

**BOROUGH OF KETTERING**

**EXECUTIVE COMMITTEE**

**Meeting held: 11<sup>th</sup> July 2018**

**Present:** Councillor Lesley Thurland (Chair)

Councillors Lloyd Bunday, Mark Dearing, Scott Edwards,  
David Howes, Ian Jelley and Mark Rowley

**Also Present** Councillors Maggie Don, James Hakewill and Paul Marks

**18.EX.08 APOLOGIES**

Apologies for absence were received from Councillor Russell Roberts and Graham Soulsby.

**18.EX.09 DECLARATIONS OF INTEREST**

Councillor Ian Jelley declared an interest in item 17 as a trustee of the Rothwell Community Library Trust.

**18.EX.10 MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 23<sup>rd</sup> May 2018 be approved and signed as a correct record.

**18.EX.11 ISSUES REFERRED FROM SCRUTINY COMMITTEES**

The following issues were referred from the Research and Development Committee:

- Library provision in Rothwell and Desborough
- Ward Initiative Fund
- Car Parking Charges

Reports for these items were included further on in the agenda

**18.EX.12 WORK PROGRAMME**

The Council's draft work programme to be published on 12<sup>th</sup> July 2018 was noted.

**18.EX.13 UPDATE – FORMER LAWRENCES SITE - DESBOROUGH**

A report was submitted to update members on the recent and varied level of interest in the site and to determine Members' preferences for the options being proposed.

It was reported that In June 2017, the Executive agreed: -

- a. in principle, to begin discussions with Desborough Community Development Trust (DCDT) and Desborough Town Council about transferring the factory building on a long term lease at a nominal rent, provided that they convert and manage the building and independently raise the necessary funds to do so, and
- b. to continue to develop a proposal to redevelop the rest of the site for specialist housing provision, undertaking the necessary negotiations with partners, as well as the necessary consultation with local stakeholders, so that the Council would be in a position to sign off the proposal should the necessary government funding support be forthcoming.

Members heard that DCDT had been working very hard to raise funds to secure the factory site however, the initial feasibility work that they had undertaken made it clear that the development of the factory on its own would not provide a viable project, therefore DCDT would be requesting KBC to consider a proposal for the transfer of the whole site which would be a big departure from the original resolution.

In that proposal, DCDT were seeking to take a long-term lease from KBC at a peppercorn rent for the whole site. They would then work with a developer to develop the site for a 100% rented housing scheme, managed by a Housing Association, retaining the factory for future development.

The proposal states that the developer would then transfer the development profit to DCDT as a contribution towards refurbishment of the factory building, for which they would seek further external funding. DCDT's original options appraisal study undertaken in February 2017 for the conversion of the factory indicated a capital investment requirement of around £2.6 million.

At this stage, in order to secure any external funding DCDT would require the Council to enter into an appropriate form of legal agreement to give funders the security that DCDT held a long-term interest in the site.

In line with the Executive agreement outlined above, the Council also continued to explore and develop other options for housing on the rest of the Lawrence's site. During early 2017, the Council submitted a proposal to the then Housing & Communities Agencies (HCA), now known as Homes England, to the Accelerated Construction Programme. This programme encouraged Local Authorities to identify and submit bids for brownfield sites suitable for private sector housing, to increase the supply of new homes at a faster pace

The HCA approved the Lawrence's site as fitting the above criteria and undertook a development appraisal of the site. They concluded that the viability of the site for housing would require the whole site and the demolition of the factory unit to provide a viable proposal. A grant for one third of the cost of development was now on the table and a more detailed financial appraisal would be required.

The council is currently developing its Corporate Plan and key priority areas for the next two years. Within that plan is a commitment "to undertake an ambitious programme of Council house building across the Borough". As this Council has a limited amount of sites in its ownership, then the Lawrence's site could be considered as a serious possibility for fulfilling this priority objective.

It was noted that, in the last six months, there had also been a considerable amount of renewed interest in the site. Although the interest was speculative at this stage it was clear that during any preparatory work they had undertaken, they all concluded that splitting the site was not a viable option, either with or without the retention of the factory.

Members heard that the site and the factory had now stood derelict and in KBC ownership for over 13 years and there was a requirement to develop a solution for the complex site as soon as possible. Therefore, to ensure that, moving forward, there was a realistic possibility of delivery, and a good understanding of the risks, funding sources and timeframes, the following key principles were proposed

- a) Affordability - Confirmation that the proposal does not require payback of grant. What is the rate of return for any investment by KBC?

