

MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON MONDAY THE TWENTY SECOND DAY OF MAY 2006 AT SIX THIRTY O'CLOCK IN THE EVENING

PRESENT: HER WORSHIP THE MAYOR Councillor S.Beardsworth (in the Chair).

COUNCILLORS: Acock, Allen, Boss, Caswell, Church, Crake, Duncan, Edwards, Eldred, Evans, Flavell, Glynane, Hadland, Hill, M.Hoare, B. Hoare, Hollis, Hope, Lane, Larratt, C. Lill, Malpas, B. Markham, I. Markham, Mason, Miah, Patterson, Perkins, Pritchard, Robinson, Roy, Simpson, Tavener, Taylor, Wire, Woods and Yates

1. MINUTES.

The minutes of the proceedings of the meeting held on 27 March 2006 were signed by the Mayor.

2. APOLOGIES.

Apologies for absence were received from Councillors Barron, J Lill, Massey, Matthews, Palethorpe and Stewart.

3. MAYOR'S ANNOUNCEMENTS.

At this juncture the Mayor announced with deep regret the death of Cyril Benton, former Borough Councillor, past Mayor, one time Leader of the Conservative Group and more recently, Honorary Alderman of the Borough. Each of the three political groups paid tribute to Cyril's life and work on the Borough Council and the Council then stood for a minute's silence as a mark of respect.

The Mayor announced that she had now passed the £20,000 mark for her charities during her mayoral year.

4. DEPUTATIONS/PUBLIC ADDRESSES/QUESTIONS.

RESOLVED: That Mr B Cooper and Mrs Buckingham be permitted to address the Council in respect of Item 7(E) – Notice of Motion on the Cynthia Spencer Hospice; that Mr B Oliver and Mr B Newham be permitted to address the Council in respect of Item 7(A) – Notice of Motion on Allotments; that Mr Clarke be permitted to address the Council in respect of Item 7(C) – Notice of Motion on Northamptonshire Police Authority; and that County Councillor Bullock be permitted to address the Council in respect of Item 10 – the Overview & Scrutiny Report on Homelessness.

5. AUDIT COMMISSION PLANNING INSPECTION - PRESENTATION BY JONATHAN BROWN AUDIT COMMISSION

At this juncture Jonathan Brown from the Audit Commission gave his presentation on the Planning Inspection. He briefly explained what the inspection was about, stating that between 12-16 June he would be preparing for the inspection which included judgements of quality of service and improvement to the service in respect of Planning. The scope of the inspection covered issues such as development control, building control, planning enforcement, planning policy, etc. The reasons Planning Services were being looked at was because it was in the Audit Plan agreed by the Audit Commission some time ago and it was necessary to see that Planning Services were playing an effective and enabling role in the Borough. J Brown advised that the Audit Commission had met with the Corporate Managers and that the next step would involve meeting with the Planning Chair Members, etc. After the Commission had been onsite there would be some feedback and some conclusions but at this stage the rating would not be given. A draft report would be prepared by July with the final report due at the end of August. J Brown then took any questions from members and was thanked for his presentation.

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

Councillor Church asked a question of Councillor Flavell as the Portfolio Holder as to what action was being taken following the appalling vandalism of the Racecourse bowling green during the weekend of 22-23 April to deter a recurrence and when could the bowling club expect fences around the green similar to those already placed around the bowling greens in Abington Park. Councillor Flavell advised that the Police were investigating the matter as it constituted criminal damage and that the patrol of the area through the park ranger service had been increased. With regard to the fencing there was no funding allocated but a capital bid would be submitted for this improvement work which would be considered against other corporate priorities. In addition Councillor Flavell advised that she had met with members of the Bowls League who were appreciative of the current position and were prepared to assist by making a contribution towards the cost of the works.

