

South Northamptonshire Council

Council

Minutes of a meeting of the Council held as a Remote meeting on Wednesday 22 July 2020 at 6.00 pm.

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| Present | Councillor Rosie Herring (Chairman) Councillor Anthony S. Bagot-Webb (Vice-Chairman) Councillor Ann Addison Councillor Mark Allen Councillor Robert G. Atkinson Councillor Fiona Baker Councillor Dermot Bambridge Councillor Sandra Barnes MBE Councillor Phil Bignell Councillor Caryl Billingham MBE Councillor John Budden Councillor Carole Clarke Councillor Roger Clarke Councillor Stephen Clarke Councillor Richard Dallyn Councillor Peter Davies Councillor Valerie Furniss Councillor Andrew Grant Councillor David Harries BEM Councillor Steven Hollowell Councillor Gregor Hopkins Councillor Martin Johns Councillor Dennis Loveland Councillor Charles Manners Councillor Ian McCord Councillor Abigail Medina Councillor Alice Kim Ord Councillor Ken Pritchard Councillor Peter Rawlinson Councillor Mary-Anne Sergison-Brooke Councillor Sandi Smallman Councillor Catharine Tarbun Councillor John Townsend Councillor Allen Walker Councillor Elaine Wiltshire Councillor Paul Wiltshire |
| Apologies for Absence: | Councillor Rebecca Breese Councillor Karen Cooper Councillor Hywel Davies Councillor Chris Lofts Councillor Lisa Samiotis |

Officers: Richard Ellis, Chief Executive
Martin Henry, Executive Director: Finance (Section 151 Officer)
Andrew Hunkin, Executive Director: Resources (Monitoring Officer)
Jo Barrett, Assistant Director: Wellbeing
Jim Newton, Assistant Director: Planning & Economy
Alan Munn, Planning Policy and Growth Strategy Manager
Nicholas Sutcliffe, Licensing and Business Support Manager
Natasha Clark, Governance and Elections Manager

14 **Welcome**

The Chairman welcomed Councillors, officers, members of the public and the press to the second remote meeting of Full Council.

The Chairman introduced the Vice-Chairman, Councillor Tony Bagot-Webb and advised that should she have any technical issues and drop out of the meeting, Councillor Bagot-Webb would take the Chair until she was reconnected.

15 **Declarations of Interest**

There were no declarations of interest.

16 **Minutes of Council**

The minutes of the meeting of Council held on 13 May 2020 were agreed as a correct record and signed by the Chairman.

17 **Chairman's Announcements**

Housekeeping

The Chairman reminded Members of the remote meeting protocol and arrangements for voting.

Annual Meeting

The Chairman advised Council that following discussions with the Vice-Chairman, Chief Executive and Executive Director Resources, the Annual Meeting would be held on Wednesday 16 September 2020 at 6pm.

At this time, it was not possible to confirm what format the meeting would take as it would depend upon the Government guidance and restrictions and the local situation at that time. In the meantime, Members would be sent a meeting request to ensure the date is in calendars and the format and arrangements would be confirmed in due course when it was possible to do so.

Officers were liaising with the Chairman of the Planning Policy & Regeneration Strategy (PPRS) Committee about a new date for the committee's meeting that was scheduled for the same date and this will be confirmed to PPRS members.

18 **Public Participation**

The Chairman advised that there had been not petitions but three written questions for the public addressed to the Leader, Councillor McCord, had been received and were published as a supplement to the agenda.

The Governance and Elections Manager displayed and read out each question, which was duly answered by the Leader of the Council.

Question 1, from Charles Askew, local resident, on the Local Plan

"Is the leader of the council satisfied that all substantial complaints about the actions of council members and employees in respect of the preparation of the Local Plan v2 have been properly investigated and that the results of these investigations have been made available to council members, prior to the plan being put to the vote?"

The Leader of the Council, Councillor McCord, responded:

"All complaints are dealt with via the appropriate process. As Leader I have no remit in the process. I have been advised by the Monitoring Officer that there is no good reason not to proceed with the Local Plan report as published.

As of 5pm tonight there have been no complaints lodged using either the member or officer complaints procedures. "

Question 2, from Terence Hearty, local resident, on the Local Plan

"Does the council find it appropriate and proper to vote on the adoption of the Local Plan Part B when a serious complaint has been raised by a South Northamptonshire resident, which is currently yet to be investigated by SNCs monitoring officer? Has SNC made councillors aware of this complaint, which is concerned with the Council not following due process and governance in relation to that Plan?"

The Leader of the Council, Councillor McCord, responded:

"I am aware of correspondence between a resident and the council that I have been copied into and that a resident has sent to most, if not all, members over the weekend past.

The email that was sent to me has been passed to the Monitoring Officer and I have no further role in the matter. The complaints procedure does not require all members to be made aware one has been received.

That resident has been advised how to use the council's complaints procedures and offered officer help to do so.

Yesterday I was copied into an email from the same resident that said, and I quote:

“with regard to your continued attempts to usher me down the cul-de-sac of following the councils own complaints procedure, I have no intention of so doing . . .”

As of 5pm today no such formal complaint has been received.

I and all members have been given advice from the Monitoring Officer that there is no good reason not to proceed with the Local Plan item as laid out tonight.

However, should council resolve tonight to adopt the Local Plan, there is a period of 6 weeks which allows for any judicial review proceedings to be lodged. If Mr Hearty or any other resident, or group wishes to challenge the legality of the processes followed by SNC they have that option open to them.”

Question 3, from Briony Askew, local resident, on the Local Plan

“Does the Council consider that adoption of the Local Plan, described as “...years in the making” by Cllr Roger Clark on 4.10.18, is now relevant and appropriate to the area, given:

1. the huge challenges which have subsequently come to light regarding the need for urgent action on climate change, including NCC declaring a climate emergency in June 2019 and SNDC’s Climate Change Action Plan being adopted in May 2020
2. the changes ahead locally in moving to a, necessarily delayed, West Northants Unitary Authority, and
3. the potentially hugely altered needs of the area in a post-Covid recovery

Given the above, does the Council not consider that deferring the adoption of the Local Plan to West Northants would give both flexibility and agility to the new authority, thus properly ensuring that the Plan better meets the needs of the locality, given the huge changes that have occurred since both the plan’s inception and the consultation period?”

The Leader of the Council, Councillor McCord, responded:

“As the question is in three parts I shall deal with them in turn

Part 1: Climate change is not something that has emerged during the preparation of this plan, and national planning and other policies have required environmental impact assessments to be taken into account in decision making for many years.

Local Plans are informed by a Sustainability Appraisal, at each key stage of plan preparation, and this was carried out by independent expert consultants. We are satisfied that, throughout the plan preparation, as well as during the Examination in Public, we understood the environmental (as well as social and economic, which

together with environment comprise the three pillars of 'sustainability') impacts of the options and ultimately the final local plan as modified.

It is worth noting that the proposed employment land allocations, were selected in part because of the opportunity they offer for residents to access employment by walking or cycling or driving shorter distances to work. This does dovetail with the council's environmental objectives.

The Local Plan Part 2 will also have a requirement for new build houses to have an electric car charging point. Again complementing the council's Climate Change Action Plan.

Part 2: there is no delay to the commencement of West Northants Council. It was planned to start on 1 April 2021 and that still remains the case.

Part 3: The Covid 19 crisis is not over and it is too early to draw any conclusions from it. The Part 1 Local Plan, which is the strategic document for the area of South Northamptonshire, Daventry, and Northampton, is under review. The review is at a very early stage, and any changes required to a post Covid landscape can and should be picked up by that review.

The allocations on employment land that are proposed tonight do also have some flexibility of use envisaged that would allow things to adapt to changing economic needs if required.

To follow the proposed strategy as set out by Ms Askew is in my view undesirable. One of the reasons for continuing to adopt the Part 2 Local Plan is to ensure the new West Northamptonshire Council will benefit from a comprehensive, up to date local plan.

The overall benefit of having an up to date Part 2 Local Plan outweighs the risk associated with waiting for the new Council before adopting the plan.

The existing Local Plan dates from 1997 and the Saved Policies date from 2007. As these plans age the risk increases that developers will challenge their relevance to current circumstances. To prevent unwanted, unsuitable and unplanned developments an up to date Local Plan is essential. To allow SNC and eventually West Northants some degree of planning control adoption of a plan is the preferable course of action."

19 **Written Questions**

There were no written questions from councillors.

20 **Motions**

There were no motions.