- b) Viability –
  - a) Does the business case show that the proposal is sustainable in the short and medium term?
  - b) What are the risks?
  - c) What are the impacts of other external factors or market conditions?
- c) Deliverability – Can the proposal be delivered within a realistic timeframe? Ideally within the next 18 months to two years.
- d) Community Benefit – What are the benefits to the local community?

Mr John Hodder from the Desborough Community Development Trust attended the meeting and addressed the Executive and asked that DCDT be given beneficial interest in the site to enable them to apply for detailed planning permission and commence with the site.

During discussions members felt that the only viable solution for the site was for Kettering Borough Council to build houses.

Councillor Lloyd Bunday proposed and Councillor Dearing seconded an amendment to the recommendation as follows:

*‘That in line with the key principle of deliverability, progress work towards one of the two only viable housing schemes and undertake the necessary site preparation’.*

And it was

**RESOLVED**

That the Executive

- a. Noted the updated position;
- b. Confirmed agreement with the principles outlined in paragraph 4.3 of the report; and
- c. Agreed that in line with the key principle of deliverability, progress work towards one of the two only viable housing schemes and undertake the necessary site preparation

**18.EX.14**     **BROUGHTON NEIGHBOURHOOD PLAN – DECISION ON EXAMINER’S REPORT**

A report was submitted to inform Members of the recommendations made in the Examiner’s report on the Broughton Neighbourhood Plan; and to seek Members approval for the Neighbourhood Plan to proceed to referendum.

It was reported that the Neighbourhood Plan was submitted to Kettering Borough Council on 29<sup>th</sup> September 2017. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Neighbourhood Plan was made available for comment. This consultation took place from Wednesday 18<sup>th</sup> October 2017 to Wednesday 29<sup>th</sup> November 2017.

Following the consultation, an independent examiner was appointed to carry out the examination of the Neighbourhood Plan. The examiner assessed whether the Neighbourhood Plan meet certain legal requirements, known as the ‘Basic Conditions’ and various other requirements.

The Examiner’s conclusion is that, subject to the modifications recommended in the report, the Broughton Neighbourhood Plan meets the basic conditions and other statutory requirements. The Examiner recommended that, subject to the modifications proposed in the report, the Broughton Neighbourhood Plan can proceed to referendum.

It was noted that the Examiner concluded that there was no reason to alter or extend the Plan area for the purpose of holding a referendum.

The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) requires that the referendum is held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and Parish Council agree that the referendum does not need to be held by that date. The Parish Council has expressed a preference for the referendum to be held in early September to avoid it happening during the holiday period.

Councillor James Hakewill addressed the Executive and congratulated the volunteers for getting the plan to this level. He suggested that all areas should get Neighbourhood Plans in place in light of the potential reorganisation.

Councillor Maggie Don addressed the Executive and endorsed Councillor Hakewill’s comments.

**RESOLVED**

that That the Executive

- a) Noted the content of the examiner's report;
- b) Agreed the Examiner's modifications and that subject to these modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements;
- c) Agreed that the Broughton Neighbourhood Plan as modified proceeds to a local referendum based on the geographical boundary of the Broughton Parish as recommended by the Examiner; and
- d) Approved the Decision Statement attached at Appendix 3 to be published on the Borough Council's website

**18.EX.15 BROUGHTON NEIGHBOURHOOD DEVELOPMENT ORDER –  
DECISION ON EXAMINER'S REPORT**

A report was submitted to inform Members of the recommendations made in the Examiner's report on the Broughton Neighbourhood Development Order; and to seek Members approval for the Neighbourhood Development Order (NDO) to proceed to referendum.

The NDO was submitted to Kettering Borough Council on 29<sup>th</sup> September 2017. In accordance with Regulation 23 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the NDO was made available for comment. This consultation took place from Wednesday 18<sup>th</sup> October 2017 to Wednesday 29<sup>th</sup> November 2017.

Following the consultation, an independent examiner was appointed to carry out the examination of the NDO. The role of the examiner was to assess whether the Neighbourhood Plan meets certain legal requirements, known as the 'Basic Conditions and various other requirements.

Having considered the Examiner's recommendations and the reasons for them, officers recommend that the Council accept all of the modifications to the draft Plan. It is not considered that any additional modifications are required except to add paragraph numbers to the NDO.

In relation to the referendum, the examiner concluded that the NDO did not have a significant impact on land or communities beyond the designated neighbourhood area. Therefore there was no need for the referendum boundary to extend beyond the designated neighbourhood area.

The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) requires that the referendum is held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and Parish Council agree that the referendum does not need to be held by that date. The Parish Council has expressed a preference for the referendum to be held in early September to avoid it happening during the holiday period.

**RESOLVED**

That the Executive

- a) Noted the content of the examiner's report;
- b) Agreed the Examiner's modifications and that subject to these modifications the NDO meets the Basic Conditions and other legislative requirements;
- c) Agreed that the Broughton NDO as modified proceeds to a local referendum based on the geographical boundary of the Broughton Parish as recommended by the Examiner; and
- d) Approved the Decision Statement attached at Appendix 3 to be published on the Borough Council's website

**18.EX.16      REFERRAL FROM RESEARCH AND DEVELOPMENT COMMITTEE – REQUEST TO REVIEW THE CAR PARKING CHARGING STRATEGY**

A report was submitted to relay a request from the Research and Development Committee that "the Executive Committee reviews and revises downwards the cost of car parking charges in Kettering Town Centre".

Members heard that in November 2017, the Executive Committee received a report on car parking charges, following the Finance Portfolio Holder's commitment that the current car parking strategy would be looked at, and form part of the 2018/19 budget process.

A new car parking charging strategy was approved at that meeting by members of the Executive Committee, in effect the new strategy made parking for longer periods more flexible (and cheaper) by introducing new price bands.

On 4<sup>th</sup> April 2018, the Research & Development Committee (R&D) resolved to consider the car parking charging strategy at its next meeting. A report was prepared giving a high level overview of the current car park strategy and considering the impact of a reduction in charges.

Having considered the issue at their meeting of 12<sup>th</sup> June 2018, the R&D resolved the following:

“To request that based on the manifestos for both the administration and opposition at the 2015 Borough Council elections, the Executive Committee reviews and revises downwards the cost of car parking charges in Kettering Town Centre”.

Councillor Maggie Don addressed the Executive and requested that the need for short term parking be considered.

During discussions members concluded that they were not prepared to revisit the decision in such a short time.

**RESOLVED** That the Executive considered the recommendation from the Research and Development Committee and decided at this time to not make any changes in respect of the cost of car park charges in Kettering Town Centre

#### **18.EX.17 MAINTAINING A DURABLE BUDGET**

A report was submitted, the purpose of which was to

- a) Remind Members of the context / background to the council's budget and medium term financial strategy;
- b) Illustrate the latest budget model, the delivery of efficiency savings for 2018/19 and the estimated level of budget savings that may be required over the next few years;
- c) Provide members with an update on the draft outturn figures for 2017/18, in relation to;
  - General Fund



- Housing Revenue Account
  - Capital
  - Treasury Management
- d) Approve the Capital Programme carry forwards from 2017/18 so these form part of the 2018/19 Capital Programme.

Members heard that in addition to achieving the original challenging efficiency savings for 2017/18, the Council's outturn position had delivered further efficiency savings of around £183,000.

The Housing Revenue Account's budget for 2017/18 was £15.4m. The actual spend for 2017/18 was around £193,000 higher than the budget. This has led to the capital programme being funded by more capital receipts than anticipated. The main variances related to the demand on the repairs and maintenance budget and the under recovery of rents due to a higher number of void properties than projected.

The Housing Revenue Account balance remained unchanged at £850,000. This was in line with the Council's Medium Term Financial Strategy which states the account must operate in a surplus position and this is achieved by adopting the principle that an agreed minimum balance of £300,000 should be the primary strategic aim over the medium to long term.

The overall expenditure of the Capital Programme was £40.9m compared to the working budget of £48.6m. The Capital Programme after taking into account budget carry forwards to 2018/19, which were subject to Executive approval, would result in 100% of the budget being spent.

The major variation related to the commercial property scheme, Members were reminded that £20m was brought forward from the 2018/19 capital programme which enabled the Council to pursue additional investment opportunities that were available of which £13m was utilised in year and the remaining £7m was planned to be used on further acquisitions as recently agreed by the Asset Management Board.

It was noted that during the financial year the Council operated within its treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and Annual Treasury Strategy Statement.

The Portfolio Holder for Finance reported that over the past 12 months there had been a number of instances that resulted in unauthorised encampments on Council Land, with the cost to tidy

and clean the land used following these encampments being significant.

In order to try and minimise travellers illegally camping on council owned land it was considered that target hardening work at both Northampton Road and Ise Lodge was required. Discussions had been held with members of the Executive and in accordance with the Council's virement limits, a virement of up to £40,000 would be made from the Council's Invest to Save capital scheme to fund these works.