Councillor Pritchard then asked a question of Councillor Flavell as the Portfolio Holder whether in terms of grass cutting there had been any alterations to the number of cuts throughout the Borough. She asked what monitoring was in progress to check on the standard of work and did we still cut highways grass on behalf of the County Council. Councillor Flavell advised that there had been no alteration to the grass cutting regime but that following delivery of new mowing equipment there had been extensive staff training and possibly this meant that it had taken them slightly longer than normal to carry out their mowing round whilst they became familiar with the new equipment. Also it was the season for grass to grow very quickly. Four area officers continually monitored staff progress with the mowing round. The Landscapes Section still cut highway grass on behalf of the County Council. She advised that the Borough received £93,500 from the County as their contribution for their standard of five cuts, although the Borough actually

maintained to a higher standard with approximately fourteen cuts.

Councillor Wire asked a question of Councillor Miah as the Portfolio Holder whether the policy still existed whereby if Council tenants or their families were involved in anti-social behaviour or criminal actions a joint letter was sent from the Council and Police placing the tenant's continued occupation of the property at risk. Councillor Miah advised that Tenancy Management wrote their own letters warning tenants of the consequences of their continued behaviour which were in line with the Police and current procedures. Should a problem escalate then a Police disclosure would be obtained to enable the appropriate legal action to be considered. There was close liaison with the Police on these matters and joint visits were often carried out which proved to be successful. Joint signing of acceptable behaviour contracts could take place between the two agencies. These contracts point out that continued anti-social behaviour may lead to an ASBO or Possession Order. Councillor Miah advised that the coordination liaison and working practices between Housing Services, the Anti-social Behaviour Unit and other Council departments and the Police were about to be reviewed in order to maximise the input from all to deal with anti-social behaviour in our tenancies and on estates.

Councillor Wire asked a question of Councillor Caswell as the Portfolio Holder whether parking restrictions had been relaxed on All Saints Square being a civic space. The Church were allowed to park wedding and funeral cars only. Designated parking bays existed for Church staff on street. However now there were oil patches and other marks on the paving of the square and he asked whether Councillor Caswell agreed with him that this was unacceptable. Councillor Caswell stated that the Borough had not relaxed parking restrictions in All Saints Square. The existing arrangement had been agreed many years ago whereby the Square was a space dedicated by the Church to the Council as public highway. However visitors to the Church and some members of the public on occasion had been using the area for parking contrary to the arrangements agreed with the Church. An agreed area in front of the Church was used to park wedding and funeral cars but was controlled by the Church via locks on chains limiting access. A reminder of the agreed arrangements had been sent to the Church and arrangements were in hand to clean the area of any oil stains. Parking Management Services have checked whether they could enforce no parking on the square and it appears that this is possible. Therefore with effect from today parking attendants would be issuing a parking fine to any vehicles found in the area other than that agreed for weddings and funerals. However special events would be allowed in the area upon the basis of a request for a licence issued by the County Council as the Highways Authority. Councillor Caswell stated that it should be noted that the County Council had expressed some doubt as to the validity of the designated parking bays on George Row which would be investigated further by the County Council.

Councillor Wire asked a question of the Portfolio Holder to which Councillor Hadland responded in Councillor Palethorpe's absence. Councillor Wire asked when the furniture and other contents were moved from the cyber café at Briar Hill. He asked what plans were now in place for the café and why as Ward Councillors were he and Councillor Marriott not involved in any decision making process. Councillor Hadland explained that the Megabytes Café had been managed by the County

Council Youth Service which had been set up initially to divert young people from anti-social behaviour and misuse of drugs. The Centre became dependent on other organisations using it as the purposes for which it was originally intended were not realised. The Youth Service decided to end the lease on the building in October 2005 although the Community Safety Partnership had provided funding to keep the Centre open prior to that date. Councillor Hadland briefly outlined the actions taken to try to keep the Centre open and referred to meetings, some of which Councillor Wire had attended. However ultimately, there was no option but to close the building and as the building was empty the Borough Council's IT Department considered that the computers could be vulnerable and so were removed. Subsequently at a CASPAR network meeting in January 2006 Age Concern, who had become the main users of Megabytes, requested that the furniture be transferred from Megabytes to the Family Resource Centre at Briar Hill where they were providing a service so that the furniture could be used there. The Borough Council agreed to this as the furniture had been paid for by CASPAR. The agreement was made with the condition that the furniture remained on the estate. Subsequently the furniture was removed to the Family Resource Centre at the end of March. At present there were no firm plans for Megabyte's building. However, with Briar Hill identified as a neighbourhood renewal area, it provided potential for usage in relation to that agenda.

