



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 1 March 2017

The Jeffrey Room, The Guildhall, St. Giles
Square, Northampton, NN1 1DE

6:00 pm

Members of the Cabinet:

Councillor: Jonathan Nunn (Leader of the Council)

Councillor: Phil Larratt (Deputy Leader)

Councillors: Mike Hallam, Tim Hadland, Stephen Hibbert, Brandon Eldred and Anna King.

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PORTFOLIOS OF CABINET MEMBERS

| CABINET MEMBER | TITLE |
|----------------------|---------------------------------------|
| Councillor J Nunn | Leader |
| Councillor P Larratt | Deputy Leader |
| Councillor M Hallam | Environment |
| Councillor B Eldred | Finance |
| Councillor T Hadland | Regeneration, Enterprise and Planning |
| Councillor S Hibbert | Housing and Wellbeing |
| Councillor A King | Community Engagement and Safety |

SPEAKING AT CABINET MEETINGS

Persons (other than Members) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting and may speak on any item on that meeting's agenda.

Registration can be by:

Telephone: (01604) 837722
(Fax 01604 838729)

In writing: Democratic Services Manager
The Guildhall, St Giles Square, Northampton NN1 1DE
For the attention of the Democratic Services Officer

By e-mail to democraticservices@northampton.gov.uk

Only thirty minutes in total will be allowed for addresses, so that if speakers each take three minutes no more than ten speakers will be heard. Each speaker will be allowed to speak for a maximum of three minutes at each meeting. Speakers will normally be heard in the order in which they registered to speak. However, the Chair of Cabinet may decide to depart from that order in the interest of hearing a greater diversity of views on an item, or hearing views on a greater number of items. The Chair of Cabinet may also decide to allow a greater number of addresses and a greater time slot subject still to the maximum three minutes per address for such addresses for items of special public interest.

Members who wish to address Cabinet shall notify the Chair prior to the commencement of the meeting and may speak on any item on that meeting's agenda. A maximum of thirty minutes in total will be allowed for addresses by Members unless the Chair exercises discretion to allow longer. The time these addresses take will not count towards the thirty minute period referred to above so as to prejudice any other persons who have registered their wish to speak.

KEY DECISIONS

B denotes the issue is a 'Key' decision:

- Any decision in relation to the Executive function* which results in the Council incurring expenditure which is, or the making of saving which are significant having regard to the Council's budget for the service or function to which the decision relates. For these purpose the minimum financial threshold will be £250,000;
- Where decisions are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions; and
- For the purpose of interpretation a decision, which is ancillary or incidental to a Key decision, which had been previously taken by or on behalf of the Council shall not of itself be further deemed to be significant for the purpose of the definition.

NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1
1DE

on Wednesday, 1 March 2017

at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

It is the intention that the part of this meeting be held in private as it is likely that exempt information as defined in local government act 1972 section 100 (1) paragraph 3 of schedule 12a will be disclosed.

In accordance with the requirements of Regulation 9 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* and Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* the consent of the Chair of Overview and Scrutiny has been given.

3. DEPUTATIONS/PUBLIC ADDRESSES

4. DECLARATIONS OF INTEREST

5. PURCHASE OF 10 HOMES AT ASH STREET, NORTHAMPTON

B Report of Director of Regeneration, Enterprise and Planning (Copy to follow)

6. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

7. PURCHASE OF 10 HOMES AT ASH STREET, (3)
NORTHAMPTON

B Report of Director of Regeneration, Enterprise and Planning (Copy to follow)

Agenda Item 2

Francis Fernandes
Borough Secretary and Monitoring Officer
Solicitor MBA; LLM; LLB; LARTPI

Borough Secretary
The Guildhall
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Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee
by email only to: cllr.jlane@northampton.gov.uk;

Our Ref: FF
Your Ref:
Please Contact: Mr F Fernandes
Ext/Direct Line (01604) 837334
E-mail: ffernandes@northampton.gov.uk
Date: 21st February 2017

Dear Councillor Lane,

Use of the General Exception Procedure

I am writing to notify you that Cabinet intends to consider a Key Decision at a specially convened Cabinet meeting on 1st March 2017 that will not have been publicised for 28 clear days in advance of it being made, in accordance with the requirements of Regulation 9 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*.

The Key Decision in question is:

Cabinet is requested to approve the purchase of the development of 10 homes at Ash Street, Northampton as part of the Council's commitment to the provision of Social Housing.

Regulation 10 of the 2012 Regulations states that where the publication of the intention to make a Key Decision under Regulation 9 is impracticable, that decision may only be made where the proper officer has informed the Chairman of the Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made. The Key Decision may then only be made after 5 clear days have elapsed following the publication of the notice given to the Chair of Overview and Scrutiny.

In the circumstances, it would be impracticable to comply with Regulation 9 (which requires publication of the intention to make a Key Decision to happen 28 days in advance of the decision being made). It would be impracticable because:

The purchase of these homes will be partly funded from Section 141 right to buy receipts if exchange is achieved before the 31st March 2017. In order to achieve this approval at the Cabinet meeting on the 1st March 2017 is necessary in order to prevent the return of those receipts to central Government.

Matter to be considered at Cabinet in private

Part of the meeting may be held in private to enable some aspects of the Key Decision to be discussed in private.

The reason for the intention to discuss part of the matter in private is that it is likely in view of the nature of the business to be transacted, that if members of the public were present during that part of the item there would be disclosure to them of exempt information as defined in section 100I of the Local Government Act 1972. Specifically, information relating to the financial or business affairs of any particular person (including the authority holding that information) (as referred to in paragraphs 3) of Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* requires the decision making body to publicise by notice the intention to hold the meeting (or part of it) in private, for at least 28 clear days in advance of the meeting. The notice must include a statement of the reasons for the meeting to be held in private. At least 5 clear days before the meeting in question, the decision making body must publish another notice of its intention to hold the meeting (or part of it) in private. This notice must also include a statement of the reasons for holding the meeting in private together with details of any representations received by the decision making body and a statement of its response to any such representations.

If the date by which the meeting must be held makes compliance with the requirements outlined above impracticable, then the decision making body must obtain agreement from the Chair of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred (Regulation 5(6)).

The reason I am writing to you is because Cabinet intend to approve the purchase of the development of 10 homes at Ash Street, Northampton as part of the Council's commitment to the provision of Social Housing.

The holding of this meeting and the making of this decision is urgent and cannot reasonably be deferred because:

The purchase of these homes will be partly funded from Section 141 right to buy receipts if exchange is achieved before the 31st March 2017. In order to achieve this approval at the Cabinet meeting on the 1st March 2017 is necessary in order to prevent the return of those receipts to central Government.

If you are in agreement that the making of this decision is urgent and cannot reasonably be deferred, I would be grateful if you could sign and date one copy of this letter and return it to me as soon as possible. I will then refer your agreement to Cabinet.

If you have any queries about this anticipated decision or you need further explanation about how the procedure outlined above works, please contact me.

Yours sincerely,

FRANCIS FERNANDES
Borough Secretary Monitoring Officer

I agree that the decision referred to in this letter is urgent and cannot reasonably be deferred.

Signed:
Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee

Dated:
