

MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON MONDAY THE SEVENTH DAY OF MARCH 2005 AT SIX THIRTY O'CLOCK IN THE EVENING

PRESENT: HIS WORSHIP THE MAYOR Councillor W B Massey (in the Chair).

COUNCILLORS: Acock, Barron, Beardsworth, Boss, Caswell, Church, Concannon, Crake, Duncan, Edwards, Eldred, Evans, Glynane, Hadland, Hill, Hoare, Hoare, Hollis, Hope, Lane, Larratt, Lill, Malpas, Markham, Marriott, Mason, Matthews, McCutcheon, Palethorpe, Patterson, Perkins, Pritchard, Robinson, Roy, Simpson, Stewart, Tavener, Taylor, Wire, Woods and Yates

1. MINUTES.

The minutes of the proceedings of the meeting of the Council held on 25 February 2005, copies of which were circulated, were signed by the Mayor.

2. APOLOGIES.

Apologies for absence were received from Councillors Allen, I Markham and Miah.

3. MAYOR'S ANNOUNCEMENTS.

The Mayor announced that there would be three matters of urgency one of which would be taken immediately after this item. The others would be taken as usual under item 10.

The Mayor referred to his announcement about the Northampton Sea Cadets Unit at the last Council meeting and advised that they had been awarded the Canada Trophy for the best annual performance of Sea Cadets out of over 400 Sea Cadet Corps in the Country. This was a magnificent achievement and he advised that he intended to have a reception in the Guildhall for them in the near future.

The Mayor then referred to the matter of urgency and called upon Councillor Michelle Hoare to make a personal statement.

Councillor M Hoare then read out a personal statement which essentially advised that she would in future be representing the Delapre Ward as a Conservative Councillor rather than a Liberal Democrat Councillor.

4. DEPUTATIONS/PUBLIC ADDRESSES/QUESTIONS.

RESOLVED: That Mr Swinn, Mr Marsh and Mr Winder be permitted to address the Council in respect of the Notices of Motion 7(a) and (b) regarding the tenants participation panel and that Mrs Howard, Mrs Allinson and Mr

Ansell be permitted to address the Council in respect of the Notice of Motion under item 7(c) on the agenda regarding Abington Park toilets.

At this juncture Councillor Barron moved and Councillor Hadland seconded that Procedural Rules be suspended to vary the order of business to enable the Notices of Motion to be considered as the next item in view of the fact that members of the Public were present with regard to these items.

NB Councillor Hope declared an interest in respect of the Notices of Motion under 7(a) and (b) and withdrew from the meeting whilst the issues were under discussion.

7. NOTICES OF MOTION

At this juncture Messrs Swinn, Marsh, Winder and Adams addressed the Council with regard to the notices of motion under 7(a) and (b) commenting on the tenants panel and the fact that they considered that a tenant management organisation was a way forward but it needed to be stressed that this should be led by tenants.

(A) Councillor Palethorpe moved and Councillor Hadland seconded that procedural rules be suspended to enable the following motion to be debated.

The motion was carried.

Councillor Palethorpe then moved and Councillor Hadland seconded the motion as set out under item 7(a) on the agenda as follows:-

“This Council supports the investigation and future development of a Tenant Management Organisation as a continuation of housing policy to ensure that whatever the housing option appraisal chosen, Northampton Borough Council tenants will be formally involved as participants in the future delivery of the housing service.

In supporting this motion the Council recognises and thanks those individual tenants and leaseholders contribution through the customer panel focus groups to the improvement in the housing service recently recognised by the Audit Commission”.

Councillor Barron then moved and Councillor Roy seconded an amendment to the motion by the addition of the following at the end of the first paragraph:-

“And in accordance with Standing Order 6.6.1 this matter stands referred to Overview and Scrutiny Committee 6 for its consideration into the Investigation and Development of policy around Tenant Management Organisations”.

Councillor Palethorpe duly accepted the amendment.