Councillor Roy asked a question of Councillor Hadland enquiring how long it took for a shutter on the Londis supermarket to be repaired and she asked how many pigeons were using it as a residential option. Councillor Hadland stated that he presumed the Londis store referred to was the one on Park Square, Kings Heath and that from information obtained as far as he was aware there was no actual problem or repair needed to the shutter itself. Problems with pigeon droppings outside the shop had been reported due to pigeons roosting above the shutter and action had been taken to carry out work to prevent pigeons from roosting on the shutter. There had been a delay as the ledge above the shutter needed to be spray cleaned prior to it being boxed but it was hoped that these works would be completed by Wednesday of this week.

Councillor Roy then asked a question of Councillor Hadland whether he could advise as to the possibility of publishing questions submitted to Portfolio Holders in the Council agenda (assuming that they arrived before the publication deadline). Councillor Hadland advised that due to the timescale this was not really feasible and could result in only a proportion of the questions being published.

7. NOTICES OF MOTION

7(A)

At this juncture, and prior to consideration of the Notice of Motion under Item 7(A) regarding Allotments, the Mayor, the Deputy Mayor and Councillor Boss declared an interest and left the meeting during discussion of this item.

In the Mayor's absence the Leader of the Council, Councillor Hadland, assumed the Chair. Mr Oliver, Mr Hewitt, Mr Care and Mr Newham then addressed the Council in

respect of the Notice of Motion on Allotments asking that the motion be supported to the flaws in the proposed water charge increases and to what they considered to be an unreasonable increase in rent. They asked that charges should be charged per pole in line with the rents and that any water leaks should not be included in the water charges and that tenants should only be charged for the water that they were actually using.

Councillor Patterson then proposed and Councillor McCutcheon seconded the motion: "We call on the Council to discontinue the 5% above inflation annual uplift in allotment rents.

We call on the Council to introduce a fair system of charges for water usage on allotments in place of the proposed flawed system.

That a time-limited scrutiny investigation is undertaken for the proposed water charges."

Councillor B Markham then moved and Councillor Glynane seconded an amendment to the motion, "That the last sentence be expanded to include rents as well as water, so that it reads that a time-limited scrutiny investigation is undertaken for the proposed water charges, rents and concessions."

The amendment was voted upon and carried.

The motion as amended was then voted upon and carried and it was agreed that this would be put before the Overview & Scrutiny Committee on 14 June and that the allotment holders would be invited along to speak to that meeting.

The Mayor resumed the Chair.

7(B)

Councillor Lane proposed and Councillor Malpas seconded, "This Council congratulates the staff and administration on the progress made in tackling homelessness in Northampton. As noted by the Cross-party Task and Finish Group "significant improvements have been made within the homeless service". The Office of the Deputy Prime Minister also commended the Council reporting, "That it was clear that Northampton had made substantial progress in this area and it was very good news.

"Council therefore commends staff and the administration on the hard work and progress achieved."

Councillor Glynane then submitted an amendment and in view of the fact that the Labour Group had a similar amendment it was agreed that the Council adjourn for five minutes to combine the two amendments accordingly.

The meeting adjourned for five minutes.

The meeting resumed.

Councillor Mason then proposed and Councillor Glynane seconded an amendment to the motion: "This Council notes the progress made in tackling homelessness in Northampton. As reported by the Overview & Scrutiny Task and Finish Group, "significant improvements have been made within the homeless service". The Office of the Deputy Prime Minister also commended the Council reporting, "that it was clear that Northampton had made substantial progress in this area".

This Council acknowledges that although service improvements have been achieved much is left to do before the citizens of Northampton will be receiving the service in this area of Council delivery that they deserve.

