

# NORTHAMPTON BOROUGH COUNCIL

## CABINET

Wednesday, 17 October 2018

**PRESENT:** Councillor Larratt (Deputy Chair); Councillors Eldred, Hadland, Hallam, J Hill, Hibbert and King

### 1. APOLOGIES

Apologies were received from Councillor Nunn

### 2. MINUTES

The minutes of the meeting held on the 12<sup>th</sup> September 2018 were agreed subject to the amendment set out on the agenda.

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

There is an intention to hold part of the meeting in private – Item 18 - Award of Contract for Car Park Lift Refurbishment and Item 20 – Acquisition of Property.

Exempt Information means information falling within the following seven categories outlined in schedule 12A of the Local Government Act 1972: Part 3

Both reports contained sensitive commercial information relating to a firm or individual and has therefore been exempted under schedule 12A, Part 1, (3) “*Information relating to the financial or business affairs of any particular person (including the authority holding that information)*”.

### 4. DEPUTATIONS/PUBLIC ADDRESSES

Mr David Huffadine-Smith registered to speak on Item 10 – Transfer of Land and Open Space to Parish Councils.

### 5. DECLARATIONS OF INTEREST

Councillor King declared a disclosable pecuniary interest in Item 16 - Grant of property leases and financial and management agreements to Northampton Leisure Trust (Unity Leisure) as a Trustee of the Leisure Trust and her daughter was currently employed by them.

### 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

### 7. RESPONSE TO OVERVIEW & SCRUTINY REVIEW OF CHILD SEXUAL EXPLOITATION

Councillor Hibbert as the relevant Cabinet Member, submitted his report and noted that he considered it to be a very positive step forwards and noted his keenness to accept all of the recommendations and explained that steps were being taken to provide officer and member training on Child Sexual Exploitation.

Councillor Russell commented that she considered it an excellent report and was extremely pleased to see it before Cabinet.

Councillors Larratt and Hibbert thanked those who had worked on the panel and noted that there had been a delay in it being brought to Cabinet as there was a need for accurate and concise information to be provided.

**RESOLVED:**

That the report be noted.

**8. RESPONSE TO OVERVIEW & SCRUTINY REVIEW DEMENTIA FRIENDLY TOWN**

Councillor King, as the relevant Cabinet Member submitted her report and thanked the Scrutiny Panel members for the work that they had undertaken. She noted that there had been a number of partners working alongside the Council in their work towards achieving 'Dementia Friendly status for Northampton'.

**RESOLVED:**

That the report be noted.

**9. CORPORATE PLAN - 2018-2020**

Councillor Larratt, in the absence of the Leader, submitted a report which was an update of the Corporate Plan, which if approved by Cabinet be recommended to Council for approval on the 5<sup>th</sup> November 2018.

Councillor Stone commented that she appreciated the time and effort put in to updating the plan but questioned whether it accurately reflected the experiences and perception of the residents. She reported that there were in some places, high levels of deprivation and questioned what assets the Town had that would make them proud.

Councillor Larratt reported that the Corporate Plan was a comprehensive revamp following staff engagement.

**RESOLVED:**

That the draft Corporate Plan for 2018 to 2020 be approved, and recommended to Council on 5 November 2018 and that the Chief Executive be authorised to finalise the document and publish this alongside the Council's Medium Term Financial Plan (MTFP).

**10. TRANSFER OF LAND AND OPEN SPACE TO PARISH COUNCILS**

Councillor Hadland, as the relevant Cabinet Member, submitted his report which sought agreement to a refreshed strategy on the transfer of Council owned assets. He explained that under Localism a number of community centres had been transferred and explained that the roles and responsibilities of Parish Councils were increasingly changing.

Mr Huffadine-Smith questioned whether the overage would be enforceable and at a reasonable cost, whether a proposed uplift of 100 percent was considered to be fair and further questioned what would happen to any existing defects or issues not dealt with and who would be responsible under proposed transfers. He further explained that he considered there to have been a lack on consultation with the Parish Councils and noted that whilst he welcomed the recommendations contained within the report, he considered there to be an extensive amount of work to be undertaken and urged the Council to work together with the Parish Councils.

In response, Councillor Eldred explained that he, the Deputy Leader of the Council and the Cabinet member for Environment had been heavily involved with Parish Councils on this topic and urged other Parish Councils to come forward.

