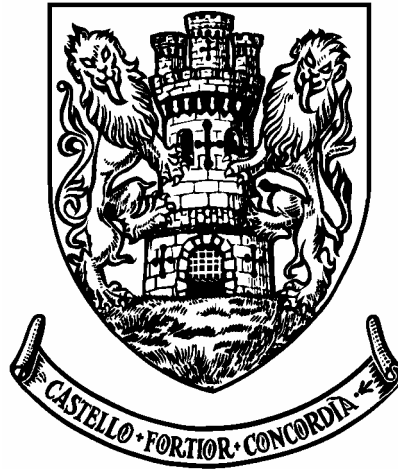


# NORTHAMPTON BOROUGH COUNCIL



## COUNCIL

Monday, 26 March 2007

**YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON MONDAY, THE TWENTY SIXTH DAY OF MARCH, 2007 AT SIX THIRTY O'CLOCK IN THE EVENING WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED:-**

**1. MINUTES.**

To approve the minutes of the proceedings of the Meetings of the Council held on 13<sup>th</sup> and 21<sup>st</sup> February and 1<sup>st</sup> March 2007.

**2. APOLOGIES.**

**3. MAYOR'S ANNOUNCEMENTS.**

**4. DEPUTATIONS/PUBLIC ADDRESSES**

**5. QUESTION TIME**

**6. CABINET MEMBER PRESENTATIONS**

**7. REVISED SEVERANCE SCHEME (REPORT HEREWITH)**

**8. MEETING CYCLE (REPORT HEREWITH)**

**9. PLANNING DELEGATIONS AND PLANNING PROTOCOL (REPORT HEREWITH)**

**10. APPOINTMENT OF HEAD OF PAID SERVICE - INTERIM ARRANGEMENTS**

**11. PROGRESS ON RECENT NOTICES OF MOTION (REPORT HEREWITH)**

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

The Guildhall  
Northampton  
15<sup>th</sup> March 2007

J.Edwards Interim Chief Executive

## **COUNCIL MEETING – 26 March 2007**

### **Statement from: Cllr D Palethorpe, Cabinet Member for Community Safety, People Support**

#### **Budget for 2007/2008**

The Council agreed the 2007/2008 budget on 21<sup>st</sup> February. It incorporated significant efficiency savings and is designed to provide for important future service developments. Two amendments to the budget have had a significant effect on the distribution of the Community Enabling Fund.

#### **Community Enabling Fund**

A 2-day CEFAP board took place on the 14<sup>th</sup> and 15<sup>th</sup> March to agree the distribution of the fund. My thanks to Councillors Irene Markham, Richard Matthews and Michael Boss who along with officers and representatives from the voluntary sector formed the board.

#### **Sickness Absence**

At the end of the third quarter [January 2007], the average number of days lost per employee was 9.34 days. This compares with 13.37 days for the same period in 2005/2006. This is a very significant improvement on last years out turn figure of 16.2 days absence and indicated the excellent work that has been done across the whole authority. Targets have been set at 9.9 days per annum for 2007/2008.

#### **Pay & Grading Review**

Work on job evaluations as part of the pay and grading review is continuing in line with the agreed programme. The administration continues to be committed to the implementation of the pay and grading review outcomes.

#### **Community Safety.**

The agreement between Northampton Borough Council and the Police Authority to jointly fund additional PCSOs has been welcomed, and the 6 additional Police Community Support Officers (PCSOs), recruitment, training and deployment is now being progressed to compliment the 17 Neighbourhood Wardens.

The successful re-launch of the Crime and Disorder Reduction Partnership (CDRP) linking in with the Northampton LSP is now in place and a tasking event to establish the priorities for addressing crime and anti social behaviour is planned to take place in April. The new CDRP will benefit from having senior representatives who have the authority to make decisions on behalf of their organisations on the board which will in the next six months prove more effective in tackling identified priorities for action across the whole town.

## **Leader's Report for Council 26<sup>th</sup> March 2007**

### **CPA**

Dealing with response to the publication of report.

Meeting with Minister to discuss future proposals.

### **LGA, etc**

Meeting with LGA Improvement Board to discuss offers of assistance

Meeting Chief execs and Leaders of Northamptonshire Councils to increase joint working following Local Government White Paper and developing ELGIN (Enhanced Local Government in Northamptonshire) proposals

### **BUDGET**

Two Budget Council meetings, delivering balanced Budget following public consultation.

### **Local Development Documents**

Chairing steering group and dealing with Local Development Scheme jointly with DDC and SNC, responding to GOEM's holding direction on the earlier draft.

### **Local Area Agreement**

Shadow board

### **Local Strategic Partnership**

Board meetings and conference on Community Strategy and Vision

### **Chief Executive and Interim Chief Executive**

Engagement of John Edwards

### **Leadership briefing**

Regular meetings

### **Town Centre Strategic Board**

First meeting

TJH  
16-03-07

## **Cabinet Portfolio Presentations to Council – 26 March 2007**

### Culture and Leisure

- Leisure Centre membership continues to grow. Prices have been increased from 1 March by an average of 10% to meet the demands of the 2007/8 budget. At this stage it is not clear what if any effect this may be having on customer demand.
- The Overview and Scrutiny Committee's Task and Finish Group on leisure services will shortly be reporting its findings, which will help to set the agenda for developing strategy in this area.
- The whole of the leisure and culture service is to undergo a process of self assessment and external validation known as 'Towards an Excellent Service' (TAES) developed by IDeA and Sport England and supported by the regional Government office. Consultation on this is underway.
- Within arts and events the focus is on creating attractive events which will generate sufficient income to cover their costs. This means seeking major sponsorship and charging for events where appropriate. Financial commitments to other events have been scaled back.
- 
- Credit is due to the enthusiasm and willingness displayed by staff at Lings Forum preparing for the potential evacuation of hundreds of people from Billing Aquadrome due to flooding on 5/6 March. With staff from homelessness and neighbourhood wardens, they ensured that we would have been ready if the evacuation had been necessary.

### Northamptonshire Waste Partnership

The NWP has been created to bring together Northamptonshire County Council and the 7 Districts and Boroughs within Northamptonshire as partners to reducing the amount of waste that goes to landfill in the most efficient, effective, economical and sustainable manner.

### Recycling

The recycling rate seems to have bottomed out at 38%, which is still above the national target set at 30%. We are working on initiative to recycle from flats and to encourage those that do not recycle at present, to do so. We are doing this through the partnership we have with Northamptonshire County Council's "Slim Your Bin" group and the NWP's Waste Education Team.

### Trade Waste

Due to the uncertain long term viability of our trade waste service, particularly following the introduction of additional taxes in relation to LATS, the Landfill Allowance Trading Scheme, something which is not levied on our external competitors, we have made the decision to commence the process to sell this discretionary service.

### Property Maintenance

Following the formation of the GMB for Housing, work has commenced on the development of a comprehensive Service Improvement Plan.

Voids continue to improve.

### Development Control

Progress is continuing with processing planning applications. A report is being presented to Council tonight.

### Building Control

As Councillors will be aware a report was brought to Cabinet in December regarding the future of Building Control. Partnership Approach being explored.

### Environmental Health

Introduction of dog control orders progressing.

Smoke free legislation scheduled for 1 July this year, work is underway on advising businesses of their duties and responsibilities under the act.

We signed the Nottingham declaration on climate change last year and have pledged to reduce our carbon emissions with a carbon management scheme that is currently being developed corporately across the Council.

## Portfolio Holder Report - 27<sup>th</sup> March 2007

### Street Scene & Parks and Open Spaces

- Kingsthorpe Cemetery Extension has been completed, providing burial provision for a further 3 to 4 years. Before the extension was completed there was approximately 9 months provision left at this cemetery. Further Extension to this cemetery will take place in 2 years time.
- A Tree Policy written and soon to be taken forward for cabinet approval.
- A new allotment strategy has been written, and is to be presented to Cabinet in April 2007. This has been developed through a very close working relationship with Northampton Allotment Network.
- We have received a Silver award for the Britain in bloom contest, (City category), for town centre and various projects around the borough. We were highly praised for the work done with the community.
- Bradlaugh Fields has been entered for a Green flag award. This is a very successful park, where there is heavy community involvement. The Park has also been forward for a Queen's award due to the Community involvement. We also work in partnership with the Wildlife Trust and BCTV in this park.
- Elpi 5 - is the BVPI for fly tips, has ran consistently above 99% for whole year with cumulative figure to date of 99.78% this is top quartile performance.

- New changing rooms are now under construction at the Racecourse. This is a joint initiative between Northampton Borough Council and the Football Foundation. New facilities are also soon to open at Far Cotton Rec.
- A Racecourse Improvement Board has been set-up. Due to problems on the racecourse a board of interested parties has set up a group to look at the issues and problems, and how they can and are being resolved.
- Sponsorship is being sought for flowerbeds, hanging baskets and planters around the town. 120 letters have been sent out to local businesses and organisations seeking their sponsorship for these that will hopefully enhance our success in this years Britain in Bloom Awards.
- Consideration has been given to the re-scheduling of cleansing rounds and the grounds maintenance programme following budget reductions so as to minimise impact on services and standards.
- Work is well under way in planning and programming a Zero Tolerance Campaign towards litter. This is a two week campaign that will commence on 2<sup>nd</sup> April.

## **Legal & Democratic Services**

There has been significant development in the Council's approach to communications over the past month. Strategic capacity has been put in place to boost the communications function and new strategies have been developed to improve the council's approach to internal and external communication. We have already developed some new methods of communication internally, including regular all staff e-mails on key issues, a weekly communication brief from the Interim Chief Executive and are working on a branded campaign to



support the "turnaround" of the Council. There is still much to do but I am confident that this positive start will result in positive benefits for the council and will support the change that we need to demonstrate to our external monitors by June.

## COMMUNITY CENTRES

A project group is to be established including Community Development, Asset Management, Legal Services and Neighbourhood Management to address the ownership, costs and function of community centres generally and to establish what outputs the Council would expect in return.

Far Cotton Community Facility This Building is due to be handed over to the Council prior to the end of March

Brookside Community Centre -Options under consideration

Alliston Gardens -Need recognised to complete a formal management agreement with minimum term of years to permit external funding to be sought.

## MONEY 4 YOUTH

Money 4 Youth is a national project whereby money has been made available to young people in Youth Forums to spend on setting up youth projects. Through partnership working more than 20 projects have been set up in this financial year.

**Northampton Borough Council**  
**Full Council Meeting – Monday 26<sup>th</sup> March 2007**

**Statement from Cllr. Yousuf Miah**  
**Cabinet Member for Residential Operations**

In addition to my regular meetings with the Corporate Manager and with members in the Housing Operations Team, I am pleased to report significant progress in the following areas of work within the portfolio.

1. **Fish Street Services Move to the Guildhall** - This move will enable us to bring some of the key services in the council together and in doing so, offer customers an improved level of service from the One Stop Shop. Undoubtedly, there will be changes and disruption will be felt both internally as well as by the customers however, our staff have approached the move in a positive frame of mind and we have met to look at the practicalities of the move. We will continue to meet regularly to ensure that the transition is as smooth as possible and learn as we go along. It will be vital to monitor closely the way things work or don't work and rectify them.
2. **Choice Based Lettings** – The close workings of several areas, including VOIDS, allocations, repairs etc. have resulted in an excellent trial. We will now be undertaking an evaluation of the programme to see what could be learnt with all the early signals pointing to a very successful scheme to date. The interest and take-up has been both positive and welcomed by most people. The project plan for coming months will give us a clearer idea post the evaluation period as to how the future of our housing needs and allocations will be.
3. **Allocations Review** – Cabinet approved the review of our Allocations Policy with a move to limiting the number of offers made to people. In order to bring us in line with other good practices across the county and elsewhere, we are looking at a benchmarking exercise with this review. It will not just look at the current systems and measures in place in respect of the allocations policy but also look at ways we can help our customers help us, to help them. We have set up a sub-group to look at this, including members from N-TACT and we will discuss a raft of ideas and issues in the meeting scheduled for April.
4. **Sheltered Housing review** – Changes to the way we deliver our services to sheltered scheme residents will come into effect from April and a great deal of work has gone on in the past 18 months to determine the types and levels of support residents need and we will no doubt learn a great deal more from the next six months. It is important to point out that this review, from a housing needs point of view, is going to target residents and their individual needs as opposed to a common policy for all. In addition to receiving 24 hour service from the excellent Call Care service, many residents will now get an extra 30% more in way of support, 7 days a week. It's a flexible and more responsive service, allowing for reassessments of customers

changing need as and when it's required. We will no doubt learn a great deal in coming months.

5. **Rough sleepers Task and Finish** – Scrutiny's focus on this area has given us an insight into the diverse needs of many of our residents here in the town. This exercise has to date demonstrated the need for us to look the current and future housing needs of our town. Although not a huge percentage, rough sleepers are an increasing feature of many towns and cities. In looking at the issues surrounding homelessness, we need to focus on this area and recognise the serious shortage of hostel places available for ever increasing numbers of people who may not necessarily be from Northampton but do find themselves here because outside of London, Northampton is the first point of call for many unless they venture further north into Birmingham and Nottingham. DCLG have commended our work in the area of homelessness and as a result, we stand a good chance in being awarded additional funds to look at appropriate projects and we are working together to put a proposal together. We have met with representatives of DCLG this week.
6. **Travellers** – We continue our discussions in search of long term solutions in this area. Outside of the box thinking is required if we are to find suitable, acceptable solutions for the long term for the travelling community. Our work with other local authorities in the county is key and Northampton Borough Council is committed to working closely together in partnership to find a viable long term solution.
7. **Customer Pledge** – Our Customer Pledge was designed to offer clear roles, responsibilities and expectations of our customers and we as landlords. We need to ensure that the Pledge is working and closer scrutiny incoming weeks and months will tell us just how well it's working in practice. We will continue to look at ways to strengthen and support our tenant's representative group N-TACT to ensure we are working together and better and in doing so help them to increase their capacity and representation to truly reflect our diverse tenants.

In addition to the above, I have met with and regularly meet with our officers dealing with Performance Management, Housing Officers, cross Portfolio work particularly with colleagues and officers in Westbridge and the repairs section.

End.

**PORTFOLIO HOLDER'S PRESENTATION TO FULL COUNCIL  
ON MONDAY, 26 MARCH 2007**

**ECONOMY AND INFRASTRUCTURE PORTFOLIO**

**1. Local Development Framework**

The Local Development Scheme, which lists the timing for the Local Development Documents the Council intends to produce to replace the Local Plan and create a new Local Development Framework, has been revised and was approved by a Special meeting of Cabinet on March 15<sup>th</sup>. The revised LDS has been produced in partnership with South Northamptonshire and Daventry Councils and now includes several new documents produced jointly – notably a Joint Core Strategy covering the three Districts which is fundamental to planning for the future development of Northampton. A Joint Planning team has been set up by the three Districts to work on the joint planning documents.

We are very pleased that the Government Office confirmed in writing on 16 March that the LDS is acceptable and it will be brought into effect at the end of March.

The Council can now move rapidly towards preparing the Joint Core Strategy and the Central Area Action Plan which are the initial priorities for 2007 in the LDS.

**2. Housing Strategy**

Housing Strategy policy was done cross party with the Consultant John Watson and partners, and this has now been submitted to Government Office for its approval.

**3. Footmeadows Regeneration**

The first stage of work on Footmeadow, Victoria Park and Millers Meadow is approaching completion. New pathways, entrances and play areas have been introduced in all three areas. Substantial tree works have been carried out and plans for further works are underway.

**4. Economic & Regeneration Strategy**

A draft Economic and Regeneration Strategy has been produced along with an Executive Summary. This will go to internal consultation to political leaders and internal staff and then to external consultation

## **5. Town Centre Operations**

The St. John's and St. Michael's multi-storey car parks are changing from pay-and-display to pay-on-foot, as has already happened with Mayorhold. These arrangements are more popular with customers and reduce defaults on payments.

The Guildhall hosted an event on 12 March to promote the re-launched Town Centre Partnership to local businesses and other stakeholders. The Partnership aims to increase visitors to the town centre and hence its prosperity, and to co-ordinate service delivery among the public and private sector agencies operating there. Membership is increasing, which will give the Partnership greater influence in improving the quality of the centre of Northampton.

Cllr J Caswell

21-03-07



**NORTHAMPTON**  
BOROUGH COUNCIL

Ward/s

<b>Name of Group:</b>	<b>COUNCIL</b>
<b>Meeting Date:</b>	26 March 2007
<b>Directorate:</b>	People, Planning & Regeneration
<b>Corporate Manager:</b>	Howard Crabtree
	Public

<b>Report Title</b>	<b>EARLY RETIREMENT / SEVERANCE SCHEME</b>
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<b>Key Decision</b>	<b>YES</b>
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**1. Recommendations**

1. The Council adopts and implements the attached Early Retirement / Severance Scheme (Appendix 1) for implementation from the 1 April 2007 as recommended by Cabinet on the 5 March 2007.
2. The Council adopts and implements the attached Statement of Discretions (Appendix 2) for implementation from the 1 April 2007 as recommended by Cabinet on the 5 March 2007.

**2. Purpose and Summary of the Report**

1. The purpose of this report is to seek Council approval to change the Council's Severance Policy, first adopted in 2004 to the scheme shown at Appendix 1. Cabinet at its meeting on the 5 March 2007, having considered the options, recommended the adoption of this scheme to Council. The scheme as recommended by Cabinet is attached at Appendix 1, the only changes have been three points subsequently recommended by the District Auditor which are clearly identified in the text.
2. The Council's Policy must be revised. The recent changes (29 November 2006)

in the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 have amended the 2000 Severance

Regulations this Council's current scheme is based on. The Government changed the 2000 regulations as a result of the Employment Equality (Age) Regulations, which came into force in the UK on 1 October 2006. Councils must now change their policies by the 1 April 2007.

3. Other considerations regarding pensions and severance that are relevant include:

3.1 The removal of the 85 year rule (with transition arrangements up to 2020).

3.2 Plans by the Local Government Pension Scheme (LGPS) to introduce a new look pension scheme from 1/4/2008.

3.3 The Council's 'Scheme of Discretions' needs to be amended to support the changes to the Severance Policy.

3.4 There is a requirement that any severance scheme retains public confidence. The published scheme must be 'workable, affordable and reasonable, having regard to foreseeable costs'. Affordability is defined in relation to each individual Local Authority and the scheme it adopts, and can be challenged on a case by case basis. A published scheme enables a consistent approach to be taken by an Authority but should reflect the pressures and resource assumptions of the Medium Term Financial Plan and any other relevant resource constraints / risks that relate specifically to that Authority. The District Auditor will consider all these factors in reviewing the application of an Authority's Severance Scheme

4 The Consultative Group meeting held on 20 February 2007 reviewed in detail the options and associated costings in relation to changing the Council's Severance Scheme.

5 Full Council on the 21 February 2007 made a decision as part of setting the 2007/8 budget to replicate as far as possible a comparable scheme to the current severance scheme adopted in December 2004, with a review in September 2007.

6 This was felt to be an equitable decision as it would ensure similar treatment for staff affected by budget changes / efficiency measures compared to staff affected by Root and Branch in 2005/6.

7 Appendix 1 sets out such a scheme for immediate adoption by the Council as recommended by Cabinet. Revisions have only been made where necessary to ensure compliance with the law and the 2006 Regulations.

8 Statement of Discretions: The Local Government Pension Scheme (LGPS) allows each Administering Authority (in this case it is Northamptonshire County Council) and each individual Employing Authority to exercise certain discretions in relation to the pension scheme.

- 9 Appendix 2 updates this Council's Statement of Discretions in order to;
  - a. Bring them in line with the scheme in Appendix 1,
  - b. Include a statement concerning the discretion of granting flexible early retirement, a new provision which Authorities must incorporate by 1 April 2007.
- 10 Flexible Early Retirement gives employers the power to grant to an employee who is 50 or over and a member of the LGPS the right to request a reduction in hours or grade and take pension benefit. This may assist individuals with retirement planning etc. The newly published rules are complex and there are circumstances where granting such a request would incur additional cost to the Council. In any event it is anticipated non-discretionary regulations covering this will come into force next year and it is recommended that the Council applies these, as required, at that time.
- 11 The Trade Unions have been sent a copy of this report and received a copy of it prior to Cabinet. They are aware of the Council resolution of the 21 February 2007. A comment was inserted at their request concerning Appendix A 3.1 and the Trade Unions made a statement at Cabinet about this. It expressed their concern that the issues concerning affordability may create difficulties in achieving staff reduction by voluntary means. A copy of the Cabinet report was forwarded to the District Auditor and his comments have been included in the scheme.
- 12 Implementation: As this is the Council's first policy under the 2006 Regulations the rule that a change in policy cannot be implemented until one month has elapsed from the date of publication does not apply. The recommendation is for the Policy at Appendix 2 and the Statement of Discretions to apply from 1 April 2007.

### **3. Relevant Background**

1. A 'new look' Pension Scheme will be launched nationally in 2008.
2. New transitional arrangements have been announced for the removal of the '85 year rule' and these have been incorporated into the scheme as a requirement.

### **4. Options**

1. Alternative approaches to making severance payments were considered by Consultative Group
2. The Council decision on 21 February 2007 provides direction to adopt the



Severance scheme at Appendix 1.

## 5. Evaluation of Options

Various options have been identified, evaluated and costed prior to this report and discussed at Consultative Group - these covered having a broadly comparable scheme, a scheme that reduced overall costs and a scheme that changed the long/short term balance of costs.

## 6. Consultees (Internal and External)

<b>Internal</b>	<ul style="list-style-type: none"><li>• Trade Unions</li><li>• Interim Director of Finance</li></ul>
<b>External</b>	<ul style="list-style-type: none"><li>• District Auditor</li><li>• Administering Body</li></ul>

## 7. Compliance Issues

### A: Links to relevant Council Priorities

<b>Recovery Plan</b>
Non direct
<b>Corporate Plan</b>
Non direct

### B: Other Implications

<b>Other Strategies</b>
Links to 2007/8 Budget and Medium Term Financial Strategy

<b>Finance Implications</b>
<ul style="list-style-type: none"><li>• Detailed in costings to Consultative Group.</li><li>• Considered as part of 2007/8 budget setting.</li><li>• The Administering Authority, changed in 2006, the way employers repay the actuarially assessed costs of augmented pension service. The costs are now to be repaid at the beginning of each financial year commencing from the financial year following that in which payment commences. The period over which the costs of augmentation are repaid is now a maximum of three years. Previously the repayment cost of added years was spread over the life of the ex-employee (and potentially at a 50% rate to any surviving spouse after their death). This means potentially significant increased short term costs to the Council that will now need to be taken into account as part of the affordability criteria for accepting VR cases.</li></ul>

<b>Legal Implications</b>
Advice was sought from the Council's Legal Team and the QC involved in advising on the 2004 scheme to ensure compliance with statutory regulations and the 2006 Discretionary Compensation Regulations.

<b>Crime and Disorder Issues</b>
N/A

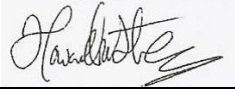

<b>Children's Act Issues</b>
N/A

<b>Risk Management Issues</b>
Failure to change the policy from the 1 April 2007 would mean the Council could not award Compensatory Added Years on Redundancy as the power to do this is removed under the 2006 regulations. Failure to adopt a replacement policy would jeopardise realisation of the full savings incorporated into the 2007/8 budget.

<b>Equality Compliance Issues</b>
The policy follows explicit advice on compliance with new Age Discrimination Regulations. The policy was originally written to comply with other equalities issues such as Sex and Race Discrimination. An Equality Impact Assessment has been completed (Appendix 3).

## 8. Background Papers

Title	Description	Source
New Employee Early Retirement / Severance Scheme	Sets out the case for the current scheme	Report to General Purposes Committee 9 December 2004.
Revision to Council Severance Policy and Statement of Discretions	Set out costed options	Consultative Group 20 <sup>th</sup> February 2007

Name	Signature	Date	Ext.
<b>Author</b>	<b>Howard Crabtree</b> 	<b>26 02 07</b>	<b>7377</b>
<b>Corporate Manager</b>	<b>Howard Crabtree</b> 	<b>26 02 07</b>	<b>7377</b>

<b>Director</b>	<b>Clive Thomas</b>		
<b>Monitoring Officer or Deputy (Key decision only)</b>	<b>Francis Fernandes</b>		<b>7335</b>
<b>Section 151 Officer or Deputy (Key decision only)</b>	<b>Bill Lewis</b>		<b>7167</b>

## APPENDIX 1

# Early Retirement / Severance Scheme

## 1. INTRODUCTION

- 1.1 There are a number of circumstances in which early retirement, or severance, may be appropriately considered for an employee. These circumstances may be related to the individual situation of an employee, for example in the case of ill health, or arise as a result of organisation changes.
- 1.2 The Council will in all circumstances make every effort to avoid compulsory redundancies. Where the Council decides, however, that after taking all considerations into account, early retirement, flexible retirement or severance is either unavoidable or appropriate for sound business reasons, the Council will ensure that:
- The processes used will be fair, transparent, reasonable and objective
  - Any enhancements given are affordable in the short and long term.
- 1.3 Any payments made under this scheme will be subject to tax regulations in force at the time of their implementation.

## 2. SCOPE

- 2.1 The provisions of the Council's early retirement and severance scheme applies to all Council employees who meet the relevant eligibility criteria set out in the remaining sections of this document, subject to legislation and regulations in force at the time of their implementation.

## 3. LINKS TO OTHER COUNCIL POLICIES

- 3.1 This document should be read in conjunction with the following existing Council policies and procedures and any relevant future policies which replace, change or amend the existing policies:-

Redundancy Selection Policy  
Consultation Agreement  
Attendance Management Policy and Framework

## 4 CRITERIA FOR EARLY RETIREMENT/SEVERANCE

- 4.1 There are a number of different, but specific, circumstances which might lead to early retirement or severance being considered. These are as follows:

### 4.2. Ill Health

- 4.2.1 To be eligible for retirement on these grounds the employee must be certified as suffering from ill health which permanently affects their ability to do the job for which they are employed. In addition there must be no comparable alternative employment available which the employee is able to carry out. The Council will ensure that the decision to allow early

retirement on the grounds of ill health is made solely on medical grounds. This will be based on an assessment by the Council's Occupational Health Adviser who will follow the advice issued by the United Kingdom Steering Committee for Local Government Pensions, drawn up by the Association of Local Authority Medical Advisers.

Note: Comparable employment is that as compared to the substantive post held.

#### 4.3. Ill Health provision

4.3.1 Provided the employee is in the Local Government Pension Scheme (LGPS) with at least three months membership, or has transferred rights from another pension scheme into the Local Government Pension Scheme (LGPS) the employee receives:

- the early release of pension
- the payment of a pension lump sum

Benefits to be calculated based on the length of membership in the scheme as follows:

Length of Service	Membership used to calculate benefits.
4 months – 5 years	- actual membership
5 to 10 years	- membership is doubled
10 to 13.33 years	- membership is increased to 20 years
13.34 years plus	- actual membership service plus 6. $\frac{2}{3}$ years.

In all instances these will be subject to maximum membership of 40 reckonable years. There is no enhancement beyond the age of 65.

Employees with less than three months membership in the LGPS who have not transferred pension rights from another scheme into the LGPS receive a lump sum payment, which is equivalent to a refund of the contributions they have paid, less the statutory deductions (20% tax) and an amount to buy them back into the state pension scheme.

Where a person is or has been part time, the LGPS Regulations specify how the membership used in the calculation of benefits is to be pro-rated.

If a person is already in receipt of an ill health pension from the LGPS they will not receive an enhanced ill health pension on any subsequent ill health retirement.

#### 4.4. Redundancy

This applies where there is a redundancy situation as defined by the Employment Rights Act 1996:

- where business has ceased or diminished
- where the requirements for work of a particular kind have ceased or diminished

- where there has been a significant change in the place of employment and there is no suitable alternative employment available.

NB. There is provision for transferred redundancies, known as ‘bumped redundancy’.

4.4.1 The same provisions apply whether the employee agrees to retire voluntarily or is made compulsorily redundant.

4.4.2 The provisions are as follows:

For employees aged 50 or Over

**Voluntary/ Compulsory Early Retirement on grounds of Redundancy**

To be eligible an employee must be:

- 50 or Over
- in the LGPS with at least three months membership, or with transferred service.

The Scheme gives:

- early release of pension
- the payment of the pension lump sum
- a redundancy payment in accordance with the State formula although the specific calculation in each case will be based on the employee’s actual week’s pay rather than on the statutory maximum. This is applicable to employees who have at least 5 years membership of the LGPS **OR**
- an enhanced redundancy payment *as set out* in [\(District Auditor Recommended Change\)](#) Table 2 below where the employee has less than 5 years membership of the LGPS. See section 4.2.4.4 below.

**Table 1**

For each completed year of service between the ages of

–21 and Under ½ a week’s pay

22 – 40 1 weeks

41 Plus 1½ weeks

This is subject to a maximum of 30 weeks’ pay based on the last 20 years service.

## Table 2

For each completed year of service between the ages of

-21 and Under	½ weeks pay
22 – 23	1 weeks pay
24 – 40	1.1½ weeks pay
41 Plus	3 weeks pay

This is subject to a maximum of 45 weeks.

### 4.4.3 **Regulation 52 : Awarding extra years of LGPS membership – Augmentation Provisions in the event of Compulsory / Voluntary Redundancy**

To be eligible an employee must be:

- aged 50 or over
- in the LGPS with at least five years membership.

In cases of compulsory redundancy or where voluntary redundancies are sought to avoid compulsory redundancy elsewhere, the calculation for augmenting pension service will be a ratio of two extra years for every five years continuous service at Northampton Borough Council, up to a maximum of  $6\frac{2}{3}$  years. E.g. 18 years continuous Northampton Borough Council service = 6 and  $2\frac{1}{3}$  'years'.

The number of years granted cannot take the employee's total service to more than 40 years or to more years membership than they could have attained by the age of 65.

(Note: Breaks in service for maternity leave or reasons concerned with caring for Children or other dependants will not prevent the employees service prior to the breaks being included in the calculation of continuous service for the purposes of awarding augmented service, provided the break in service does not exceed 8 years and that no permanent full time paid employment has intervened .)

The Council has exercised it's discretion to enhance early retirement payments on redundancy for employees who satisfy the criteria outlined in this section by the award of augmented service up to the maximum permitted. Employees to whom these provisions apply will receive a redundancy payment based on the statutory redundancy scheme. The Council can not legally pay an enhanced redundancy payment in addition to the award of added years.

#### 4.4.4 For employees under the age of 50

##### **Voluntary/Compulsory Redundancy Payments**

All employees who have not less than two years continuous service are entitled to receive a payment in accordance with the statutory provisions of the Statutory Redundancy Scheme. The payment is on the basis of the employee's actual weeks' pay and is not restricted to the statutory limit on a week's pay.

The scheme gives:

A redundancy payment based on the following state formula:

For each complete year of service between the ages of

–21 and Under ½ a week's

22 – 40 1 weeks

41 plus 1½ weeks

This is subject to a maximum of 30 weeks' pay based on the last 20 years service.

However where an employees has 2 years continuous service and has 3 months membership of the LGPS they will receive an enhanced redundancy payment based on the following formula:-

–21 and Under ½ weeks pay

22 – 23 1 weeks pay

24 – 40 1.1\2 weeks pay

41 plus 3 weeks pay

This will be subject to a maximum of 45 weeks pay.

4.4.5 The business case for any proposed early retirement(s) on grounds of redundancy and/or redundancy payment(s) must be demonstrated. The business case must include:-

- The costs of the proposed early retirement/redundancy payment(s)
- The on going savings to be achieved
- The timescales within which the savings will be made

The business case must clearly show that there are significant on-going savings which are achievable after all the costs associated with the early termination of employment have been met. The Business case must be endorsed by the Director responsible for the service area where proposed changes will be implemented or the Chief Executive where the proposals will be implemented on a Council wide basis. The business case will be submitted to the Section 151 Officer and another Director who will



independently examine the merits of the business case and make written recommendations to the Chief Executive. The decision to approve the proposed early termination of employment and the associated severance payments will be made by the Chief Executive. A record of approved and rejected proposals will be maintained by the HR service.

#### 4.5 Early Retirement on grounds of Efficiency of the Service

(Employees aged 50 or over)

4.5.1 This is a voluntary element of the scheme. An employee cannot be compelled to retire under this provision.

4.5.2 One of the following criteria must be satisfied for agreement to the early release of an employees' pension under this element of the scheme. In addition the financial criteria referred to in section 4.5.3 also needs to be met. The criteria are:

- the employee's ability to perform the job has been affected by changes which mean that it is difficult for them to adjust
- the job requires new skills or competences which the employee does not have and where retraining or investment in future development would not be appropriate
- early retirement would create internal job opportunities, or unblock promotion channels which succession planning could fill through an internal appointment
- structural changes could lead to savings being achieved through appointing a replacement at a lower pay level, or where a replacement removes or avoids a pay protection
- it avoids a redundancy situation by allowing an employee to be redeployed or transferred into the vacancy created

and, overall it is considered to be in the interests of the Council as well as the employee to grant the early retirement. (District Auditor recommended change)

#### 4.5.3 Financial Criteria

The business case for any such proposal must be demonstrated. This must identify the relevant criteria outlined in 4.5.2 above which is applicable to the request. It must also identify the savings to be made and how they will be achieved. The business case must be signed by the Corporate Director responsible for the service area where the application originated. A pro forma will be available to document the required information. The signed document must then be submitted to the section 151 officer and a different Corporate Director who will independently examine the merits of the application and make written recommendations to the Chief Executive to approve or reject the application. The decision to approve or reject applications will be made by the Chief Executive.

Reasons for approval or rejection will be recorded in writing and this information will be maintained within the HR service.

4.5.4 To be eligible an employee must be:

- aged 50 or over
- in the LGPS with at least two years' membership whilst in NBC service.

4.5.5 Requests for early retirement on grounds of efficiency of service where approved will entitle the employees to receive the early release of their pension. The early release of pension without actuarial reduction on grounds of efficiency of the service will only be agreed where the business case demonstrates additional savings over and above the cost of funding the early retirement and any other associated costs and to the extent that such retirement is permitted notwithstanding the abolition of the rule of 85.

4.5.6 **Regulation 31 of the Local Government Pension Scheme Regulations (1997)**

This is commonly known as the Rule of 85.

Employees between the age of 50 and 59 can request early retirement and the early release of pension benefits provided that their combined length of pensionable service and their age totals 85 years. This would be at the employee's initiative and not in response to a request from managers. Employees wishing to be considered for Early Retirement under the rule of 85 should make themselves known to their corporate manager (*or alternatively HR*) so the matter would be dealt with either as redundancy or efficiency whichever is applicable. [\(District Auditor recommended change\)](#). Consideration may *also* be given to early release of pension with actuarial reduction in these circumstances provided that the business case identifies how the costs associated with the early release will be met. In addition consideration of the efficiency criteria outlined in 4.2.5.2 will be relevant to the decision – See 4.2.6.3 below.

4.5.6.1 To be eligible an employee must be:

- aged 50 or over
- in the LGPS.

4.5.6.2 What the Scheme gives:

- if the employee's combined age (in whole years) and LGPS membership (in whole years) reach a total of 85 years or more, the employee will receive his or her entitlement to pension and lump sum (with no added years) without any actuarial reduction.
- if the employee's combined age and LGPS membership do not exceed 84, he or she will receive their entitlement to pension and lump sum (with no added years) but with an actuarial reduction dependent on the date when 85 years would be reached *or when age 65 would be attained, if earlier*.

(NB: Under the pension regulations a request can be made from the age of 50. From the ages of 50 to 59 this subject to management approval, which is discretionary. The efficiency criteria (see above) will be relevant in these cases and will help to inform decisions on such requests. Decisions will also need to take account of wider organisational requirements. Because of the increased burden this scheme will place on the Pension Fund, management/Member discretion will only be exercised where it can be demonstrated to be in the Council's interest.)

***The 85 year rule has been abolished with effect from 1 October 2006 as a result of the Amending Regulations 2006. There are however, transitional arrangements:***

- ***providing protection for all existing contributors at 30 September 2006 on the benefits they accrue on service up to 31 March 2008.***
- ***Protection for those existing contributors at 30 September 2006 who will be 60 or over by 31 March 2016***
- ***A degree of protection for those existing contributors at 30 September 2006 who will be 60 or over between 1 April 2016 and 31 March 2020.***

#### **4.6 Voluntary Early retirement – Compassionate Grounds**

4.6.1 Employees who have left their employment with the Council with a deferred pension may request his\her deferred pension to be paid early on compassionate grounds. If the early release of the deferred pension is agreed the benefits will be paid in full with no actuarial reduction.

4.6.2 The Council may also consider requests to waive actuarial reduction where this would otherwise be the case in relation to the early release of pension benefits. The Council may do so on compassionate grounds. The circumstances where the council may exercise this discretion are set out below:-

a). In relation to employees who have left employment with the Council with a deferred pension and who request early payment of benefits under Regulation 31 above on or after age 50 and before age 60, or who voluntarily opt for payment of the benefit early on or after age 60 and before the normal retirement date or

b). In relation to current employees who are seeking early retirement to the extent permitted under Regulation 31 above on or after age 50 and before age 60, or who voluntarily retire on or after age 60 and before their normal retirement date.

4.6.3 For current employees to be eligible he\she must be:

- over 50/
- in the LGPS with at least two years contributions, or with transferred service.

4.6.4 Requests from past and current employees for the early release of pension benefits without actuarial reduction on compassionate grounds will be agreed by the Chief Executive following consultation with the Councils

section 151 officer. The decision will be based on a full evaluation of the financial implications for the Council

## **5. RE-EMPLOYMENT FOLLOWING EARLY RETIREMENT**

- 5.1. Any former NBC Council employee who is in receipt of an early retirement pension on the grounds of efficiency, redundancy or at their own request, should not normally be immediately re-employed by the Council either on the basis of a contract of employment or a contract for service with the Council. If there is any doubt about the continuing need for an employee's services then early retirement should not be agreed.
- 5.2. However, it is recognised that there are some, very limited, circumstances when re-employment would be in the interests of the Council. In these cases a report should be submitted to the Corporate Director or his or her nominated senior management representative seeking approval to re-employ for a specified limited period.
- 5.3. Where an employee has been made redundant and receives a severance payment (and therefore without a pension) there should be no re-employment until the expiry of the period for which the number of weeks' severance payment has been given, e.g. if the employee has received a severance payment equal to 16 weeks pay, the earliest re-employment could be considered would be 16 weeks after the date of termination.
- 5.4. Where a former employee has retired on ill health grounds and subsequently applies for a job with the Council, this should be considered carefully bearing in mind the requirements of the Disability Discrimination Act. If it is proposed to appoint any such individual, approval must be given by the Council's Occupational Health Advisers and the relevant Corporate Director or his or her nominated senior management representative.

NOTE If someone in receipt of a Local Government Pension is re-employed their pension will be abated if in total their pension and pay for the job exceed the pay that they received in the job that they were in before they retired.

## **6. Non-fettering of the Council's Discretions**

- 6.1 The above forms the Council's "current" policy. It should be noted that:
  - a. the policy confers no contractual rights, and
  - b. the Council will retain the right to change the policy at any time without prior notice or consultation (although the Council will endeavour to consult with UNISON / the recognised Trade Unions), and
  - c. only the policy which is current at the time a relevant event occurs to an employee / scheme member will be the one applied to that employee / member

## **7. Review of the Scheme**

- 7.1 The provisions of this scheme will be reviewed on a regular basis to ensure their on-going sustainability and affordability. The next review will take place no later than 1 October 2007.

## **8. Further Information**

- 8.1 Advice and guidance on the application of the scheme is available from HR. More detailed written management guidance will also be developed to support the effective implementation of the scheme

**MEETING THE COSTS OF EARLY RETIREMENT/SEVERANCE**

1. Introduction

1.1 The aim is to ensure that:

- The costs of redundancy payments (including severance payments) and the increased cost of pension liabilities arising from the early payment of retirement benefits and any added years' enhancements are recognised and taken into account when early retirement decisions are made
- Responsibility for meeting such costs rests with the Service responsible for the early retirement decision.
- The costs of early retirement, severance and flexible retirement are taken into account against the financial benefits arising as a result of efficiency savings or workforce reductions.

1.2 When early retirements, severances or flexible retirements arise from budget or policy changes, there is still an obligation on Services (who have claimed the associated savings) to meet the additions of early retirement costs.

2 Ill Health Retirements

2.1 No specific charges against individual Services are made. The cost however has to be met by all Services through the employer's pension contribution set by the Actuary.

2.2 Redundancy

2.2.3 Services will be charged the actuarial cost arising from the early release of pension and any added years' enhancements and the one-off costs of redundancy and severance (or just the latter where there is no entitlement to pension)

2.3 Efficiency

2.3.1 Services will be charged for the actuarial costs arising from the early release of pension and any added years' enhancements.

2.4 Regulation 31 (Rule of 85)

2.4.1 Services will be charged any actuarial costs arising from the early release of pension.

2.5 Voluntary Early Retirement - Compassionate Grounds

2.5.1 Services will be charged any actuarial costs arising from the early release of pension.

### 3. Phasing

3.1 Wherever possible Services should attempt to meet early retirement and redundancy or severance costs as they arise, i.e. on termination of employment. However it is recognised that in some cases the costs are substantial. Costs in excess of £30,000 can therefore be phased over a period up to a maximum of five years, subject to any redundancy or severance costs being met in full in the year in which the employee is released. The provision to phase costs also applies in cases of flexible retirement.

3.2 For example, if an early retirement has the total costs of £79,700 (made up of £19,700 redundancy and £60,000 actuarial costs), the phasing, assuming use of maximum flexibility permitted, would be as follows:

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>TOTAL</b>
Redundancy	£19,700					£19,700
Actuarial		£15,000	£15,000	£15,000	£15,000	£60,000
TOTAL	£19,700	£15,000	£15,000	£15,000	£15,000	£79,700

3.3 When retirements take effect before 1 October, Services will be expected to absorb Year 1 costs in the same financial year and to bring forward proposals for doing so as part of the Mid-Year Review. Where retirements take effect from 1 October, the following financial year will be deemed as Year 1. For trading services, operating on a net nil basis, Year 1 will be the year following the retirement, irrespective of when it occurs. This will allow early retirement costs to be included in subsequent years' pricing.

### 4. Bumped Redundancies

4.1 The principle is that the Service which benefits from the retirement/severance should also bear the costs. It is acknowledged that in the case of bumped redundancies the benefits may be shared. In such circumstances the costs would also need to be shared, matched to the benefit which each Service receives. The financial arrangements for funding will need to be judged on the specific circumstances of individual cases. Managers will need to include a supporting statement for consideration.

4.2 The impact of organisational restructuring, e.g. outsourcing, or other discontinuation of functions needs to be taken into account as it will necessitate that costs are managed centrally.

## GUIDANCE ON THE MANAGEMENT OF TRANSFERRED/BUMPED REDUNDANCIES

- 1.1 All other options should be explored before redundancy is contemplated and the possibility of voluntary Early Retirement on the grounds of efficiency should be considered before a transferred redundancy.
- 2 **The Process**
- 2.1 This may in practice mean that a specific job is no longer needed or that a group of similar jobs is to reduce in number. Selection of employees for redundancy will in the first instance focus on those who are clearly 'at risk' and for whom there are no other reasonable alternative employment options. Volunteers should be sought.
- 2.2 If there are insufficient volunteers at this initial stage (i.e. before compulsion) then a second stage is possible – a transferred redundancy will be the subject of an organisational decision based on the need to match displaced or 'at risk' employees with the requirements of jobs occupied by volunteers. **The Council will not normally therefore seek volunteers generally : volunteers will only be sought where there is a threat of compulsion and a potential match of skills is available.**
- 2.3 The process of matching the jobs of volunteers with displaced or 'at risk' employees is likely to be a complex one involving discussions across the Authority. All potential transferred redundancies must therefore be handled by Corporate Personnel who will be responsible for facilitating the matching process within and across Directorates/Services of the Council.
- 2.4 All cases of proposed transferred redundancy must be supported by the Manager, ( or both of the two managers concerned if across sections) and reported to the relevant Corporate Director(s) Proposals should include details of the circumstances of proposed transferred redundancy and resulting redeployment.
- 3 **Criteria**
- 3.1 All proposals for transferred redundancies should be assessed against criteria of cost, level and skill when they are submitted for approval.
- 3.1.2 **Cost**
- 3.1.2.1 Extra costs arising from the proposal should be avoided. Essentially the cost of making the affected employee redundant should be weighed against transferring the redundancy to someone else (including the actuarial cost of the release of pension, excess travel costs etc).
- 3.1.2.2 The cost of any pay protections should be taken into account in the costing exercise. These may occur where the employee is being redeployed to a lower graded job or there could be a saving where the person being made redundant was protected and the new incumbent is less/not protected.



### 3.1.3 Level

- 3.1.3.1 Transferred redundancies will normally be considered where there is a direct transfer at the same grade or where the transferred employee is currently protected for the same grade of job. This will result in a saving of protection costs either where the redundancy volunteer is on protected salary and the transferred employee is not, or where the transferred employee is returning to their original grade.
- 3.1.3.2 Transferring a redundancy to a higher graded employee will be exceptional. A proposed redundancy which results in a promotion opportunity cannot be targeted for transfer at one employee – it should be subject to a normal competitive selection process. There may, however, be exceptions where the specific skill requirements of the higher graded post can only be met by a specific group of employees – into which the unplaced employee could consequently be placed. In such cases there may be a case for ring fencing the promotion opportunity to suitably qualified and experienced staff. In any event, the proposal must demonstrate that it will result in the appointment of an otherwise unplaced employee.
- 3.1.3.4 Personnel will ensure in each case that the proposals for such ring fencing are cleared through appropriate consultation with the relevant trade unions and that they are specified in the proposal to the Corporate Manager/Corporate Director.

### 3.1.4 Skill

- 3.1.4.1 There should be a specific skill match between the job that is to be filled and the person proposed for transfer into the job.
- 3.1.4.2 Where selection needs to be made either of the employees to be transferred and/or those to be made redundant, careful consideration needs to be given to issues of cost, level and skills match. If, after considering these factors, there is still a selection process required, then that process should be clarified by Personnel and must satisfy all normal legislative and local procedural requirements.

## APPENDIX 2

### NORTHAMPTON BOROUGH COUNCIL

#### LOCAL GOVERNMENT PENSION SCHEME

#### STATEMENT OF DISCRETIONS – APRIL 2007

Northampton Borough Council has decided to adopt the following discretions under the Local Government Pension Scheme (LGPS)

1. Reduction or Elimination of Employees Contribution After 40 Years Service

The Council has decided not to exercise its discretion to allow employees to pay no or reduced levels of contribution when they have reached 40 years local government service. Employees will therefore pay contributions for the whole of their period of service.

2. Early Retirement Under Regulation 31

The Council will permit retirement from age 50 without actuarial reduction where the Council's criteria for early retirement on the grounds of efficiency of the service are met and a business case identifies how the cost associated with early release will be met, and to the extent such retirement is permitted notwithstanding the abolition of the Rule of 85 and associated transitional arrangements.

To the same permitted extent, the Council will permit retirement from age 50 without actuarial reduction on compassionate grounds.

Service enhancements do not apply to retirements under Regulation 31.

3. Increase in Membership on Cessation of Employment

The Council has agreed to exercise its discretion to allow additional augmented service as detailed in the Early Retirement / Severance Scheme.

Where an active member of the LGPS takes early retirement through redundancy and the active member is aged 50 or over with 5 or more years continuous membership of LGPS and 5 years or more continuous NBC service, the Council will allow 2 additional years for every 5 years continuous NBC service subject to a maximum of

- 6 $\frac{2}{3}$  years
- not exceeding total service to more than 40 years or to more years membership than they could have attained by age 65

(service to be pro-rated for part time employees unless the equivalent of whole time service of 13 $\frac{1}{3}$  years has already been accrued).

4. Compassionate Grounds  
The Council may permit active members and deferred beneficiaries the right to retire from age 50 on compassionate grounds without reduction.
5. Increase in Membership on Commencement of Employment  
The Council has decided not to exercise its discretion in this area.
6. Flexible Retirement  
The Council has decided not to exercise its discretion in this area.
7. Shared Cost Additional Voluntary Contribution Scheme (SCAVC)  
The Council has decided not to exercise its discretion in this area.

#### **Other Discretions (2006 Regulations)**

1. Use of Actual Pay in Redundancy Payments

The Council has decided to use actual pay instead of the statutory maximum when calculating redundancy payments.

2. Payment of Enhanced Redundancy Payments to Employees Without Immediate Access to their Pension Rights

The Council has decided to enhance redundancy payments to those under 50 who have at least 2 years continuous service and at least 3 months membership of LGPS, as stated in the Early Retirement / Severance Scheme and subject to a maximum of 45 weeks pay.

## APPENDIX 3

# EQUALITY IMPACT ASSESSMENT

Directorate People Planning and Regeneration	Human Resources	Section:	Person responsible for the assessment: Howard Crabtree Corporate Manager - Human Resources			
Name of the Policy to be assessed	'Early Retirement / Severance Scheme'		Date of Assessment	27/02/07	Is this a new or existing policy	New (revised)
1. Briefly describe the aims, objectives and purpose of the policy			The Policy and Statement of Discretions are required under the local Government (Early Termination of Employment) Regulations 2006. These govern termination / severance payments in Local Government, including aspects of pension provision.			
2. Are there any associated objectives of the policy, please explain			There is a requirement that any severance scheme retains public confidence. The scheme must be 'workable, affordable and reasonable having regard to foreseeable costs'.			
3. Who is intended to benefit from the policy and in what way			The policy enables compensation for employees whose employment is terminated by way of <ul style="list-style-type: none"> <li>• Redundancy</li> <li>• Early retirement on the grounds of efficiency</li> <li>• Early retirement of the grounds of ill health</li> <li>• Early retirement under rule 31 of the Local Government Pension Scheme (the 85 year rule).</li> </ul>			
4. What outcomes are wanted from this policy?			The provision of compensation to employees that facilitates effective organisational change and retains public confidence.			

5. What factors/forces could contribute/detract from the outcomes?	Contribute: <ul style="list-style-type: none"> <li>• Consultation with Trade Unions</li> <li>• Consultation with the District Auditor</li> </ul> Detract: <ul style="list-style-type: none"> <li>• The Council's financial position</li> <li>• Adverse Employee/Industrial Relations</li> <li>• Failure to manage organisational change</li> </ul>		
6. Who are the main stakeholders in relation to the policy	<ul style="list-style-type: none"> <li>• Employees</li> <li>• Trade Unions</li> <li>• Public (as Council Tax Payers)</li> </ul>	7. Who implements the policy and who is responsible for the policy?	Corporate Manager – Human Resources
8. Are there concerns that the policy <b>could</b> have a differential impact on racial groups.	<b>N</b>	A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.	
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.		
9. Are there concerns that the policy <b>could</b> have a differential impact due to gender	<b>N</b>	A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.	
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.		
10. Are there concerns that the policy <b>could</b> have a differential impact due disability	<b>N</b>	<ul style="list-style-type: none"> <li>• A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.</li> <li>• Consideration of Early Retirement on Grounds of Ill Health must meet the criteria in the Pension Scheme. The decision is solely on medical grounds undertaken independently of the Council by its Occupational health Provider.</li> </ul>	

What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
11. Are there concerns that the policy <b>could</b> have a differential impact on people due to sexual orientation	<b>N</b>	A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
12. Are there concerns that the policy <b>could</b> have a differential impact on people due to their age	<b>Y</b>	<ul style="list-style-type: none"> <li>• The 2006 Local Government Regulations were produced in response to the Employment Equality (Age) Regulations 2006.</li> <li>• Severance payments have included elements of age/length of service to determine amounts paid and these could be challengeable.</li> </ul>
What existing evidence (either presumed or otherwise) do you have for this?	No evidence exists as yet. The Council has had the proposed policy checked by an external QC who advised on the original scheme.	
13. Are there concerns that the policy <b>could</b> have a differential impact on people due to their religious belief	<b>N</b>	Robust HR Policies cover this aspect.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
14. Are there concerns that the policy <b>could</b> have a differential impact on people due to them having dependants/caring responsibilities	<b>N</b>	<ul style="list-style-type: none"> <li>• Robust HR Policies cover this aspect.</li> <li>• The Policy makes explicit reference to calculating service when there are breaks due to caring responsibilities.</li> </ul>
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
15. Are there concerns that the policy <b>could</b> have a differential impact on people due to their offending past	<b>N</b>	Robust HR Policies cover this aspect.

What existing evidence (either presumed or otherwise) do you have for this?		No recent grievances / tribunal claims to date on this issue.		
16. Are there concerns that the policy <b>could</b> have a differential impact on people due to them being transgendered or transsexual		<b>N</b>	Robust HR Policies cover this aspect.	
What existing evidence (either presumed or otherwise) do you have for this?		No recent grievances / tribunal claims to date on this issue.		
17. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy?	<b>Yes</b>	This could occur in relation to age ; case law will need to be kept under review to check continued compliance with the law.		
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	<b>NO</b>			
19. Should the policy proceed to a partial impact assessment?	<b>NO</b>	20. If Yes, is there enough evidence to proceed to a full EIA		<b>N/A</b>
		21. Date on which Partial or Full impact assessment to be completed by		<b>N/A</b>

Signed (completing officer) \_\_\_\_\_

Signed (Policy Team Leader ) \_\_\_\_\_

**Impact Assessment continued.**

**Northampton Borough Council has addressed some of these issues by the following actions;**

- Seeking legal opinion on the operation of the scheme - Age

**Proposed recognised actions to monitor and overcome unjustifiable or adverse treatment**

- Keeping Case Law under review

**Stages 3 & 4 – Formal Consultation & Consultation Result**

Formal consultation with Trade Unions has been taking place as part of the consultation on collective redundancies initiated in February 2007.

**Stage 5 – Publishing of Findings**

**Stage 6 – Monitor & Review Arrangements**

In built review at September 2007.



# Agenda Item 8

Appendices

2



NORTHAMPTON  
BOROUGH COUNCIL

Item No.

Wards: N/A

<b>Name of Meeting:</b>	<b>COUNCIL</b>
<b>Meeting Date:</b>	26 March 2007
<b>Directorate:</b>	Chief Executive's
<b>Corporate Manager:</b>	FRANCIS FERNANDES
<b>Agenda Status:</b>	Public part of Agenda

<b>Report Title</b>	MEETINGS CYCLE 2007/08
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## 1. Recommendations

That the attached Meetings Cycle for 2007/08 be approved.

## 2. Summary

Cabinet at their meeting on 5 March 2007 considered the attached Meetings Cycle for 2007/08 for adoption by Council.

## 3. Report Background

3.1 The attached Meetings Cycle (Appendix A) has been drawn up following the usual conventions. The main points to bear in mind being:

3.1.1 June and July 2007 have been reworked from the current timetable to allow for:

- (a) a full cycle of new Neighbourhood Partnerships meetings, and
- (b) a special meeting of Cabinet on 11 June to allow for comments on the draft Best Value Performance Plan before its adoption on 25 June.

3.1.2 A monthly cycle of meetings for Cabinet. This is in recognition of the amount of business coming forward and the need over recent months to arrange a number of extra meetings.

3.1.3 The numbering of the Neighbourhood Partnerships follows that agreed under the Neighbourhood Management Scheme. The five Managed Areas having been co-ordinated by the County Council and the Police are not included in this cycle but the dates of meetings, once known, could be added to the Year Book. Appendix B sets out a key.

3.1.4 The cycle of budget meetings for Cabinet and Council follows established practice.

3.1.5 A cycle of meetings for the Employment Committee has not been included as it is to be reviewed at Annual Council.

3.1.6 A cycle of meetings for the Consultative Group has been included and allows for the deadlines set for the publication of the Cabinet Agenda. This will allow for the timely production of reports for Cabinet.

3.2 The report has been consulted upon as set out in Section 7 below and any comments made taken account of.

#### **4. Options and Evaluation of Options**

4.1 Cabinet could defer a decision to after the elections and either have no programmed meetings after Annual Council or agree the amended cycle for June, July and August. In either case this would be a unique situation. To date an incoming Administration has accepted the meetings cycle it has inherited and made any changes at the following Annual Council.

4.2 A decision to defer would also delay production of the Year Book and would cause uncertainty to the Council's partners in terms of the Local Strategic Partnership, Community Safety Partnership and Town Centre Partnership.

It would also make the booking of external venues (for example, for the Neighbourhood Partnerships) more difficult as many have established bookings by local groups.

4.3 Accordingly, a decision to defer is not recommended.

## 5. Resource Implications (including Financial Implications)

There will be a marginal increase in printing and accommodation costs caused by the increase in frequency of Cabinet meetings from eight weekly to monthly.

## 6. Risk and Opportunity Issues

See 4 above.

## 7. Consultees (Internal and External)

<b>Internal</b>	The Mayor Development Control Team Leader Council Tax Team Leader Community Development Manager Corporate Manager, Governance & Communications	Chief Executive & Directors Group Leaders Group Whips
<b>External</b>	Northamptonshire County Council	

## 8. Compliance Issues

### A: How Proposals Deliver Priority Outcomes

#### Recovery Plan

Not directly by this report of itself.

#### Corporate Plan

Nor directly by this report of itself.

### B: Other Implications

#### Other Strategies

The Meetings Cycle is indirectly related to the Council's governance arrangements.

#### Finance Comments

Legal Comments

**9. Background Papers**

Title	Description	Source

Cabinet Member:

Signature: \_\_\_\_\_

Name	Signature	Date	Ext.
<b>Author</b>	F McGown Meeting Services Team Leader		7101
<b>Corporate Manager</b>			
<b>Director</b>			

## APPENDIX B

### NEIGHBOURHOOD MANAGEMENT

#### KEY TO NUMBERING

##### A MANAGED AREAS

- |   |   |                                   |
|---|---|-----------------------------------|
| 1. CASTLE   | } | NOT INCLUDED IN<br>MEETINGS CYCLE |
| 2. SPENCER  |   |                                   |
| 3. HEADLANDS/EASTFIELDS                               |   |                                   |
| 4. NORTHAMPTON EAST<br>(THORPLANDS AND LUMBERTUBS)    |   |                                   |
| 5. SOUTH WEST<br>(DELAPRE)                            |   |                                   |
| 6. : NP 6 : KINGSTHORPE, BOUGHTON GREEN AND ST DAVIDS |   |                                   |

##### B CO-ORDINATED AREAS (NEIGHBOURHOOD PARTNERSHIPS)

- 7. : NP7 : ECTON BROOK AND BILLING
- 8. : NP8 : ABINGTON AND WESTON
- 9. : NP9 : ST CRISPIN
- 10. : NP10 : NENE VALLEY AND EAST HUNSBURY
- 11. : NP11 : ST JAMES AND WEST HUNSBURY
- 12. : NP12 : DUSTON
- 13. : NP13 : KINGSLEY AND PARKLANDS

MEETING CYCLE 2007/08

	June	July	August	September	October	November	December	January
Monday					1 CAB Pre Cab 16:30			
Tuesday					2 NP10			1 ////////////////
Wednesday		1 PL			3 OS			2
Thursday		2			4	1 PEN		3
Friday	1 ////////////////	3 ////////////////			5 ////////////////	2 ////////////////		4 ////////////////
Saturday	2 ////////////////	4 ////////////////		1 ////////////////	6 ////////////////	3 ////////////////	1 ////////////////	5 ////////////////
Sunday	3 ////////////////	5 ////////////////		2 ////////////////	7 ////////////////	4 ////////////////	2 ////////////////	6 ////////////////
Monday	4 NP6	2 CAB Pre Cab 16:30		3 CAB NP6 Pre Cab 16:30	8 CG 16:30	5 CAB NP6 Pre Cab 16:30	3 CAB Pre Cab 16:30	7 CAB LGB Pre Cab 16:30
Tuesday	5 LC CSP	3 YF		4	9 NP11	6 LC	4 A CSP	8 RAC
Wednesday	6 PL	4 PL		5 NP7 YF	10 DIS	7 YF	5 LJC	9 NP6
Thursday	7	5 NP11		6 WOM	11 LJC	8 LGB	6 NP10	10 LGB
Friday	8 ////////////////	6 ////////////////		7 ////////////////	12 ////////////////	9 ////////////////	7 ////////////////	11 ////////////////
Saturday	9 ////////////////	7 ////////////////		8 ////////////////	13 ////////////////	10 ////////////////	8 ////////////////	12 ////////////////
Sunday	10 ////////////////	8 ////////////////		9 ////////////////	14 ////////////////	11 ////////////////	9 ////////////////	13 ////////////////
Monday	11 Sp Cab (BVPP) Pre Cab 16:30	9 NP12		10 CAB NP6 Pre Cab 16:30	15	12 NP7 CG 16:30	10 NP13 CG 16:30	14 YF NP7 CG 16:30
Tuesday	12 LJC	10 STD DIS		11	16 NP12	13 DIS	11 OS DIS	15 NP7
Wednesday	13 OS	11 LGB		12 LGB CSP	17	14 NP8 WOM	12 NP11	16 PL
Thursday	14 PEN	12 RAC PEN		13 NP8	18 CSP	15	13 PEN	17 NP8
Friday	15 ////////////////	13 ////////////////		14 ////////////////	19 ////////////////	16 ////////////////	14 ////////////////	18 ////////////////
Saturday	16 ////////////////	14 ////////////////		15 ////////////////	20 ////////////////	17 ////////////////	15 ////////////////	19 ////////////////
Sunday	17 ////////////////	15 ////////////////		16 ////////////////	21 ////////////////	18 ////////////////	16 ////////////////	20 ////////////////
Monday	18 NP9	16 NP13		17	22 NP13	19 Council Pre CL 14:00	17 STD	21 Council Pre CL 14:00
Tuesday	19 NP10	17 LC		18 STD	23	20 NP9	18 LC	22 DIS NP9
Wednesday	20 NP7	18 CSP		19 NP9	24 PL	21 PL	19 PL	23
Thursday	21 WOM	19		20 LB PEN	25	22	20	24 NP10 PEN
Friday	22 ////////////////	24 ////////////////		21 ////////////////	26 ////////////////	23 ////////////////	21 ////////////////	25 ////////////////
Saturday	23 ////////////////	21 ////////////////		22 ////////////////	27 ////////////////	24 ////////////////	22 ////////////////	26 ////////////////
Sunday	24 ////////////////	22 ////////////////		23 ////////////////	28 ////////////////	25 ////////////////	23 ////////////////	27 ////////////////
Monday	25 CAB/Council Pre CL 14:00	23 Council Pre CL 14:00		24 A	29 CAB NP6 Pre Cab 16:30	26 NP12	24	28 CAB + Pre Cab 16:30
Tuesday	26 A	24		25 LC	30	27	25 ////////////////	29 LC
Wednesday	27 NP8	25 OS		26 PL	31	28 RAC	26 ////////////////	30 OS
Thursday	28	26		27 Council Pre CL 14:00		29	27	31
Friday	29 ////////////////	27 ////////////////		28 ////////////////		30 ////////////////	28 ////////////////	
Saturday	30 ////////////////	28 ////////////////		29 ////////////////		31 ////////////////	29 ////////////////	
Sunday		29 ////////////////		30 ////////////////			30 ////////////////	
Monday		30						
Tuesday		31						





**NORTHAMPTON**  
**BOROUGH COUNCIL**

## **COUNCIL**

### **Directorate:**

People, Planning and Regeneration

### **Corporate Manager:**

Christine Stevenson

Christopher Cavanagh

Date: 26 March 2007

<b>Report Title</b>	Amendments to Part 8 of the Council Constitution – Delegations to Officers – Planning (Development Control)
---------------------	---

## **1. Recommendations**

A. That Part 8 of the Council Constitution be amended in respect of the Scheme of Delegation, to an “exceptions-based” approach to delegated Development Control decisions, as set out in this Report, and that such amendments be formulated and submitted to a future meeting.

B. That the arrangements as detailed in this report be followed in relation to consultations on planning applications submitted to West Northamptonshire Development Corporation

C. That an amendment be made to the Scheme of Delegation as contained in the Borough Council Constitution to include the words under delegated authority to the Corporate Manager (Regeneration, Growth and Community Development)..

“Responses to the West Northamptonshire Development Corporation on planning applications for which they are the determining authority where this would not prejudice the policies and provisions of the Development Plan or have other strategic consequences, including its impact on or prejudice to the Councils strategic or corporate priorities”.

D. That Planning policy and conservation write an explanatory note on the provisions for community consultation in light of WNDC receiving and processing applications directly, and the Borough Council’s approach to responses by 1 June 2007 to accompany the Councils adopted Statement of Community Involvement.



## 2. Report Background

2.1 The Service Inspection Report into Planning Services, undertaken in September 2006, set out the Audit Commission's concern, amongst other things, regarding the quality of the Development Control decision-making process. In particular, the Report makes the following statements:

*"The planning committee is not fully effective. For example, the quality of planning committee debate is variable. Some members of the public have expressed a low level of confidence in the impartiality of committee debate...."* (paragraph 49)

*"The planning committee and the development control decision-making process are inefficient, and this contributes to poor value for money. There remains a relatively low level of planning decision delegation to officers (BVPI 188; 85 percent in 2005/06, un-audited). Higher levels of delegation would lead to greater efficiency. For example, over 240 applications are taken to committee every year (2004/05 and 2005/06) and these require considerable officer time in preparing and presenting applications for committee. Furthermore, the delegation scheme allows applications to be called into committee in the absence of firm planning reasons, and so too many applications are considered at committee with little value being derived....."* (paragraph 92)

*"Councillors too readily engage in detailed planning matters on individual planning applications...."*(paragraph 93)

2.2 The purpose of Recommendation A of this Report is to address some of these criticisms by means of a proposed revision to the Scheme of Delegation as set out in Part 8 of the Council Constitution.

2.3 Furthermore, the Council Constitution must now also take account of the role of West Northamptonshire Development Corporation (WNDC) in planning matters.

### Scheme of Delegation

2.4 Delegation of routine planning applications to officers has been consistently recommended in official and professional good practice advice as a means of making the development control system more efficient. It also allows the Committee to focus its attentions on significant and/or controversial cases. Last year (2005-06), the Council determined 84% of planning applications through delegated authority. Currently, on the basis of data for the first three quarters of 2006-07, this figure has improved, with around 93% of determinations being taken under delegated powers. However, this figure should be considered to be "fragile," on the basis of historical trends.

2.5 In 2003-04, a national Best Value Performance Indicator suggested a minimum of 90% of decisions should be taken under delegated powers. The proportion of decisions dealt with under delegated powers is not, however, a figure entirely

under the Council's control. It is the result of a particular scheme, the nature of applications received and the response of (inter alia) consultees. There is not necessarily a "straight-line" correlation between delegation levels and the much more relevant issue of speed of determination, although it is reasonable to suppose that there might be. Therefore, delegated decisions may be reached more quickly than those referred to Committee. However, they also involve less time, trouble and administrative input and, therefore, reduce costs.

**2.6** In March 2004, the Local Government Association and the (then) Office of the Deputy Prime Minister jointly published a good practice guide for schemes of delegation: *Delivering Delegation*. They did not advocate a model scheme: demonstration of local discretion, probity, transparency, fairness and consistency are seen as paramount considerations. However, a "by exceptions" approach is clearly advocated: i.e., instead of trying to specify which applications can be handled under delegated powers, the approach should be that all applications are handled this way unless they are specified exceptions. This allows the scheme to be much simpler than would otherwise be the case.

**2.7** *Delivering Delegation* states:

*"Delegation has benefits for all stakeholders in terms of simplifying procedures, minimising costs and freeing up Committee members to concentrate on major or controversial cases, Where there is no need to await a Committee decision, up to four weeks can be saved in dealing with a planning application. Delegation is a positive process that gives benefits, not just in terms of streamlining internal procedures, but also in terms of improved responsiveness for applicants."*

**2.8** *Delivering Delegation* defines the advantages of effective delegation as being:

- Simplified procedures and a speeded-up process
- Minimised costs and improved service delivery within budgetary limits
- Realised officer resources to focus on other equally important areas of work, to achieve service improvement
- Reduced length of Committee meetings and improved Committee practice
- Removal of applications which elicit no Member discussion and evaluation at Committee
- Clarification of the current system and protection of Member involvement
- Increased officer performance and quality
- Best practice recognition

**2.9** It is stressed that delegation is **not**:

- A process designed to transfer power from elected Members to officers
- A method or means to dilute the transparency of the Development Control process

**2.10** This Council's approach to delegation in determining planning applications is not based upon an exceptions approach and, as is currently set out, places a heavy burden upon both officers and Members.

**2.11** It is important to bear in mind that Planning Committee also has to consider a significant number of consultations by WNDC. This matter is dealt with in more detail below. Notwithstanding this, as the pace and scale of development increases, the number and complexity of such consultations is likely to increase accordingly. It is therefore crucial that an effective Scheme of Delegation is in place to ensure that Members have the required time at Committee to consider those applications that are of real significance. Furthermore, considerable time is taken by the Council's officers in preparing reports of WNDC consultations for Planning Committee. Notwithstanding the proposals below in respect of delegations for WNDC consultations, this task is likely to increase rather than decrease. It will therefore impact of officers' time. An effective Scheme of Delegation is therefore essential to ensure the best use of both Members' and officers' time.

**2.12** The current Scheme of Delegation is unusually detailed and complicated. It is not an "exceptions-based" scheme as recommended by Government. Furthermore, it is also out of date in respect of the current Use Classes Order (e.g. 2.1.6 refers to the former Use Class A3 – Food and Drink). It is preferable, for reasons outlined above, to move to an exceptions-based Scheme of Delegation. This would also have the added advantage of not requiring to be brought constantly up to date when changes are made to the Use Classes Order itself.

**2.13** It is therefore proposed that such a Scheme of Delegation should delegate the determination of all planning applications to the Corporate Manager (or whom she should see fit to delegate to below her level), except the following categories:

- Applications called in by any Member of the Council, following a written request
- Referrals to the Planning Committee by the Corporate Manager or Development Control Manager
- "Probity and propriety" cases: applications by current or former (within 5 years) Members or officers of the Council
- Applications for the development of land owned or under the control of the Borough Council.

These exceptions are analysed in some detail below.

**2.14** *Member “call-in”*. This is a usual but not universal element of delegation schemes and one which is fully supported by Government. In some authorities, the call-in right is restricted, for example to Members of the Planning Committee; or more than one Member has to sign up to the call-in. Such restrictions are considered inappropriate, especially given the Government’s emphasis on the fact that every Member’s primary duty is to act in the interests of the Borough as a whole.

**2.15** The ability of any Member to call an application to Committee is a necessary safeguard for any Scheme of Delegation which Members can accept and trust; it is a critical component of accountability. It is usual for the right to be time limited and it is proposed that it be within 21 days of the date of the circulation of weekly list. Furthermore, it must be in writing, with reasons that are based on material reasons.

**2.16** The reasons for Members to want an application to be considered by Committee have to be “reasonable”, but do not necessarily need to be limited to strictly “planning” grounds. For example, a Member may want an application to be called-in because it is locally controversial. Reasons for call-in must be required and these must be reported to the Committee, so that it is clear why a Member wants an application to be so determined. A Member should also be able to decide whether they wish an application to be considered by Committee within 21 days of being notified of its existence. A longer, possibly indeterminate period, makes management of the development control process very difficult. Furthermore, the Member must be able to rescind their request for call-in if their concerns are satisfied as the application progresses through the development control process.

**2.17** *Referral by the Corporate Manager/Development Control Manager*: this is a normal element of such schemes, providing simply that the Corporate Manager/Development Control Manager can refer any application to the Committee. The Scheme should incorporate such a provision. However, it must be made explicit that the reasons for referral by the senior officer relate to significant planning issues involved in consideration of a particular application. These issues might include (*inter alia*) the scale of a proposal; the difficulty of balancing material considerations; or departures from policy. They would not include controversy as such: reference to Committee because an application is controversial should be adequately and more properly covered by other elements of the scheme – i.e. the right for Member call-in.

**2.18** *Probity exceptions*: This type of exception is common in most Schemes. It is normal to ensure that:

- Significant applications made by or on behalf of the Council are handled by the Committee
- Applications on land which is owned by the Authority are dealt with by the Committee

- Applications by or on behalf of current or recent (5 years) Council Members are dealt with by Committee
- Applications by current or former (5 years) members are staff are referred to Committee.

#### West Northamptonshire Development Corporation (WNDC)

**2.19** Since April 2006, West Northamptonshire Development Corporation (WNDC) have had planning powers to determine all planning applications in Northampton Borough which are of strategic significance and also the majority of applications within the Central Area of Northampton. Since January 2007 WNDC have been carrying out the registration and assessment of planning applications themselves and have appointed a team of development control staff.

**2.20** Arrangements need to be agreed under which WNDC will consult this Council on planning applications and the means by which the Council will formulate responses.

#### Scope of Consultation with the Borough Council

It is proposed that WNDC should be asked to consult this Council on all applications submitted within the Borough of Northampton ,

This will enable the Council to maintain a comprehensive planning application database to ensure an accurate record of planning proposals and ensure that planning officers are fully aware of all applications and decisions in order to help make consistent and complimentary decisions. In terms of minor applications it is quite likely that the Council will not wish to make any comment but it is considered important that we are informed of all applications made.

For the purposes of the Land Charges service it is important that a comprehensive understanding of development proposals is maintained.

For the purposes of the Councils planning enforcement service it is equally important that we have a record by way of consultation of all developments, and therefore maintain comprehensive planning history in order to effectively take enforcement action. It would be inappropriate to rely on a third party's record management system when legal proceedings may require officers to swear in Court as to their validity.

WNDC have been asked to address each planning application consultation to the Director of People, Performance and Planning who will ensure that a corporate response is provided.

#### Proposed arrangements to provide responses to WNDC

**2.21** Like other consultees, the Borough Council will normally have 21 days to make comment on a planning application in order that the planning authority can

consider responses and make prompt decisions. .

- 2.22** It will be necessary to seek delegated authority for officers to respond on behalf of the Council for certain types of application in order to ensure that the Council's views can be made in time. There is at present no reference in the Council Scheme of Delegation for officers being given authority to provide responses to WNDP and this will need amending urgently. In the Scheme of Delegation issued in November 2006, delegation is provided to the Corporate Manager (Development, Building Control and Environmental Health) to make responses both to neighbouring authorities on fringe applications and to the County Council on its own planning applications "which would not prejudice the policies and proposals of the Northampton Local Plan or have any other strategic consequences".
- 2.23** It is proposed that this statement should also form the basis of delegated authority to the Corporate Manager (Regeneration, Growth and Community Development) for making responses to WNDP. As such the test of whether WNDP planning applications are brought to Planning Committee will be if they are considered to be either of strategic significance or may prejudice the policies and proposals of the development plan. This remains at present in largely the Northampton Local Plan, but in time will be superseded by its successor documents through the Regional Plan and Local Development Framework.
- 2.24** The definition of "strategic" would be the threshold of strategic applications considered by WNDP and therefore only smaller town centre proposals would fall to officers to make comment. For additional flexibility it is suggested that words to enable officers to bring to the Committee any application, which is considered to impact upon or be prejudicial to the Council's strategic or corporate priorities, should be added to the scheme of delegation. This clause will enable officers to exercise discretion and respond to member and community views on applications, without the need for a right of "call in". Public speaking on the consultations will be permitted and this will enable community views to be made, although the public will increasingly be also aware of their ability to speak at the WNDP Committee directly. The decision on delegation or committee routes will rest with the Corporate Manager (Regeneration Growth and Community Development) or his/her representative in consultation with the portfolio holder.
- 2.25** WNDP consultations will be dealt with by a nominated officer within regeneration and growth that will carry out rapid internal consultation as needed within the Council. This will focus not only on the Council's responsibilities for forward planning, housing, conservation and regeneration but also wider corporate responsibilities e.g related to community leadership. There will be a core team of officers who will normally expect to be consulted internally but this will be expanded as necessary. Ward members will also be consulted by e mail at this time and invited to forward views. No further consultations will be carried out since it is for WNDP themselves as the development control authority to consult directly with the community.

**2.26** The officer will then prepare a response and either forward it directly following necessary approvals under delegated authority as suggested or include it in a report to Planning Committee. For ease of administration, all recommended WNDC responses for Committee approval will be included in a single report.

### **3. Resource Implications (including Financial Implications)**

The intention behind the proposed revisions to the Scheme of Delegation in respect of applications for which the Borough Council is the determining authority, is to ensure that Members consider the “right” applications, including those with significant public interest. The current delegation rate (89%) is below the Government target of 90% and is also a “fragile” statistic, based on historical data.

The proposed revisions do not guarantee that the length of the Committee agenda will reduce, but it does provide for Members’ attention to be focused on those applications which are truly significant and meritorious of Committee consideration.

It is also difficult to quantify the staff time which will be required to compile responses to WNDC consultations. To date development control staff have considered in detail major strategic applications and been informed by a number of relevant officers via internal consultations. Until January 2007 they also administered applications for the WNDC and received the corresponding fee income.

The need to consult widely internally and produce reports for committee will not significantly reduce the level of resource needed as a consultee. However, the reduction in income from the WNDC in respect of processing applications is significant. As applications are no longer being administered by development control on behalf of the WNDC, it is appropriate for the co-ordination of consultations to be undertaken through the regeneration and growth team rather than development control. This is because of the contribution these applications will make to achieving the Council’s strategic and corporate priorities for the regeneration of the town.

### **4. Consultees (Internal and External)**

<b>Internal</b>	Development Control, Planning Policy, Legal, Finance.
<b>External</b>	None

## 5. Compliance Issues

### A: How Proposals Deliver Priority Outcomes

<b>Recovery Plan</b>
In reaching the attached recommendations regard has been given to securing the objectives and priorities set out in the Recovery Plan and the Planning Service Improvement Programme.
<b>Corporate Plan</b>
In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

### B: Other Implications

<b>Other Strategies</b>
None

<b>Finance Comments</b>
None


<b>Legal Comments</b>
These have been incorporated within the report.

## 9. Background Papers

Title	Description	Source
None		

[Simon Rowberry, Change and Improvement Manager (Interim)]



<b>Name</b>	<b>Signature</b>	<b>Date</b>	<b>Ext.</b>
<b>Author</b>	<b>Simon Rowberry Stephen Pointer</b>		
<b>Corporate Manager</b>	<b>Christine Stevenson Christopher Cavanagh</b>		
<b>Director</b>		<b>15.03. 2007</b>	<b>7287</b>
<b>Monitoring Officer or Deputy (Key decision only)</b>			
<b>Section 151 Officer or Deputy (Key decision only)</b>			

# Agenda Item 10

Appendices

N/A



**NORTHAMPTON**  
BOROUGH COUNCIL

Item No.10

1

Ward: All

<b>Name of Meeting:</b>	<b>COUNCIL</b>
<b>Meeting Date:</b>	26 March 2007
<b>Directorate:</b>	Governance Resources and Improvement
<b>Corporate Manager:</b>	Francis Fernandes (Solicitor to the Council)
<b>Agenda Status:</b>	Public part of Agenda

<b>Report Title</b>	Appointment of Head of Paid Service
---------------------	-------------------------------------

## 1. Recommendations

Council is asked to:

- (i) note the recommendations from the Employment Committee;
- (ii) to agree to the appointment of a Corporate Director to the role of Head of Paid Service, on a three month rotating basis, with an automatic vacation of the role thereafter;
- (iii) to note that the role will be known as the "Section 4 Statutory Officer".

## 2. Summary

The report seeks Council's approval for the appointment of a Corporate Director to the role of Head of Paid Service, on a three-month rotating basis. To prevent role confusion, the appointment will be termed "Section 4 Statutory Officer".

### 3. Report Background

- 3.1 Members will be aware that John Edwards has been appointed as Interim Chief Executive. Mr Edwards has been given full powers of a Chief Executive. However, as is normal in interim contracts, Mr Edwards will not technically be an “officer” of the Council.
- 3.2 Section 4 of the Local Government and Housing Act 1989 places a legal duty on the Council to appoint “one of its officers” as Head of Paid Service.
- 3.3 There is, therefore, a technical legal reason for the statutory role of Head of Paid Service to be held by an officer. To prevent role confusion the Statutory role will be referred to as the “Section 4 Statutory Officer”.
- 3.4 The Employment Committee considered the issue at its meeting on 26 February 2007, and resolved to recommend to full Council that a Corporate Director be appointed to the role on a three month rotating basis, with an automatic vacation of the role thereafter.

### 4. Consultees (Internal and External)

<b>Internal</b>	Employment Committee
<b>External</b>	None

### 5. Background Papers

<b>Title</b>	<b>Description</b>	<b>Source</b>
Employment Committee Papers 26 February 2007	Committee papers	Meeting Services (restricted item)

**FRANCIS FERNANDES**  
**Solicitor to the Council**

<b>Name</b>	<b>Signature</b>	<b>Date</b>	<b>Ext.</b>
<b>Author</b>			
<b>Corporate Manager</b>			
<b>Director</b>			

# Agenda Item 11

Item No.
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<p><b>Name of Committee: COUNCIL</b></p> <p><b>Meeting Date: 26 March 2007</b></p>
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<b>Report Title</b>	Progress on Recent Council Motions
---------------------	------------------------------------

**1. Recommendations**

<p>That Council receives this report and notes the updates on motion in respect of The Mayorhold Car Park.</p>
--

**2. Summary**

<p>The report sets out the appropriate recent motion that has been approved by Council and its progress.</p>
--

<b>Text of Council Resolution</b>	<b>Latest Position</b>
<p><b>Council 27 November</b></p> <p>This Council requests Cabinet to consider that the Mayorhold Car Park be kept open twenty four hours every day with immediate effect in order to meet the needs of the public visiting and utilising Town Centre night time facilities.</p>	<p>Motion was considered by Cabinet on 19 December 2006 and comment made that with regard to twenty four hour opening the costs and benefits needed to be assessed before a final decision could be made. With regard to the existing late opening the evaluation would take place at the end of January and would include the reaction of businesses to the pilot scheme.</p> <p>The average use averaged twelve vehicles per evening during the five week period of the trial. This reduced to five vehicles per night towards the end of the trial. The situation is being kept under review.</p>

Appendices



**NORTHAMPTON  
BOROUGH COUNCIL**

Item No.  
N/A

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Ward: N/A

**Name of Meeting:** COUNCIL

**Meeting Date:** 26 March 2007

**Directorate:** N/A

**Corporate Manager:** N/A

**Agenda Status:** Public part of Agenda

Report Title	Urgent item
	Appointment of Electoral Registration Officer

## 1. Recommendations

To approve the appointment of the Solicitor to the Council as Electoral Registration Officer of the Council

## 2. Summary

The Electoral Registration Officer carries out the statutory function of preparing, maintaining and publishing the Register of Electors for the Borough.

### **3. Report Background**

Councils are required by law to appoint an **Electoral Registration Officer**. This person would normally be the Chief Executive and the Returning Officer.

The functions of the Electoral Registration Officer are governed by various statutes, principally the Representation of the People Act 1983 and the Electoral Administration Act 2006.

A Register of Electors is published at the beginning of December each year based on information relating to those persons eligible to be registered and resident on 15th October. Electoral registration forms are delivered to every residential property in the Borough during September and the law requires that they be completed and returned to the Electoral Registration Officer. The Electoral Registration Officer then records and maintains the information received in anticipation of forthcoming elections.

This therefore is a technical role and having discussed the matter with the Returning Office, it has been decided that that the role would best sit with the Solicitor to the Council.

### **4. Options and Evaluation of Options**

**(1) Not appoint an Electoral Registration Officer. This is not an option because of the legal obligations.**

**(2) Appoint someone else. Currently however there is no one else available to fill this role**

### **5. Resource Implications (including Financial Implications)**

**Not Applicable**

**6. Risk and Opportunity Issues**

With the forthcoming elections, there would be large legal risks to the election process.

**7. Consultees (Internal and External)**

<b>Internal</b>	Returning Officer
<b>External</b>	

**8. Compliance Issues**

**A: How Proposals Deliver Priority Outcomes**

<b>Recovery Plan</b>
None specifically relevant
<b>Corporate Plan</b>
None specifically relevant

**B: Other Implications**

<b>Other Strategies</b>
N/A

<b>Finance Comments</b>
N/A

<b>Legal Comments</b>
Contained within the report

**Report Author**

Marjorie Fox  
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