The amendment was then voted upon and carried to become the substantive motion.

A vote was then taken upon the substantive motion and carried.

(B) Councillor Beardsworth then moved and Councillor Crake seconded the following motion as printed under item 7(b) on the agenda:-

“This council appreciates the past work of members of the Tenants participation panel, and thanks all members for the work they have done in support of all housing tenants.

This council regrets the suspension of the panel during the critical period of the Housing Options Appraisal.

This Council requests the formation of a new tenants participation panel at the earliest opportunity. The panel should be on a properly constituted basis that is representative of and fully accountable to our tenants.

This council requests a report to Overview and Scrutiny Committee 6 on the circumstances of the suspension of the panel, and that committee is given the opportunity to overview proposals to reform the panel before they are agreed by the executive.”

The motion was carried.

(C) At this juncture Mr Ansell the proprietor of the Abington Park Café and Mrs J Allinson Acting Secretary of Friends of Abington Park and Mrs Howard addressed the Council all in support of the motion under item 7(c) regarding Abington Park Toilets and requesting that the toilet facilities in Abington Park be made operational as soon as possible.

Councillor B Hoare then moved and Councillor Hollis seconded the motion as set out under item 7(c) on the agenda:-

“This Council recognises that it does not have a statutory duty to provide public toilets in its parks and open spaces. However, to promote wide public use of the parks and open spaces, and to encourage healthy living, consideration of the needs in individual parks has to be given.

Abington Park is the Premier Park in Northampton, with a wide range of sporting facilities, as well as high usage for family outings and as a tourist attraction. This council resolves that the provision of toilets in this park is essential.

This council deplores the current lack of operational toilets in Abington Park and requests that the executive takes action to ensure that public toilet provision is available in the park by Easter this year.

This council requests a full review of public toilet provision within the Council’s parks to ensure that there is a planned availability of clean and vandal free toilets.”

Councillor Larratt then moved and Councillor J Lill seconded an amendment to the motion by deleting the third paragraph and replacing it with the following:-

“This Council recognises the fact that the funds necessary to complete the works to repair the Abington Park toilets are included within the Councils 2005/06 Capital Maintenance budget. The estimated costs of £75,000 are to be funded from underspends in the 2004/05 Capital Budget. This Council instructs Officers to implement these repair works with immediate effect in order to bring the facilities back into use at the earliest opportunity. Council also authorises and requires officers to investigate the provision of alternative toilet facilities in the vicinity of those currently closed until the completion of the repair works and the permanent facilities are re-opened.

Councillor Hoare duly accepted the amendment.

The amendment was then duly voted upon and carried to become the substantive motion.

The substantive motion was then voted upon and carried.

(D) Councillor Barron moved and Councillor Marriott seconded the motion as set out under item 7(d) on the agenda as follows:-

“This Council deplores the proposal to convert the Northampton Crown Post Office in St Giles Street to a franchise operation from August 2005. This franchise could see the loss of a Crown Post Office in Northampton if in the future the private operator decides to cease trading.

This Council believes that the recent Post Office Urban Network Reinvention Programme has already had a detrimental effect on local communities and is alarmed to hear that independent research published recently acknowledges that privatised offices offer worse customer services.

Furthermore this council recognises the excellent service offered to the whole community by Northampton Post Office and the value it adds to the commercial success of the Town. The Town area, its citizens and businesses should continue to be served by a directly managed Post Office and therefore the Council resolves to call upon Post Office Ltd to withdraw their plans to convert St Giles Street Post Office to a private operator.

Following some debate the motion was voted upon and carried.

NB Councillor Barron declared an interest in respect of the above and did not vote upon the motion.

