

MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON MONDAY 27 OCTOBER 2008 AT SIX THIRTY O'CLOCK IN THE EVENING

PRESENT: HIS WORSHIP THE MAYOR Councillor B Markham (in the Chair).

COUNCILLORS: Beardsworth, Capstick, Caswell, S. Chaudhury, I. Choudary, Church, Clarke, Collins, J. Conroy, R. Conroy, Crake, De Cruz, Davies, Duncan, Edwards, Flavell, Garlick, Glynane, Hadland, Hawkins, Hill, B. Hoare, M. Hoare, Hollis, Lane, Larratt, J. Lill, I. Markham, Matthews, Meredith, Mildren, Palethorpe, Perkins, Reeve, Simpson, Taylor, P. D. Varnsberry, P. M. Varnsberry, Wilson, Woods and Yates

1. MINUTES.

The minutes of the proceedings of the special meeting of the Council held on 29 September 2008 were signed by the Mayor.

2. APOLOGIES.

Apologies were received from Councillors C Lill, Malpas, Mason, Scott and Tavener.

3. DECLARATIONS OF INTEREST

Councillors Church, Davies, Hollis, Woods and P D Varnsberry declared a personal interest in Item 9c, Motions in respect of Automatic Sprinkler Systems in Industrial Buildings insofar as the motion referred to the West Northamptonshire Joint Strategic Planning Committee.

4. MAYOR'S ANNOUNCEMENTS.

The Mayor commented upon the Council's success in the Britain in Bloom competition as a winner in the Cities category and its success in the East Midlands in Bloom competition. The Mayor reported that he had presented awards to Richard Gold, Becky McClelland and Tony Spiezick and presented a certificate to Mrs Manning and a Silver Gilt award to Mrs Shears and Mrs Gray and Sophie, Beth, Sam and Reece from Headlands Primary School.

The Mayor commented that "Mayor's Bears" had been awarded to children from Booth Lane School and Bellinge School, following visits to the Guildhall and both of whom had presented thank you gifts to him.

The Mayor commented that over the past weekend he had successfully completed a twenty miles sponsored cycle ride with the Chairman of the County Council and reminded Councillors that the proceeds would go towards the Mayoral charities.

The Mayor announced that Item 9, Motions, would be taken after Item 13, Opposition Group Business.

5. PUBLIC COMMENTS AND PETITIONS

(i) Petition From Residents at South Briars Court Area for Action to Prevent Use of Open Space by Travellers

The Mayor noted that this petition would not now be presented to this meeting.

(ii) Other

Mr Dickie, speaking in respect of Item 9a, Motion to Implement a Citizen's Award Scheme and to Cease the Honorary Alderman Award, commented that he was one of five remaining Honorary Aldermen with only six ever having been appointed. He felt that the idea of a Citizen's Award was a good idea and should be encouraged to celebrate the community's contribution to life in the borough, but he felt that this should not be confused with celebrating Councillors' contribution to public life.

Mr Adams, in referring to the Leader of the Council's Portfolio Holder Report and the Remuneration Panel Report, noted that the Leader had commented that much of the Council's improvement was down to its staff. He questioned, then why, in the remuneration report, the bulk of the increase would go to the Leader at a time when Council staff were expected to accept only 2.45%. He noted the comments made in respect of the shortfall in terms of the Concessionary Fare Scheme and queried whether the appropriate contract had been negotiated properly. He felt that the bus operators had out-flanked the Council.

6. MEMBER AND PUBLIC QUESTION TIME

The Mayor advised that nine questions had been received from members of the public and Councillors and that these and the answers had been tabled in accordance with the Constitution. The Mayor advised that he would take the questions in the order in which they had been received.

Mrs Roy asked a question of Councillor Beardsworth, as the relevant Portfolio Holder, in respect of the Council working with its tenants with disabilities in their own homes and referred, in particular, to the case of a particular tenant. Mrs Roy noted the response as tabled and Councillor Beardsworth, in answer to a supplementary question, noted that a response to the case raised was contained in a letter that had been posted to Mrs Roy.

Mrs Roy asked a question of Councillor Woods, as the relevant Portfolio Holder, in respect of the High Court case between Kaur and Shah versus the London Borough of Ealing and its impact upon Equality Impact Assessments in policy decisions. Mrs Roy noted the response as tabled and Councillor Woods, in answer to a

supplementary question, noted that improvement to the Council's processes were taking place all the time and that he was content that Equality Impact Assessments were being conducted in a timely way.

Mrs Smith asked a question of Councillor Glynane, as the relevant Portfolio Holder, in respect of the rent charges for Thorplands Brook Community Co-op Shop and Kings Heath Need-to-Know Shop. Mrs Smith noted the response as tabled and Councillor Glynane, in answer to a supplementary question, stated that consideration would be given to negotiating an arrangement for the rent to be paid.

Mr Adams asked a question of Councillor Beardsworth, as the relevant Portfolio Holder, in respect of the Council bidding in the sixth PFI bidding round for the upgrade of Council housing. Mr Adams noted the response as tabled and Councillor Beardsworth, in answer to a supplementary question, stated that all those likely to be affected by a PFI option would be consulted.

Mr Adams asked a question of Councillor Beardsworth, as the relevant Portfolio Holder, in respect of the formation of a new tenants' liaison mechanism. Mr Adams noted the response as tabled and Councillor Beardsworth, in answer to a supplementary question, commented that it was her wish that NTACT would function properly and ideally would like to see an elected panel but, until this could be achieved, an alternative mechanism was needed.

The Mayor, on behalf of Mr Swinn, asked a question of Councillor Beardsworth as the relevant Portfolio Holder, in respect of type 2 asbestos in Council dwellings and noted that the response as tabled would be forwarded to Mr Swinn.

Councillor Davies asked a question of Councillor Woods, as the relevant Portfolio Holder, in respect of funding to remove the Delapre Park bund and noted the response as tabled. Councillor Woods, in response to a supplementary question, stated that it made good financial sense to work with English Partnerships otherwise the costs to the Council would be high to move bund material to landfill.

Councillor Capstick asked a question of Councillor Glynane, as the appropriate Portfolio Holder, that Lings Forum would not be closed as a cost saving measure to fill the gap in the Council's finances. She noted the response as tabled and Councillor Glynane, in answer to a supplementary question, commented that leisure services was seen as a fundamental need in Northampton and that there was demand for another facility on the west side of town.

Councillor Larratt asked a question of Councillor Crake, as the relevant Portfolio Holder, in respect of the provision of a replacement bench at the junction of St Edmunds Street, Alfred Street and Stockley Street. He noted the response as tabled and Councillor Crake, in response to a supplementary question, noted that the delay had been due to difficulties in obtaining the appropriate fittings. The bench would be installed on the following day, 28 October 2008.

7. CABINET MEMBER PRESENTATIONS

At this point each of the Cabinet members made a presentation on their respective portfolios, which had been circulated with the Agenda.

Councillor Woods, as Leader of the Council and Portfolio Holder for Partnerships Improvement, submitted his portfolio update and apologised to Councillors in the delay in responding to questions that had been raised at the last Council meeting.

In answer to a question from Councillor Clarke, Councillor Woods noted that the proposal to remove the Delapre bunding applied only to land in the Council's ownership, ie along London Road. English Partnerships would take the clean material and the bund material would be tested at the time English Partnerships were ready to accept it. Councillor Clarke referred to the statements made to one of the Council's legal officers by lorry drivers delivering the bund infill that it contained contaminated material. Councillor Woods commented that these statements were inadmissible as they had not been made under oath and would need to be resworn. In answer to a question from Councillor Lane, Councillor Woods indicated that he would write to him in respect of the reduction in car parking income.

Councillor Glynane, Portfolio Holder for Community Engagement and Safety, then presented his portfolio update and, in answer to a question from Councillor Clarke, commented that some run-off testing from the Delapre Park bund had been conducted and the results copied to the Friends of Delapre Abbey. The test results had shown that the water had not been contaminated. He also noted that the statements from lorry drivers could not be acted upon, as they had not been taken under oath. Councillor Glynane reported that the Diwali celebrations had been a great success.

Councillor Mildren, as the Portfolio Holder for Finance, presented his portfolio update and, in answer to a question from Councillor J Lill, commented that he would write to her in respect of the cost of lighting the Mayorhold Car Park at night and noted that buildings such as this often needed to be lit at night for security reasons. In answer to a question from Councillor Hadland he noted that the shortfall in funding for local government nationally was estimated to be £1.5 billion. The Administration would do its best to maintain current service levels but every authority in the country was predicting increased deficit situations. In answer to a question from Councillor Clarke, Councillor Mildren noted that the Trustees of Delapre Abbey would be receiving tenders to be able to make a bid from the Heritage Lottery Fund. These tenders would be initially considered by the Trustees and a recommendation made to the Director of Finance and himself who would, in turn, make a recommendation to Cabinet. At this stage he could not indicate what the Trustees were likely to recommend. In answer to a question from Councillor J Lill, Councillor Mildren commented that he would look at the costs and issues involved in testing for flooding at Collingtree.

Councillor Beardsworth, the Portfolio Holder for Housing, presented her portfolio update and, in answer to a question from Councillor Palethorpe, noted that benefit case loads would continue to be monitored and that where possible discussions with small businesses would take place, bearing in mind the Council's duty to collect business rates. In answer to a question from Councillor Clarke, Councillor

Beardsworth apologised for the delay in writing to him and the residents of the Cooper Street flats but noted that Housing Officers had been keeping tenants appraised of the situation and it was intended that the works would be completed shortly after Christmas. In answer to a question from Councillor Hadland, Councillor Beardsworth noted that the PFI proposal was just a small part of the Housing and Asset Management Strategy. If a bid for PFI funding was not made now then the opportunity to bid again would not occur for another three years and the Council could not afford to wait that long. An e-mail had been sent to all Councillors.

Councillor Church, as the Portfolio Holder for Regeneration, presented his portfolio update and noted that the report on the Racecourse Masterplan would now be presented to Cabinet on 26 November 2008. He also noted that the West Northamptonshire Joint Strategic Planning Committee had had a successful first meeting on 21 October and that Councillor Woods had been appointed Chairman of it. In answer to a question from Councillor Clarke, Councillor Church commented that he was confident that a resolution to the market trader concerns would be reached in terms of the layout of the market. In answer to a question from Councillor Palethorpe, Councillor Church noted that the house building targets for the period 2006-2011 were unlikely to be met and the Government had been asked to adjust the timetable accordingly.

Councillor Crake, as the Portfolio Holder for Environment, presented her portfolio update and, in response to a question from Councillor Larratt, stated that the Friends of Eastfield Park were conducting consultation with local people in respect of the play equipment for eight to thirteen year olds that would be provided. She also noted that two other bids for funding had been unsuccessful. In answer to a further question from Councillor Larratt, Councillor Crake noted that residents had been informed of the change in plastics collection on Radio Northampton, tags placed in recycling boxes and wheelie bins and articles in the Chronicle & Echo. The glass collection scheme would commence in January 2009. In answer to a question from Councillor J Lill, Councillor Crake undertook to investigate a past undertaking for flood works at Penvale Park. In answer to a question from Councillor Edwards, she undertook to remind all funeral directors about the availability of burial plots in Duston.

Councillor B Hoare, as the Portfolio Holder for Performance, presented his portfolio update.

8. REMUNERATION PANEL

The Mayor asked that in order to help manage the discussion on this item, that any proposed amendments be submitted in writing to him. He noted that he had already received notice of two such amendments. Councillor B Hoare submitted a report that had been circulated with the Agenda and thanked the Independent Panel for its consideration and noted that it was a requirement of the Local Government Act 2000 to appoint an Independent Panel and to receive such reports. He also noted that the report followed national guidance. In proposing the recommendations, A to R, contained in the report he put forward an amendment that Recommendations F and G be not accepted. Councillor P D Varnsverry seconded the recommendations

in the report as amended.

Councillor Hadland proposed and Councillor Palethorpe seconded "That Recommendation M be amended so that the recommendations within the report are noted but will not take effect until they are considered again by Council after the Annual Council Meeting in May 2009 and that Recommendations F and G be reinstated".

Council debated the amendment.

Upon a request for a recorded vote, there voted for the amendment: Councillors Capstick, Caswell, Choudary, Clarke, Duncan, Edwards, Flavell, Hadland, Hill, M Hoare, Lane, Larratt, J Lill, Palethorpe and Reeve.

There voted against the amendment Councillors: Beardsworth, Chaudhury, Church, Collins, J Conroy, R Conroy, Crake, Davies, De Cruz, Garlick, Glynane, Hawkins, B Hoare, Hollis, I Markham, Matthews, Meredith, Mildren, Perkins, Simpson, Taylor, P M Varnserry, P D Varnserry, Wilson, Woods and Yates.

Abstentions: The Mayor.

The amendment was lost.

The Council debated the substantive motion.

Upon a request for a recorded vote, there voted for the recommendations A to R with the exception of paragraphs F and G: Councillors Beardsworth, Chaudhury, Church, Collins, Crake, Davies, De Cruz, Garlick, Glynane, Hawkins, B Hoare, Hollis, I Markham, Matthews, Meredith, Mildren, Perkins, Simpson, Taylor, P M Varnserry, P D Varnserry, Woods and Yates.

There voted against the substantive motion: Councillors Capstick, Caswell, Choudary, Clarke, Duncan, Edwards, Flavell, Hadland, Hill, M Hoare, Lane, Larratt, J Lill, Palethorpe and Reeve.

Abstentions: The Mayor, Councillors J Conroy, R Conroy and Wilson.

The motion as amended was carried.

9. PARISH COUNCILS: COMMUNITY GOVERNANCE REVIEWS

Councillor B Hoare submitted a report that set out a recommendation from Cabinet for Community Governance Reviews of Wootton and East Hunsbury and Upton Parishes to be undertaken. Councillor Matthews seconded the recommendation in the report.

RESOLVED: That Community Governance Reviews of Wootton and East Hunsbury and Upton Parishes be undertaken.

10. CHANGES TO THE CONSTITUTION

Councillor B Hoare submitted a report that sought to delegate powers to update the Constitution, especially Part 8 (Delegations to Officers by the Council, its Cabinet and Committees) to the Borough Solicitor and Monitoring Officer to reflect the new management structure in consultation with the Chief Executive and the Leader of the Council. Councillor Perkins seconded the recommendation.

RESOLVED: That Council delegate powers to update the Constitution, especially Part 8 (Delegations to Officers by the Council, its Cabinet and Committees) to the Borough Solicitor and Monitoring Officer so that he may make adjustments the Constitution to reflect the new senior management structure in consultation with the Chief Executive and the Leader of the Council.

11. CONFIRMATION OF APPOINTMENTS OF MONITORING OFFICER AND SECTION 151 OFFICER

Councillor B Hoare submitted a report, which sought the confirmation of the appointment of Francis Fernandes as the Council's Monitoring Officer and Isabell Procter as the Council's Section 151 Officer. Councillor Mildren seconded the recommendations.

RESOLVED: (1) That Council affirms the appointment of Francis Fernandes, Borough Solicitor, as the Council's Monitoring Officer.

(2) That Councillor affirms the appointment of Isabell Procter as the Council's Section 151 Officer.

12. OPPOSITION GROUP BUSINESS

Councillor Hadland stated that he wished to emphasise the seriousness of the financial plight of the Council and noted the Leader of the Council's acknowledgement that some of the Council's improvement, for example, the appointments of the Director of Finance and the Interim Chief Executive, had built the foundations for the present improvement, had been due to the previous Administration. He commented that some of the difficulties, such as the reduction in car parking income and the increase of energy costs, were not a sudden phenomenon and expressed concern that these had not been predicted at an earlier stage.

Councillor Mildren, in response, commented that the Council had balanced its books as at 31 March 2007 and its accounts had been approved. The Medium Term Financial Plan had predicted a three percent downturn but, in actual fact, this had turned out to be much greater than the prediction. As the budget process for 2009/10 progressed, the situation would be widely consulted upon.

13. MOTIONS

- (A) Councillor Yates moved and Councillor Perkins seconded the Notice of Motion as printed under Item 9 of the Agenda:

“This Council wishes to recognise the exceptional efforts of individuals who live or work in or are otherwise connected with Northampton. It therefore requests Cabinet to bring forward proposals, based on the policy adopted by this Council on 8 November 2004, but never implemented, for a scheme of citizens’ awards.

Further, this Council believes that there should be no award exclusively for Councillors or ex-Councillors. This Council therefore resolves to end the practice of granting the title of Honorary Alderman forthwith and instructs the Monitoring Officer to make the necessary changes to the Council’s Constitution to this effect.”

The motion was duly debated, voted upon and carried.

Councillor Woods proposed and Councillor Matthews seconded that, in accordance with Council Procedural Rule 1.4, the length of the Council meeting be extended to 22:20 hours.

The motion was carried.

- (B) Councillor Taylor declared a personal interest in the motion as a field nurse at the British Grand Prix.

Councillor Collins moved and Councillor Davies seconded the notice of motion as printed under Item 9 of the Agenda:

“This Council supports South Northamptonshire District Council in their determination to retain the Formula 1 Grand Prix at Silverstone. We recognise that the County as a whole derives great benefit from the motor sport industries that have been brought to the area by the presence of the Silverstone circuit, as well as the ancillary businesses which have grown up to support these hi-tech enterprises.”

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

- (C) Councillor Beardsworth declared a personal interest in the motion as a member of the County Council’s Public Protection Committee.

Councillor P D Varnsvery moved and Councillor Glynane seconded the notice of motion as printed under Item 9 of the Agenda:

“This Council recognises that large scale fires in industrial buildings risk the lives of the public and emergency service personnel, as well as causing serious damage to the environment and local economy.

This Council supports the efforts of the Northamptonshire Fire and

Rescue Service to encourage wider installation of automatic sprinkler systems in industrial buildings, where appropriate, within the Borough.

This Council asks the West Northants Joint Strategic Planning Committee to consider including a requirement for sprinkler systems in appropriate new buildings within the Local Development Framework Process.”

L Hudson, on behalf of Northamptonshire Fire and Rescue Service, commented that commercial buildings needed to be safe for people working in them and to the Firemen who might have to deal with incidents in them. He noted that eight fire fighters had died nationally during 2007 in incidents concerning commercial buildings. He stated that commercial buildings were inherently dangerous environments and that sprinkler systems were quite sophisticated and effective and were automatically targeted to where an alarm was triggered. Of sixteen commercial building fires within the county in 2007, five had been in Northampton.

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

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

None.

The meeting concluded at 22.14 hours