21 Announcements by the Leader of the Council and the Chief Executive

On behalf of Council, the Leader, Councillor McCord, made the following announcement recorded thanks to all council employees for their response during the Covid-19 pandemic. Pressure had impacted on Teams and service areas at different phases and Members were grateful to all employees. The Leader paid particular tribute to the Chief Executive and Leadership for their ongoing hard work and keeping Members informed.

The Chief Executive updated Council on the phased reopening of The Forum and referred to the joint statement he and the Leader had issued that day. The statement had set out the stages of the phased reopening which would support the local economy whilst also ensuring the wellbeing and safety of staff and residents.

22 Questions to the Leader of the Council and the Chief Executive

There were no questions to the Leader or the Chief Executive on their announcements.

23 Adoption of the South Northamptonshire Local Plan (Part 2)

The Assistant Director for Planning and Economy submitted a report to adopt the South Northamptonshire Local Plan (Part 2) with main and additional modifications.

In introducing the report, the Deputy Leader and Portfolio Holder for Planning, Councillor Bignell, paid tribute to the previous Portfolio Holders for Planning, Councillor Rebecca Breese and Councillor Roger Clarke, the Assistant Director Planning Policy and Development, Jim Newton, the current Planning Policy and Growth Strategy Manager, Alan Munn, as well as the former Executive Director Place and Growth, Adrian Colwell, former Head of Development Management, Andy Preston, and former Planning Policy and Growth Strategy Manager, Andy D'Arcy and the wider Planning Policy team for their hard work in bringing the Local Plan (Part 2) to the stage where it was before Members for adoption.

The Deputy Leader and Portfolio Holder for Planning explained that the once adopted the South Northamptonshire Local Plan (Part 2) would replace the policies of the South Northamptonshire Local Plan (1997) and Policies H2 (Affordable Housing) and H6 (Gypsy, Traveller and Travelling Show People) of the WNJCS. The Plan would form part of the statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In response to Members' comments regarding the linkages between the Local Plan, the MK5020 Plan and the Oxford to Cambridge Arc, the Deputy Leader & Portfolio Holder for Planning agreed to circulate a written response to Members.

The Deputy Leader and Portfolio Holder for Planning requested that a recorded vote on the item be taken.

A recorded vote having been requested, a recorded vote was duly taken, and Members voted as follows:

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| Councillor Addison | For |
| Councillor Allen | For |
| Councillor Atkinson | For |
| Councillor Bagot-Webb | For |
| Councillor Baker | For |
| Councillor Bambridge | For |
| Councillor Barnes MBE | For |
| Councillor Bignell | For |
| Councillor Billingham MBE | For |
| Councillor Budden | For |
| Councillor Carole Clarke | For |
| Councillor Roger Clarke | For |
| Councillor Stephen Clarke | For |
| Councillor Dallyn | For |
| Councillor Peter Davies | For |
| Councillor Furniss | For |
| Councillor Grant | For |
| Councillor Harries BEM | For |
| Councillor Herring | For |
| Councillor Hollowell | For |
| Councillor Hopkins | For |
| Councillor Johns | For |
| Councillor Loveland | For |
| Councillor Manners | For |
| Councillor McCord | For |
| Councillor Medina | For |
| Councillor Ord | For |
| Councillor Pritchard | For |
| Councillor Rawlinson | For |
| Councillor Sergison-Brooke | For |
| Councillor Smallman | For |
| Councillor Tarbun | For |
| Councillor Townsend | For |
| Councillor Walker | For |
| Councillor Elaine Wiltshire | For |
| Councillor Paul Wiltshire | For |

Resolved

- (1) That the South Northamptonshire Local Plan (Part 2) (annex to the Minutes as set in the Minute Book) which incorporates the Inspector's Main Modifications (annex to the Minutes as set in the Minute Book) and the Council's own Additional Modifications (annex to the Minutes as set in the Minute Book) and other minor editorial changes reflecting the fact that the plan is in its final form be adopted as part of the statutory development plan for South Northamptonshire and that an Adoption Statement and final Sustainability Appraisal be issued.

