

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 1**

#### **Question to Councillor Bottwood from Norman Adams**

With media coverage that £37.5 million is now known to have been taken from council housing budgets during September before the legal 'loophole' pinpointed by Capita was sealed by the government on 1 October.

Could you assure me that Northampton Borough Council have not been shifting any from a 'ring-fenced' housing budget to its general fund.

#### **Response**

NBC did not make any changes in September as a result of the "loophole" pinpointed by Capita. The Government have written to the Council asking them to confirm this. I attach a copy of a letter from Government and our response.

**Cllr Bottwood**  
**Cabinet Member for Finance**

Glenn Hammons  
Head of Finance LGSS  
Chief Finance Officer



The Guildhall  
St. Giles Square  
Northampton NN1 1DE  
Tel: 0300 330 7000  
Minicous: 01603 828800

## NORTHAMPTON BOROUGH COUNCIL

Department for Communities and Local Government  
1/E2 Eland House  
Brossardon Place  
London  
SW1E 6DU

Our Ref: GH/cap  
Your Ref:  
House Contact: Glenn Hammons  
Ex:Direct Line (02004) 838347  
Date: 4<sup>th</sup> December 2013  
E-mail: [glenn.hammons@northamptonshire.gov.uk](mailto:glenn.hammons@northamptonshire.gov.uk)

Dear Sir/Madam

**Re: Transfer of funds from the Housing Revenues Account to the General Fund**

Further to your letter dated 26<sup>th</sup> November 2013 expressing your concerns that authorities may have sought to use the provision in Schedule 4, Part 3 (2) of the Local Government and Housing Act 1989 to transfer funds to the General Fund. Please see below answers to your questions.

- i. *Whether funds have been transferred to the General Fund from the Housing Revenue Account and, if so, the amounts that have been transferred?*  
*Answer: NBC has not used the provision in Schedule 4, Part 3 (2) of the Local Government and Housing Act 1989 to transfer funds to the General Fund*
- ii. *Whether any transfer of funds has been reflected in your audited accounts for 2012-13?*  
*Answer: Not applicable*
- iii. *What powers the authority has relied upon for any transfer of funds from the Housing Revenue Account to the General Fund and the reasons for the transfer?*  
*Answer: Not applicable*

Yours faithfully

Glenn Hammons  
Head of Finance LGSS  
Chief Finance Officer



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Department for  
Communities and  
Local Government

To: Chief Finance Officer

28 November 2013

Dear Sir/Madam

**TRANSFER OF FUNDS FROM THE HOUSING REVENUE ACCOUNT TO THE  
GENERAL FUND**

It has been brought to the Department's attention that a number of authorities may have sought to transfer funds from their ring-fenced Housing Revenue Account to the General Fund using the power in Schedule 4, Part 3 (2) of the Local Government and Housing Act 1989, ahead of the repeal of that power (in relation to England) on 1 October 2013. This letter seeks to remind local authorities of the purpose of the Housing Revenue Account ring-fence and requests information from authorities about the possible transfer of funds.

As you are aware the Housing Revenue Account is a ring-fenced account within the authority's General Fund, which means that local authorities have no general discretion to transfer sums into or out of it. The items to be credited and debited to your Housing Revenue Account are prescribed by statute. These include expenditure and income relating to property listed in section 74 of the Local Government and Housing Act 1989 and Schedule 4 to the 1989 Act (as amended) which specifies the debit and credit items to be recorded in the Housing Revenue Account. Permissible debit items include expenditure on repairs, maintenance and management, capital expenditure and rents, rates, taxes and other charges. Permissible credit items include rents, charges for services and facilities and contributions towards expenditure. The Secretary of State has powers to determine or direct that other items may be credited and debited to the Housing Revenue Account.

One of the main purposes of the ring-fence continues to be to ensure that rents paid by local authority tenants accurately and realistically reflect the cost of providing the housing service. Funds held within the Housing Revenue Account should not be used to cover the costs of other council services.