Councillor Duffy noted her concerns about the potential inequality between parished and unparished areas. She questioned whether the strategy was aimed at getting rid of assets and asked if there could potentially be a land grab by more affluent parishes. Lastly, she questioned whether it could be perceived as a lack of confidence in the proposed Unitary Authorities.

In response, Councillor Larratt explained that this was a policy matter and there were issues that needed to be taken forward. He explained that Cabinet considered that assets would be best kept in Northampton and managed by Northampton residents. This policy would enable assets to be transferred to a new Town Council, any new Parish Councils, and existing Parish Council. The assets would be protected as much as possible in the hands of the local community. He further explained that this would give more voice and weight to the Parish Councils in a Unitary Authority.

Councillor Eldred explained that Cabinet had confidence in the proposed Unitary Authorities but explained that this was an attempt to bring policy in line with other Councils in West Northampton.

Councillor Hadland explained that a refreshed strategy would increase flexibility and would be easier to decide on costings.

#### **RESOLVED:**

- 2.1 That the strategy adopted by Cabinet on 16<sup>th</sup> November 2016 be amended;
- 2.2 That future transfers to Parish Councils would normally be on a freehold rather than long leasehold basis be agreed;
- 2.3 That it be agreed that where assets to be transferred be commercial in nature, and a commercial sale price would be appropriate;
- 2.4 That where assets to be transferred are non-commercial in nature, it was agreed that a nominal consideration will be charged;
- 2.5 That all freehold transfers would include appropriate overage provisions be agreed;
- 2.6 That the advertisement of the proposed disposal of any areas of Public Open Space in a local newspaper be authorised for two consecutive weeks in accordance with the procedural requirements of Section 123 (2A) of the Local Government Act 1972, and thereafter for the Cabinet to agree to meet to consider any objections to the proposed disposal which may be made to them before any final decision is taken on the disposal, so that proper consideration is given to the responses that are received.
- 2.7 That authority be delegated to the Head of Economy, Assets and Culture, in consultation with the Cabinet Member for Regeneration and Enterprise, to negotiate and agree in principle the terms of any transfer/disposal on a freehold basis in accordance with the parameters of this report and subject to the agreed terms of each proposed transfer/disposal being subsequently approved by Cabinet.

## **11. CORPORATE RISK REGISTER**

Councillor Larratt, in the absence of the Leader, expanded on the report and explained that this covered the Councils corporate risk register for the first quarter of 2018/19. He explained that the number of 'red' risks had been reduced but one of them was due to inadequate staffing and an increase of temporary staff.

Councillor Birch commented that there were a number of risks that could be controlled and expressed concerns about the recruitment and retention of staff and the consequences of losing historical knowledge when staff moved on.

Councillor Larratt responded that the Council were considerate of their staffs' ability and needs.

### **RESOLVED:**

That the risks contained in the register and the related risk exposures be noted.

## **12. APPROVAL OF A COUNCIL-OWNED HOUSING DEVELOPMENT COMPANY**

Councillor Hibbert expanded on the report and explained that the proposed development company had been fully costed and included additional information about the operational aspects of the Housing Development Company was contained within the report. He noted that further work would need to be undertaken on the Housing Revenue Account with regards to the removal of the HRA debt cap.

Councillor Ashraf stated that she welcomed the recommendation in the report and was happy to support the establishment of a DevCo noting the importance and need for affordable housing.

### **RESOLVED:**

- a) That the establishment of a Council-owned, non-charitable Housing Development Company (DevCo), called Hamtune Homes Ltd, that would acquire, develop, manage and sell real estate to help the Council achieve its strategic objectives in relation to housing demand, place-shaping and income generation be confirmed;
- (b) That the appointment of the Head of Housing & Wellbeing and the Housing Options & Advice Manager as the two initial Directors of Hamtune Homes Ltd be confirmed
- (c) That authority be delegated to the Borough Secretary & Monitoring Officer, in consultation with the Chief Finance Officer and the Cabinet Member for Finance, to approve the Articles of Association and any appointment of a Company Secretary;
- (d) That a sum of up to £50,000 is made available from Reserves to fund the DevCo's initial start-up costs and support the production of the company's first business plan and development pipeline be agreed ;
- (e) That that each of the housing schemes / projects undertaken by the DevCo would require a fully-costed Business Case and formal approval by Cabinet be agreed;
- (f) That a further report, prior to the commencement of trading, be bought to Cabinet when approval would be sought for the DevCo's business plan.

### **13. FIXED PENALTY NOTICES LEVELS**

Councillor Hallam as the relevant Cabinet Member elaborated on the report and explained that the number of Fixed Penalty Notices issued had recently declined which he considered to be indicative of the effectiveness of the notices and was therefore working as a deterrent that dropping litter was not acceptable.

Councillor Birch commented that she considered the Town Centre was looking cleaner and tidier but had some concerns of the behaviour of the contractors who she considered were tarnishing the Councils Town Centre Wardens.

Councillor Hallam questioned why her concerns had not been previously raised and commented that the contractors had received an award for their work and noted that they had participated in training sessions. He further commented that a number of the fines had been 'written off' due to the vulnerable status of those issued with fines.

Councillor Meredith reported that in his Ward the number of instances of fly-tipping and trolley-dumping had become a real issue and noted that prior to becoming a unitary authority, there was a need to address fly tipping and considered a more rigorous approach from the Council a necessity, suggesting the use of CCTV cameras to catch the perpetrators.

Councillor Hallam explained that residents had been happy with the services provided and explained that people liked to see a clean and tidy town and that the message, through the issuing of FPNs had sent out the message that littering is not tolerated. Responding to a question raised by Councillor Eldred, Councillor Hallam explained that information about the areas being covered by the various Wardens/Rangers would be sent to Parish Councils for information purposes.

#### **RESOLVED:**

That the following levels of fixed penalties to apply for fixed penalty notices issued from 1 November 2018 be agreed:

Fixed penalty for fly tipping offences  
Full Penalty £400  
Reduced penalty for payment within 10 days £300

Fixed penalty for depositing litter, littering from vehicles, graffiti, fly posting  
Full penalty £120  
Reduced penalty for payment within 10 days £75

Fixed penalty for failure to comply with a Waste Receptacle Notice (Commercial)  
Full penalty £110  
Reduced penalty for payment within 10 days £75

### **14. EFFICIENCY AND MEDIUM TERM FINANCIAL STRATEGY**

Councillor Eldred, as the Cabinet Member for Finance, submitted his report and explained that the Medium Term Financial Plan (MTFP) was set in the context of the proposed local government reorganisation and creation of a new Unitary Authority.

Councillor Stone questioned how recent projections had shown a requirement to make savings over the next five years of £3.4 million by 2022/23 which was a decrease on previous savings and questioned what the impact of that would be. She stated that this

could not be considered a savings requirement, but a budget gap and despite having an understanding of the need to increase Council tax by the maximum amount, she argued that people would see an increase in costs and a decrease in services and suggested a strategy to educate residents on where their money was being spent.

Councillor Eldred, in response commented that one of the major spends was on the new Environmental Services contract and noted the recent increase in budget pressures due to a rise in homelessness.

**RESOLVED:**

1. That the draft Efficiency and Medium Term Financial Plan as attached at Appendix 1 of the report be approved
2. That the key principles as set out at paragraph 3.2.4 of the report be adopted

**15. CHANGES TO THE HOUSING ALLOCATIONS AND CHOICE BASED LETTINGS SCHEME**

Councillor Hibbert elaborated on his report and explained that Cabinet were being asked to approve a series of minor changes to the Council's Housing Allocations and Choice Based Lettings Scheme to incorporate the Council's new duties under the Homelessness Reduction Act 2017.

Councillor Smith commented that she was pleased to see the report coming forward and noted the increase in the number of homelessness and poverty cases the Council were facing and hoped that this would encourage the hidden homeless (e.g. sofa surfers) to come forward for help.

**RESOLVED:**

That the following changes to Northampton's Housing Allocations and Choice Based Lettings Scheme (set out in Appendix A of this report) be approved:

- (a) The Emergency Band is amended to include applicants who have been accepted by the Council as being owed the relief duty (under the Homelessness Reduction Act 2017) and have been assessed as being in priority need and unintentionally homeless;
- (b) Band A is amended to include applicants who have been accepted by the Council as being owed the prevention duty (under the Homelessness Reduction Act 2017) and have been assessed as being in priority need;
- (c) Band B is amended to include the following applicants:

Applicants who have been accepted by the Council as being owed the prevention duty (under the Homelessness Reduction Act 2017) and have been assessed as having no priority need

Applicants who have been accepted by the Council as being owed the relief duty (under the Homelessness Reduction Act 2017) and have been assessed as having no priority need

Applicants who are homeless or threatened with homelessness but have been notified that they have no right of rehousing under the homelessness legislation, or where the homelessness duties have been discharged but homelessness

continues.