(E) Councillor Simpson moved and Councillor Woods seconded the notice of motion as set out under item 7(e) on the agenda as follows:-

“This Council is concerned at its present inability, through the planning process, to act in the best interests of local residents in relation to the proliferation of mobile

telephone masts

- notes the concerns of local residents over the consultation process regarding the installation of phone masts
- welcomes the Private Member's Bill recently introduced by Andrew Stunell MP to give local Councils greater powers in this regard, and in particular:
 - (a) to prohibit any development without planning permission
 and;
 - (b) to allow a local Council to have regard to health issues on a precautionary basis

This Council requests the Planning, Regeneration & Transportation Scrutiny Committee to look at how the current consultation process followed by this Council with regards to the installation of phone masts can be improved.

Instructs the Chief Executive to write to the present MPs for Northampton North and Northampton South urging them to support the Private Member's Bill."

Following some debate and the submission of a replacement motion which was not permissible under the procedural rules and therefore duly withdrawn; the motion as set out above was voted upon and lost.

At this juncture Councillors Larratt, Barron and Church paid tribute to Peter Newham and Jon Warlow who were present at the meeting for their dedication and service to the Council which in Peter's case was 40 years and in Jon's case 20 plus years. Thanks and best wishes were also extended to those outgoing Heads of Service who were invited but not present at the meeting.

The Mayor then presented Peter and Jon each with a small gift as a token of the Council's appreciation.

5. COMMITTEE MINUTES.

(a) OVERVIEW AND SCRUTINY COMMITTEES.

The meetings of the following Overview and Scrutiny Committees – Planning, Transportation and Regeneration held on 2 December 2004, Community Safety and E-Government held on 4 January, Financial Strategy and Performance held on 6 January and Health and Environmental held on 12 January 2005 were moved on en-bloc and duly adopted.

Councillor Mason then proposed and Councillor Patterson seconded that Procedural Rule 4.4.3 be suspended to enable a motion of future policies to be considered.

The motion was carried.

Councillor Mason then moved and Councillor Patterson seconded:-

“This Council appreciates the need for a skateboard park in Northampton East and following extensive consultation and scrutiny of the proposal will ensure that the building of the Skateboard Park is completed by the end of June 2005 in time for the summer holidays

”

It was clarified by the proposer that following extensive consultation the site should be that referred to as 2A

The motion was voted upon and carried.

b) LICENSING COMMITTEE held on 25 January 2005. A motion that the minutes as presented be adopted was carried.

(c) EXECUTIVE held on 10 January and 31 January 2005. It was moved that the recommended items of the 31 January minutes with regard to the Service Delivery Budget-item 6(a) and the Treasury Management Policy and Strategy Statements - item 6 (c) as presented be adopted. A motion that the minutes as presented be adopted was carried.

(d) TREE PANEL held on 12 January 2005. A motion that the minutes as presented be adopted was carried.

(e) PLANNING COMMITTEE held on 5 January and 2 February 2005. A motion that the minutes as presented be adopted was carried.

6. TO ANSWER QUESTIONS ASKED UNDER COUNCIL PROCEDURAL RULE 5.2.

Councillor Hollis asked Councillor J Lill as the Portfolio holder whether she could clarify the black bag collections on Boughton Green Road. Councillor J Lill advised that there had been a problem with some dwellings in Boughton Green Road not receiving regular collections which because of access limitations were still black bag collections. Collections in the area predominately were made using the wheeled bin system and these properties had been missed. The dwellings had been added to the hard to access collection round and would be monitored to ensure the service was received by the householders concerned.

Councillor Simpson asked a number of questions of Councillor J Lill as the relevant Portfolio holder with regard to new changing facilities on the Racecourse. The questions were whether the Portfolio holder was satisfied that adequate consultation had taken place with Park users and Local Councillors regarding proposed plans for a new building on the Racecourse, whether she could explain what the Council would do with the existing changing rooms and the remaining derelict and underused buildings on the parks such as the central depot, whether she would accept the input of Borough Councillors from the 3 wards surrounding the Racecourse to ensure that the development was workable and solved the problems on the Racecourse and whether she could say what had happened regarding the

