

NORTHAMPTON BOROUGH COUNCIL

CABINET

Monday, 5 March 2007

PRESENT: Councillor Hadland (Chair); Councillor Palethorpe (Deputy Chair);
Councillors Caswell, Flavell, Larratt and Miah

1. APOLOGIES

None.

2. MINUTES

The minutes of the two meetings of the Cabinet held on 5 February 2007 were signed by the Chair.

3. DEPUTATIONS/PUBLIC ADDRESSES

- RESOLVED:**
- (1) That P Varnsverry, R Connell, A Scott, D Jwanczuk, G Roff, Mrs Isaac, Councillor Glynane, Councillor Hollis, Mrs P Varnsverry and K Reeve be granted leave to address the Cabinet in respect of item 6 "Delapre Park Bunding – Results of Public Consultation".
 - (2) That C Swinn, N Adams and Councillor Roy be granted leave to address the Cabinet in respect of item 7 "Proposed Policy for the Occasional Disposal of Land at Discounted Market Value".
 - (3) That C Swinn, Councillor Beardsworth and J Watson be granted leave to address the Cabinet in respect of item 8 "Housing Strategy".
 - (4) That C Swinn, N Adams, A Timpson, Councillor Beardsworth and Councillor Roy be granted leave to address the Cabinet in respect of item 9 "Allocations Policy Review".
 - (5) That M Littlewood be granted leave to address the Cabinet in respect of item 10 "Revised Severance Scheme".
 - (6) That N Duffy be granted leave to address the Cabinet in respect of items 12 and 16 "Grosvenor Greyfriars Progress".

4. DECLARATIONS OF INTEREST

- (1) Councillor Larratt declared a personal interest in items 12 and 16 "Grosvenor Greyfriars Progress" insofar as his role as Board member of WNDC might be concerned and spoke and voted thereon.
- (2) Councillor Glynane declared a personal interest in item 6 "Delapre Park Bund – Results of Public Consultation" in his role as Director of the National Flood Forum and spoke thereon.

5. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

None.

6. DELAPRE PARK BUND; RESULTS OF PUBLIC CONSULTATION (CPFSP)

P Varnsverry commented that he hoped that the Cabinet would make the right decision to remove the bund. He commented that the Council had admitted in February 2006 that it had not been fully aware of all the issues concerning the provision of the bund. He also referred to a recent letter from Councillor Hill stating that the flooding of parts of the parkland represented a serious health and safety issue. Mr Varnsverry commented that the questions

posed in the public consultation had been framed in such a way as to illicit a certain response; he queried why the questions had excluded information on alternative costs, the ecological consequences of the decision, and similar experiences elsewhere.

Mr R Connell stated that the vast majority of residents did not want the bunding. Proper consultation would have prevented it being put in place. English Partnerships had given the Council a way of disposing of the bund material. The problem had been made worse by a lack of will to enforce the planning conditions. The public consultation exercise had been pointless and was in his view a way of delaying making a decision. He asked when would the bund be removed.

Mr A Scott commented that he appreciated the financial constraints that the Council was operating under but to do nothing was not an option and was a slap in the face of the residents.

Mr D Jwanczuk commented that he was in mourning for the park that he had once loved.

Mr G Roff commented that he was speaking on behalf of over 400 people in Delapre who did not want the bund.

Mrs Isaac commented that the removal of the bund appeared now to come down to a question of cost. The residents had been promised that it would be removed; it could be removed to Ransome Road. She commented that the bollards could be self-sourced from the area at the rear of Eleanor Cross and so there would be no cost to the Council.

Councillor Glynane commented that there was a real passion for preservation of the Abbey and surrounding parkland. Local residents did not want the bunding. He believed that the questions asked in the survey had been skewed and the costs not realistic. He referred to the development proposals for Ransome Road and the former power station site where an influx of residents would need further facilities. He commented that after the recent heavy rains much of the parkland was a quagmire.

Councillor Hollis said that she was concerned that the bunding had been a crude solution that had not worked. She was concerned at the amount of surface water and whether this represented a health and safety issue. She commented it would be a dereliction of the Council's duty if this were not resolved.

Mrs Varnsvery queried why the inadequate development by the Golf Club had been allowed. She supported the comments made by the previous speakers.