Council therefore commends the partnership work with NCC and progress achieved and looks forward to more improvements in the future as detailed in the Overview & Scrutiny Action Plan."

Following some debate a vote was taken upon the amendment and carried.

A vote was then taken upon the motion as amended and carried.

7(C)

NB – Councillor Church declared a personal and prejudicial interest as a member of the Police Authority in the following motion and left the room whilst Items 7(C) and 7(D) were under discussion.

Mr Adams and Mr Clarke then addressed the Council in respect of Items 7(C) and 7(D) regarding the proposed merger of Northamptonshire Police Authority. Mr Clark stated that he was a member of the European Parliament for the East Midlands and stressed that such a proposed merger was not just being proposed for the Police Force but was also on the cards for the Fire and Ambulance Services. He stated that there was hardly a Chief Constable in the Country that was not opposed to these mergers and questioned therefore why the Government were doing this. He stated that if it became a regional Police Force then control would pass to the region and the Council's role would be greatly diminished. He asked that the merger be opposed for the sake of democracy.

Councillor Crake then proposed and Councillor Simpson seconded the motion regarding the Police merger as detailed under Item 7(C) on the agenda: "This Council supports Northamptonshire Police Authority in its decision not to volunteer for merger into a new East Midlands Strategic Police Authority.

In particular this Council is concerned that:

1. The estimated merger costs of £101m plus £35m per annum to meet the improvements required, calculated by all five Police authorities in the East Midlands, will not be adequately funded by Government, leading to reduced frontline policing or higher Police precept on the Council Tax.

2. The proposed merger is not projected to improve protective policing services until at least 2014.
3. All five Chief Constables in the region have expressed the view that the proposed merger as presently designed is unaffordable, very complex and very high risk and therefore likely to damage policing.
4. A single strategic regional Police Authority will lead to weaker local democratic accountability for policing.

This Council requests the Chief Executive to respond to the letter from the Home Office to record this Council's objection to the proposed merger and to write to Northampton's MPs requesting them to oppose the merger in Parliament and urges all Councillors and members of the public to take part in the Police Authority's consultation exercise."

Councillor Tavener then proposed and Councillor Hill seconded an amendment that motion (D) be inserted into motion (C) as the penultimate paragraph: "This Council opposes the merger of Northamptonshire Police Force into an East Midlands or other regional Police service. We believe that effective policing should be responsive to local needs and accountable to the local community".

The amendment was carried.

The motion as amended was voted upon and agreed unanimously with the proviso that Vernon Coker be invited to visit Northampton to discuss these proposals accordingly.

7(E)

At this juncture Councillors Allen and Roy declared a personal and prejudicial interest and left the meeting whilst the matter was under discussion.

At this juncture Mrs Buckingham addressed the Council speaking on behalf of the PCT. She stated that she wanted to address Council to ensure that they had all the facts and to explain the position with regard to the Cynthia Spencer Day Care Centre.

Councillor Eldred then moved and Councillor Acock seconded: "This Council condemns the proposed cut in funding to Cynthia Spencer Hospice by Daventry and South Northants Primary Care Trust (PCT).

We believe that the Hospice plays a vital and important role in our town and therefore request that the PCT review their decision and mandates the Chief Executive to communicate this on our behalf.

In moving the motion an amendment was added with the addition of a sentence at the end to read, "We also call on Council to support our cause and host a petition

that is accessible to the public from tonight until 12 June". The amendment was duly accepted by Council and it was further agreed that the words "Cynthia Spencer Hospice" be amended to call it "Cynthia Spencer Day Care Centre" instead.

The motion duly amended was debated, voted upon and carried unanimously.

7(F)

Councillor Wire proposed and Councillor Evans seconded that Procedural Rule 3.4 be suspended to enable the following motion to be discussed and a vote to be taken.

The motion was carried.

Councillor Wire then moved and Councillor Evans seconded: "That this Council agrees that public confidence in our decision making and public announcing of decisions and issues is paramount to the transparency of democracy. In the light that Council further agrees that the cross-party report on delegated decisions now needs to be implemented so that we can jointly monitor how delegated decisions are being made and the public accountability of the decisions.

In addition in future all announcements and comments made to the local press and media by the Borough Council "spokespersons" are to cease and any comments made will be made by the elected Councillor who is accountable to the public. In any exceptional circumstances where it is deemed appropriate for a comment from the Authority, only the accountable officer, the Chief Executive (or respective Director in her absence) may make public comment and must be do so in name."

Councillor Hadland then proposed and Councillor Tavener seconded an amendment in that the last paragraph be deleted and replaced with the following: "In addition this Council recognises that its media relations and communications programme must be appropriately managed. To this end it requires that a media protocol, communications protocol and code of conduct be drawn up and that formal guidelines be issued for all staff issuing or making media statements. These documents are to be consistent with the "Guidelines for Publicity Within Local Authorities" issued by the Department for Communities and Local Government and draft documents are to be submitted for consideration by the Improvement Board on 8 June."

Following some discussion Councillor Woods proposed and Councillor Tavener seconded that the motion be now put.

A vote was then taken upon the amendment and carried.

A vote was then taken upon the motion as amended and duly carried.

8. MEETING CYCLE 2006/07

Consideration was given to a report seeking approval to the meeting cycle for

2006/07.

RESOLVED: That the report be received and the meeting cycle for 2006/07 appended to the report be approved.

9. EXEMPTION FROM CALL IN

Consideration was given to a report advising that Cabinet at its meeting on 29 March 2006 with the consent of the Mayor under Rule 15(1) of the Overview & Scrutiny Procedure Rules had made a decision as a matter of urgency to which the call in procedure would not apply. This was in relation to land at Bedford Road the details of which were set out in the report.

RESOLVED: That the position be noted.

10. OVERVIEW AND SCRUTINY REPORT ON HOMELESSNESS

At this juncture County Councillor Bullock addressed the Council stating that he had been a member of the Homelessness Task & Finish Group, which was one of the first to be conducted jointly with Northamptonshire County Council and which was an excellent example of working in partnership. He spoke of the work carried out by the Group commenting that the key issue was about preventing homelessness across the County and the Borough. He stated that all the recommendations had been costed and were within the service plan for the Borough Council. He stated that it was a cornerstone of improvement and that he would continue to monitor and check the position in six months time.

Councillor Mason as Chair of the Homelessness Task & Finish Group then presented the report stating that this Scrutiny Task & Finish Group was the first one to be conducted jointly with Northamptonshire County Council. The Task & Finish Group had been charged with reviewing homelessness as a whole system including the interactions between the processes on both Councils to improve the quality of life and advice for people vulnerable to being homeless and to reduce the overall level of homelessness. Evidence had been heard from a wide range of representatives and there had been visits to observe operations including the Housing & Money Advice Centre. The evidence that was heard was included as appendices to the report. The conclusions and recommendations were set out on page 5 of the report.

RESOLVED: That the report of the Overview & Scrutiny Homelessness Task & Finish Group be received and noted and the recommendations as set out be agreed.

11. CPA REPORT

-Mary Perry from the Audit Commission addressed the Council commenting on the Council's progress and improvement and highlighting those areas where improvement was still required ie housing benefit service, management of voids, repair service etc She stressed that government support and advice was still

in place but that it was up to the Council to continue to take charge of its own improvement and recovery

Consideration was then given to the CPA Progress Report, copies of which were circulated with the agenda and which provided information on action planned to deliver the recommendations and addressed areas identified for improvement.

RESOLVED That the report be received and noted.

12. DRAFT CORPORATE PLAN 2006/07

This item was withdrawn to be considered at the June meeting of the Council.