proposed five year plan for the Racecourse which was passed as a policy of this Council in October 2003. Councillor J Lill responded by advising that she was satisfied that adequate consultation had taken place and elaborated upon that consultation accordingly. With regard to the existing changing rooms and remaining derelict and underused buildings she advised that it was proposed that the lower level of the existing pavilion was to be developed as a Community facility and potential learning centre. Friends of the Racecourse had proposed that the central depot currently used for storage should be demolished and a new café type facility built on that location. The other smaller building fronting the Pavilion was currently used by the ranger service and there were no plans to alter these buildings at present. She confirmed that she and Officers would welcome any input from the surrounding Ward Councillors to ensure that the facility could be developed to its full potential and in terms of the five year plan she confirmed that Officers had been working with the Friends of the Racecourse in developing the park. She elaborated further upon this stressing that there had been liaison with Friends of Racecourse to actively encourage more community involvement and that it was now becoming a true community led facility in partnership with the Council.

Councillor Wire then asked a question of Councillor J Lill as the relevant Portfolio holder. He asked whether some measures could be put in place to stop vehicles using a bridge on land between Briar Hill and St James. He stated that over the two years some hundred stolen vehicles had been recovered from this land many of the vehicles having ended up in the river. Access was gained from St James Mill Road, Duston Junction railway sidings, onto westlock and via this bridge. Councillor J Lill advised that on information provided the Council did not appear to own bridges in the immediate vicinity. However the Council may own land abutting bridges where possibly measures could be put in place. She considered that it would be helpful to discuss this matter further with Councillor Wire in order to be certain of the locality of the bridge so that then measures could either be put in place or contact made with third party land owners and it was suggested that a meeting on site between Councillors Wire and Lill would be useful.

Councillor Church asked Councillor Larratt whether he could confirm that a meeting would be arranged at the earliest opportunity between the three party leaders plus two additional members from each group to discuss cross working arrangements to ensure the effective running of the Council under the present circumstances of no overall control. Councillor Larratt advised that arrangements were in hand and that two dates had been suggested namely Friday the 11 March at 3.30 pm or any time during Wednesday 23 March.

Councillor Malpas then asked a question of Councillor Larratt. He referred initially to a situation of a Council tenant moving into a new property and subsequently being harassed by Bailiffs for a previous tenants arrears. He asked whether Councillor Larratt could give assurance that no new contract with any Bailiffs would be signed on behalf of this Authority until the Company had been fully scrutinised by the Financial Strategy and Performance Overview and Scrutiny Committee and that any recommendations that they put forward were fully considered and taken into account. Councillor Larratt advised that he could not comment on a particular case without specific detail but with regard to the appoint of new Bailiffs confirmed that

the Council were seeking to appoint more than one Bailiff company in the future and areas such as Customer interaction, training, monitoring and liaison were part of the evaluation and assessment process. The procurement process and the awarding of the contract would not normally go before Executive or Overview and Scrutiny. However on this occasion Overview and Scrutiny and Executive would consider the matter before a decision was made.

Councillor Woods asked Councillor C Lill a question regarding car parking charges. He referred to recent press articles and concerns of town centre traders about car parking and asked what actions had been taken to implement the recommendations of Overview and Scrutiny on car parking policy that were accepted by the Executive on the 19 April 2004. He then referred to a report being considered by Executive at its next meeting and asked whether the recommendations of Overview and Scrutiny had been taken into account. Councillor C Lill advised that there were 7 key questions considered by the call-in of the car park strategy report for prices which become operational on the 5 July 2004. Some of the recommendations of the Overview and Scrutiny Committee had been included in the report that would be considered by the Executive at its next meeting on the 14 March and other recommendations were continuously being considered as part of the overall strategy. Councillor Lill then elaborated further upon the 7 key questions. In terms of the point that scrutiny was denied the opportunity to discuss the strategy before it went to Executive despite it being on the agenda Councillor Lill commented that unfortunately he had been unable to attend the Overview and Scrutiny meeting on the 14 July when the matter was to be discussed and as such members had been unable to question him on the matter.

