

WEST NORTHAMPTONSHIRE COUNCIL CABINET

9th November 2021

LEADER OF THE COUNCIL – COUNCILLOR JONATHAN NUNN

Report Title	Decisions taken by the Leader of the Council under urgency procedures: Northampton Partnership Homes – Westbridge lease and development, Planning Policy Committee and Appointment to West Midlands Rail Ltd.
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List of Appendices

- Appendix A: Westbridge Record of Decision and Draft Heads of Terms**
- Appendix B: Planning Policy Committee Record of Decisions and Terms of Reference**
- Appendix C: Appointment to West Midlands Rail Ltd.**

1. Purpose of Report

- 1.1. This report seeks to notify Cabinet of decisions taken by the Leader of the Council as Senior Executive Member in accordance with the relevant statutory provisions (Local Government Act 2000, Section 9E (amended)) where such decisions were required to be made as a matter of urgency.

2. Executive Summary

- 2.1 The statutory arrangements for executive arrangements decision making provide that all Executive decisions can be taken by the Leader of the Council, with or without Cabinet. in West Northamptonshire Executive decision (unless otherwise delegated) are normally referred to Cabinet but where there is insufficient time for that to happen a decision of the Leader in consultation with Cabinet allows a decision to be made but this will be referred to the next meeting of Cabinet. Although these powers are used infrequently, they are most commonly used in order to take decisions that are urgent and cannot wait until the next meeting of the Cabinet.
- 2.2 Three such decisions have been required recently. The first relates to the accommodation requirements of Northampton Partnership Homes (NPH). The second relates to the creation of a Planning Policy Committee, which was agreed as part of the Council's Constitution, but the detailed terms of reference not finalised prior to the Constitution being adopted. The third relates to the appointment of a director to West Midlands Rail Ltd.

3. Recommendations

- 3.1 That Cabinet note the decisions taken by the Leader of the Council set out at Appendices A, B and C.

4. Reason for Recommendations

- 4.1 Where decisions that would otherwise be taken by Cabinet have been taken by the Leader of the Council, it is considered best practice to report those decisions to the next available meeting of the Cabinet.
- 4.2 In the case of NPH, the decision taken provides NPH with accommodation that enables them to operate effectively and deliver against the management agreement with Council.
- 4.3 In the case of the Planning Policy Committee, the agreement of the terms of reference for this committee enables items that would otherwise be taken by Cabinet to be taken by that committee. This improves the efficiency of Cabinet decision making, while improving

the accountability of planning policy decision by including members who are not part of the executive as non-voting members of the committee.

- 4.4 In the case of West Midlands Rail Ltd. The Council was required to appoint a director in its capacity as one of the partner local authorities.
- 4.5 Full reasons for the recommendations are set out in the decision records appended to this report.

5. Report Background

Northampton Partnership Homes

- 5.1 Northampton Partnership Homes Limited (NPH) is a wholly owned subsidiary of West Northamptonshire Council and operates as an arm's length management organisation (ALMO) of the Council, managing the Council's social housing stock through a formal contract known as the Management Agreement which was initiated by Northampton Borough Council in 2015.
- 5.2 It is important that NPH has suitable accommodation to carry out its functions on behalf of Council, including management, operations, building maintenance, new house building and tenant engagement. NPH currently occupies land and buildings at the Council's Westbridge Depot, off St James' Mill Road, Northampton but the arrangements for this tenure have not been formalised and NPH is "holding over" on the previous arrangement. NPH's current office accommodation extends to approximately 1,223m² (13,165ft²) and in addition has a number of storage and on-site car parking facilities.
- 5.3 Westbridge is also used by a number of commercial tenants and the Councils environmental services contractor, Veolia.
- 5.4 It has been proposed that the parties seek a solution that enables NPH to continue to operate principally from Westbridge as its headquarters, with improvements to the buildings, the site, and on a formalised tenure for the remainder of its current management period, which ends on 4th January 2030.
- 5.5 To enable the Westbridge site to be appropriate for the long term accommodation needs of NPH, the CEDOS building, currently derelict will be re-developed to provide NPH with an engagement building. This building will enable NPH to undertake Tenant engagement and training as required by the management agreement.
- 5.6 The decision taken by the Leader of the Council was made to enable the proposal to be put to the Board meeting of NPH to seek their agreement. Undue delay would have resulted if the reference to the Board had had to wait for the Cabinet meeting. Having

provided a decision in principle the final terms will be the subject to a draft lease with Northampton Partnership Homes for office and depot accommodation at the Council's Westbridge site. Cabinet will continue to be kept informed but the need to negotiate or agree terms does not necessarily tie in with the Cabinet timetable and urgent decision making may therefore be necessary.

- 5.7 The decision taken also delegated authority to the Assistant Director Assets and Environment to agree the terms of the lease and enter into any documentation required to deliver the decision.
- 5.8 Northampton Partnership Homes (NPH) has had its office, depot and storage capacity located at the Westbridge Depot, St James Mill Road, Northampton, since 2015 when NPH was created as an Arms-length Management Organisation to manage the housing stock and provide housing services on behalf of Northampton Borough Council.
- 5.9 Westbridge is owned by the Council. The site also accommodates the Council's waste contractor and a number of other tenants. There is no current lease in place between the Council and NPH for their accommodation at Westbridge. While a lease was previously prepared by NBC, this was never completed.
- 5.10 The Westbridge site had originally been intended as the temporary home for NPH with an expectation that more permanent accommodation would be sourced. Since the creation of NPH a number of options have been considered as alternatives to Westbridge including properties in the estate of Northampton Borough Council, other predecessor councils to WNC as well as properties that are in private ownership.
- 5.11 Whilst options outside the Council's estate could meet the accommodation requirements of NPH a move out of the Council's estate would create a financial liability to the Council.
- 5.12 Following significant negotiation, a proposal was developed in agreement with the Council and NPH that would see a new lease at Westbridge being offered to NPH with a commitment for the site to be developed to be fit for purpose in the context of NPH's operational requirements. As a component part of the negotiation the leader of the Council provided a commitment to NPH on the new lease and development of the site to mitigate the financial risk of NPH moving outside of the Council's estate.

Planning Policy Committee

- 5.13 The West Northamptonshire Shadow Authority adopted the Constitution for West Northamptonshire Council prior to vesting day. Within the Constitution, provision was made for the establishment of a Planning Policy Committee with the following responsibilities:
- Review of and the development of proposals for development framework policies, for approval;

- Approval of proposals that support the development framework policies such as development briefs.

To consider matters of local importance within the area such as:

- The designation and amendment of conservation areas;
- Village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications.

- 5.14 From vesting day until now, planning policy matters have been taken by the Cabinet directly. In order to ensure decisions about planning policy matters are taken at the appropriate level, with input from other councillors as required, the Leader has taken the decision to agree the Terms of Reference for the Planning Policy Committee so the Committee can be established and begin operating. It was identified that there were an excessive number of items for the meeting in November and therefore Planning Policy Committee would be set up to enable Cabinet to focus on other items. In the event the number of items have reduced allowing the first Planning Policy Committee to take place in December rather than on short notice in November.

Appointment of a Director to West Midlands Rail Ltd

- 5.15 The Council is one of the partner local authorities owning West Midlands Rail Ltd, who jointly manage the West Midlands Business Unit of the West Midlands Rail Franchise with the Department for Transport through a legally binding Collaboration Agreement.
- 5.16 Due to changes to passenger rail franchising in response to COVID, the existing West Midlands Rail Franchise terminated in the autumn and was replaced by a directly awarded National Rail Contract, which required changes to the Collaboration Agreement. These changes required approval by partner local authorities prior to a Special Resolution by the West Midlands Rail Limited Board of Directors. That resolution required the signatures of all directors appointed by the partner authorities, which required the appointment of a director by West Northamptonshire Council.
- 5.17 The Leader of the Council appointed Councillor Phil Larratt as a director on 19 October 2021.

6. Issues and Choices

Northampton Partnership Homes

The options considered were whether to wait for the next Cabinet meeting or to proceed under the Leader's statutory powers. Cabinet members were consulted and agreed the proposed solution was beneficial to the Council and it was important to

meet the timeframe of NPH's board to ensure that a decision in principle could be communicated.

Planning Policy Committee

- 6.1 The decision taken was necessary to bring into effect the provisions set out within the Council's Constitution to manage the Council's business

Appointment of a Director to West Midlands Rail Ltd

- 6.2 The decision taken was necessary in order to sign off the proposed Collaboration Agreement between the Company and the Secretary of State for Transport relating to the management of rail services in the West Midlands.

7. Implications (including financial implications)

7.1 Resources and Financial

There are no financial implications relating to the reporting of the Leader's decision to Cabinet in relation to the decisions described above.

7.2 Legal

The legal implications were considered at the time of the decisions and there are no further legal implications in reporting the decision to Cabinet.

7.3 Risk

The specific risks in relation to the decisions are detailed within the decision records where they exist.

7.4 Consultation

The Leader's decision was taken in consultation with Cabinet members. Specific consultation in relation to the decisions is detailed in the decision records.

7.5 Climate Impact

There are no specific climate impacts in reporting the Leader's decisions to Cabinet.

7.6 Community Impact

8. Background Papers

None