROPOSED PURCHASE OF LAND AT ST. PETER'S WAY.**

Prior to addressing Cabinet, Councillor Ashraf declared a personal non-pecuniary interest in the Item as a Board Member on Northampton Partnership Homes. She commented that it was a very positive plan for Northampton Partnership Homes (NPH) to move from the Westbridge site and stated that there was a need for the site to be regenerated, urging that it not be made into a gasification plant, but consideration be given into attracting investment in the area.

Councillor Hadland as the relevant Cabinet Member submitted a report and commented that investigations of the site had been extensive and lengthy and that assurances in the form of insurances would be needed to ensure tax payers money was spent wisely. He stated that a report would be bought back to Cabinet to make a final decision on the purchase of the site.

### **RESOLVED:**

- 2.1 That the progress to date in advancing the proposed purchase be noted.
- 2.2 That the various studies commissioned from AMECfw as a part of the Council's environmental due diligence associated with the proposed purchase and the appointment of Nabarro as external legal advisors be endorsed
- 2.3 That the Director of Planning, Regeneration & Enterprise acting in consultation with the Chief Finance Officer and the Cabinet Members for Planning, Regeneration & Enterprise and Finance, be authorised to complete the due diligence process and to agree appropriate terms in-principle for the purchase of the site from National Grid.
- 2.4 That the Director of Planning, Regeneration & Enterprise be requested to submit a further report, as appropriate, to enable Cabinet to confirm the purchase.

## **10. BODY WORN CAMERAS**

Councillor Russell addressed Cabinet and commented that she was pleased to see the policy being progressed as it would offer wardens an element of protection when undertaking their day to day work.

Councillor Davenport commented that she too was very pleased with the report and the recommendations as she considered it would increase the safety of wardens.

Councillor Bottwood as the relevant Cabinet Members submitted a report and stated that the introduction of the body worn cameras would give wardens increased safety and confidence in potentially volatile situations. He stated that the cameras were not for evidence gathering purposes and that any recordings would be subjected to legislation and noted that offices would be fully trained in all aspect of the policy .

### **RESOLVED:**

That the Body-Worn Video Policy appended to the report be approved

## **11. PUBLIC SPACES PROTECTION ORDER**

This item was withdrawn from the agenda

## **12. NORTHAMPTON RELATED DEVELOPMENT AREA 5 YEAR HOUSING LAND SUPPLY ASSESSMENT**

Councillor B Markham commented that the report was about land inside the Borough and outside the Borough and that it demonstrated the need for extended boundaries. He further reported that it was extremely important for there to be an increase in the amount of affordable houses and hoped that other local Councils would give the Borough Council nomination rights to the percentage of affordable houses.

Councillor Stone commented that the housing crisis was one of the biggest issues the Council faced. She stated that it was becoming increasingly urgent and necessary to establish a 5 year land supply and that to not agree the supply would give more control and influence to developers.

Councillor McCutcheon stated that there was a need to try and get planning powers to the Borough Council and reported that not having a housing plan could give more power to developers who would be less incentivised in encouraging people into the area.

Councillor Hadland as the relevant Cabinet Member commented that the Government had asked the Council to develop a 5 year housing land supply. He commented that as representatives on the West Northants Joint Strategic Planning Committee, Northampton Borough represented the largest population but that they could have been outvoted by rural Councils who did not face the same housing supply issues and had therefore asked Government to dissolve the joint Committee. He noted that it had been requested that a Housing Delivery Plan be reported back at a future meeting of Cabinet.

### **RESOLVED:**

- 2.1 That the 2016 Five Year Housing Land Supply report be approved and its implications for the determination of planning applications for housing be noted.
- 2.2 That the Director of Regeneration, Enterprise and Planning be requested to produce a Housing Delivery Plan and present it to a future meeting of Cabinet for approval.

## **13. ABINGTON PARK CAFÉ: PROPOSED LEASE AND LICENCE. PARK INN HOTEL: PROPOSED GROUND LEASE EXTENSION**

Councillor Stone requested that a catering strategy be put in place to ensure that there was not a monopoly on the catering facilities in the park and asked why there had been no proper tendering process, what the penalties would be should there be encroachment of café furniture onto public open space and why there had been no consultation.

Councillor Smith stated that it was important for people to remember that Abington Park was gifted to the people of Northampton and that consideration should be given to all people using the park and not just to the café owner.

The acting Leader commented that further information had been received from a variety of sources and any information submitted would be fed into the consultation.

Councillor Hadland as the relevant Cabinet Member submitted a report and explained that the current tenant of Abington Park Café still had 13 years on the lease and that the tenant

had requested a 25 year lease. He further responded to earlier comments by confirmed that a competitive tendering process had not been undertaken as the tenant was still legally in place but that the crux of the report was about the loss of public open spaces. He confirmed that all objections would be considered and that all points raised could be addressed at the next step of the process which would involve public consultation.

Councillor Hadland reported that he was pleased to confirm that the Park Inn wished to extend their lease for a further 70 years on the same terms as the existing lease and noted that a premium of £750,000 had been negotiated which would be in addition to the ground rent.

## **RESOLVED:**

### **Abington Park Café**

1. That subject to the advertisement process set out in paragraphs 2.2 and 2.3 of the report, approval be given to the disposal of land by way of lease (shown edged red on Plan at Appendix 1 of the report) and licence (shown edged blue on Plan at Appendix 1 of the report) of land designated as public open space at Abington Park.
2. That approval be given to the advertisement of the proposed disposal of public open space in accordance with the requirements of the Local Government Act 1972, as amended by the Local Government Planning and Land Act 1980.
3. (a) That approval be given for the Cabinet Member for Regeneration Enterprise and Planning to consider representations received following the advertising of the disposal of public open space and to confirm the disposal if no objections are received, **or**  
  
(b) If objections are received for the disposal of public open space the matter be referred back to Cabinet for determination.
4. That subject to paragraph 2.3 (a) approval be given to accept the surrender of the existing lease of the Abington Park Café and to grant a new lease of an extended area shown edged red on the plan attached as Appendix 1 of the report to the existing tenant.
5. That subject to paragraph 2.3 (a) approval be given to grant an annually determinable licence for the placement of tables and chairs within the area shown edged blue on the plan attached as Appendix 1 of the report.
6. That subject to paragraph 2.3 (a) approval be given for the Director of Regeneration Enterprise and Planning, in consultation with the Cabinet Member for Regeneration Enterprise and Planning to agree terms for a new lease and licence of The Abington Park Café.

### **Park Inn Hotel**

7. That approval be given to grant an extension of the existing ground lease of the Park Inn Hotel site for a premium of £750,000.
8. That approval be granted for the Director of Regeneration, Enterprise and Planning, in consultation with the Cabinet Member for Regeneration Enterprise and Planning to agree terms for the grant an extension of the ground lease of the Park Inn Hotel site.

The Cabinet Member for Regeneration, Enterprise and Planning thanked the Director of Regeneration, Enterprise and Planning for his hard work and congratulated him on the work that he had done over the past few years and wished him luck in his retirement.

The acting Leader gave heartfelt thanks to the former Leader of the Council, Councillor Mary Markham for all of her hard work and noted that he hoped to continue with the honest and transparent manner in which she had conducted herself whilst in office.

The meeting concluded at 7.31pm