Councillor Hollis then asked Councillor Palethorpe if he could give an update on the progress on maintenance and improvements in Drayton Walk. Councillor Palethorpe advised that Phase 1 had been effective. Some areas were still giving cause for concern. Bins had been ordered for Drayton Walk which was seen as a solution for the better disposal of refuse although flytipping from outside the area was still a major problem and work between officers was ongoing with regard to this particular issue. Also an order had been raised for the windows and grills and a quote had been received for tidying up work. This was virtually everything that was on the original list apart from car parking. Quotes for work to the walkways, down pipes etc had been received but were in excess of £40,000 and would be reviewed after the outcome of the options appraisal. Councillor Hollis asked whether a timetable of the works could be sent to her and that Chair of Residents Association be also copied in on this.

Councillor Hollis then asked Councillor C Lill what action did he propose to take to reduce pavement cycling in Northampton given the concerns of residents of Boughton Green, Eastern Avenue and many other roads in Northampton. Also referring to the minutes of the Executive of the 5 January 2004 what was the outcome of the investigation into the possibility of imposing fixed penalty notices on pavement cyclists. Councillor Lill advised that the authority to enforce the regulatory control of cycling on pavements rested with the Police Service. This particular enforcement role had not been conferred on Council Accredited officers under the Police Reform Act. However under this Act there was provision for this. Therefore

the issue would be further explored with the Police. In the meantime members and citizens concerned with the issue should refer it to the Police. The offence did not appear to currently carry a fixed penalty.

Councillor Patterson then asked a question about the remit of the General Purposes Committee due to the fact that it had not met recently which was responded to by Councillor Larratt. Councillor Larratt advised that the remit of General Purposes Committee would be reviewed as part of the political structures process. Councillor Patterson then asked whether a report on drinking in public places could be submitted to a future meeting of General Purposes Committee. Councillor Larratt advised that there had been one such report with regard to Kings Heath and that at that time it was agreed that wider consultation with the Police be sought to ascertain their views on a wider strategy covering more areas of the town.

8. RECENT NOTICES OF MOTION

The Council received a report, copies of which were circulated at the meeting, detailing the progress on recent notices of motion. Councillor Pritchard referred to the fair trade issue commenting that currently it was the middle of the fair trade fortnight. She asked whether Borough events such as the Balloon Festival could be used to promote Northampton as a Fair Trade town.

Councillor Wire asked whether in future the names of the proposers and seconders of the motions could be included in the details on the report.

Councillor Roy referred to the motion on the closure of the housing sector for 16 weeks commenting that it was not about the closure but about the governance issues.

9. RECOVERY PLAN UPDATE

This item was deferred.

10. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED.

(a) APPOINTMENT OF MONITORING OFFICER.

Consideration was given to a report, copies of which were circulated at the meeting, recommending the appointment of Francis Fernandes Chief Solicitor as the Council's Monitoring Officer during the period of transitional authority. Some members expressed concern that as the report had been circulated at the meeting they had not had sufficient time to consider it properly.

RESOLVED: That a further report be submitted to the next meeting of the Council to enable it to receive due consideration but that in the interim until the next Council meeting Francis Fernandes Chief Solicitor be appointed as the Council's Monitoring Officer.

(b) Consideration was given to a report, copies of which were circulated at the

meeting, recommending as an urgent temporary measure the further adjustment of the existing delegations to Officers to formally validate their exercise by the new Directors and/or the relevant current Section Manager in respect of those functions for which they are responsible. Again concerns were expressed by some members that they had not had sufficient time to consider this report.

RESOLVED: That a further report on delegations to Officers be submitted to the next meeting of the Council and that in the interim until the next Council meeting approval be given to the further adjustment of the existing delegations to Officers to formally validate their exercise by the new Directors and/or the relevant current section manager in respect of those functions for which they are responsible.

The meeting concluded at 9.45pm