**RESOLVED**

That the Executive

- a) Noted the Council's Medium Term Financial Strategy and associated guiding principles;
- b) Noted the Council's current Medium Term Financial Forecast and the progress being made for the delivery of efficiency savings for 2019/20 and future years;
- c) Noted the draft out-turn position for 2017/18 for the General Fund, Housing Revenue Account, Capital Programme and Treasury Management;
- d) Approved the Capital Programme carry forwards from 2017/18 (as detailed in Appendix C);
- e) Endorsed the Target Hardening Capital scheme as detailed in Section 4.2; and
- f) Recommended to July Council an increase of £2.25m to the 2018/19 Capital Budget for Homelessness and Housing Prevention as set out in Sections 4.6 and 4.7.

**18.EX.18 CORPORATE PLAN 2018 – 2020**

A report was submitted the purpose of which was to

- a) Provide members with the opportunity to consider the feedback from Research and Development Committee on the draft Corporate Plan 2018 – 2020; and

- b) Propose an amended Plan and seek approval for a recommendation to Council that it adopts the Corporate Plan 2018 - 2020.

Members heard that the Research and Development Committee considered the Corporate Plan 2018-2020 and in light of their comments, the Corporate Plan had been amended to make it clearer that all town centres were a priority for the Council. The suggested amendment was included in the report at appendix 3.

**RESOLVED**

That the Executive

- a) Considered the feedback from Research and Development Committee and agreed the suggested amendment to the draft Corporate Plan 2018 – 2020 included at Appendix 3 of the report; and
- b) Recommended to Council that it adopts the Corporate Plan 2018 – 2020

**18.EX.19      CONSTITUTION AMENDMENTS**

A report was submitted to consult on the proposed amendments prior to recommendations to Council.

It was reported that the Council was required to adopt and maintain a Constitution. Changes to the Constitution needed to be approved by full Council. The recommendations in the report had already been reviewed by the Research & Development Committee (R&D) on 11<sup>th</sup> June, and were now being brought before Executive to consider the recommendations, and the views of R&D, and to make its own recommendations, before the amendments were taken to Council for decision.

R&D considered the recommendations at its meeting on 11<sup>th</sup> June, and resolved that the proposed amendments be recommended to Executive and Council, except for the proposed reduction in speaking time which they considered might restrict debate. The Executive was asked to consider the recommendations of R&D in formulating its own recommendations to Council.

In respect of speaking time, at present, all councillors may speak for 8 minutes. The proposal was to reduce this to 5 minutes for the mover of a motion, and 3 minutes for all other speakers, except with the consent of the Mayor (Council procedure rules 16.4)

There were a number of sections of the Constitution which required updating, as follows:

<b>Part</b>	<b>Title</b>	<b>Change proposed</b>
Part 1	Summary document	Change to update the date of next expected elections
Part 2	Articles 3 & 12	Minor tidying of document / correction of job titles (no substantive change)
Part 2	Article 15	Delegation to Head of Democratic & Legal Services to effect minor changes such as job titles, etc. without Council decision
C1-C20 C21	Responsibility for functions	Updating delegations to reflect current Council officer structure
D1 – D21	Council procedure rules	Amendment to 16.4 to reduce current speaking time of 8 minutes to 5 minutes for the mover of a motion, and 3 minutes for all other speeches. This is to improve democratic process to allow time for more councillors to speak, in a meeting restricted to 2 hours.
G1 – G8	Budget & Policy Framework Rules	Minor tidying of document / correction of job titles (no substantive change)
R1 – R14	Staff Employment Procedure Rules	Updated to reflect legislation relating to statutory officers
S1 – S9	Whistleblowing Policy	Update to provide for concerns being raised by a wider group than employees
U1 – U3	Monitoring Officer Protocol	Amendments to reflect current process of handling complaints (no substantive change)

Members discussed the proposed amendments and supported the proposal in respect of speaking time as it would enable more people to be involved in speaking during the meetings.

**RESOLVED** That the Executive recommended to Council that it approves the proposed amendments to the Constitution

## **18.EX.20 AMENDMENT TO WARD INITIATIVE FUND RESTRICTIONS**

A report was submitted to relay a request from the Research &

Development Committee that the Executive make amendments to the Ward Initiative Fund guidelines to remove the following prohibitions:-

- a) Any request where the beneficiary has received or is set to receive funding from any other scheme of the Borough Council or County Council; and
- b) The Ward Initiative Fund will not substitute itself as a provider/funder of services when another public provider cuts such a service; and
- c) Where appropriate to enable Ward Initiative Fund payments to be made upon receipt of quotes or pro forma invoices to enable fund recipients to receive payment in a timely fashion.

Councillor Maggie Don addressed the Executive and supported the step forward.

The Portfolio Holder for Finance was in agreement with the recommendations with the exception of part b which would potentially conflict with the Council's Golden Rules, and therefore proposed that part b be removed.

**RESOLVED**

That the Executive agreed to amend the Ward Initiative Fund guidelines to remove the following prohibitions:

- a) Any request where the beneficiary has received or is set to receive funding from any other scheme of the Borough Council or County Council; and
- b) Where appropriate to enable Ward Initiative Fund payments to be made upon receipt of quotes or pro forma invoices to enable fund recipients to receive payment in a timely fashion.

**18.EX.21 LIBRARY SERVICES IN KETTERING BOROUGH**

A report was submitted to relay a referral from the Research and Development Committee and advise the executive Committee of action taken since the meeting to help secure future library provision in the Borough.

It was reported that the County Council, as part of its budget strategy for the current financial year, decided to close Rothwell and Desborough libraries during the course of 2018. It invited

local groups to make bids for the continued provision of libraries where closure was threatened, and to do so by 25<sup>th</sup> June. It offered to sell or lease the affected library buildings to interested parties as a way of helping them provide a library service in the original building.

In both towns, local groups were formed to secure the libraries' future. The Research and Development Committee at its last meeting on 12<sup>th</sup> June heard from both groups about the work they were doing. The Committee was advised about the current barriers to the county council following through on their decision to close and/or dispose of the library buildings quickly, not least a judicial review of their decision, and the designation of both libraries as assets of community value by the Borough Council.

. Both groups plan not only to provide a continuing library service but to expand the use of the library buildings as a community hub. To that end, the Borough Council has committed to maintaining its customer service centres in both sites, and to make an appropriate financial contribution in lieu of a rent. In the case of Rothwell, the Borough Council also expressed support for the relocation of the Town Council into the library building. A letter supporting both bids was sent to the County Council on the 25<sup>th</sup> June.

Kate Ley, representing Rothwell Community Library Trust addressed the Executive and requested that the Borough Council purchase the library buildings.

Members heard that if the Borough Council were to rent out the buildings in order just to cover its costs, then the rental value, taking into account the need to borrow money to meet the purchase cost, stamp duty, and legal and surveyor fees, would be greater than that being offered by the County Council.

Paula Holmes, representing Desborough Library addressed the Executive and expressed her concerns regarding the amount of work undertaken by the groups and the continuing uncertain situation.

Councillor Jim Hakewill addressed the Executive and stated that in his view, the only safe way forward was for the Borough Council to buy the library buildings.

During discussion members commented that the two business plans were very well put together and felt that the best way forward would be for the libraries to rent the buildings from NCC to keep costs to a minimum.

It was

**RESOLVED** That the Executive noted the report, endorsed the approach taken to date and advise the Research and Development Committee accordingly

**18.EX.22 FUTURE OF PROPERTY SERVICES UPDATE**

A report was submitted to inform Members of an opportunity for a Shared Property Service between Kettering Borough Council and Corby Borough Council. The report was initially published within the exempt part of the agenda, and had been brought forward into the public part of the agenda with the agreement of the committee.

The role of KBC's property had changed significantly over the past year and the current establishment structure did not provide the breadth of resource to deliver the Council's property ambitions or create the resilience required going forward.

In recent months Corby Borough Council (CBC) have provided temporary support to KBC, this arrangement had worked well and had provided an opportunity for the two Councils to have a shared property services function. Delivering the property function via a shared service would enable the needs and ambitions of the authority to be met from within existing budgets.

It was proposed that CBC would be the employing body for the new service. This proposal creates no TUPE or redundancy situation and presents an opportunity to grow and develop both Councils' property service functions, in particular providing opportunities for existing and new members of staff. A formal consultation would be undertaken by CBC with the existing members of staff who would be required to vary contracts to enable work on Kettering's property portfolio.

The shared property service would operate under the powers in section 113 of the Local Government Act 1972 for one council to make its staff available to another.

**RESOLVED** That the Executive

- a) Endorsed the arrangements for a Shared Property Service with Corby Borough Council; and

- b) Delegate authority to the Head of Democratic and Legal to finalise the contractual arrangements with Corby Borough Council.

*(The meeting started at 6.30pm and ended at 8.10pm)*

*Signed .....*

*Chair*