13. PROGRESS ON RECOVERY PLAN

Councillor Hadland stated that the report submitted to the Government Monitoring Board showed fifteen green projects, six amber and one red. The Partnership arrangements with Bedford Borough Council had been dissolved and a new system and working arrangements were in place with regard to Housing Benefit. Seventeen neighbourhood wardens were now in post. A hundred percent stock survey had been commissioned. Senior Councillors from all three political parties had met at Highgrove House to discuss budget priorities and they could now form the Corporate Plan and Budget. The next draft Corporate Plan was due to be submitted to Improvement Board on 8 June for onward submission to Cabinet and Full Council on 26 June.

14. AUTHORITY FOR COURT ATTENDANCE - REPORT OF SOLICITOR TO THE COUNCIL

Consideration was given to the report seeking authorisation for staff to represent Council in the Magistrates Court.

RESOLVED: That Kathleen Greenwood and Paul Dixon, Legal Assistants, be authorised under Section 223 of the Local Government Act 1972 to prosecute, defend or otherwise appear on the Council's behalf in proceedings before a Magistrates Court.

15. POLITICAL STRUCTURES AND MISCELLANEOUS MATTERS - REPORT OF SOLICITOR TO THE COUNCIL

Councillor Hadland presented the political structures and miscellaneous matters report which sought approval to a number of detailed matters in relation to the political structures of the Constitution.

RESOLVED: (1) That the appointment of Councillor Caswell as a substitute member of the Improvement Board be ratified.

(2) That the portfolios and the responsibilities specified in appendix 1 of the report be approved.

- (3) That the Leader be given delegated powers to choose both the content and the allocation of portfolios to Cabinet members.
- (4) That the scheme of delegations for Cabinet members and its associated protocol at appendix 2 of the report be noted.
- (5) That Council Procedural Rule 13 (Sealing of Documents) be amended so that Rule 13(2) begins, "The seal of the Council shall be attested by the Chief Executive or by the Solicitor to the Council (or other solicitor of least Team Leader level who is so authorised by either the Chief Executive or the Solicitor to the Council) etc".
- (6) That the Solicitor to the Council be authorised to make changes to the Constitution to implement the changes outlined in this report.

16. REMUNERATION PANEL

Councillor Hadland presented a further report of the Remuneration Panel seeking approval to the amendment of the Members Allowance Scheme to take into account the recommendations made by the Independent Remuneration Panel following a meeting of the Panel the previous week. In presenting the report Councillor Hadland stated that the Conservative Group were proposing the deletion of recommendations 1 to 3 with a new recommendation 4 that the allowances be reviewed as from April 2007 and that recommendations 5 and 6 remain the same. Councillor Church expressed the view that the three political parties should meet to discuss the report and therefore suggested that it be deferred.

RESOLVED: That the further report of the Remuneration Panel be deferred and referred to the Improvement Board for further consideration and then duly submitted back to a future meeting of the Council.

17. APPOINTMENT OF SECTION 151 AND MONITORING OFFICERS

Prior to consideration of this item the Solicitor to the Council left the meeting. Councillor Hadland presented the report seeking to confirm the appointment of the Monitoring Officer and Section 151 Officer as by the Local Government and Housing Act 1989 and the Local Government Act 1972 respectively following the interim arrangements that had been in place during the period of 2005/06.

- RESOLVED:**
- (1) That Council affirms the appointment of Francis Fernandes, Solicitor to the Council as the Council's Monitoring Officer.
 - (2) That Council affirms the appointment of Alison Betts as the Council's Section 151 Officer.

18. DEVELOPMENT CONTROL DELEGATED POWERS

Councillor Hadland presented a report seeking amendment to the Delegated Powers relating to planning matters to include responding to consultations on behalf of Northampton Borough Council on applications to be determined by West Northamptonshire Development Corporation that would have fallen within the Northampton Borough Council's Scheme of Delegation and also to include the refusal of prior notification applications for telecommunications.

RESOLVED: That the Scheme of Delegations as detailed in the report be approved.

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

There were none.

However at this juncture Councillor Edwards raised an issue concerning disabled parking bays at Wood Hill stating that the bays excluded disabled badge holders from Saturday to Monday and asked whether this matter could be looked into.

The meeting concluded at 10:20 pm.