K Reeve commented that as a resident he disapproved of the bunding but referred to the need for more playing fields because of the proposed development in Ransome Road. He queried whether the WNDP might be able to contribute towards some of these costs.

The Asset Manager submitted a report that set out results of the public consultation exercise seeking a response to the proposed removal of the Delapre Park bund. He commented that a majority of respondents did not wish the bund to be removed or public money spent on it. He commented that the figures given in the questionnaire represented the highest likely costs; it would have been misleading to portray the lower costs if in the event the real costs had turned out to be much higher. He commented that there was no evidence of any problem with the actions of the Golf Club. In respect of the removal of the bund material potentially to Ransome Road the costs of disposal of the material would fall upon the person providing it, in this case the Council. In any case it was not clear that the material would be suitable for English Partnership's needs. They had already indicated that if it had a granular composition it would not be suitable for them.

The Asset Manager commented that in respect of the water accumulations this appeared to fall into two issues; firstly with the Golf Club who were concerned about the level of water in ditches and some puddling on the Golf Course; the ditches were to be reduced in depth and the falls reduced. They would take further action in respect of the puddling of water on the Golf Course. Secondly in respect of the London Road bund the bunding appeared to be impeding the natural flow of water. There were other areas of the parkland that were also boggy but it was not clear if this was as a result of the bund. The Environment Agency had confirmed that bunding posed no flood risk to Far Cotton. He commented that the recommendation to Cabinet was to take no further action in respect of the removal of the bund but he suggested that further investigations into appropriate drainage systems be undertaken.

Councillor Larratt commented that the recent bad weather had shown that there was a need to look at the drainage issue and he commented that discussions with English Partnerships should continue in respect of the bund material. He commented that the Council's parks were valued assets and the Council wished to see them continue to develop. He concurred with the comments made in respect of sports pitches as he was aware that there was a deficit of sports pitch provision in the southern part of the town.

Councillor Hadland commented that following the provision of the bund there had been a local campaign to remove it. Some people had felt that with the granting of planning permission for the removal of the bund that the problem would be solved. However it remained an aspiration for the bund to be removed but this had to be at the right time and at minimal cost to the Council. The public consultation had confirmed that an economical means of removing it had to be found. He concurred with the comments made in respect of new residents to the area and improved facilities for existing residents would be an ideal opportunity for them to be provided at Delapre Park. The Council would continue to work with English Partnerships, WNDP and developers to achieve this. Whilst the bund could not be removed at the present time the problems with recent flooding would be urgently investigated.

RESOLVED:

- (1) That no action be taken to remove the London Road bund at the present time, but that this remain an aspiration and opportunities explored to achieve this at a minimal cost to the Council.
- (2) That discussions continue with English Partnerships and any other development organisations concerning their potential requirement elsewhere for the material making up the bund.
- (3) That urgent investigations be undertaken with a view to alleviating the current flooding issues.

7. PROPOSED POLICY FOR THE OCCASIONAL DISPOSAL OF LAND AT DISCOUNT TO MARKET VALUE (CPFSP)

Councillor Roy commented that the disposal of property had recently arisen at two meetings of the Race Equality Council which had raised concern about the existing policy of identification of sites and secondly the transparency of decisions that had been reached. The report appeared to contain a contradiction in that on one hand it proposed a framework for decisions to be reached and then referred to officer discretion. She referred in particular to the Park Square shops in her ward some of which had accommodation above. This accommodation was not part of the Council's housing stock and some were in appalling condition. She had also heard comments that some people had been able to buy shops and others refused. She repeated that the report appeared to be contradictory and sought a recommendation for a further report on equalities issues. She commented that the report was not sensitive about people's homes.

Mr Swinn commented that he supported Councillor Roy's comments and queried why the capital receipt gained from the sale of Council houses was not used to improve the quality of the remaining stock. He referred to the fact that there were some 7,000 people on the Council waiting list and 3,000 on a transfer list.

Mr Adams commented that this report appeared to be leading the way to the disposal of least viable and most profitable Council properties. He referred to correspondence from the Homelessness Task and Finish Group to Councillor Miah seeking the involvement of NTACTION in policy decisions but this had not happened. He made reference to the Housing Allocation Policy and the Housing Strategy where NTACTION had not been properly consulted.