The Department is therefore concerned that authorities may have sought to use the provision in Schedule 4 Part 3 (2) of the 1989 Act to transfer funds to the General Fund. The Department is considering whether it would be appropriate, where funds have been transferred, to determine or direct that such funds should be returned to the Housing Revenue Account. The Department recognises that an authority may have had legitimate reasons for the transfer of such funds and therefore requests the following information in order to ascertain what, if any, further action should be taken:

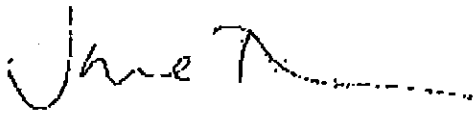
Department for Communities and Local Government  
1st Floor  
Brassenden Place,  
London,  
SW1E 6NU

Tel: 0303 44 42607

- I. Whether funds have been transferred to the General Fund from the Housing Revenue Account and, if so, the amounts that have been transferred;
- II. Whether any transfer of funds has been reflected in your audited accounts for 2012-13; and
- III. What powers the authority has relied upon for any transfer of funds from the Housing Revenue Account to the General Fund and the reasons for the transfer.

I would be grateful if you could respond to this letter by the 15<sup>th</sup> of December. In view of the Department's consideration of transfers of funds from the Housing Revenue Account to the General Fund in reliance of Schedule 4, Part 3 (2) of the Local Government and Housing Act 1988, authorities may wish to consider the appropriateness of using such funds until the Department's considerations are complete.

Yours faithfully,



Jane Todorovic

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 2**

#### **Question to Councillor Hadland from Councillor Beardsworth**

What consultation has taken place with regards to the new bus station and was this in line with the consultation policy of the Council?

#### **Response**

The relocation of the bus operation from Greyfriars Bus Station to a new location has been implemented by NBC and NCC. The selection of the Bus Interchange site followed extensive consultations and the form of presentation meetings, workshops and questionnaires to key stakeholders including:

- All the bus operators
- Mobility Impaired, Disabled and OAP Groups
- Town Centre Partners and Businesses
- University of Northampton
- Northampton Bus User Forum

The planning applications N/2012/0314 & 0315 included the following statutory consultees:

- Anglian Water
- English Heritage
- Natural England
- Environment Agency
- Highways Agency
- NCC Archaeology
- NCC Highways
- Northamptonshire Wildlife Trust
- Northampton Police
- Western Power
- Town centre BCAAC
- Twentieth Century Society
- Georgian Society
- Victorian Society
- Spring Boroughs Residents Association
- National market Traders Federation

The construction phase has seen the main contractor Kier, hold open events for local businesses, retailers and residents. A named contact is employed by the contractor to consult with the local retailers during the public realm works

on the Drapery. The contractor has also issued newsletters to inform businesses and residents of the works programme.

**Cllr Hadland**  
**Cabinet Member for Regeneration, Enterprise and Planning**

**Question for Full Council Monday 9<sup>th</sup> December 2013**

**Question 3**

**Question to Councillor Markham from Councillor Beardsworth**

Are there sufficient funds this year for the Disabled Facilities Grant?

**Response**

Yes, the Finance & Performance Monitoring Report to be considered by Cabinet on 11th Dec states the latest position with regards to DFGs.

**Cllr Markham  
Cabinet Member for Housing**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 4**

#### **Question to Councillor Eldred from Councillor Glynane**

Could the Cabinet Member please confirm, in relation to the proposed sale of the Sekhemka how much this council has spent on legal investigations/opinions and other professional advice, including minor ancillary expenses since May 2011.

#### **Response**

£18,782

**Cllr Eldred  
Cabinet Member for Community Engagement**



## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 5**

#### **Question to Councillor Eldred from Councillor Glynane**

What additional security conditions did the insurance company impose in regard to the Sekhemka Statue?

#### **Response**

Either place the statue in a secure vault or, if it is to be displayed in public, in a secure, alarmed cabinet, in an appropriately alarmed room, monitored by CCTV.

**Cllr Eldred  
Cabinet Member for Community Engagement**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 6**

#### **Question to Councillor Eldred from Councillor Glynane**

Which auction house has been appointed to handle the sale on behalf of the Council?

#### ***Response***

The Council has not yet appointed an auction house to handle the sale. The Council has held discussions with several auction houses and identified one that it is its preferred supplier for the provision of auction services but they have not been appointed. Contract discussions are underway and it will not be possible to reveal the name of this organisation until they are completed and a contractual relationship exists.

**Cllr Eldred  
Cabinet Member for Community Engagement**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 7**

#### **Question to Councillor Eldred from Councillor Conroy**

The corporation deed of covenant with the Marquis assigns "at all time for ever hereafter to exhibit the same collection freely to the public and at no time to dispose if any part if the collections". Why is this council not complying with this agreement with the people of Northampton and the Marquis of Northampton?

