

## MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON THURSDAY THE TWENTY EIGHTH DAY OF JUNE 2007 AT SIX THIRTY O'CLOCK IN THE EVENING

**PRESENT:** THE DEPUTY MAYOR Councillor B.Markham (in the Chair).

**COUNCILLORS:** Beardsworth, Capstick Caswell, I. Choudary Church, Clarke, Collins, J. Conroy, R. Conroy, Crake, Davies, Edwards, Garlick, Glynane, Hill, B. Hoare, Hollis, Lane, Larratt, C. Lill, J. Lill, Malpas, I. Markham, Matthews, Meredith, Mildren, Palethorpe, Perkins, Reeve, Scott, Simpson, Tavener, Taylor, P. Varnserry, P.D. Varnserry, Wilson, Woods and Yates

### 1. MINUTES.

The minutes of the proceedings of the Annual Meeting of the Council held on 24 May and reconvened to 25 May 2007 were signed by the Deputy Mayor.

### 2. APOLOGIES.

Apologies for absence were received from the Mayor, Councillors Duncan, Flavell, Hadland, M Hoare, De Cruz and Perkins.

### 3. MAYOR'S ANNOUNCEMENTS.

The Deputy Mayor on behalf of the Council congratulated Councillor Portia Wilson and her husband who announced they were expecting a baby.

At this juncture Councillor Church proposed and Councillor Palethorpe seconded; "That procedure rules be suspended to enable those members of the public who were present and so wished to address the Council on items 8 and 9 on the agenda regarding amendments to the Council's Constitution".

The motion was carried.

At this juncture some members questioned whether this Council meeting was properly constituted and valid in the absence of the Mace. The Deputy Mayor called on the Solicitor to the Council who gave advice that the meeting was properly constituted and clarified the situation with regard to the mace which always went with the Mayor.

Councillor Hill then proposed and Councillor Clarke seconded; "That there be a ten minute adjournment to further check the situation".

A vote was taken and lost.

The Deputy Mayor then agreed to vary the order of business to take item 8 as the

first item in view of the members of the public present who wished to address on this item.

### **8. AMENDMENTS TO THE CONCIL'S CONSTITUTION AS AGREED BY COUNCIL ON 25 MAY 2007**

Mr Green, Mr Adams, Mr Buckle and Mr Grethe then addressed the Council expressing their concerns over amendments to the Constitution which meant that members of the public could no longer address Council on any item appearing on the agenda. They considered that this was not democratic and asked that the Council revert to the status quo and allow public speaking at all Council meetings.

Councillor B Hoare then presented the report seeking approval to the amendments to the Constitution as set out in the appendix. Councillor Hoare advised that the report reflected the decision of Council made at its meeting on 25 May when the Solicitor to the Council was authorised to make the necessary amendments to the Council's Constitution to accord with the changes set out in the political structures report submitted to that meeting and requesting that a further report containing those constitutional changes be brought to this meeting accordingly. He drew attention to revised Rule 1.4 which changed the timing of the guillotine from 10.30pm to 9.30pm. He stated that there was no reference to any change with regard to public speaking at Council meetings. This report reflected changes in public speaking at Cabinet meetings. It was noted that the rules on public speaking at Council meetings had been approved and in operation since the beginning of the year. Councillor Hoare then referred to an addendum which had been tabled with regard to a further amendment to the Constitution in terms of paragraph 17 of the Council Procedure Rules. The addendum pointed out that currently the Constitution only allowed substitutes on Overview and Scrutiny Committees and it sought to amend this to allow substitutes on Audit and General Purposes Committee.

The Council then discussed the report and Councillor Taverner proposed and Councillor Clarke seconded; "That the report be deferred and taken back and consulted upon further with the Leaders of the three political parties and Councillor Clarke to take on board the points raised this evening and brought back to the July meeting.

Councillor Davies proposed a further amendment, "That the document as submitted be agreed with the exception of the section headed Guidelines for Open Government". Councillor Taverner accepted this further amendment.

The amendment was then put to the vote and upon the requisition for a roll call it was recorded that there:-

Voted for the amendment: Councillors Capstick, Caswell, I Choudhary, Clarke, Davies, Edwards, Lane, Larratt, C Lill, J Lill, Malpas, Palethorpe, Reeve, Scott and Taverner (15).

Voted against the amendment: Councillors Beardsworth, SChaudhury, Church,

Collins, J Conroy, R Conroy, Crake, Garlick, Glynane, Hawkins, B Hoare, Hollis, I Markham, Matthews, Meredith, Mildren, Simpson, Taylor, P Varnserry, P D Varnserry, Wilson, Woods and Yates (23).

Abstained: The Deputy Mayor.

The amendment was lost.

Councillor B Hoare then moved for adoption the report as submitted which was seconded by Councillor Woods, voted upon and carried.

**RESOLVED:** That Council:-

- (1) Approves the amendments to the Constitution as set out in the Appendix 1 to the report.
- (2) Authorises the Solicitor to the Council to publish a revised version of the Constitution incorporating these and consequential minor amendments.
- (3) Gives the Solicitor to the Council delegated powers to amend the Constitution to allow amendments that are required to implement Council's decision on the political structures on 25 May 2007 in consultation with the Chief Executive and the Group Leaders.
- (4) Agrees to incorporate the joint political statement into the protocols section of the Constitution (as at Appendix 2 of the report).
- (5) Authorises officers to advertise the Constitutional changes as required by the relevant regulations.
- (6) Agrees to a review of the Constitution within 12 months of this Council meeting.

## **9.AMENDMENTS TO THE COUNCIL'S CONSTITUTION - DELEGATIONS TO OFFICERS PLANNING (DEVELOPMENT CONTROL)**

Councillor Church presented a report which was duly seconded by Councillor Woods and which recommended changes to Part 8 of the Council's Constitution in terms of Delegations to Officers Planning (Development Control). It was noted that on 26 March 2007 Council had approved the principle of amending Part 8 of the Constitution in respect of the Scheme of Delegations to an "exceptions based" approach towards delegated Development Control decisions and that such amendments be formulated and submitted to a future meeting. This report has therefore completed this process by submitting the detailed wording changes proposed.

**RESOLVED:** That Part 8 of the Council's Constitution be changed to incorporate the following wording in place of the present Section 2 of the Delegated Powers of the Corporate Manager Development Control, Building Control and Environmental Health to reflect the principles for change approved by Council on 26 March 2007:-

A Development Control

- 2.1 Subject in the relevant cases to consultation with the Solicitor to the Council on non-standard proposed conditions and reasons for refusal, determining all applications pursuant to the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 except;
- 2.1.1 Any applications called in for determination by the Planning Committee by any member of the Council following a written request which gives the planning reason for the call-in. (For this purpose a list of new applications will be regularly circulated to all Councillors which will specify a date in relation to each application by which any call in request must be made. A Councillor may subsequently withdraw a call-in request at any time before the application appears on the published Committee agenda).
- 2.1.2 Any application which would otherwise be delegated to the Corporate Manager but which the Corporate Manager considers should come before the Planning Committee.
- 2.1.3 Any application made by a member or a person who has been a member within the five years prior to making application or a relative or partner of such a person.
- 2.1.4 Any application made by an officer/employee of the Council or a person who has been an officer/employee in the five years prior to making the application or a relative or partner of such a person.
- 2.1.5 Any application involving the Borough Council either as applicant or landowner either on its own or jointly with another party.

B. WNDC

Make 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 Council's strategic or corporate priorities.

#### **4. CORPORATE PLAN**

Councillor Woods presented the Corporate Plan which was seconded by Councillor B Hoare. Councillor Woods drew attention to an addendum, copies of which were

circulated, detailing a number of minor changes to the Corporate Plan. Firstly the front cover had been amended to include the words "Incorporating the Best Value Performance Plan". Also it had been amended on page 17 following comments made at Overview and Scrutiny Committee meetings. The financial information on page 17 had been updated to include a breakdown of the housing revenue account. In the general fund breakdown of cash limits the finance and asset management figure should be £6,222,120 and not £6,22,120 as currently printed. Finally in the Glossary of Terms Overview and Scrutiny Committees recommended that the plan should include a Glossary of Terms and this would be included in the plan prior to formal publication and distribution. In discussing the plan various comments were made concerning the Neighbourhood Warden Service, the fact that the plan needed to be challenging and inspirational and needed to ensure maximum cultural and economic benefit to the inhabitants of the town.

**RESOLVED:** That the Council adopt the Corporate Plan as submitted for 2007-11.

## **5.BEST VALUE PERFORMANCE PLAN**

Councillor B.Hoare moved for adoption the Best Value Performance Plan 2007/08 which was seconded by Councillor Glynane. He referred to an addendum which had been tabled listing a number of amendments to the plan as follows:- Page 5 insertion of Corporate Map for Strategic Service Planning, Page 6 BVP166A Target Change from 97.2% to 97.8%, Page 9 LHP1203 Target Change from 34% to 22%, Page 16 Number of Working Days Lost to Sickness removed figure TBC, Page 16 Cost of Waste Collection removed figure TBC, Page 23 BV212 Average Relet Time 70 days to 72 days, Page 24 BVP186 Result Change from £51.26 to £51.27, Page 26 BVP1184A Entered Quartile Position of Lower Median, Page 26 BVP1184B Entered Figure of -19.9% and Quartile Position of Bottom, Page 27 BVPI226A & B Indicators moved to Chris Cavanagh's area from Thomas Hall's as responsibility changed through restructure, Page 27 BVP205 Quality of Planning Service Checklist 77.70% to 77.8%, Page BVP1225 Result Change from 72.37% to 81.82%. The narrative and figures within the main text of the document affected by the changes had also been adjusted accordingly.

The Council then discussed the plan it being noted that this was a living document. Councillor Larratt expressed some concern over ELPI5 on page 6 of the plan regarding Flytipping and expressed a view that he would like to see the target increase to 95% for all three years. Councillor Hoare took on board the comments expressed and stated that he would keep the Council updated on the position at future meetings.

**RESOLVED:** That Council approve the Best Value Performance Plan for 2007/08.

## **6.STATEMENT OF INTERNAL CONTROL**

Councillor Mildren presented the 2006/07 Statement on Internal Control which was duly seconded by Councillor Woods. It was noted that this had been considered by Audit Committee and Cabinet and was now before Council for adoption. He advised that the Accounts and Audit Regulations 2003 required Council to formally approve the Statement of Accounts by 30 June and that this included the adoption of the Statement on Internal Control.

**RESOLVED:** That the 2006/07 Statement on Internal Control be adopted.

## **7.STATEMENT OF ACCOUNTS 2006/07**

Councillor Mildren presented the Statement of Accounts for 2006/07 which was seconded by Councillor Woods. He stated that Audit Committee and Cabinet had considered the accounts and passed them onto Full Council for adoption so that they could be presented to the External Auditor on 30 June 2007.

At this juncture Councillor Palethorpe on behalf of the Conservative Group placed on record thanks to the Highways DSO staff for their excellent work over the years. This was endorsed by all present.

**RESOLVED:** That the Statement of Accounts 2006/07 be adopted.

## **10.AMENDED MEETINGS CYCLE**

Councillor B Hoare presented this report which was seconded by Councillor Woods seeking approval to the amended Meetings Cycle for 2007/08 a copy of which was appended. He drew attention to the fact that the September Council Meeting which had originally be scheduled for 27 September but was then changed to 17 September now needed to be further changed as it clashed with the Liberal Democratic Party Conference. Also attention was drawn to the fact that a further Special Council Meeting needed to be arranged and 6 August was being suggested. Councillor Hoare also advised that another Overview and Scrutiny Committee was being arranged for 16 July.

**RESOLVED:** (1) That the amended Meetings Cycle for 2007/08 be approved.  
 (2) That a further date for the September Council Meeting be arranged.  
 (3) That a further Special Council Meeting be arranged for Monday 6 August at 6.00pm for the purpose of appointing a new Chief Executive.

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

There were none.

The meeting concluded at 9.20pm