The Asset Manager submitted a report that set out a policy for the disposal of Council land and property at less than full market value. This policy would only apply exceptionally. The policy would reflect the Council's objectives, require the support of residents, the potential to lever in other funding and any project would have to be self-financing in both capital and revenue terms. This policy was intended to avoid the making of arbitrary decisions and Cabinet would consider all cases. The Asset Manager also commented that the Council had not recently sold any shops. If it were to do so then the objective would be to balance the benefits to the Council in terms of a short term gain through a capital receipt against long term income potential.

Councillor Hadland commented that this report was concerned with providing greater transparency in this type of property dealing and Councillor Larratt referred to the Council's previous successes at disposing of land at less than market value for example the Whitewater Centre.

- RESOLVED:**
- (1) That the presumption be that all disposals of Borough owned land and property whether by freehold or grant of lease will be at market value (other than sales under "right to buy").
 - (2) That in exceptional cases that meet the criteria set out in Appendix 2 of the report the Cabinet may give consideration to the disposal of land and property for non-commercial uses only at less than market value. It is further recognised that, albeit rarely, sometimes disposals at under values very low amounts even to private parties can support specific Council strategies. Consequently for the purposes of this proposed policy "less than market value" shall be defined as being either a maximum of £5,000 below actual market value in respect of freehold disposal or a maximum of a £5,000 cumulative rental reduction from open market rental over the whole term of years in respect of the leasehold disposal in such latter cases any such disposal would nevertheless have to be approved by the Portfolio Holder acting in accordance with the constitution of the Council.
 - (3) That in cases that satisfy the criteria set out in Appendix 2 there is no obligation to dispose of for less than market value but that such cases be given consideration subject to affordability.
 - (4) That any exceptional disposal of land or property at less than market value will ordinarily be assumed to be way of grant of a leasehold interest to ensure that the Council can probably control the future permitted use of the land or property.
 - (5) That a freehold disposal at less than market value may only be considered where for specific reasons made clear in a report to Cabinet the grant of a leasehold interest will now allow the proposed disposal/scheme to proceed or will be inappropriate in these circumstances Cabinet must be wholly satisfied before agreeing to any freehold disposal, that legal mechanisms will ensure that proposed restrictions on future use will be sufficiently robust and enforceable.

8. HOUSING STRATEGY (EI)

Mr Swinn commented that he welcomed the report but was disappointed that NTACT had not been properly consulted upon it. He did however welcome the fact that the Housing Strategy Panel would have a tenant representative on it.

Councillor Beardsworth commented that she had been a member of the Housing Strategy Steering Group and felt that it had had good support from the consultants and other Councillors and that the strategy whilst being an evolving document also provided a good basis for the future.

Councillor Caswell submitted a report that set out the draft Housing Strategy for 2006 to 2011 for approval for submission to the Government Office for the East Midlands. He echoed Councillor Beardsworth's comments in respect of the working of the Steering Group and thanked J Watson, Consultant, for his advice and work. The Steering Group would continue to meet on a quarterly basis to monitor the implementation of the strategy.

The Corporate Manager for Regeneration, Growth and Community Development commented that the Housing Strategy formed part of the Council's Corporate Plan. The Steering Panel and Project Board had included Council Housing, Customer Service, Private Sector Housing and representatives from the Housing Corporation and the County Council. There was a statutory duty to produce a Housing Strategy and five strategic priorities had been identified namely, the supply of affordable housing; sustainable housing; improvement of the housing service; improvement and support of vulnerable groups and to meet the Decent Homes Standard. These had all been given equal weighting within the strategy.

J Watson commented that he had been engaged to write the strategy as the existing one had no longer been deemed fit for purpose. Simply, the strategy had stated where the Council was at the present time where it wanted to be in the future and the route to get from one to the other. He believed that the Steering Panel had worked very well and a draft strategy had been completed on 7 December and then consulted upon until 12 February. GOEM had initially indicated that they were satisfied with the document and had made some suggestions that had been subsequently taken into account.

Councillor Palethorpe commended the report and commented that the Council had now made two decisions to retain its housing stock and therefore the strategy was a vital piece of work to maintain and improve that stock.

Councillor Hadland expressed his thanks to all those involved in the production of the strategy.

