



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 11 September 2013

The Jeffrey Room, St. Giles Square, Northampton,
NN1 1DE.

6:00 pm

Members of the Cabinet:

Councillor: David Mackintosh (Leader of the Council)

Councillor: Mary Markham (Deputy Leader)

Councillors: Alan Bottwood, Tim Hadland, Mike Hallam, Brandon Eldred.

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PORTFOLIOS OF CABINET MEMBERS

CABINET MEMBER	TITLE
Councillor D Mackintosh	Leader
Councillor M Markham	Deputy Leader Housing
Councillor A Bottwood	Finance
Councillor T Hadland	Regeneration, Enterprise and Planning
Councillor M Hallam	Environment
Councillor B Eldred	Community Engagement

SPEAKING AT CABINET MEETINGS

Persons (other than Members) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting and may speak on any item on that meeting's agenda.

Registration can be by:

Telephone: (01604) 837722
(Fax 01604 838729)

In writing: Democratic Services Manager
The Guildhall, St Giles Square, Northampton NN1 1DE
For the attention of the Democratic Services Officer

By e-mail to democraticservices@northampton.gov.uk

Only thirty minutes in total will be allowed for addresses, so that if speakers each take three minutes no more than ten speakers will be heard. Each speaker will be allowed to speak for a maximum of three minutes at each meeting. Speakers will normally be heard in the order in which they registered to speak. However, the Chair of Cabinet may decide to depart from that order in the interest of hearing a greater diversity of views on an item, or hearing views on a greater number of items. The Chair of Cabinet may also decide to allow a greater number of addresses and a greater time slot subject still to the maximum three minutes per address for such addresses for items of special public interest.

Members who wish to address Cabinet shall notify the Chair prior to the commencement of the meeting and may speak on any item on that meeting's agenda. Such addresses will be for a maximum of three minutes unless the Chair exercises discretion to allow longer. The time these addresses take will not count towards the thirty minute period referred to above so as to prejudice any other persons who have registered their wish to speak.

KEY DECISIONS

 denotes the issue is a 'Key' decision:

- Any decision in relation to the Executive function* which results in the Council incurring expenditure which is, or the making of saving which are significant having regard to the Council's budget for the service or function to which the decision relates. For these purpose the minimum financial threshold will be £250,000;
- Where decisions are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions; and
- For the purpose of interpretation a decision, which is ancillary or incidental to a Key decision, which had been previously taken by or on behalf of the Council shall not of itself be further deemed to be significant for the purpose of the definition.

NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Wednesday, 11 September 2013
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

(Copy herewith)

3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There is no intention to hold part of the meeting in private.

4. DEPUTATIONS/PUBLIC ADDRESSES

5. DECLARATIONS OF INTEREST

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

None.

**7. DESIGNATION OF AREA AND FORUM FOR GROWING TOGETHER
(NORTHAMPTON EAST) FOR THE PURPOSES OF NEIGHBOURHOOD
PLANNING.**

Report of Director of Regeneration, Enterprise and Planning.
(Copy herewith)

8. DESIGNATION OF A NEIGHBOURHOOD AREA FOR DUSTON

Report of Director of Regeneration, Enterprise and Planning
(Copy herewith)

**9. LAND AT MIDSUMMER MEADOW - DEDICATION OF LAND FOR HIGHWAYS
PURPOSES**

Report of Director of Regeneration, Enterprise and Planning
(Copy herewith)

**10. ACQUISITION AND DISPOSAL OF PROPERTY WITHIN NORTHAMPTON
WATERSIDE ENTERPRISE ZONE**

Report of Director of Regeneration, Enterprise and Planning
(Copy herewith)

11. MAPLE BUILDINGS, ASH STREET - PROPOSED GRANT OF LEASE.

Report of Director of Regeneration, Enterprise and Planning.
(Copy herewith)

12. FINANCE REPORT TO 31 JULY 2013 AND PERFORMANCE REPORT TO 30 JUNE 2013

Report of Chief Executive (Copy to herewith)

13. TREASURY MANAGEMENT OUTTURN 2012-13

Report of Chief Finance Officer
(Copy herewith)

14. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS 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.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

Appendices
3



CABINET REPORT

Report Title	Designation of Area and Forum for Growing Together (Northampton East) for the purposes of Neighbourhood Planning.
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	11th September 2013
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise and Planning
Accountable Cabinet Member:	Cllr Tim Hadland
Ward(s)	Rectory Farm, Brookside and Talavera

1. Purpose

- 1.1 To Designate a Neighbourhood Area for the “Growing Together” project (Northampton East) under Section 61G of the Localism Act 2011 for the purposes of preparing a Neighbourhood Plan.
- 1.2 To Designate a Neighbourhood Forum, to be known as *Growing Together* under Section 61F of the Localism Act for the purposes of preparing a Neighbourhood Plan.

2. Recommendations

- 2.1 That Cabinet considers the responses received as set out in Appendix 3 to the consultation on the proposal by Growing Together to seek designation of a Neighbourhood Area and Neighbourhood Forum.

- 2.2 That Cabinet designates the Growing Together Neighbourhood Area as shown in Appendix 1 for the purposes of preparing a Neighbourhood Plan under Section 61G of the Localism Act 2011 .
- 2.3 That, following the designation of the Growing Together Neighbourhood Area, Cabinet designates Growing Together Neighbourhood Forum under Section 61F of the Localism Act 2011 for a period of five (5) years for the purposes of producing a Neighbourhood Plan.

3. Issues and Choices

3.1 Report Background

Introduction:

- 3.1.1 This report requests the designation of (1) a Neighbourhood Area and (2) a Neighbourhood Forum as per the provisions for Neighbourhood Planning set out in the Localism Act (2011) [The Act]. The Act is supported by the *Neighbourhood Planning (General) Regulations 2012* [The Regulations] which came into force on the 6th April 2012.
- 3.1.2 Under the Act and Regulations, Northampton Borough Council has a statutory duty to assist groups wishing to progress Neighbourhood Plans. This includes the designation of the Neighbourhood Area and, in areas where there are no Parish Councils, a Neighbourhood Forum.
- 3.1.3 The preparation of a Neighbourhood Plan must be made in accordance with The Regulations. Once the Council has designated the area and the forum, the community are responsible for preparing the plan, with technical assistance provided by the Planning Department and others, dependent on the issues. Once prepared, the Plan is checked by the council to determine if the *basic conditions* are satisfied. In order to become part of Northampton Borough Council's Development Plan, and used as a material consideration in planning applications, the plan must successfully pass through an independent examination and local referendum.
- 3.1.4 *Growing Together* is one of three Department of Communities and Local Government (DCLG) neighbourhood planning "front runner" projects within Northampton Borough (there are over 140 nationally) each of whom have a grant of £20,000. The Council's Planning Policy Team is supporting community groups to undertake neighbourhood planning.
- 3.1.5 Northampton is of particular interest as it has a wide range of challenges, be these to regenerate, grow or protect the character of historic areas. However, to date, no areas or forums have been designated within the Borough.

Growing Together

- 3.1.6 On the 23rd May 2013, Northampton Borough Council received two applications from *Growing Together*; a community based project operating in the Northampton East area. One to designate a Neighbourhood Area and the other to designate a Neighbourhood Forum. *Growing Together* is supported by

Blackthorn Good Neighbours who made the original bid for the “front runner” grant in November 2011.

- 3.1.7 The *Growing Together* project is closely linked to the Big Local Trust, in which the community are required to develop a business plan (The Big Local Plan) to spend £1 million awarded from the Big Lottery Fund over five years. Steps have been taken to align the two project area to reduce consultation fatigue and confusion regarding the two plans. This is also beneficial for implementation of both plans and projects and to set the planning framework to meet community aspirations.
- 3.1.8 In order to meet the requirement of the Big Local Trust, a partnership board must be established. The Board consists of residents, local community groups, businesses, elected members and others working in the area. Over the course of the project, this number of interested individuals has grown. The partnership meets the basic requirements of Section 61F of the Localism Act. However, the board has stricter requirements than the Localism Act (as drafted) due to the requirements to hold funds. It has therefore been proposed that all members of the partnership can automatically become a member of the Neighbourhood Forum, but that members of the forum interested only in Neighbourhood Planning would need to meet stricter requirements to become part of the partnership board.

3.2 Issues

Designation of Area and Forum:

- 3.2.1 Under the Localism Act (61G(5)), Northampton Borough Council is required to:
- (a) approve the Neighbourhood Area,
 - (b) amend the area or;
 - (c) to publish reasons for refusal.
- 3.2.2 It should be noted that, once designated, there is no mechanism by which the designation can be withdrawn. However, it can be amended upon receipt of a fresh application for a Neighbourhood Area.
- 3.2.3 In the *Growing Together Area*, without the designation of both the Area and Forum, a Neighbourhood Plan cannot be advanced. The designation of a Neighbourhood Area is required prior to the Forum as a forum’s designation is directly linked to a designated area.
- 3.2.4 Therefore, if Cabinet decide to refuse the application for the area then they must too refuse the application for the forum.

Plan area:

- 3.2.5 The application area is consistent with that used for the Big Local Trust Project and has been subject to extensive consultation as part of this. A copy of the area is included within Appendix 1. The area broadly covers the estates of Blackthorn, Goldings, Lings and Lumbertubs.

- 3.2.6 The area submitted by *Growing Together* excludes the Weston Favell District Centre. This was the decision of the group as it was considered that its inclusion would complicate the aims and objectives of the plan. Furthermore, as this area may be subject to change through strategic policies (such as the West Northamptonshire Joint Core Strategy Part 1 Local Plan (WNJCS) or the Northampton and Related Development Area Local Plan (NRDA)) that its inclusion could delay progression and add unnecessary burden on the community group(s) taking the Neighbourhood Plan forward.
- 3.2.7 The area has been subject to consultation with local residents, prior to submission and publicised in accordance with The Regulations. As can be seen from the consultation responses set out in Appendix 3 no objections were received.

Neighbourhood Forum

- 3.2.8 Rather than pursue separate applications, due to the advanced stage of the Big Local Plan and a desire to retain interest and momentum for the project, a Forum Application was submitted to enable consultation to run concurrently.
- 3.2.9 Officers are satisfied that all the members included with the application meet the criteria of the Localism Act and that there are at least 21 individuals who are currently members. The membership will need to be retained throughout the project and evidence of the membership will be required when the plan is submitted for examination.
- 3.2.10 Cabinet should note that there is a small error within the constitution which refers to the area as the “previous Lumbertubs County division”. This has been highlighted to *Growing Together* who have confirmed that the correct area is that contained on the accompanying map and that the Forum’s constitution as amended and shown in Appendix 2 will be used upon designation.
- 3.2.11 The designation of the forum lasts for a period of five (5) years unless it is either:
- (a) Voluntarily withdrawn by the group
 - (b) Withdrawn by Northampton Borough Council if they consider that the forum is no longer meeting-
 - a. The conditions by reference to which it was designated; or
 - b. Any other criteria to which the authority were required to have regard in making the designation
- 3.2.12 Under Section 61F(8-9) once designated no other group may prepare a Neighbourhood Plan for the Neighbourhood Area.
- 3.2.13 As can be seen in Appendix 3, the response to the consultation raised no objections to the Forum as proposed.

- The Northampton Borough Councillors for Brookside, Talavera and Rectory Farm Wards
- Any future Northamptonshire County Councillors elected from a part of the area who are not also Northampton Borough Councillors
- Nominees of the Growing Together Advisory Group, consisting of Councillors and voluntary and public sector service providers working in the area, ensuring that the total number of members remains a minimum of 21.
- Any other person living or working in the area that the Forum decides to co-opt.

Meetings

The Forum will meet on a regular and continuous basis, and at least three times a year, to discuss issues and to take the decisions required to further the purpose of the Forum.

Meetings shall be held in public and notice given to the general public.

The quorum for a meeting to proceed will be six members of the Growing Together Community Partnership. A meeting or part of a meeting may be deferred or held informally if a quorum is present but the Chair rules that its discussions will not be adequately informed without other members being present.

Technical experts and promoters of development schemes, including developers, agents, consultants and city council officers, Councillors from adjacent wards and representatives of other organisations (eg. adjacent Neighbourhood Forums or Neighbourhood Planning Groups) may attend Forum meetings with the agreement of the Chair, Deputy Chair or Secretary to give information, advice and to set out options for action. They will not be able to take part in the Forum's decision-making.

Decision Making

The Forum will use best endeavours to make decisions that are based upon a reasonable understanding of the informed choices of the wider community, as measured by ongoing engagement with the wider public outlined in the Growing Together Communications Strategy.

Formal decisions shall be taken by a show of hands and carried by a simple majority, providing that a simple majority of Community Partnership members present have voted in favour.

Declaration of Interests

Individual members of the Forum have a duty and are required to declare in advance any financial, party political, employment, land ownership or other organisation interest that has a bearing on the work of the Forum in general or an agenda item in particular. Such interests will be recorded in the minutes of the relevant meeting. The interest that residents have in the general betterment of the area does not need to be declared or recorded.

Training and Development of the Forum

Members of the Forum will make every effort to take up opportunities for training or learning about any aspect relevant to the Forum's work.

Officers of the Forum

The Chair and Deputy Chair of the Community Partnership shall be the Chair and Deputy Chair of the Forum on an *ex officio* basis.

The Chair shall appoint a Secretary to the Forum, who may be a paid employee of one of the Forum's partner organisations.

BGN (Blackthorn Good Neighbours), as the Locally Trusted Organisation for the Growing Together Big Local programme, shall hold any monies awarded or allocated to the Forum and account to the Forum for their expenditure in accordance with the decisions of the Forum.

Working Groups

The Forum may appoint establish such standing or *ad hoc* working groups as it considers necessary to carryout work on its behalf, according to the Terms of Reference set out for them by the Forum at the time. Any expenditure made by a working group will need to be authorised by the Forum.

Wider Community Involvement

The Forum will publicise its work to the wider community according to the Growing Together Communications Strategy.

The Forum shall take reasonable steps to consult those members of the public directly affected by any proposal under consideration, whether or not they are residents of the Growing Together area.

The Forum will use reasonable endeavours to base its actions upon the views and informed choices of the wider community.

Complaints and Grievance

Any complaint or grievance about the behaviour of a member or supporting officer in respect of their work for the Forum shall be made in writing to the Chair of the Forum. The Chair and Deputy Chair will investigate the complaint or grievance and decide on action in line with the Code of Conduct. If the complaint or grievance concerns the Chair or Deputy Chair, then other members of the Forum will be appointed by the Forum in their place.

Changes to the Constitution

This constitution may be altered and additional clauses may be added at any meeting of the Forum, subject to the support of two-thirds of its members, of whom two-thirds must be members of the Growing Together Community Partnership.

Equality

The Forum will comply with all relevant equality and anti-discrimination best practice and legislation.

Dissolution of the Forum

Upon dissolution of the Forum, for whatever reason, any remaining funds after all bills and charges have been settled shall be returned to the provider from which the funds were received; and all outstanding debts treated in line with the relevant policies and procedures. No individual member of the Forum shall benefit from the dispersal.

Appendix 3: Consultation Responses

Respondent	Transcript or summary of comments	Action / Officer comments
Cllr David Mackintosh	As Borough and County Councillor for part of the area covered by this, I am supportive of the proposal.	Noted
James Ogle, Senior Officer, Northampton Borough Council	<p>In the proposed Neighbourhood Forum constitution the proposed area covered is suggested to be the former Lumbertubs Ward (pre-may 2013 electoral ward) which is not coterminous with the map shown. The map however is the area I understand as the Neighbourhood Plan area.</p> <p>The former Lumbertubs area (in fact the new wards where in place for the Local election May 2011) cuts out Overstone Lodge and the top part of Goldings as well as the East of Blackthorn. I would therefore suggest a minor amendment is made and reference to the former Lumbertubs ward removed from the constitution and application.</p> <p>Suggest area referred to as:</p> <p>The area encompasses the six residential estates of Blackthorn, Cherry Lodge, Goldings, Lings, Lumbertubs and Overstone Lodge and the open spaces within the locality, but excluded the non-residential commercial area of the Weston Favell District Centre.</p> <p>Summary of comment:</p> <p>The Environment Agency, in its response, supplied some useful information to assist in the preparation of a Neighbourhood Plan to 'help maximise environmental gain from future development and to reduce its environmental impact.'</p> <p>The Environment Agency is responsible for:</p> <ol style="list-style-type: none"> 1. Flood risk management 2. Water quality and water resources 3. Waste management 4. Land contamination and soil 5. Environmental permitting and other regulation <p>There are no main rivers within the proposed Neighbourhood Area. The Billing Brook runs through the area, however it as a 'non-main river' in this location. A flood map is available for the Billing Brook and can be viewed on the EA website or on the West Northamptonshire Strategic Flood Risk Assessment. Non main rivers are the</p>	<p>Request the constitution be amended by agreement of Growing Together in accordance with comments to remove reference to former Lumbertubs Ward, and provide greater clarity of the boundary of the proposed Neighbourhood Area.</p> <p>[subsequently agreed in writing and change made]</p>
Kerrie Ginns, Sustainable Places - Planning Advisor, Environment Agency		Noted. The response provides a useful summary to inform the next stages of plan-making.

Respondent	Transcript or summary of comments	Action / Officer comments
	<p>responsibility of Northamptonshire County Council, as Lead Local Flood Authority (LLFA). It is recommended that NCC are consulted on this Neighbourhood Plan.</p> <p>The Neighbourhood Area extends into the reservoir breach area of the Overstone reservoir. Reservoir maps can be viewed on the EA website. Recommend that future developments consider space for water and roll development from all watercourses. Naturalisation of watercourses is also promoted. Any culvert or works that may impede the flow of any watercourse (non main river) will require Flood Defence Consent form the Bedford Group of Drainage Boards on behalf of Northamptonshire County Council. The Neighbourhood Area borders critical drainage area with Boothville and Weston Favell. Attenuation SuDS techniques should be considered at an early stage in the site layout process to ensure that it can be accommodated on site.</p> <p>The Neighbourhood Plan should be informed by the Water Cycle Study regarding water supply and waste water capacity. Currently Great Billing WWTW has headroom capacity, in terms of permitted Dry Weather Flow, to enable development in the proposed Neighbourhood Area. Should consider setting high standards for new development regarding water use to deliver sustainable development. There may be a need to seek to prevent groundwater pollution. The EA can provide further guidance on this. Implement the waste hierarchy - reduce, re-use, recycle. Reinforces the importance of early pre-application discussion on all proposals to ensure that any initial issues can be resolved and subsequent planning application run smoothly.</p>	
Tim Ansell, Housing Services Manager, Northampton Borough Council	From a boundary point of view both applications make sense i.e. one is an existing parish council and the second one deals with estates/neighbourhoods in a specific geographic area of the town each of which face similar issues	Noted
Claire Berry, Development Plans Team Leader, West Northamptonshire Joint Planning Unit	Thank you for consulting the West Northamptonshire Joint Planning Unit (JPU) on the Application for Neighbourhood Areas (Duston & Northampton East) and Neighbourhood Forum. The JPU is content with all three applications.	Noted
Tammy Mizon, resident and employee within the Neighbourhood Area	I agree with the proposed forum and area. These are similar areas with similar issues and by taking it all into account will ensure it thrives and nothing is duplicated.	Noted