

## COUNCIL MEETING – 23<sup>rd</sup> SEPTEMBER 2008

### RESOURCES COMMITTEE

2<sup>nd</sup> September 2008

Present: Councillor J Bailey (Chairman), Councillor P Bell (Vice-Chairman), Councillors Dholakia, Hollyman, G Lawman, L Lawman, Partridge-Underwood, Pursglove, Sharp, Timms, Warwick and Waters.

Councillor Bass attended the meeting.

#### 1. APOLOGIES FOR ABSENCE

**RESOLVED** to note that an apology for absence was received from Councillor Crofts.

#### 2. DECLARATIONS OF INTEREST

**RESOLVED** to note that in accordance with the Local Government Act 2000, the Code of Local Government Conduct and the Council's Constitution, the under-mentioned Councillor declared an interest in the following items:

Councillor	Minute	Subject	Reason
Bailey	22	Winifred Wharton Trust – Discretionary Grant Request	Personal – Council's representative on the Dulley's Baths Management Committee.
Dholakia	23	Re-tendering of The Castle Management Contract	Personal – Friend of The Castle.
Hollyman	14	Heartlands Mediation Service	Personal – the speaker was a business associate.
G Lawman	23	Re-tendering of The Castle Management Contract	Personal – Friend of The Castle.
L Lawman	23	Re-tendering of The Castle Management Contract	Personal – Friend of The Castle.
Partridge-Underwood	23	Re-tendering of The Castle Management Contract	Personal and prejudicial – Member of The Castle Board.

#### 3. CONFIRMATION OF MINUTES

**RESOLVED** that the minutes of the meeting held on 1/7/2008, be confirmed and signed.

4. **CROYLAND ROAD SITE**

The annexed circulated report of the Property Manager was received on the result of the public consultation exercise regarding the future of the Croyland Road site and proposals for its future use.

Attached to the report were the following appendices:

1. summary and recommendations of the Working Group;
2. report on the public consultation on the future use of the site undertaken by FGW Communications Partnership;
3. Croyland Road site plan.

The result of the consultation exercise was overwhelming public support for developing the site in a way which benefited the community.

As a result the officers recommended that:

1. a third of the site be allocated for the provision of supported housing for the elderly;
2. a third of the site be allocated for the provision of medical facilities;
3. a third of the site be reserved, pending further investigation into the many matters identified by the project, for the potential provision of community and leisure facilities and other community benefits as described in appendix 1.

Members agreed that the recommendation be amended so that a further report would be submitted to the Committee prior to the disposal of the site.

It was moved by Councillor Partridge-Underwood and seconded by Councillor Waters that the recommendation, as amended, be approved.

On being put to the vote, the motion was carried.

**RESOLVED** that:

- (i) the site be used for medical facilities and supported housing for the elderly in accordance with paragraphs 5.5 and 5.6 of the report;
- (ii) a further study be undertaken to bring forward a more detailed proposal in respect of community and leisure usage in accordance with paragraph 5.7 of the report;
- (iii) a further report be submitted to the Committee prior to the disposal of the site.

5. **ASSET MANAGEMENT ROLLING PROGRAMME VARIATION**

The annexed circulated progress report of the Property Manager was received on the current position of the Asset Management Rolling Programme. Authorisation was also sought for variations and other property matters.

Requests to address the meeting had been received from:

- Mrs J Thompson in respect of the Castle Fields Band Stand; and
- Mrs A Toms in respect of 65 St Johns Street, Wellingborough.

The Chairman allowed each person to speak for a maximum of 3 minutes.

Mrs Thompson spoke in support of retaining and refurbishing the Band Stand to bring it back into community use.

Mrs Toms spoke in support of retaining and refurbishing 65 St Johns Street.

After each speaker the Committee was given the opportunity to ask questions of clarification.

**RESOLVED** that:

- (i) the Asset Management Rolling Programme be varied by adding the following projects:
  - (a) Leighton Coach House – repairs;
  - (b) Tithe Barn Offices – boiler replacement;
  - (c) 17 Market Street – repair and improvement;
  - (d) 29-30 Sheep Street – re-roofing;
  - (e) Castle Fields Band Stand - a study to establish the cost of restoration but excluding the consultation exercise;
- (ii) 65 St Johns Street, Wellingborough be demolished;
- (iii) 20 Sheep Street, Wellingborough Street be marketed to seek users on a letting basis and that the existing budget of £75,000 be retained for core improvements;
- (iv) the land to the rear of 74 – 79 Fulmar Lane, Wellingborough be disposed of subject to the capital proceeds being not less than £300,000;
- (v) in respect of the land at Gillitts Road, Wellingborough, sold to the Leicester Housing Association in 1995, the option to repurchase be not exercised and it be permanently waived provided that housing development commenced on site by 1/1/2009.

**R1 RECOMMENDED** that:

- (i) in respect of 65 St Johns Street, Wellingborough the sum of £25,000, to include consultancy costs, be added to the Capital Programme (town centre development);
- (ii) in respect of 13a Cambridge Street, Wellingborough an additional £82,500 be added to the Capital Programme (town centre redevelopment) for acquisition and costs.

## 6. **ENERGY PERFORMANCE CERTIFICATES**

The annexed circulated report of the Property Manager was received on the

procurement of Energy Performance Certificates, valid for 10 years, to enable vacant properties to be marketed for letting.

Under an EU Directive, effective from 1/10/2008, it would be necessary to assess the energy performance of a commercial building and make recommendations for improvements and have that information available before it could be marketed. The requirement applied to most of the non-operational commercial premises owned by the Council from which it derived some £2.5m pa revenue.

Current vacant premises were valued at an additional income of £300k pa.

Initial indications given in 2007 were that costs would be in the region of £100 per certification. The figure now being quoted for an individual property was £800 per certificate.

A discount could be obtained for a bulk deal and tenders had been sought for covering the bulk of the let portfolio.

Whilst it would not be possible to have all vacant premises certificated by 1/10/2008, it was understood that marketing could continue provided an order has been placed for the work as the legislation did make provision for exemption from prosecution on grounds of reasonable excuse.

It was proposed to split the exercise over the next 12 months and prioritise the current year on existing vacant premises plus those known to be, or likely to be, arising as vacant. A total of 85 units would be subject to certification which represented all 6 let industrial estates plus two shopping parades. Any others arising would have to be dealt with separately within existing budgets.

The lowest tender received, in the sum of £47,000, was submitted by firm M, whom it was proposed to appoint.

An additional budget of £10,000 was therefore required for the current financial year with £37,000 required for the 2009/10 financial year.

**R2 RECOMMENDED** that an addition be made to the revenue budget of £10,000 for 2008/09 and £37,000 for 2009/10 to enable the procurement of Energy Performance Certificates.

## **7. ALIBONE RECYCLING CONTRACT**

The annexed circulated report of the Head of Environmental Services was received on an extension of the existing dry recycling processing contract for a further two years until March 2011, and the need to approve additional resources.

Negotiations had taken place with the contractor, Alibone Recycling, and as a result an agreement had been reached which would fix the 'gate fee' for a further 2 years at a level that was 50% below the current national average.

The new facility at Earls Barton would also allow greater flexibility to the collection service.

The extended contract would allow the Council to consider its options for future contracts with a greater understanding of the operation of the long term County Council treatment/disposal contracts currently being developed.

As a separate issue there would be additional costs that would be incurred during the current financial year due to additional payments for the disposal of non-recyclable material over the 10% allowed for in the contract. That, together with additional tonnages, was likely to increase the need for a budgetary provision by up to £30,000.

It was however expected that the amount of recycling credit income would be at least £30,000 more than that allowed for in the current estimates, and it was recommended that the additional income was used to supplement the cost of processing the material.

The Head of Environmental Services would be considering options to try to reduce the amount of contamination currently being experienced, including measures to introduce targeted and sustained engagement, education and assistance to residents in order to encourage active and acceptable participation in the scheme to reduce contamination, encourage waste minimisation and increase recycling.

**RESOLVED** to note that the contract with Alibone Recycling had been extended until March 2011.

**R3 RECOMMENDED** that the anticipated additional budgetary resources be met from expected additional income through a virement from SO41/799 to SO41/427 as set out in paragraph 5.5 of the report.

#### **8. CONSULTATION ON WEEKEND VOTING**

The annexed circulated report of the Head of Organisational Development was received on a consultation being carried out by the Ministry of Justice on moving the voting day for parliamentary and local elections from Thursday to the weekend.

**RESOLVED** that the Ministry of Justice be advised that in this Council's opinion there should be no change and Thursday should stay as the voting day for parliamentary and local elections.

#### **9. DISCRETIONARY NON-DOMESTIC RATE RELIEF – WELLINGBOROUGH YOUTH PROJECT**

The annexed circulated report of the Corporate Director was received on an application for Discretionary Non-Domestic Rate Relief from Wellingborough Youth Project, the Old Tannery, 50 Angel Lane, Wellingborough.

**R4 RECOMMENDED** that a 20% Discretionary Non-Domestic Rate Relief be awarded to the Wellingborough Youth Project.

**10. DISCRETIONARY NON-DOMESTIC RATE RELIEF – SYWELL AVIATION MUSEUM**

The annexed circulated report of the Corporate Director was received on an application for Discretionary Non-Domestic Rate Relief from Sywell Aviation Museum, Sywell Aerodrome, Sywell.

**R5 RECOMMENDED** that a 20% Discretionary Non-Domestic Rate Relief be awarded to Sywell Aviation Museum, Sywell Aerodrome, Sywell.

**11. OUTTURN REPORT**

The annexed circulated report of the Head of Financial Services was received on financial and performance information for the first three months of the current financial year.

Attached to the report were the following appendices:

- A. Revenue Outturn;
- B. Capital Expenditure and Receipts;
- C. Performance Report.

**RESOLVED** that the report be approved.

**12. MEMBERS' ALLOWANCES – DEPENDANTS' CARERS' ALLOWANCES**

The annexed circulated report of the Head of Financial Services was received on a proposal to invite the Independent Remuneration Panel to give consideration to amending the Council's scheme for the payment of allowances to include payment of dependants' carers' allowances.

**RESOLVED** that the Independent Remuneration Panel be requested to consider an amendment to the Council's scheme for the payment of allowances to include payment of a dependants' carers' allowance and report its recommendations to the Committee.

**13. ESTIMATES 2009/10**

The annexed circulated report of the Head of Financial Services was received on the estimates timetable for 2009/10 and to establish dates and membership of the Estimates Working Group (EWG).

The membership of the Group for the 2008 budget round was Councillors J Bailey, P Bell, Dholakia and Hollyman.

Attached to the report was an estimates timetable for preparation of the 2009/10 revenue estimates and capital programme. In order for the EWG to

give detailed consideration to the estimates prior to reports to Committee, the following dates and times for meetings of the group were suggested:

16<sup>th</sup> September 5.00pm – Revenue;  
8<sup>th</sup> October 4.30pm – Capital;  
13<sup>th</sup> November 4.30pm – Revenue;  
11<sup>th</sup> December 4.30pm – Revenue.

**RESOLVED** that:

- (i) the membership of the Group for the 2009 budget round be Councillors J Bailey, P Bell, Dholakia and Hollyman;
- (ii) the overall budget timetable, attached to the report, be approved.

14. **HEARTLANDS MEDIATION SERVICE – DISCRETIONARY GRANT REQUEST**

The annexed circulated report of the Head of Neighbourhood Development was received on a request from Heartlands Mediation Service for a discretionary voluntary sector grant of £6,375 to meet a shortfall in funds due to a change in circumstance.

A request to address the meeting had been received from Mr H Fenton on behalf of the Mediation Service.

The Chairman allowed Mr Fenton to speak for a maximum of 3 minutes.

Mr Fenton spoke in support of the request for a grant and explained the reasons for the shortfall in funds and the circumstances which had brought about the situation.

After the speaker the Committee was given the opportunity to ask questions of clarification.

It was moved by Councillor Sharp and seconded by Councillor Waters that the request by Heartlands Mediation Service for a discretionary voluntary sector grant of £6,375 be refused.

On being put to the vote, the motion was carried by 4 votes to 1 vote.

**RESOLVED** that the request by Heartlands Mediation Service for a discretionary voluntary sector grant of £6,375 be refused.

15. **PROCUREMENT POLICY AND STRATEGY**

The annexed circulated progress report of the Corporate Director was received on the Procurement Policy and Strategy.

Attached to the report were the following appendices:

- A. Summary of Procurement Policy;
- B. Summary of Procurement Strategy and Delivery Plan 2008-09.

**RESOLVED** that the Procurement Policy and Strategy and related delivery plan be approved.

16. **MARKET CHARGES**

The annexed circulated progress report of the Corporate Director was received on a proposed revised charging structure for Wellingborough Market.

The following appendices were attached to the report:

- A. proposed market charges;
- B. occupancy levels and stall bookings for the periods November and December 2006; November and December 2007; and January to July 2008;
- C. income and expenditure 2007 – 2008 and 2008 – 2009 as at 30/6/2008.

The following appendices were circulated at the meeting:

- A. current charges;
- B. occupancy levels and stall bookings for the periods January to July and November and December 2006; November and December 2007; and January to July 2008. Charts showing market occupancy and traders pre-booking stalls.

It was moved by Councillor Sharp and seconded by Councillor Warwick that no changes be made to the current market charges subject to the addition of note 8 set out in the proposed charges.

On being put to the vote, the motion was carried.

**RESOLVED** that:

- (i) no changes be made to the current market charges;
- (ii) note 8, set out in the proposed charges, be added to the current market charges.

17. **UPDATING THE CONSTITUTION**

The annexed circulated report of the Monitoring Officer was received on an updated Constitution which reflected structural changes implemented during 2008 and a number of changes to legislation.

The draft Constitution accompanied the report.

The Council had approved a restructuring of the policy committees with new terms of reference and the de-merging of Scrutiny Committee into

Partnerships Review and Audit & Performance Committees.

The updated Constitution reflected those changes and the terms of reference which were now in place.

Recruitment to a re-structure of the officer side was ongoing and the Constitution ensured that suitable delegations to the Chief Officers (top five officer posts) and Statutory Officers was in place. A new officer structure diagram was included in Part 7.

The Constitution included reference to new officer and committee structures and to new powers given to the Standards Committee to determine, through sub-committees, whether new complaints should be investigated.

Other key points included:

- powers for housing management were deleted, other than for homelessness, allocations (nominations) and housing strategy;
- inclusion of the new Mission Statement and mention of the Motto;
- the period of notice for motions to Council was increased from three to seven days, with a new provision for urgent motions and confirmation that the mover of a motion at Council could speak at the committee to which their motion was referred to;
- the inclusion of the Code of Recommended Practice on Local Authority publicity;
- the inclusion of the May 2007 Code of Conduct and the Monitoring Officer protocol approved by the Standards Committee;
- the addition of guidance on the operation of Working Parties.

**R6 RECOMMENDED** that the updated Constitution be approved and published.

**18. URGENT MATTER**

The Chairman decided that the following matter was urgent within the meaning of Section 100B (4) (b) of the Local Government Act, 1972, for the reason set out:

Minute No.	Subject	Reason
19	Free Swimming Programme	To enable a decision to be made by 15/9/2008.

**19. FREE SWIMMING PROGRAMME**

The circulated report of the Corporate Director was received.

The report outlined the Government initiative to introduce free swimming to those aged 60 and over and aged 16 and under and the grants that would be available to help to support the scheme.

Community Committee on 1/9/2008 had agreed a policy for the provision of a free swimming programme.

In order to be eligible for the grants a response to the Department for Culture, Media and Sport had to be made by 15/9/2008. The report also considered the potential extra funding required to cover the ancillary costs of the scheme.

Funding for the scheme would be of a temporary nature, commencing in the financial year 2009/10 and would not continue beyond the financial year 2010/11. After that time any future funding would be subject to the outcome of the Spending Review and evidence from the 2 year project would be used to inform any future funding arrangements.

For the 60 and over scheme, a total of £15 million per annum would be provided for 2 years on a formula based on the size of the local 60 or over population. For the Borough this amounted to £21,979 per annum.

As yet, local figures for the 16 and under scheme had not been released, although a total fund of £25 million had been set aside. From the submissions of interest, the Government aimed to provide details of the prospective allocations for the 16 and under scheme by 30/9/2008.

Discussions had taken place with the leisure contractor, D C Leisure, on the costs that were likely to be incurred and the re-imbursments required should the Council agree to take part in the scheme. D C Leisure had formulated a calculation as a 'best estimate'. The calculation, based on estimated current usage, was attached at Appendix 1 to the report. It referred only to the 60 and over scheme, with figures for the 16 and under scheme shortly to be worked up.

Looking at the factors that needed to be considered when calculating the potential cost of the scheme, the estimated potential loss of income, and therefore re-imburement claim, stood at £21,323, based on the current charge of £1.45 per session. It did not take into account any inflationary increase that would be due for 2009/10 and beyond.

If, ultimately, there was a short fall D C Leisure would require a commitment from the Council to fund the gap in order that the scheme did not run at a loss.

The report suggested that a sum of £10,000 be made available within the 2009/10 and 2010/11 budgets in order to secure the Council's participation in the free swimming scheme for those 60 and over. D C Leisure would then need to evidence their claim for up to this amount at the end of each financial year.

The potential funding gap to the scheme for 16 and under would be investigated further once the allocations were made public, but in the interim it was suggested that up to £10,000 be allocated for that part of the scheme.

It was moved by councillor Waters and seconded by Councillor Hollyman that the recommendation set out in the report be approved.  
On being put to the vote, the motion was carried.

**RESOLVED** that:

- (i) the sum of £10,000 per annum be set aside as a maximum payment, subject to evidencing, to D C Leisure for any legitimate costs over and above the grant offered for free swimming for those aged 60 and over;
- (ii) the sum of £10,000 per annum be set aside as a maximum payment, subject to evidencing, to D C Leisure for any legitimate costs over and above the grant offered for free swimming for those aged 16 and under.

20. **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting during consideration of the following items in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that they would involve the likely disclosure of exempt information of the description shown in schedule 12A to the Act:

<b>Minute No.</b>	<b>Item</b>	<b>Paragraph of Schedule 12A</b>
21	Irrecoverable Council Tax and Non-Domestic Rates	3
22	Winifred Wharton Trust – Discretionary Grant Request	3
23	Re-tendering of The Castle Management Contract	3

21. **IRRECOVERABLE COUNCIL TAX AND NON-DOMESTIC RATES**

The circulated exempt report of the Corporate Director was received on the write-off of Irrecoverable Council Tax and Non-domestic Rates.

**RESOLVED** that approval be given to the write-off of irrecoverable debts amounting to £22,380.82.

22. **WINIFRED WHARTON TRUST – DISCRETIONARY GRANT REQUEST**

The circulated exempt report of the Head of Neighbourhood Development was received on a request from the Winifred Wharton Trust for the Council to meet the increased costs in granting the lease for the extra land at Dulleys Baths.

**RESOLVED** that a discretionary grant of £5,421 be made to the Winifred Wharton Trust to offset the increased costs of the lease transfer.

23. **RE-TENDERING OF THE CASTLE MANAGEMENT CONTRACT**

(Note: Councillor Partridge-Underwood, having declared a personal and prejudicial interest in this item, left the meeting prior to its consideration and voting thereon. He did not return to the meeting at the conclusion of the item.)

The circulated exempt report of the Corporate Director was received on the re-tendering of the management contract in respect of The Castle.

The report set out details of the re-tendering process and alternative options to re-tendering.

The Legal Services Manager advised the Committee on the legal aspects of the re-tendering process and the alternative options.

The Committee then discussed in detail all the options available and their implications.

It was moved by Councillor Waters and seconded by Councillor Hollyman that the recommendation set out in the report be approved.

On being put to the vote, the motion was carried by 2 votes to 1 vote.

**RESOLVED** that:

- (i) a procurement exercise be undertaken to select a supplier to manage The Castle on expiry of the current management contract;
- (ii) additional funding of £100,000 be made available to the Neighbourhood Development service to secure the required legal and other technical advice to undertake the procurement exercise.

Chairman