

NORTHAMPTON BOROUGH COUNCIL

CABINET

Monday, 1 October 2007

PRESENT: Councillor Woods (Chair); Councillor Glynane (Deputy Chair); Councillors Beardsworth, Church, Crake, Hoare and Mildren

1. APOLOGIES

There were none.

2. MINUTES

There were none.

3. DEPUTATIONS/PUBLIC ADDRESSES

- RESOLVED:** (1) That Mr Swinn be granted leave to address the Cabinet in respect of item 7 "Economic and Regeneration Strategy", item 9 "Housing Revenue Account" and item 10 "General Fund Capital Programme 2007/08".
- (2) That Mr Adams be granted leave to address the Cabinet in respect of item 9 "Housing Revenue Account".
- (3) That Ann Timson be granted leave to address the Cabinet in respect of item 7 "Economic and Regeneration Strategy", item 8 "Grosvenor Greyfriars" and item 18 "Satisfaction Survey Results 2007".

4. DECLARATIONS OF INTEREST

Councillor Church declared a personal and prejudicial interest in respect of item 13 due to the fact that he was a member of Friends of the Racecourse.

5. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

6. EDGAR MOBBS WAY CAR PARK

Councillor Mildren as the Portfolio Holder submitted a report seeking authority to acquire a long leasehold interest in the car park known as P4 or the South Car Park at Edgar Mobbs Way. Councillor Church as Portfolio Holder for Regeneration and therefore having an interest in this issue also commented upon the report and drew attention to paragraph 3.2, commenting upon the importance of this site in the longer term.

- RESOLVED:** (1) That the principle be agreed that this Council take a long leasehold interest in the land known as South Car Park (P4) at Edgar Mobbs Way.
- (2) That authority be delegated to the Director of Finance to approve the terms of the lease in consultation with the Portfolio Holder for Finance.
- (3) That any medium financial implications arising should be reflected in the Medium Term Financial plan.

7. ECONOMIC AND REGENERATION STRATEGY

Mr Swinn addressed the Cabinet regarding the Northampton Economic Regeneration Strategy document. He recalled the previous regeneration and expansion of Northampton back in the 1970's. He stated that the document referred to a knowledge city. He expressed the view that Northampton's university seemed to be biased towards courses on arts and

business administration rather than the sciences and engineering and he expressed the view that perhaps Northampton's university should widen its field to more fully embrace these other areas. He also made the comment that the report talked about a market city but he questioned the current state of the market particularly the cattle market which no longer operated from Northampton. He stated that he appreciated there was the need to cast the net wide to be ambitious but there was also the need to be realistic and he urged that a proper market be brought back to the town.

Ann Timson then addressed the Cabinet and referred to the potential increase in the growth of the town. She stated that she was concerned about demolition and that rejuvenation and renovation were preferable. She also had concerns about transport issues. She asked which areas were earmarked for demolition and rebuild as opposed to which areas were to be refurbished.

Councillor Church as the Portfolio Holder then presented the report commenting that this document would be a key document for the Borough and related directly to the Corporate Plan to promote economic development and growth in Northampton. He stated the strategy which was appended to the report set out the economic and regeneration vision and priorities. It also outlined the actions that were required to achieve this objective over a projected time period up to 2021. The report was seeking to approve a draft strategy to consult the wider community before returning to Cabinet in 2008 with a final version for adoption. He noted the addresses above and commented that many of Ann Timson's comments related to the Central Area Action Plan and Joint Core Strategy and hoped that she would contribute to the public consultation on that document. He stated that he welcomed this report and thanked Mick Lorkins for the work that he had put into this document. In terms of housing it was recognised that there was the need to ensure that there was affordable housing but that it was of the highest possible quality. Comment was made that the general public needed to have an input into this document and therefore it needed to be well publicised on the Borough Council's website.

RESOLVED: (1) That the draft Economic Regeneration Strategy (at Appendix 1 of the report) be approved and that there be consultation with the wider community.

(2) That approval be given to commence a programme of consultation to ensure the final version is one that the Borough Council's partners and residents of Northampton can all sign up to.

8. GROSVENOR GREYFRIARS

Ann Timson addressed the Cabinet noting that Chris Grethe had intended to speak to this item but had been unable to attend the meeting. She advised that she believed Chris would have referred in his address to the issue of shopmobility in the Grosvenor Centre. She then asked whether it was really necessary to demolish Greyfriars Bus Station rather than rejuvenate it.

Councillor Church as the Portfolio Holder then presented the report with a further progress report giving the latest update being tabled at the meeting. Councillor Church commented that an important milestone had been reached in discussions with Legal and General on the future of Grosvenor Greyfriars that day and Heads of Terms had been substantially agreed with Legal and General for the redevelopment of the site. It was noted that the intensive period of legal negotiation between the partners which would convert Heads of Terms into a Conditional Development Agreement would (subject to Cabinet approval) commence shortly. It was anticipated that a period of two weeks would be required to resolve outstanding issues and carry out a due diligence exercise. Both Legal and General and Northampton Borough Council were in agreement that the Conditional Development Agreement should be entered into in 2007 and it was anticipated that negotiations would extend through all of October and

November into December it being noted that there was still substantial work to be done making this a very challenging target. It was noted that reaching all of the objectives/preconditions would require the successful management of negotiations with Legal and General and Northampton Borough Council with retailers, English Partnerships, WNDC, EEDA and Stagecoach. The success of the development was not wholly within the control of the partners. It was noted that further in depth discussion regarding the Heads of Terms and the financial position would take place on the private part of the agenda.

- RESOLVED:** (1) That the reported progress be noted and a continued commitment towards the project be confirmed.
- (2) That further discussion regarding expenditure of the agreed budget and Heads of Terms take place in the private part of the meeting.

9. HOUSING REVENUE ACCOUNT - CAPITAL PROGRAMME 2007-08

Mr Norman Adams addressed the Cabinet in his capacity as the new Chair of N-TACT. He brought to Cabinet's attention a document which had been signed by the Chief Executive and the previous Chair of N-TACT and the Corporate Manager of Housing Services and commented that there were certain key things in the document in terms of participation that he would expect from the Council. He highlighted two issues in the report one regarding £150,000 for the removal of asbestos and lift refurbishment. He also asked whether the Council were using Section 20s.

Mr Chris Swinn then addressed the Cabinet referring to the Tenant Participation Agreement which was the document Mr Adams was referring to and commented that N-TACT should be consulted on issues. He was of the opinion that the budget draft had not been submitted to N-TACT. He then referred to the asbestos issue and commented that in Spring Boroughs some 200 properties were requiring work for asbestos removal at a cost of £585 per property. He asked whether this was for one year or for five years. He also referred to the kitchen replacement backlog commenting that N-TACT had never been involved with this. He also sought clarity as to the meaning of Capital Voids. He concluded by urging that there be more consultation with N-TACT.

Councillor Mildren as the Portfolio Holder submitted the report seeking approval for the inclusion of schemes as detailed in the Council's Housing Revenue Account Capital Programme for 2007/08. He commented that consultation had taken place with a sub-group of N-TACT but they had never given any feedback. In terms of the asbestos removal a presentation had been made very recently, it being noted that the figure of £585 mentioned by Mr Swinn was actually at the higher end of the estimate. The meaning of Capital Voids was also clarified.

- RESOLVED:** (1) That the schemes listed at paragraph 3.2.2 of the report be approved for inclusion in the Housing Revenue Account Capital Programme.
- (2) That the funding sources for the schemes listed at paragraph 3.2.2 as identified at paragraph 3.2.3 be noted.

10. GENERAL FUND - CAPITAL PROGRAMME 2007-08

Mr Swinn addressed the Cabinet commenting that he was repeating questions previously asked regarding Capital Receipts and Right to Buy Sales. He stated that tenants could no longer afford to buy their council houses and asked what the Council were funding from the 25% Capital Receipts. He expressed the view that the money should be reinvested in building social housing and that other authorities did this. He asked whether the Council was going to change the policy on Right to Buy Capital Receipts and put the money back into housing.

Councillor Mildren as the Portfolio Holder then presented the report commenting that this was a paper specifically dealing with a Capital Scheme for Becketts Park and therefore Mr

Swinn's address was not wholly relevant to this particular issue. However Councillor Beardsworth briefly explained the position regarding Capital Receipts commenting that 25% from the sale of each property came to the Council and that 75% went to Central Government.

With regard to the proposed scheme for Midsummer Meadow and Becketts Park Waterside Enhancement Councillor Woods sought assurance that this would not impact upon the Sea Cadets facilities. It was noted that the Sea Cadets were currently situated in the Becketts Park area and that this would not impact upon them.