- (d) Where an applicant has been accepted by the Council as being owed the relief duty (under the Homelessness Reduction Act 2017) and has been assessed as being in priority need and unintentionally homeless, their 'effective date' in the Emergency Band will be the date that the Council accepted that they were owed a relief duty, even if this occurred prior to 17 October 2018.

At this juncture of the meeting, having declared a disclosable pecuniary interest in Item 16, Councillor King left the room.

## **16. GRANT OF PROPERTY LEASES AND FINANCIAL AND MANAGEMENT AGREEMENTS TO NORTHAMPTON LEISURE TRUST (UNITY LEISURE)**

Councillor Hadland elaborated on a report to approve an amendment to a previous Cabinet report of the 14<sup>th</sup> March 2018 and commented that the leisure centres used to cost the Council in excess of £0.5million each year and that they were now able to stand alone financially which he hoped would continue.

Councillor Birch commented that she agreed that the Leisure Trust be supported as they were considered an asset to the Town and a decrease in the annual rent would be an additional incentive for them. She expressed some concerns about the age of some of the buildings but was assured by Councillor Hadland that the Council would continue to support them and would encourage them to expand and diversify.

### **RESOLVED:**

- 2.1 That it be agreed to replace recommendation 2.1 and 2.2 of the report considered and agreed by Cabinet at its meeting on 14<sup>th</sup> March 2018 (Appendix 1) with the following new recommendations:
- 2.2 Cabinet agreed three new Full Repairing leases be granted under the Landlord and Tenant Act 1954 to Unity Leisure for the three leisure centres owned by Northampton Borough Council (Lings Forum, Danes Camp, Mounts Baths), for a period of 30 years. The combined rent would be £51,000 per year, and would be in accordance with the terms and conditions set out in this report and the Cabinet report dated 14 March 2018 (appendix 1), which reflected a discount from market rent of £22,500 per annum.
- 2.3 Cabinet delegated authority to the Head of Economy, Assets and Culture to complete the above leases in consultation with the Chief Finance Officer and the Cabinet Member for Regeneration and Enterprise, subject to the completion of necessary due diligence checks, ensuring that the Council not be exposed to unacceptable legal or financial risk.
- 2.4 Cabinet agreed that for the first 5 years of the leases, the responsibility for insuring the properties would remain with the Council
- 2.5 Cabinet agreed that a review be carried out in Year 4 of the leases to determine whether or not the Council would continue to carry the cost of insuring the properties after year 5.

Councillor King re-entered the room.

## **17. ARRANGEMENTS FOR THE WEST NORTHAMPTONSHIRE STRATEGIC PLAN**

Councillor Hill, as the relevant Cabinet Member submitted his report and elaborated thereon. He explained that Daventry District Council and South Northants Council had already agreed and for Cabinet to agree to the recommendations would allow them to be in a position to make sure that the West Northamptonshire can take full advantage of the opportunity to contribute to the Governments targets for housing and employment growth.

### **RESOLVED:**

That the following be approved:

- a) The Statement of Common Ground (attached at Appendix A of the report)
- b) The Joint Local Development Scheme for West Northamptonshire (attached at Appendix B of the report)
- c) The Memorandum of Co-operation and Terms of Reference for the West Northamptonshire Joint Planning and Infrastructure Board (attached at Appendix C of the report)

## **18. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the public and Press be excluded from the remainder of the meeting on the grounds that there was 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.

The Motion was Carried.

## **19. AWARD OF CONTRACT FOR CAR PARK LIFT REFURBISHMENT.**

Councillor Hadland explained that the report was seeking approval to award a contractor for the refurbishment of the Car Park Lifts and noted that it would enable the one contractor to be responsible for the ongoing maintenance of all lifts including defects, faults, call outs and trap-ins.

### **RESOLVED:**

1. That the appointment of a contractor for the refurbishment of Car Park Lifts be approved.
2. That authority be delegated to the Head of Economy, Assets and Culture, in consultation with the Cabinet Member for Regeneration and Enterprise, to agree the final sum and terms of the contract documents.

## **20. STRATEGIC ACQUISITION OF PROPERTY**

The relevant Cabinet Member submitted a report and elaborated thereon.

### **RESOLVED:**

1. That officers be authorised officers to undertake appropriate due diligence and seek to acquire a property, for economic and regeneration purposes.



2. That an acquisition budget to be drawn from reserves be approved.
3. That the acquisition is for regeneration and economic purposes be agreed.

The meeting concluded at 7.21pm