#### **Response**

I believe that Councillor Conroy is referring to a Deed of Gift dated 9 August 1880 between the Marquis of Northampton and the Borough of Northampton. This deed gifted a Geological Collection to the Borough with various conditions attached. The Council is observing the conditions of this agreement. The statue of Sekhemka did not form part of the Geological collection and is therefore not covered by the terms of the Deed.

The Council has always held the view that the Deed dated 9 August 1880 does not cover the statue of Sekhemka and examination by independent legal advisors has confirmed this view.

**Cllr Eldred**  
**Cabinet Member for Community Engagement**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 8**

#### **Question to Councillor Eldred from Councillor Conroy**

What is the position of the other Egyptian objects gifted with the Sekhemka Statue?

#### **Response**

The Marquis lent a number of Egyptian items to the museum in 1866 and the museum records show that they were returned to him in five tranches in 1867, 1869, 1870, 1874 and 1878. The Geological Collection gifted on 9 August 1880 is still in the museum's possession. The vast majority of it is in secure storage as the museum can only display a small part of its collection at any one time.

**Cllr Eldred  
Cabinet Member for Community Engagement**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 9**

#### **Question to Councillor Eldred from Councillor Conroy**

Can you let me know who at the Borough do I need to contact to arrange for me and my colleagues to inspect the Sekhemka Statue?

#### **Response**

At present the statue is in secure storage outside Northampton and it is not possible to view it.

**Cllr Eldred  
Cabinet Member for Community Engagement**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 10**

#### **Question to Councillor Hallam from Councillor Meredith**

Is there adequate provision for cutting back trees in the Eastern District, many of which are very overgrown?

#### **Response**

##### **Tree Maintenance**

All trees that are covered by the Environmental Services Contract with Enterprise, irrespective of where they are located within the borough are maintained to the same standards. The standards/policies and inspection regimes relating to the trees are those which were in place prior to Enterprise taking over the services..

Enterprise has internally allocated the same level of budgets to tree maintenance as those allocated when NBC managed the trees.

The Partnership Unit have not seen any reduction in the standard of tree maintenance since the contract with Enterprise commenced, and work directly with the tree department at Enterprise to ensure that these standards are maintained. The provisions of the contract with Enterprise will continue to deliver the standards we expect. The Partnership Unit will continue to monitor the contract with Enterprise, to ensure that the requirements of the contract are met.

Resources are adequate to achieve:

##### **Tree maintenance - NBC trees**

- All arboriculture works is carried out in accordance with recognised good arboriculture practice including BS 3998: Recommendations for Tree Work.
  - A programme of inspections and surveys to identify any maintenance issues with trees and develop work programmes.
  - Provide for an Enterprise tree officer on call 24 hours to deal with emergencies such as trees brought down during high winds.
  - Complaints from residents about individual trees to be investigated by the tree officers and the resident informed of their findings.
- Time restrictions on when maintenance work can be carried out is in place for nesting birds and protected species.

### Tree maintenance - NCC trees (Highways)

- Highways trees on strategic and main distributor roads are inspected and work undertaken on safety grounds and to ensure visibility and prevent obstruction. (Only reactive and emergency work will be carried out on trees on other roads).

### Shrub maintenance

- All shrubs are maintained to the same specification.
- Shrub beds are visited on an annual basis as part of the winter works programme and receive full containment pruning operations. The main period of shrub and shrub bed maintenance takes place between October and November and March and April each year, and this year's programme is well underway.
- Shrub bed maintenance will include the removal of litter and weeds. Weed control will include a combination of chemical treatment and manual removal.
- Shrub maintenance will also include the removal of self-set trees and shrubs from grassed areas and around the curtilage of NBC owned properties.
- During the growing season, shrubs will be maintained to ensure that they do not cause obstruction or damage, or present health and safety implications.

**Cllr Hallam  
Cabinet Member for Environment**

## **Question for Full Council Monday 9<sup>th</sup> December 2013**

### **Question 11**

#### **Question to Councillor Hadland from Councillor Palethorpe**

Would the Cabinet Member provide the Council with an update on the number of empty retail properties in Northampton please?

#### **Response**

We do not hold figures for the whole of the Borough area in terms of the vacancy of retail units.

However, for the Town Centre BID area, the rates figures for 1 December 2013 show that there is a 12% vacancy rate.

**Cllr Hadland**  
**Cabinet Member for Regeneration, Enterprise and Planning**