RESOLVED: That the draft Housing Strategy 2006 to 2011 "Enabling and Delivering Housing Choice" be approved for submission to the Government Office for the East Midlands.

9. ALLOCATIONS POLICY REVIEW (RO)

A Timson commented that earlier in the day the report had been presented to NTACT and she queried whether the Policy Review needed to go further in respect of repairs and voids. NTACT had expressed the view that they would prefer three offers of a property to households rather than the proposed two. In respect of the list of 3,000 applicants on the transfer list she commented that many of these were requests to transfer to a smaller property but that tenants often required further assistance in carrying out minor works to make such offers viable.

Councillor Beardsworth welcomed the report as an interim position and that it moved the Council closer to choice based lettings and the marketing of the properties. She also commented that in respect of downsizing the Council needed to have provision of the right type of property in place for this. She also expressed some concern about the introduction of Introductory Tenancies to Homeless Clients less than eighteen years of age.

Councillor Roy commented that the issues represented in the report represented a large part of a Councillor's caseload. She expressed concern that the issues raised in the report had not been brought before the Homelessness Task and Finish Group.

Mr Swinn supported the comments made by Councillor Roy and queried why the report had been available only shortly before the commencement of the meeting. He commented that on average 30 days of a property's being void was taken up by tradesmen working on it. He related a personal circumstance where he had been offered a property in October but had been only able to view it in February as he had had to wait for works to be done. He commented that the Council needed to have a much more commercial attitude towards turning void properties round.

Mr Adams stated that NTACTION would prefer more than two offers of properties to be made and expressed concerns that the standard being set for properties being deemed ready to let was too low.

Councillor Miah as Portfolio Holder for Residential Operations submitted a report that proposed four amendments to the current Allocations Policy ahead of a full service review which was due to commence in April 2007 and would probably take 12 months to conduct. The proposed amendments would have an immediate effect on performance in respect of void turnover, the length of time people were having to use temporary accommodation and in homelessness prevention. He commented that the proposals would strengthen the Council's focus and would bring it into line with best practice elsewhere. He commented that he appreciated the concerns expressed in respect of limiting offers to two and proposed that this be amended to three. He also concurred that the support package to clients less than eighteen years of age needed to be robust.

RESOLVED:

- (1) That offers of accommodation be restricted to three per household (excluding homelessness cases who receive one reasonable offer only); refusal of the third offer would result in a penalty of suspension from the Housing Register for 12 months.
- (2) That the choice of offers for homelessness applicants be restricted to (a) a choice of location for one month only and (b) a choice of property type for one month only.
- (3) That the allocation of introductory tenancies to homeless clients less than eighteen years of age where no guarantor can be found be agreed subject to a robust and appropriate support package being in place.
- (4) That priority transfers for housing management transfer cases where homelessness will be prevented be agreed, choice of property type and area to be in line with homeless client choices as in (2) above.

10. REVISED SEVERANCE SCHEME (BIPSE)

M Littlewood commented that the Trade Unions supported the Council for seeking to ensure that redundancies be handled in the same way as under the Root and Branch process. However, they did have concerns that because of the affordability clauses as referred to in paragraph 3.1 of the Manager's Notes on Cost, Appendix A, that this would lead to cherry picking of the cheapest options. He stated that affordability clauses had not applied in the Root and Branch Scheme and sought clarification that redundancies would be sought from those volunteering for it.

The Corporate Manager for Human Resources submitted a report that set out a Revised Severance Policy that took account of legislative changes but was similar to the existing scheme. He commented that affordability had been a requirement for the original scheme but what was different was the need for these costs to be met at the front end. He commented that Managers were working hard to meet the requirements for redundancy through voluntary means. He further commented that the scheme would need formal approval by the Council on 26 March 2007.

RECOMMENDATION: (1) That the Early Retirement/Severance Scheme as set out in Appendix 1 of the report be adopted for implementation from 1 April 2007.

(2) That the recommended Statement of Discretions (Appendix 2 of the report) for implementation from 1 April 2007 be confirmed.

11. BUDGET OUTTURN 2006/07 (CPFSP)

The Director of Finance submitted a report that indicated the current year projected outturn position and confirmed that the position conformed to the projected £1.9m deficit. Measures for dealing with had already been put in hand. He also referred to the fact that the Council had been awarded £860,000 as a one off Local Authority Business Generation Grant which he suggested be put into reserves to be used in the context of unfunded risks which would be the subject of a further report to the Cabinet.

Councillor Hadland further stated that the actions taken by the Council were reducing the projected £1.9m deficit and that the further report on unfunded risks would consider using part of the grant award to give contingencies for events management, the pay and grading review and the Sheep Street public conveniences.

RESOLVED: That the report be noted.

(B) HOUSING REVENUE ACCOUNT FORECAST OUTTURN 2006/7.

The Section 151 Officer submitted a report that set out the HRA Forecast Outturn for 2006/7 and commented that there was little change from the previous report save that there was £160,000 improvement as a result of HRA vacancies.

RESOLVED: That the position on the Housing Revenue Account Forecast Outturn 2006/7 be noted.

(C) HRA BUDGET.

The Section 151 Officer submitted a report that set out variances to the 2006/7 and 2007/8 budgets. He noted that 2007/8 represented a 53 week year and as a consequence there would be an improvement in working balances of £900,000 in 2007/8.

RESOLVED: That the changes to the overall HRA budgets for 2007/8 and the forecast budgets for 2007/8 and the forecast budgets for 2009/10 be approved.

12. GROSVENOR/ GREYFRIARS; PROGRESS (CPFSP)

Councillor Caswell as Portfolio Holder for Economy and Infrastructure submitted a report that updated the Cabinet on progress on the Grosvenor Greyfriars Project. The Corporate Manager for Regeneration Growth and Community Development commented that the report sought approval to a further £145,000 expenditure subject to evidence by the Council's consultants that a financially viable scheme existed. This expenditure would then be necessary to reach the Heads of Terms Agreement. He also commented that a briefing for Councillors would be held during March.

Mr N Duffy commented that the next week would be crucial to the future of the project as the consultants to both Legal and General and the Council would be advising their clients if a deal could be struck.

- RESOLVED:**
- (1) That the progress and actions to date set out in the report be noted.
 - (2) That the strategy for the progression of the project previously agreed by the Cabinet of 5 February 2007 be confirmed.
 - (3) That approval be given to a further budget of £145,000 between March 2007 and April 2007 to progress the project towards a conditional development agreement; further financial resources to be considered as negotiations progress and as reported to Cabinet on 16 April 2007.
 - (4) That approval to expenditure against the £145,000 budget be subject to evidence of a financially viable scheme as advised by EC Harris and Donaldsons Consultants; the Corporate Manager for Regeneration, Growth and Community Development to be delegated to authorise use of the budget subject to consultation with the Leaders of the three political groups and the Portfolio Holder for Economy and Infrastructure.

13. MEETINGS CYCLE 2007/08 (CPFSP)

The Solicitor to the Council submitted a report that set out a proposed Meetings Cycle for 2007/08. It was noted that Cabinet meetings had been programmed on a monthly basis and a greater time differential between Consultative Group and Cabinet meetings had been allowed for so as to improve the publication of reports.

RECOMMENDED: That Council approve the Meeting Cycle set out in Appendix A of the report.

14. KINGSTHORPE RECREATIONAL GROUND AND KINGSTHORPE MIDDLE SCHOOL (CEDs)

Consideration deferred.

15. 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.

16. GROSVENOR/ GREYFRIARS; PROGRESS (CPFSP) (3)

The Corporate Manager for Regeneration Growth and Community Development submitted a report that invited the Cabinet to consider the use of Compulsory Purchase Powers in support of the scheme. N Duffy reported on the likely options that the Council would be able to consider in respect of the scheme.

- RESOLVED:**
- (1) That the report be noted.
 - (2) That the Council indicate that it would support the use of Compulsory Purchase Powers subject to this being underwritten by Legal and General.

17. TRADE WASTE (LE) (3)

Councillor Flavell submitted a report that proposed the sale of the Trade Waste Collection Service. The Corporate Manager for Street Scene and Property Maintenance commented that the Trade Unions and Employees had been informally notified of this proposal before

Christmas and if approval were given to the report then, following advice from the Corporate Manager for Human Resources, official consultation would be commenced. It was noted that TUPE would apply to the existing employees concerned.

RESOLVED: That approval be given to the sale of the Trade Waste Service during the financial year 2007/08.

The meeting concluded at 20.37 hours