RESOLVED: (1) That the proposed addition to the General Fund Capital Programme listed at paragraph 3.2.2 (Midsummer Meadow and Becketts Park Waterside Enhancement Scheme) be approved.

(2) That the funding source for the proposed addition to the General Fund Capital Programme listed at paragraph 3.2.2 be approved.

(3) That it be noted that the approval of the Midsummer Meadow and Becketts Park Waterside Enhancement Scheme be subject to the NEL Grant Funding being awarded.

(4) That in the event of partial grant funding being awarded the Section 151 Officer be given delegated approval (in consultation with the Portfolio Holder for Regeneration and the Portfolio Holder for Finance, to consider and agree matched funding from internal resources to enable the scheme to proceed).

11. PERFORMANCE

(A) BUDGET MONITORING 2007/08 PERIOD FIVE.

Councillor Mildren as the relevant Portfolio Holder submitted a report which identified the projected outturn position for the current financial year. It was noted that Appendix 1 of the report provided further background information. The report also referred to the management action being taken in response to the forecast and to minimise the impact on the Council's General Reserves at the end of the financial year. It was noted that Appendix 1 showed the identified variations from the approved budget that were giving rise to a forecast nett overspend of £272,000 compared to £469,000 at month four. This would reduce down to a surplus of £30,000 should an application to capitalise severance costs to the DCLG be agreed.

RESOLVED: (1) That the report and the actions being taken to manage the forecast overspend be noted.

(2) That the virement of £90,000 relating to the Human Resources Capacity Fund bid be approved.

(B) PERFORMANCE MONITORING

Councillor B Hoare as the relevant Portfolio Holder presented the monthly Performance Indicators for August 2007. It was noted that this was the second month the reporting format had been changed to reflect the "harder test" agreed by Cabinet on 2 July 2007. There had been a deterioration on last month's performance of 4 green, 3 amber and 3 red indicators as there were now 4 green, 1 amber and 5 red with payment of invoices and the number of tenants owing more than seven weeks' rent falling from amber to red. The average days lost due to sickness had also deteriorated for the second consecutive month. Also the collection rate for abandoned vehicles had fallen due to ELVIS partnership contractor performance, although further negotiation was taking place to ensure sustained performance. It was noted that next month there would be a bigger report as this would include quarterly indicators. Also information would be sent to each Overview and Scrutiny Committee to consider on their work programme.

RESOLVED: That the contents of the report be received and noted.

12. DRAFT NORTHAMPTONSHIRE JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY

Councillor Crake as the Portfolio Holder submitted a report seeking approval for consultation of the draft Northamptonshire Joint Municipal Waste Management Strategy which was appended to the report.

RESOLVED: That the Northamptonshire Joint Municipal Waste Management Strategy (NJMWS) be noted and its release for consultation to the Statutory Board and the public be approved.

13. CONSIDERATION OF OBJECTION RECEIVED TO THE PROPOSED DISPOSAL OF A SMALL AREA OF PUBLIC OPEN SPACE AT THE RACECOURSE

Councillor Church declared a personal and prejudicial interest as a member of Friends of the Racecourse and left the meeting whilst the matter was under discussion.

Councillor Mildren as the Portfolio Holder submitted a report regarding the proposed disposal of a small area of public open space at the Racecourse as shown on the plan attached to the report in the light of objections received in response to the advertisement for this proposed disposal. He stated that the 17 square metres in question would not affect public access or enjoyment to the Racecourse and it was required to produce an improved turning head at the top of Leicester Street. He then drew attention to a couple of corrections in the report. Under Background the report referred to 9 flats. However a revised planning permission issued in July by the WNDL gave permission for 10 flats. The impact of this on the 17 square metres was not significant as the area in question was very small and would continue to be part of the public realm. Councillor Woods commented that the Friends of the Racecourse were concerned that this would be setting a precedent and sought assurance that this would not be the case in paving the way to sell off other pieces of open space. Assurance was given that each case was considered on its merits. Reference was also made to the erection of bollards and it was noted that consultation would take place with Friends of the Racecourse to ensure that these were in keeping with other bollards that had been erected around the area and were of a size and design acceptable to Friends of the Racecourse.

RESOLVED: (1) That the decision of the Portfolio Holder for Finance to dispose of an area of public open space of 17 square metres forming part of the Racecourse be confirmed.
(2) That the decision of the variation of the price agreed in the current negotiations be delegated to the Director of Finance in consultation with the Portfolio Holder for Finance.

14. LEASE TO NORTHAMPTONSHIRE COUNTY COUNCIL OF LAND AT FAR COTTON RECREATION GROUND (ADJACENT TO QUEEN ELEANOR PRIMARY SCHOOL)

Councillor Mildren as the Portfolio Holder submitted a report seeking authority to grant a lease to Northamptonshire County Council of part of Far Cotton Recreation Ground for use by Queen Eleanor Primary School. Attention was also drawn to the letter appended to the report from Northamptonshire County Council in connection with the lease and agreeing to the cost to the public of utilising the playing field facility which would be at a daily rate of £13.10 (plus annual RPI indexation) plus £10 on each occasion to purchase public liability insurance (where this was necessary).

Councillor Glynane as the Ward Councillor welcomed the conclusion of these negotiations which had been difficult and protracted.

RESOLVED: That it be confirmed that the proposed lease of part of Far Cotton Recreation Ground be granted to Northamptonshire County Council upon the terms referred to in the report.

15. COUNCIL'S SEVERANCE POLICY

Councillor B Hoare as the Portfolio Holder submitted a further report on the proposed changes to the Council's Severance Policy. He referred to the decision at the last meeting when it had been noted that a revised policy would be brought to this meeting for referral to the General Purposes Committee for determination. He also referred to an earlier report back in March when the issue had been put on hold due to the budget. Attention was drawn to the five appendices circulated with the report and in particular to Appendix 5 which set out the Trade Union Side response to the report and their suggestions to the proposal.

RESOLVED: (1) That the Severance Scheme in Appendix 1 of the report and Statement of Discretion in Appendix 2 of the report be recommended for adoption by the General Purposes Committee.

(2) That it be noted that Cabinet did not agree the proposals put forward by the Trade Unions in Appendix 5 of the report.

(3) That it be recommended to the General Purposes Committee that the provisions of the existing Severance Scheme adopted by Council on 26 March 2007 still apply to two members of staff still at risk as a direct result of the budget/efficiency savings, unless the provisions of the new scheme are more favourable to them.

16. REGENERATION AND GROWTH STUDIES FUNDED BY LABGI

Councillor Church as the Portfolio Holder submitted a report which identified the feasibility studies that needed to be undertaken to progress Regeneration and Growth in the Borough and included a recommendation that local action and business growth initiative (LABGI) funding was released to fund the studies. He also drew attention to an amended Appendix 1 which detailed A1 cost of studies to be funded and A2 approved but not funded which was circulated at the meeting. Councillor Mildren commented that when the virements of £173,000 had been made this would leave £135,000 in the fund.

RESOLVED: (1) That the feasibility studies identified in the report be funded from the Corporate Initiatives (LABGI) Earmarked Reserve.

(2) That the following virements of £173,000 from the Corporate Initiatives (LABGI) Earmarked Reserve as matched funding for the following be approved:-

- £25,000 for the Greyfriars Bus Station Demolition Appraisal
- £48,000 for the St Johns Master Plan
- £30,000 for the Car Parking Strategy
- £10,000 for the Market Square Consultation and Option Appraisal
- £10,000 for the Town Centre Shop Front Survey
- £30,000 for the Future Pattern of Leisure Provision
- £10,000 for the Town Centre Retail Study (niche markets)
- £10,000 for the St Johns Business Start Up Initiative

(3) That additional virements from the Corporate Initiatives (LABGI) Earmarked Reserve on the condition that bids from matched funding/grants from external bodies for these purposes are unsuccessful be approved. This is on the understanding that bid for matched funding/grants from external bodies are currently not confirmed. This is an additional sum of up to £215,000 but would ensure the reports can be undertaken as follows:-

- £100,000 for the Market Square Consultation and Option Appraisal

£30,000 for the Town Centre Shop Front Survey
£25,000 for the Future Pattern of Leisure Provision
£30,000 for the Town Centre Retail Study (niche markets)
£30,000 for the St Johns Business Start Up Initiative

17. HOMES FOR THE FUTURE MORE AFFORDABLE MORE SUSTAINABLE - THE HOUSING GREEN PAPER

Councillor Church as the relevant Portfolio Holder submitted a report regarding the consultation on the Housing Green Paper which covered the new housing targets and how these would be achieved and new initiatives to deliver more affordable homes. The paper also considered the quality of new homes and their environmental impact. Responses were sought by the Communities and Local Government Department by 15 October 2007. It was noted that the Council generally supported the Green Paper and noted the 20% uplift in the number of new houses to be targeted in the next twenty or so years. Comment was made that there was the expectation that there would be some increase in the targets that the Council would be expected to deliver which would be something of a challenge and could result in the need to look at Greenfield sites outside the Borough. The provisions of the Green Paper were broadly welcomed but one point that was highlighted was with regard to the need for investment in a sustainable public transport system.

RESOLVED: (1) That Cabinet note and agree the proposed consultation response set out in Appendix A of the report.

(2) That it be agreed that a paper be submitted to Cabinet in November for consideration with a view that approval is given to proceed with developing a firm work plan for Sustainable Communities for Northampton proposals. This would be subject to Cabinet approving the Medium Term planning proposal that has been submitted.

(3) That the authority to make final amendments to the consultation response be delegated if necessary, to the Corporate Manager (Regeneration), in consultation with Portfolio Holder (Regeneration), prior to submission.

18. SATISFACTION SURVEY RESULTS 2007

Ann Timson addressed the Cabinet commenting that surveys were essential in her view. However there were two words that she did not agree with these being average and percentage. She asked what was wrong with true figures and felt that often true readings were not given when percentage and average polls took place and the figures as a result could not then be relied on to be totally accurate.

Councillor Hoare as the Portfolio Holder then submitted the report together with the results of the customer satisfaction survey analysis. He explained that the survey had been undertaken by MORI with other authorities on a 3 yearly basis and was one of our best value performance indicators although this had not been previously brought to a Cabinet meeting. The position appeared to be grim and could only get better. Of the 84 indicators since 2003 80% had shown dissatisfaction and only 4 improvements. However page five of the analysis showed some good news in terms of satisfaction with parks and open spaces, sports and leisure facilities, libraries, museums and art galleries and theatres and concert halls. He stated the Council would undertake annual surveys until it could see significant improvements in its overall performance rather than relying on three year surveys.

RESOLVED: (1) That the report be received and noted.

(2) That action to address the issues raised and incorporate the results of the surveys to inform service planning process for 2008 and onwards be endorsed.

18.1 EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the public and press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

19. LAND AT LANCASTER WAY (3)

Councillor Mildren as the Portfolio Holder submitted a report seeking approval for the sale of an area of land designated as public open space off Lancaster way and Towcester Road as shown on the plan accompanying the report.

RESOLVED: (1) That the conditional sale of the land on terms referred to in the report be agreed.
(2) That Cabinet authorises the advertisement of the proposed disposal of public open space in accordance with the requirements of the local Government Act 1972, as amended by the Local Government, Planning and Land Act 1980, relating to the disposal of open space.

20. GROSVENOR GREYFRIARS (3)

Councillor Church as the relevant Portfolio Holder presented the private report regarding the Grosvenor Centre and the Greyfriars Bus Station. In addition a further progress report outlining the latest position was tabled together with copies of the draft Heads of Terms which were taken back again at the end of the discussion on this item. He referred to the discussion of this item on the public part of the agenda when it had been noted that intensive negotiations regarding the Heads of Terms of a Conditional Development Agreement had taken place between Northampton Borough Council and Legal and General and their respective professional advisors. Further more detailed discussion on the Heads of Terms and the financial position then ensued.

RESOLVED: (1) That the progress reported on the negotiation of Heads of Terms be noted and that there be a continued commitment towards the project.
(2) That the agreement to make the necessary changes to the draft Heads of Terms in providing an acceptable final version for agreement with Legal and General be delegated to the Chief Executive in consultation with the Portfolio Holder for Regeneration and the Leader of the Council.

21. SALE OF TRADE WASTE SERVICE (3)

Councillor Crake as the relevant Portfolio Holder submitted a report seeking approval to the sale of the Northampton Borough Council run Trade Waste Service. It was noted that in March of this year Cabinet had considered a report and approved the progression of the sale of the Trade Waste Service which had identified all potential options for Northampton Borough Council.

RESOLVED: (1) That the sale of the Trade Waste Service as per the financial implications identified within Section 4 of the report be approved.
(2) That the GAD situation be noted.
(3) That the Chief Executive, in consultation with the Leader of the Council and Portfolio Holder for Environment, negotiate the final figure of sale dependent upon final customer base at the time of completion.

< The meeting concluded at 8.45pm