- (2) That it be noted that on adoption of the South Northamptonshire Local Plan (Part 2) all of the remaining saved policies from the South Northamptonshire Local Plan (1997) are formally replaced.
- (3) That the updates to the South Northamptonshire Policies Map (annex to the Minutes as set in the Minute Book) be adopted.
- (4) That the Assistant Director for Planning and Economy, in consultation with the Portfolio Holder for Planning, be authorised to finalise the necessary documents to support adoption including the Adoption Statement and to make such minor editorial corrections to the adopted Local Plan and Policies Map as deemed necessary ahead of publication.

24 **Local Development Order**

The Assistant Director Planning & Economy submitted a report to consider the draft South Northamptonshire Local Development Order (LDO).

In introducing the report, the Deputy Leader and Portfolio Holder for Planning, Councillor Bignell, thanked the Planning Policy and Regeneration Strategy Committee and, in particular, its Chairman, Councillor Addison, who had reviewed the Local Development Order. At their 15 July 2020 meeting, the Committee had considered the operation period of the LDO and recommended to Full Council that upon adoption, it remain in force until 31 March 2022.

Resolved

- (1) That the Local Development Order (annex to the Minutes as set out in the Minute Book) be adopted, with the Local Development Order to take effect from 1 April 2020 and be in operation until 31 March 2022 before it is reviewed.
- (2) That a fee of £400 per Certificate of Compliance be approved.
- (3) That authority be delegated to the Assistant Director: Planning and Economy to make any minor changes to the Local Development Order in consultation with the Portfolio Holder for Planning.

25 **Business and Planning Act 2020 Fee Setting and Delegation of Authority**

The Assistant Director: Environment and Regulatory Services submitted a report to seek approval to a change to the scheme of delegation to enable officers to progress pavement licences, to agree the terms on which licences will be issued and to set an appropriate fee.

In presenting the report, the Portfolio Holder for Environmental Services, Councillor Bambridge, commended the Licensing Team and Environmental; Health Team for their support to local businesses in recent months.

In response to Members' questions, the Licensing and Business Support Manager confirmed that the Business and Planning Act 2020 had received Royal Assent that day, 22 July 2020.

Resolved

- (1) That the authority to determine and issue Pavement Licences be delegated to the Executive Director: Operations with subsequent delegations to the appropriate Assistant Director, Health and Environmental Protection Manager, Licensing and Business Support Manager and all direct reports.
- (2) That authority be delegated to the Portfolio Holder for Environmental Services and the Assistant Director: Environment and Regulatory Services to make any changes should the Act differ from the current Bill.
- (3) That a fee of £100 for all licences be agreed.
- (4) That it be agreed that the length of the licence be set to expire on 30 September 2021 (when the Act ceases to have effect).

26 **Provisional Outturn and Capital Slippage**

The Executive Director: Finance submitted a report which sought agreement to transfer the underspend in 2019-20 into an earmarked reserve to assist in dealing with the costs associated with COVID-19 and to carry forward capital slippage items from 2019-20 into 2020-21.

Resolved

- (1) That it be agreed that the final underspend from the financial year 2019-20 be transferred into an earmarked reserve to assist in dealing with the costs associated with COVID-19.
- (2) That it be agreed to carry forward the following capital slippage items totalling £3.1m:

27 **Standards Committee Annual Report 2019/20**

The Executive Director: Resources and Monitoring Officer submitted a report which presented the Standards Committee Annual Report for 2019/20.

Resolved

- (1) That the Standards Committee Annual Report 2019/20 (annex to the Minutes as set out in the Minute Book) be noted.

28 **Amendments to Proportionality Calculations and Committee Membership**

The Chief Executive submitted a report for Council to note the amendments to the constitution of political groups and amendments to the proportionality calculations and committee membership arising from the resignation of former Councillor, Adil Sadygov.

Resolved

- (1) That the amended constitution of Political Groups: Conservative: 32 (76%); Independent: 3 (7%); Liberal Democrat: 6 (15%); and, Vacancy: 1 (2%) be noted.
- (2) That the amended allocation of seats on committees that are subject to the political balance requirements be noted.
- (3) That it be noted that there are no changes to the allocation of seats on committees that are not subject to political balance requirements.
- (4) That the following amendments to committee membership, as advised by the respective Leaders of the Conservative Group and Liberal Democrat Group:

Licensing Committee

Remove: Councillor Peter Davies

Add: Councillor Martin Johns

29 **Urgent Business (previously agreed with the Chairman)**

There were no items of urgent business.

The meeting closed at 7.25 pm

Chairman:

Date: