



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 22 July 2020

via Zoom:

<https://www.youtube.com/northamptonbctv>
6:00 pm

Members of the Cabinet:

Councillor: Jonathan Nunn (Leader of the Council)

Councillor: Phil Larratt (Deputy Leader)

Councillors: Mike Hallam, Tim Hadland, Stephen Hibbert, Brandon Eldred, Anna King and James Hill.

Chief Executive

George Candler

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 J Nunn	Leader
Councillor P Larratt	Deputy Leader
Councillor M Hallam	Environment
Councillor B Eldred	Finance
Councillor T Hadland	Regeneration and Enterprise
Councillor S Hibbert	Housing and Wellbeing
Councillor A King	Community Engagement and Safety
Councillor J Hill	Planning

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 837057)

In writing: Democratic and Member 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. A maximum of thirty minutes in total will be allowed for addresses by Members 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 via Zoom: <https://www.youtube.com/northamptonbctv>
on Wednesday, 22 July 2020
at 6:00 pm.

George Candler
Chief Executive

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
- 3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE IF NECESSARY**
- 4. DEPUTATIONS/PUBLIC ADDRESSES**
- 5. DECLARATIONS OF INTEREST**
- 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**
- 7. FINANCE MONITORING TO 31 MAY 2020 AND UPDATED IMPACT FROM COVID-19**
(Copy herewith)
- 8. PRIVATE SECTOR HOUSING ASSISTANCE POLICY**
 (Copy herewith)
- 9. GUILDHALL - ROOF REPLACEMENT**
 (Copy herewith)
- 10. GUILDHALL - PIPE/ASBESTOS WORKS**
 (Copy herewith)
- 11. REVIEW OF PUBLIC SPACES PROTECTION ORDER (PSPO) 2017**
 (Copy herewith)
- 12. PUBLIC SPACES PROTECTION ORDER (PSPO) - MARBLE ARCH**
 (Copy herewith)
- 13. 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.”

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 10 June 2020

PRESENT: Councillor Nunn (Chair); Councillor Larratt (Deputy Chair); Councillors Eldred, Hadland, Hallam, J Hill, Hibbert and King

1. APOLOGIES

None.

2. MINUTES

The minutes of the meetings that took place on 20th and 27th May 2020 were agreed by the Leader.

4. DEPUTATIONS/PUBLIC ADDRESSES

The Leader noted that Councillor Beardsworth had registered to speak on items 7, 8 and 11.

5. DECLARATIONS OF INTEREST

None.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

None.

7. FINANCE AND MONITORING - PROVISIONAL OUTTURN REPORT 2019/20

Councillor Eldred, as the relevant Cabinet Member, submitted his report and reported a general fund overspend of £0.383m, noting that the predicted overspend in the previous Cabinet report of £.887m and thanked everyone for their contributions in keeping the overspend down. He noted that the most significant variances related to housing, specifically the increased demand and cost of temporary accommodation, as well as the external auditor, which was proposing an increased audit fee of approximately £200,000; officers were working to identify areas in which the costs of the external audit could be reduced. Councillor Eldred advised that COVID-19 had a minor impact on the 2019 budget; it would have a more significant impact on the 2020 budget and a more in-depth report would be prepared for the Cabinet meeting in July.

Councillor Beardsworth questioned whether the government had contributed towards the Council's £4m reserve. In response, Councillor Eldred stated that the Council had received approximately £2.3m from central government, however the £4m had been carried over from the previous year's reserves.

RESOLVED:

1. Cabinet noted the provisional outturn for the general fund and HRA for the financial year 2019/20 as set out at appendix 1 and appendix 5
2. Cabinet approved the proposed revenue budget carry forwards detailed in appendix 2
3. Cabinet approved the use of and contributions to general fund revenue earmarked reserves as shown in appendix 3

4. Cabinet approved the net movement in HRA reserves and working balances as set out at appendix 6
5. Cabinet noted the outturn for the Council's general fund and HRA capital programmes for 2019/20 and how the expenditure was financed as set out at appendix 4 and appendix 7
6. Cabinet approved the proposed capital carry forwards into 2020/21 set out in appendix 4 and appendix 7
7. Cabinet agreed to delegate authority to the Chief Executive in consultation with the Chief Finance Officer to agree any retention of underspends by NPH

8. CORPORATE PERFORMANCE. ALL MEASURES AND OUTTURN REPORT QUARTER 4 - 1 JANUARY 2020 - 31ST MARCH 2020

Councillor Larratt, as the relevant Cabinet Member, submitted his report and noted that more than 76% of performance measures had reached, or were performing within agreed tolerances of their targets, outperforming the same quarter for 2019. He noted that COVID-19 related issues had begun to affect the Council's performance from the beginning of March. He noted that there were fewer KPIs performing as "red" compared to the same quarter in 2019. Councillor Larratt reported that the number of sick days taken by staff continued to fall, although this did not factor in 3 member of staff who had been set up incorrectly on the system, at least one of which had taken time off due to sickness. This would be reflected in the next performance report. With regard to EC09 (fly tipping), Councillor Larratt explained that issues around fly tipped hazardous waste were keeping the KPI from performing "in the green". It would be split from 1st April 2021 to reflect a truer understanding of fly tipping issues. Issues relating to environmental services were being addressed through Veolia. Regarding PP16 (off-licence checks), Councillor Larratt advised that whilst the KPI was red, it showed that officers were identifying non-compliant off-licences.

Councillor Beardsworth expressed concern in relation to 3 indicators:

EC09 (fly tipping) – Councillor Hallam explained that this was a national problem, however the Council were doing lots to address this, including freezing the bulky waste charge for a second year and increasing fines for fly tippers when caught.

HML01 (temporary accommodation) – Councillor Hibbert explained that figures on temporary accommodation had stabilised and pointed out that a very small number of people were residing in hotels.

RESOLVED:

1. Cabinet reviewed the contents of the Performance report (Appendix A).

9. GREAT HOUGHTON PARISH COUNCIL NEIGHBOURHOOD PLAN AREA DESIGNATION

Councillor Hill, as the relevant Cabinet Member, submitted a report. He advised that Great Houghton Parish Council contacted the Council in March with a view to designate a Neighbourhood Plan Area.

RESOLVED:

1. Cabinet noted the application in Appendices 1 and 2, and designated the area proposed by Great Houghton Parish Council for the purposes of neighbourhood planning.

10. UPDATED LOCAL DEVELOPMENT SCHEME

Councillor Hill, as the relevant Cabinet Member, submitted a report and noted that as part of the next agenda item (Northampton Local Plan Part 2 – Submission Draft Consultation (Round 2)), the Local Development Scheme had to be fully updated before the Council could proceed with its second round of consultation for the Local Plan. Consultation would not take place in the usual ways due to COVID-19; instead there would be an increased social media presence in terms of communications alongside the usual press releases.

RESOLVED:

1. Cabinet approved the new Northampton Borough Local Development Scheme.

11. NORTHAMPTON LOCAL PLAN PART 2 - SUBMISSION DRAFT CONSULTATION (ROUND 2)

Councillor Hill, as the relevant Cabinet Member, submitted a report. Comments received from Historic England, Public Health England, land owners and developers following the original submission led to further work being carried out, including the addition of (but not limited to) fast food and green policies. Councillor Hill informed Cabinet of a correction on Plan A, chapter 7: housing delivery projection figures for 2027-28 – graph 1 would be amended, the difference between the planned target and total delivery had been increased to 3,394. Consequently, the housing delivery trajectory for 2019-24 would be reduced to 1,130 per year and 1,609 for the remaining years in the period. These changes would have no impact on the sites allocated within the document. Public consultation would follow, should Cabinet approve the revised submission draft, starting on 13th July.

Councillor Beardsworth commented that the Liberal Democrat group expressed concern in 2018 regarding progress on the Local Plan taking a backseat in place of local government reorganisation. Not having a Local Plan in place left communities open to unwanted development, and it was hoped that a new Local Plan would be in place by the time the unitary authority took over. The fact that delays were due to the need to get things right was a positive one and Councillor Beardsworth welcomed renewed emphasis on green issues.

Councillor Hill reassured Members that the Local Plan would not be curtailed by unitary preparations.

The Director of Planning and Sustainability confirmed that consultation would take place between July and August, the Council would look to submit the Local Plan in December 2020, the Council would then push for an early public examination in April and adopt the Local Plan Part 2 in September 2021.

RESOLVED:

1. Cabinet approved the revised Submission Draft of the Local Plan Part 2, Policies Map and Sustainability Appraisal for publication under Regulation 12 of the Town and Country Planning (Local Authorities) (England) Regulations 2012 as amended
2. Cabinet approved the Consultation and Engagement Strategy for this consultation
3. Cabinet agreed to delegate authority to the Director of Planning and Sustainability with the Deputy Cabinet Member for Planning to make minor spelling, formatting,

mapping and other amendments to the consultation documents and the Consultation and Engagement Strategy where they do not alter the intent of those documents.

The meeting concluded at 6:36 pm

Appendices
1



Item No.
[For Democratic
Services Use only]

NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Finance monitoring to 31 May 2020
---------------------	--

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22 July 2020
Key Decision:	NO
Within Policy:	YES
Policy Document:	NO
Directorate:	Management Board
Accountable Cabinet Member:	Cllr B Eldred
Ward(s)	N/A

1 Purpose

- 1.1 Financial monitoring reports will be presented to Cabinet once every two months and will include:
- Revenue – any significant issues requiring action and details of the actions being taken.
 - Budget risks, including any unachievable savings.
 - Budget changes and corrections
 - Capital – progress on key projects
 - Capital appraisals and variations requiring approval or approved under delegation.

2 Recommendations

- 2.1 That Cabinet notes the contents of the report and notes that future reports will set out the actions being taken by Corporate Management Board (CMB) to address issues arising.
- 2.2 That Cabinet note the financial impacts of the COVID-19 pandemic on the general fund for the financial year 2020/21 as set out at appendix 1.
- 2.3 That Cabinet approves an increase to the Councillor Community Funds expenditure, by £2,000 per councillor.

3 Issues and choices

3.1 Report background

- 3.1.1 This report is the first financial monitoring report of 2020/21 and reports the forecast position as at the end of May 2020, period 2 of the financial year.

3.2 Impact of Covid-19 on 2020/21 budgets

- 3.2.1 As previously reported to Cabinet in May, the COVID-19 pandemic will have a significant impact on the Council's finances in 2020/21. Appendix 1 provides an update to the position last reported in May specifically in relation to COVID-19 financial pressures. It should be noted that in the revenue monitoring that follows in the rest of this report, we have provided our best estimates of what the overall outturn position is likely to be. In some cases that includes forecasting where it is thought that there might be potential further grants received to offset some of these pressures. These further grants may not materialise, so there is a risk that the pressure might increase if further funding is not received. An example of this is the costs of temporarily housing rough sleepers: that pressure is assumed to be offset by additional grant funding in the monitoring position below, but that pressure is still described in appendix 1.
- 3.2.2 The Council has received two tranches of "COVID-19 emergency grant" funding from central government, coming to a total of £2.360m. For the purposes of this report, this grant funding has not been allocated to specific pressures in the service areas. This means that all pressures are shown in the service areas where they fall. The grant funding is then shown as a separate item within the CFO area, so the bottom line position does include this grant funding. The expectation is that once the allocation of this grant funding is agreed, this will be allocated across the specific service pressures.
- 3.2.3 The Council is now aware of a further funding scheme to provide financial support to Local Authorities, that has been announced, but as yet no details have been received. This includes a further £500M of grant funding and an approach to support the loss of income through fees and charges. Any further funding received will help alleviate the overspend forecast, but as yet it is not possible to estimate the value to this Council.
- 3.2.4 Having received grant funding from Government to support the Council's budget and c£37M to distribute as BEIS (Business Energy & Industrial Strategy) grants to local businesses. Cabinet propose to use some funding to enable ward councillors to increase their support for local small community groups that may have suffered from not being able to hold fund raising events, such as fetes etc. If approved a simple to administer scheme will be implemented.

3.3 Key financial indicators

Budget area	Variation from budget	
	General fund	Housing Revenue Accounts (HRA)
	£m	£m
Controllable service budgets	2.541	0
Debt financing and corporate budgets	0	0
Total	2.541	0

3.4 General fund revenue budget

3.4.1 The overall general fund revenue budget is currently forecasting an overspend of £2.541m. The main pressures which make up this forecast overspend are set out below:

3.4.2 The **Economy, Assets and Culture** service is currently forecasting a £2.882m overspend. This overspend is predominantly associated with losses of income as a result of the COVID-19 pandemic. The most significant of these is a forecast loss of car park income of £2.509m. Almost all car park income in the year to date has been foregone, and it is anticipated that income will not return to its pre-COVID-19 levels for the rest of the year.

Other income losses relate to rental income in relation to business closures (£0.205m), a loss of income due to closure of the market and reduced number of traders following re-opening (£0.108m), and smaller losses of income in relation to events, CCTV, the Bus Station and the Guildhall (£0.175m).

These pressures are partially offset by savings on staffing budgets across the service and reduced expenditure on NNDR totalling £0.115m.

3.4.3 The **Housing and Wellbeing** service is forecasting an overspend position of £0.826m for the year. Demand for temporary accommodation has resulted in a forecast pressure of £0.400m and a corresponding pressure of £0.200m due to an increase in bad debt relating to temporary accommodation. There is also pressure in the Private Sector Housing service due to a reduction in civil penalties, licences and disabled facilities grant administration income of £0.220m as a result of the COVID-19 pandemic. Other small variances make up the remaining £0.006m.

3.4.4 The **Planning** service are forecasting a £0.335m overspend position. This is associated with an anticipated reduction in land charges income (£0.036m) and planning income (£0.300m) as a result of COVID-19 disrupting normal business.

3.4.5 The **Chief Finance Officer** service is reporting an underspend of £1.454m. However, this is due to the unbudgeted £2.360m of funding received from Central Government for COVID-19 related costs pressures. This funding is currently centralised but will be allocated out across the services to cover some of the impacts of COVID-19.

Excluding this grant income, this area has a pressure of £0.896m. There are pressures of £0.300m in relation to potential additional external audit costs; £0.205m in relation to the Benefits area mainly from overpayment recovery reductions; £0.325m in relation to Business Rates scheme changes caused by the COVID-19 policy updates and £0.075m in relation to additional IT working from home costs. Other small variances make up the remaining £0.009m.

- 3.4.6 The **Customers and Communities** area is reporting an underspend of £0.085m. This includes an underspend of £0.260m in the Environmental Services area because the uptake of the chargeable green waste project has exceeded its target, and this has mitigated the additional costs of providing the waste service through this difficult period. This is partially offset by pressures in the Licensing area (£0.101m); the Commercial Services area (£0.032m); the Environmental Protection area (£0.017m); and the Museums area (£0.019m) which are mainly due to losses of income as a result of COVID-19 disrupting normal business. Other small variances make up the remaining £0.006m.
- 3.4.7 There were other smaller variances forecast in the **Chief Executive area** and the **Borough Secretary** service area, with a combined overspend of £0.046m.
- 3.4.8 Corporate Management Board (CMB) are actively seeking options and actions to manage and mitigate the impact of the risk of an overspend in 2020/21.

3.5 HRA revenue budget

The Housing Revenue Account is currently forecasting a nil variance against the budget.

3.6 General fund capital programme

- 3.6.1 The approved General Fund Capital Programme for 2020/21 currently has a budget of £13.4m which includes carry forwards from 2019/20 of £6.3m.
- 3.6.2 It is expected that the current COVID-19 situation will significantly impact the programme going forwards. In particular through:
- Availability of contractors and delays to start times
 - Increased cost of materials
 - Possible impact of supply chain issues for materials
 - Extended periods of construction due to social distancing which could slow down building work and fitting out of premises.

The impact is currently unknown but will be continually assessed by services and the Finance Team with regular reports back to Cabinet and CMB on progress which will highlight any significant issues identified.

- 3.6.3 There is a further £59.6m of schemes in the Development Pool awaiting approval. Any further additions to the approved capital programme, including any strategic property purchases, will be subject to the development of a robust business case. In line with the Financial Regulations, any proposed additions to the programme greater than £0.25m and / or requiring additional funding from council resources, will be brought to Cabinet for approval.

3.7 HRA capital programme

- 3.7.1 The HRA capital programme for 2020/21 totals £69.117m, of which £57.592m is to be managed on behalf of the Council by Northampton Partnership Homes (NPH) through a programme of planned investment and new build development.
- 3.7.2 Some of the New Build programme is experiencing slippage during 20/21, it currently anticipated that this is in the region of £1.1m. Neighbourhood Programmes are currently anticipating £2.3m slippage due to COVID-19, however the contractor is committed to accelerating the programme where possible during 20/21. Landscaping works are accelerating and progressing well resulting in budget being brought forward from the 2020/21 programme of £1m.

3.8 Choices (options)

- 3.8.1 Cabinet is asked to note the reported financial position and agree the recommendations 2.1 and 2.2. There are no alternative options, other than not to agree the recommendations.

4 Implications (including financial)

4.1 Policy

- 4.1.1 The Council agreed a balanced budget for the capital programme and revenue budgets for both the general fund and the HRA in February 2020. Delivery of the budget is monitored through the budget monitoring framework.

4.2 Resources and risk

- 4.2.1 This report informs the Cabinet of the forecast outturn positions for capital and revenue, for both the general fund and HRA, as at the end of May 2020. It also highlights the key risks identified to date in delivering those budgets.
- 4.2.2 All schemes included in the capital programme, or put forward for approval, are fully funded, either through borrowing, internal resources or external funding arrangements.
- 4.2.3 Increasing the Councillor Community Funds budget by £2,000 per councillor will add £90K to the cost budgets.
- 4.2.4 The approach to containing and accounting for the forecast overspend will be as follows
- a) Seek further funding from Government
 - b) Capture natural savings and costs avoided
 - c) Avoid recruiting to posts that do not have a material impact on core services, or income streams.
 - d) Use of reserves as necessary as a last resort

4.3 Legal

- 4.3.1 There are no direct legal implications arising from this report.

4.4 Equality and health

4.4.1 There are no direct equalities and health implications arising from this report.

4.5 Consultees (internal and external)

4.5.1 Heads of Service, budget managers and Corporate Management Board (CMB) are consulted as part of the budget monitoring process on a monthly basis.

4.6 How the proposals deliver priority outcomes

4.6.1 Regular financial monitoring is a key control mechanism and contributes directly to the priorities of sustaining “effective and prudent financial management” and being “an agile, transparent organisation with good governance”.

4.7 Environmental Implications

4.7.1 There are no direct environmental implications arising from this report.

4.8 Other Implications

4.8.1 There are no other implications arising from this report

5. Background papers

5.1 Cabinet and Council budget and capital programme reports February 2020.

Stuart McGregor, Section 151 Officer, 01604 838347

NORTHAMPTON BOROUGH COUNCIL – COVID COSTS/PRESSURES/GRANTS

The following provides an update to information reported to Cabinet on 27 May 2020 and directly relates to the impacts of the Covid Pandemic.

COST PRESSURES

1. HOUSING

The Housing Service, along with the Council's ALMO, NPH, had worked hard to alleviate pressures from Temporary Accommodation during 2019-20 to reduce the risk of overspends in 2020-21.

The Government requirement to provide Temporary Accommodation for Rough Sleepers saw the contracting with two hotels to provide 80 rooms for accommodation. As this scheme comes to an end, whilst it has provided positive outcomes for a traditionally hard to reach group of people. It is likely to see a block unanticipated pressure on the Temporary Accommodation budget. The scheme so far has cost in the order of £295K including accommodation, staffing and PPE. A specific Government grant of £21K has been received toward this cost.

There are also unavoidable costs of those who were initially accommodated under Temporary Accommodation legislation, but found not to be entitled going forward, could not be moved on during the 'lockdown'.

Due to a combination of factors from accommodating Rough Sleepers who do not wish to return to their prior position, unavoidable costs and an expectation of an increase in homelessness post lockdown, along with reduced income from enforcement and licensing. It is estimated that there will be pressure (possible overspend) on this Service Area in a range of between £750K to £1.5M during the year.

2. ECONOMY ASSETS and CULTURE

The pressures for this service area are primarily income related, from the risk of loss of income from commercial tenants, through to the loss of revenue income from car parking. The Council has a modest commercial property portfolio, primarily to support regeneration and the local economy, however the income is used to support services

The Council as with many businesses is suffering from fixed property costs and a reduction / loss. At present the Council Car Parks have had charges suspended, to assist key workers with free parking in specific areas and to assist those businesses still trading. The Council continues to suffer costs such as Business Rates, Utilities, Insurance and Maintenance. Parking income is considered to be a perishable income, if it is not earned on a specific day / week it cannot be recovered at a future date.

The current assumption is that the Council will have lost already c£900K with an anticipated reduction continuing throughout the year. The Council will also lose income from the lack of 'movements' on which payments are based in respect of the Bus Station. The total pressure was initially considered to between £1.5M to £2M dependent on how transition works and no second peak to the pandemic, this has been revised upward to £2.5M anticipating the normal levels of usage are unlikely to return for the duration of the year.

As the Market was and continues to be impacted, there is an estimated likely loss of income to the Council of £75K.

Impact on Facilities Team and Museum from loss of income for room hire, wedding and events and paying back deposits, many prospective hirers are also awaiting to understand how the restrictions impact before progressing with future bookings.

3. CORPORATE COSTS

As a result of the Pandemic the Council along with other organisations was obliged to 'disperse' its staff and enable working from home, where practicable. Along with many organisations the Council had a good and robust Business Continuity Plan, however like many at the outset of 'lockdown' the plan assumed that there would be some capability to utilise some office/equipment capacity in another building or via a partner. There were therefore unbudgeted costs in acquiring additional ICT equipment and mobile phones to enable core key services to function whilst alternative solutions were developed and implemented. The Council has also had to acquire commercial versions of Telephone Conferencing and Video Conferencing, the latter and the additional volume working 'off site' also required an upgrade to the Council's IT infrastructure and in particular bandwidth, at speed. The costs of IT, telephony and conference facilities is currently estimated to be £75K. This was lower than anticipated due to innovative and swift work by ICT teams to enable more 'desk based' equipment to become mobile and so avoid the need to procure a large volume of laptops to enable 'home working'. However as some providers of teleconferencing provided initial free access to some services, the Council must now consider which are necessary and so may need to purchase these in the short term.

As some services that cannot function remotely, continue to operate within the Guildhall, additional regular deep cleaning costs are being incurred, along with protective screens being installed in public customer service areas.

There is a general Corporate Cost in respect of the acquisition of the appropriate PPE requirements to enable frontline and core services to operate in an appropriately safe manner for both staff and the public. At present the costs incurred are around £50K. Further costs are likely to be incurred to facilitate some form of return to office in the near future.

4. CUSTOMERS & COMMUNITIES

This Service Area has responsibilities for parks and public spaces and has seen material costs in securing childrens play areas and supporting social distancing, as well as direct support to the community. As the Government prepares to ease restrictions, new requirements and proposals are coming forward that are likely to see further cost pressures around public spaces and facilities.

This service is also anticipating a reduction in income through lower licensing activity.

With some additional costs – cleansing and recycling due to additional agency costs, sickness to keep Environmental Services functioning during the pandemic.

5. PLANNING

As a result of the restrictions in place, large new developments are not coming forward, resulting in a reduction in both Development Management and Building Control income from those applications. However, small scale and householder developments are continuing to be submitted, and the return to work on a number of existing building sites has seen a significant increase in the number of discharge of condition and Building Regulations applications needing

to be processed. However, as these are lower income activities, the net impact on overall budgets is likely to be in the order of a £300K pressure, an increase from the initial estimate of £200K. Land searches volumes have seen some volume changes.

6. CHIEF FINANCE OFFICER

The CFO area encompasses the corporate finance costs, audit fees etc. Whilst the distribution of over £32M to local businesses of BEIS Grants is very welcome to assist with the local economy, along with the Business Rates reliefs being changed after bills were issued for 2020-21, providing over £34M of Business Rate Relief to the Retail, Hospitality, Leisure sector and Small Business Rates Relief. There is cost to administering both of these schemes, along with rebilling over 8,500 recipients of the Council Tax Reduction Schemes(CTRS). These costs exist, however additional 'administrative funding' has been proposed by Govt. however until it is provided, the Council has unfunded costs of around £200K.

As the Pandemic struck at the end of March, it will be considered to have had a detrimental impact on asset valuations and other investments which had been valued prior to the Pandemic as part of the Financial Year End routine, there is likely to be cost to revisit those items and the impact on 2020-21, with a probable increase in Audit Fees of around £200K ,for these impacts and the grant processes.

Challenges around cashflow could also see reductions in 'interest earned' on deposits and the need to borrow to cover cashflow.

If Cabinet approve the additional funding for direct distribution by councillors to community groups, there will be a further cost of £90K. It is proposed that this scheme be designed to reduce administration costs and with time limits to seek to push funds out by the end of September 2020. It is likely to be in the form of two £500 grants and four £250 grants to be awarded by each ward councillor to appropriate groups within their locality.

GOVERNMENT GRANTS

The Council has received two forms of funding, grant to support its services and costs and also specific grant to be administered on behalf of Government.

Government Administered Grants

The Council has received funding from the Department of Business Economy, Investment and Strategy (BEIS) to distribute to specific business within the Retail Hospitality Leisure (RHL) Sector and businesses in receipt of Small Business Rate Relief (SBRR).

The Council received initially, £37.374M of 'funds', of which it is expected that grants under Scheme One will require £34.550M. Under the new Scheme Two – Discretionary Scheme, the Council has been allocated £1.727M which will be drawn from the initial cash provided of £37.374M.

At the time of this report, the Council will have paid out over 2,613 grants worth nearly £33M in respect of BEIS Grants Scheme One.

With a further 200 grants worth £1.187M in respect of Scheme Two – Discretionary Fund

The Council has also received £1.861M to fund the Govt initiative to reduce all residual Council Tax bills for those in receipt of locally funded Council Tax Reduction Scheme (CTRS), by £150.00 at any point during 2020-21.

Government Grant Funding to the Council

The Council has received three tranches of funding to support the costs of Covid both on the Council and the delivery of its core services.

Tranche One:	£0.021M toward Rough Sleeper costs
Tranche Two:	£0.120M non ringfenced funding [From Govt. first £1,6Bn]
Tranche Three:	£2.239M non ringfenced funding [From Govt. second £1.6Bn]
Tranche Four	£0.200M 'opening high streets safely' funding [MHCLG/EU]

Appendices

1



CABINET REPORT

Report Title

Private Sector Housing Assistance Policy

AGENDA STATUS:

PUBLIC

Cabinet Meeting Date:	22 July 2020
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Housing and Wellbeing
Accountable Cabinet Member:	Councillor Stephen Hibbert
Ward(s)	All

1. Purpose

1.1 The purpose of this report is to ask Cabinet to approve an updated Private Sector Housing Assistance Policy which takes into account government guidance, case law, the introduction of new legislation and changes to existing legislation.

2. Recommendations

2.1 It is **recommended** that Cabinet:

- (a) Approves the Private Sector Housing Assistance Policy (attached to this report as Appendix A) with effect from 1 August 2020; and
- (b) Approves the Grant Agency Service's charges of:
 - (i) 15% of the value of the works (plus VAT) where the works are specified, procured and supervised to completion; and
 - (ii) £250 (plus VAT) where assistance is provided by the Council to support an application that is subsequently not progressed.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council is committed to helping and supporting people to live independently and safely in homes that are suitable for their needs.
- 3.1.2 The proposed Private Sector Housing Assistance Policy (attached to this report as Appendix A) describes the interventions that the Council may fund from the annual Disabled Facilities Grant capital allocation that it receives from the Department of Health & Social Care's Better Care Fund.
- 3.1.3 Although the Council could choose to limit its financial assistance to just mandatory disabled facilities grants, many of the borough's older residents are also experiencing increasingly complex health needs and require home adaptations to enable them to maintain their independence and to mitigate the risks to their health and safety.
- 3.1.4 The Regulatory Reform Order 2002 provides the Council with the flexibility to introduce additional policies that complement the mandatory disabled facilities grants regime and provide a much broader range of financial assistance through the provision of grants, loans, advice and other assistance for the purposes of repairing, improving, extending, converting or adapting people's homes.
- 3.1.5 In order to encourage and support this flexibility, the Government has increased the amount of funding it provides for local authorities in the expectation that they will use their powers under the Regulatory Reform Order. The grant conditions on the funding require that **"any money paid,..., must only be used for the specific purpose of providing adaptations for disabled persons who qualify under the scheme"**. In the case of Northampton, this funding more than doubled, from £594k to £1.4m, between 2015/16 and 2020/21.
- 3.1.6 Alongside this funding increase, the Council has seen a consistent number of enquiries and demand for disabled facilities grants over the last five years. However, the nature of the enquiry has become more diverse as the population ages and more people with increasingly complex health issues are seeking to remain at home for longer. The growing diversity of residents' needs for home adaptations are not being adequately addressed within the constraints of the mandatory provisions.

3.2 Issues

Discretionary Financial Assistance Policy

- 3.2.1 As the Council currently does not have a policy under the Regulatory Reform Order 2002, the only applications it has approved have been mandatory disabled facilities grants and it has not been possible to award any additional financial assistance.
- 3.2.2 The Regulatory Reform Order gives local authorities the power to introduce policies to assist individuals with home adaptations and provide funding for a wide range of purposes, including essential repairs to reduce injury and accidents in the home, improvements that ensure homes are adequately heated, and a broader range of adaptations than are covered under the disabled facilities grants legislation.

3.2.3 In order to use the Regulatory Reform Order, the local authority must:

- Formally adopt a policy that sets out how the authority intends to use its powers;
- Publish a notice to the public that a policy is in force;
- Ensure that a copy of the policy is available to the public at the Council Offices; and
- Provide a summary document on request.

3.2.4 The proposed Private Sector Housing Assistance Policy (Appendix A) updates the Council's policy in relation to mandatory disabled facilities grants and provides a new policy under the RRO to provide for discretionary financial assistance within the constraints of the Council's Better Care Fund capital allocation.

Assistance from the Grant Agency Service

3.2.5 The Housing Renewal Grants (Service and Charges) Order 1996 details and amends the Housing Grants, Construction and Regeneration Act 1996 in establishing the costs that can be legitimately applied to the capital funding under the Better Care Fund. This includes a range of service charges, for example, assistance in the completion of forms, the preparation of plans and drawings, technical and structural surveys, and the supervision of the relevant works.

3.2.6 The Council's Home Adaptations Team provides a discretionary Grant Agency Service that provides direct support to applicants in the application, design, delivery and supervision of grant-aided home adaptations.

3.2.7 It is proposed that, from 1 August 2020, the Council will charge an application fee of £250 plus VAT for each application and that, where the works are supervised to completion by the Home Adaptations Team, a total fee (equivalent to 15% of the cost of the works, plus VAT) will be charged on completion. These charges will form part of the grant approval.

3.2.8 Evidence has shown that, by supporting applicants in the DFG grant application process and helping them to undertake the works in a timely manner, the Home Adaptations Team is able to ensure that the works are undertaken by reputable contractors and that applicants are able to maintain their independence at home. The Council, in collaboration with its Northamptonshire District and Borough Council colleagues has an approved contractor list for the delivery of DFG works.

3.3 Choices (Options)

Option 1 (recommended)

3.3.1 Cabinet can choose to approve the updated Private Sector Housing Assistance Policy (Appendix A). This option is recommended because the existing Policy does not take into account the discretionary powers available under the Regulatory Reform Order 2002 and the existing policy for mandatory disabled facilities grant assistance has not been updated for some time.

3.3.2 Approval of the updated Policy will enable the Council to use its discretionary powers to provide financial assistance to enable residents to live safely in their homes.

Option 2 (not recommended)

- 3.3.3 Cabinet can choose not to approve the updated Private Sector Housing Assistance Policy (Appendix A). This option is not recommended because, if the Policy is not approved, the discretionary powers being proposed will not be available to the Council.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The Private Sector Housing Assistance Policy is in line with the Council's Corporate Plan 2019-2021 and will help the Council to meet its strategic priority of improving the health and wellbeing of local people, and putting the customer first.

4.2 Resources and Risk

- 4.2.1 The Disabled Facilities Capital Grant (DFG) Determination under the Integration and Better Care Fund allocation annually specifies that money paid to the Council under the determination must only be used for the specific purpose of providing adaptations for disabled persons who qualify under the Housing Grants, Construction and Regeneration Act 1996.

- 4.2.2 The Capital funding received by the Council must therefore be considered to be ring fenced for this purpose.

- 4.2.3 The Housing Renewal Grants (Service and Charges) Order 1996 specifies services and charges that the applicant is liable to pay. To assist DFG applicants through the application process, and to identify and manage the required grant aided works, the Council offers a Grant Agency Service. This service is a discretionary service for which the Council charges. This charge can be included in the DFG approval.

- 4.2.4 DFG applicants may alternatively employ their own agent to manage the DFG works, and this too can be supported through the DFG grant approval.

- 4.2.5 The Grant Agency Service for a DFG includes producing detailed schedules and plans for the adaptation work, identifying and completing tendering exercises for a builder to complete the work and supervising that work once on site, addressing issues if and when they arise.

- 4.2.6 The Council's Grant Agency Service seeks the approval of Cabinet to levy a net fee of up to 15% of the cost of the works (plus VAT) to cover the non-statutory service it provides from 1 August 2020. Further, Cabinet is asked to approve that, where assistance is provided by the Council to support an application that is subsequently not progressed, a flat fee of £250 plus VAT will be applied to the capital fund

- 4.2.7 The charges proposed reflect the costs of delivering the discretionary services.

4.3 Legal

- 4.3.1 The Housing Grants, Construction and Regeneration Act 1996, supported by amendments through the Housing Renewal Grants (Services and Charges) Order 1996 and the Regulatory Reform Order 2002 prescribed for the provision of mandatory disabled facilities grants, and for discretionary financial assistance. The proposed policy provides a formal framework against which the Council can delivery mandatory grants, and exercise its discretion in providing financial assistance under the increased powers provided for by the legislation.

4.3.2 There is no statutory requirement to conduct a consultation exercise when amending a policy. Case law makes it clear that there is no legitimate expectation that the public will be consulted about policy proposals for the exercise of local authority regulatory functions. Accordingly, there is a low risk that the amended policy could be successfully challenged by way of judicial review on the ground of a lack of public consultation if approved.

4.4 Equality and Health

4.4.1 The updated Private Sector Housing Assistance Policy will help improve housing conditions and the life chances of people with protected characteristics, including people with disabilities and families with children. They will therefore have a positive impact on Equality and Diversity.

4.4.2 The updated Policy is part of the Council's commitment to improving communities and our town as a place to live. In implementing the policies, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and contribute to the development of a fairer society.

4.5 Consultees (Internal and External)

4.5.1 Consultation has been undertaken with the Council's Legal Services and Finance Teams

4.6 How the Proposals deliver Priority Outcomes

4.6.1 As well as contributing to the delivery of a number of the borough's key strategies and policies, the updated Private Sector Housing Assistance Policy will help meet two of the priorities in the Corporate Plan:

- **Improving the health of local people:** The updated Policy will support local residents to continue to live independently in their homes, removing risk to safety from slips, trips, and falls; and ensuring that their home is suitable for their health needs
- **Provide value for money services:** The updated Policy will enable the Council to generate income that can be used to fund its activities

4.7 Next Steps

4.7.1 If the updated Private Sector Housing Assistance Policy is approved, it will be published on the Council's website and will be implemented from 1 August 2020.

Appendices

Appendix A – Private Sector Housing Assistance Policy (1 August 2020)

Background Papers

None

Phil Harris
Director of Housing and Wellbeing

This page is intentionally left blank



Private Sector Housing Assistance Policy

1 August 2020

CONTENTS

	Page
1. Introduction	5
2. Purpose of the Private Sector Housing Assistance Policy	5
3. Role of the Home Adaptations Team	5
4. The financial assistance available	6
5. Mandatory disabled facilities grants	6
Purpose	
Eligibility	
Determining whether works are necessary and appropriate	
Maximum grant payable	
Amount of grant payable	
The means test	
Carrying out the works	
Works that are funded by the applicant	
Repayment of the grant	
Future applications	
Smaller adaptations	
6. Discretionary disabled facilities top-up grants	11
Purpose	
Eligibility	
Maximum grant payable	
Amount of grant payable	
Carrying out the works	
Repayment of the grant	
Future applications	
7. Discretionary disabled persons resettlement grants	12
Purpose	
Eligibility	
Maximum grant payable	
Amount of grant payable	
The means test	
Repayment of the grant	
Future applications	

8. Discretionary hospital discharge grants	14
<ul style="list-style-type: none"> Purpose Eligibility Maximum grant payable Amount of grant payable The means test Carrying out the works Repayment of the grant Future applications 	
9. Discretionary dementia friendly homes grants	15
<ul style="list-style-type: none"> Purpose Eligibility Maximum grant payable Amount of grant payable The means test Carrying out the works Repayment of the grant Future applications 	
10. Discretionary special purpose grants	16
<ul style="list-style-type: none"> Purpose Eligibility Maximum grant payable Amount of grant payable The means test Carrying out the works Repayment of the grant Future applications 	
11. Discretionary funding of partnership work and other services	18
12. Access to the service	19
<ul style="list-style-type: none"> How to apply for housing assistance and who to contact for information Valid applications Details of the fees charged Terms and conditions 	
13. Additional information	21
<ul style="list-style-type: none"> How the funding is prioritised Approval of applications and the payment of grant 	

Maintenance of equipment
Local authority decision-making and appeals
Equalities
Safeguarding
Complaints, compliments and comments
Recourse to public funds
VAT on works
Review of the Private Sector Housing Assistance Policy

14. Appendix 1 – Legislative Framework	25
Housing Act 2004	
Housing Grants, Construction and Regeneration Act 1996	
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	
The Housing Renewal Grants (Amendment) (England) Regulations 2008	
Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008	
Care Act 2014	
15. Appendix 2 – Mandatory Disabled Facilities Grants (Further Information)	27
16. Appendix 3 – Test of Resources / Means Testing	30
17. Appendix 4 – Documentation Regarding Occupancy	33
18. Appendix 5 – Glossary	34

1. Introduction

- 1.1 Under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Council has the power to provide assistance for the purpose of repairing, improving, acquiring, demolishing, adapting, or providing housing accommodation in the borough.
- 1.2 The Council can offer this assistance in the form of grants or loans. This Policy sets out what assistance the Council is able to offer: who can apply, whether it is a loan or a grant, what it can be used for and any conditions attached to receiving this assistance.

2. Purpose of the Private Sector Housing Assistance Policy

- 2.1 The purpose of this Policy is to provide a formal framework within which the Council can deliver mandatory disabled facilities grants and exercise its discretion in providing financial assistance under the Regulatory Reform Order 2002.
- 2.2 This framework is designed to ensure the fair, equitable and consistent treatment of disabled people in the borough who require the Council's financial assistance to adapt their home or relocate to another, more suitable home.
- 2.3 The key objectives of this Housing Assistance Policy are to:
 - Help disabled people to maintain their independence by enabling them to adapt their existing homes to meet their needs or move to an alternative, more suitable home that meets their needs;
 - Help vulnerable residents to remedy hazards and/or disrepair in their homes where these pose a significant threat to their health and safety and where they are unable to do so without assistance (to remove Category 1 hazards under the Housing Health and Safety Rating Scheme, for example);
 - Tackle fuel poverty and improve the energy efficiency of people's homes;
 - Support and facilitate Northampton's hospital discharge arrangements, by ensuring that the borough's residents are able to return home quickly in a manner that enables them to live safely and independently at home, making it easier for carers to provide support; and
 - Help prevent admissions to hospital, care homes or residential schools, and higher expenditure elsewhere in the health and/or social care system.

3. Role of the Home Adaptions Team

- 3.1 The Council's Home Adaptions Team will help people to apply for grants and they will design and organise works, obtain quotations, supervise the works on site and provide all the administrative support required to enable people to achieve their independence.

- 3.2 To enable the disabled person to make an informed choice about their future housing, the Home Adaptations Team will provide them with advice on the full range of housing options available to them, including supported living, affordable rented housing and the purchase and adaptation of alternative accommodation.
- 3.3 Members of the team will work with Council Officers, Occupational Therapists, contractors and other professionals to ensure the best possible outcome for the applicant, whilst working within the legislative and financial constraints.

4. The financial assistance available

- 4.1 Disabled facilities grants and home adaptations are provided by the Council, using the money that it receives from the Government's Better Care Fund.
- 4.2 In 2020/21, Northampton Borough Council received Better Care funding of £1.4 million.
- 4.3 With a growing demand for disabled facilities and home adaptations from an ageing population, it is essential that Northampton makes the best use of the financial resources available in order to achieve the required outcomes.
- 4.4 Apart from mandatory disabled facilities grants, all of the financial assistance described in this Policy is discretionary. The Council will not approve any assistance or commit spending on any assistance where the budget available has been exhausted. Consequently, the Council reserves the right to defer approval and/or payments, in line with the statutory framework. This is to ensure that budgets are managed effectively.
- 4.5 At the discretion of the Council's Director of Housing and Wellbeing or their authorised nominee, funds may be used for other schemes or forms of assistance which are consistent with the achievement of the outcomes sought by the Better Care Fund.
- 4.6 Subject to the financial resources being available, the following types of financial assistance may be provided under this Housing Assistance Policy:
- Mandatory disabled facilities grants
 - Discretionary disabled facilities top-up grants
 - Discretionary disabled persons resettlement grants
 - Discretionary hospital discharge grants
 - Discretionary dementia friendly homes grants
 - Discretionary special purpose grants
 - Discretionary funding for partnership work and other services
- 4.7 The Care Act 2014 includes duties to provide equipment and adaptations, free of charge, where there is an assessed need. These duties are outside of the scope of this Private Sector Housing Assistance Policy.

5. Mandatory disabled facilities grants

Purpose

- 5.1 Mandatory disabled facilities grants are available to help with the cost of providing adaptations and facilities that enable a disabled person to continue living in their home.
- 5.2 The Council will award mandatory disabled facilities grants in accordance with the national legislation and guidance in force at the time This determines, amongst other things: who is eligible, the maximum grant payable, the type of work that can be funded and the test of financial resources that must be applied to determine how much the applicant should contribute to the cost of the works.

Eligibility

- 5.3 An applicant must either be the owner of the dwelling or be a tenant (this includes licensees) and be able to provide the Council with the necessary 'owner's certificate' or 'tenant's certificate'. This may not be the person for whom the works are required.
- 5.4 Occupiers of all types and tenures of residential properties – including park homes and houseboats – are eligible to apply, and eligibility extends to a range of licensees, including agricultural workers and service employees.
- 5.5 Applications for a grant in relation to a dwelling owned by a trust will be considered on a case by case basis and tenants of Northampton Borough Council should apply, in the first instance, to Northampton Partnership Homes' housing adaptations service.
- 5.6 In assessing whether or not an applicant is eligible for a disabled facilities grant, the Council is required to consult with the Social Services Authority to determine whether the work is necessary and appropriate to meet the needs of the disabled occupant.

Determining whether works are necessary and appropriate

- 5.7 Disabled facilities grants are available for adaptations that the Council considers are necessary and appropriate to meet the needs of the disabled occupant, and reasonable and practicable having regard to the age and condition of the dwelling.
- 5.8 The presence of steps will be taken into consideration at an early stage and, in consultation with the applicant, a decision will be made on whether moving to alternative accommodation might be a better option. In these circumstances, help and support will be offered in considering what housing options might be available.
- 5.9 The nature and extent of the works will be determined through an assessment of the client and their home environment by an Occupational Therapist from the County Council, an appointed Trusted Assessor or a suitably qualified and experienced assessor appointed by the Council. The assessment will concentrate on the disabled person's ability to continue living independently in their own home and will distinguish between the works that are desirable and the works that are necessary and appropriate.

- 5.10 If moving is considered a better option, a discretionary disabled persons resettlement grant may be available (See Section 7, below).
- 5.11 In order to determine whether adaptations are necessary, appropriate, reasonable and practicable, and whether they are likely to meet the person's needs, an assessment of the internal layout of the existing dwelling will be carried out.
- 5.12 Consideration may be given to the provision of additional sleeping and/or bathing accommodation (by way of an extension to the existing dwelling) where rearrangement of the existing home or moving to an alternative property are not feasible.

Maximum grant payable

- 5.13 For major works, the maximum amount of grant payable is £30,000. This figure is determined by central government and may be amended from time to time.
- 5.14 Where the eligible works, including the Home Adaptation Team's fees if its services have been used, cost more than the maximum amount set by central government, the applicant will need to fund the extra amount themselves, seek other sources of funding (from a charity, for example) or apply to the Council for a discretionary disabled facilities top-up grant (See Section 6, below).
- 5.15 Where the works and fees cost more than £30,000, the applicant should not commence the works until the funding arrangements for the 'excess' are organised because the disabled facilities grant funds cannot be released until the project is finished.

Amount of grant payable

- 5.16 If the applicant is renting their home from a housing association or private landlord, the Council may be able to arrange for the landlord to cover some of the cost of the work.
- 5.17 If the work is arranged through the Home Adaptations Team, the cost of the work will be assessed and the contractors will be appointed in accordance with the Council's rules on procurement and tender awards.
- 5.18 If the applicant arranges the work themselves, the Council will pay an amount based on a minimum of three quotations, taking into account the cost and nature of the works undertaken, the reasonableness of the quotations, and best value.
- 5.19 Payments will be made on approved grant schemes on completion of the works. Where works are considered by the Occupational Therapist's referral to be critical or urgent, an assessment can be based on the submission of two quotations.
- 5.20 Where the applicant or a member of their family intends to carry out the work themselves rather than use the Home Adaptations Team or independent contractors, the mandatory disabled facilities grant assistance will cover the reasonable cost of materials, subject to suitable invoices or receipts being provided. Labour costs may not be covered in these circumstances.

The means test

- 5.21 Some applicants may be eligible for a mandatory disabled facilities grant but are required to make a financial contribution, based on their financial circumstances.
- 5.22 Applications for mandatory disabled facilities grants for adults will normally be subject to a means test to assess income and savings levels, using the national Financial Test of Resources. (See Appendix 3 for more details).
- 5.23 The means test will not apply to mandatory disabled facilities grant applications that relate to the needs of children and young people (see definition of 'children' in the Glossary in Appendix 5).
- 5.24 If the person who requires the mandatory disabled facilities grant is an adult and is in receipt of a 'qualifying benefit', they will be 'passport' through the means test and, as long as they are eligible for the grant, full grant funding of up to the maximum of £30,000 will be available to them without them needing to make a financial contribution.
- 5.25 More information on how the means test will be carried out, and the definition of 'qualifying benefits', is contained in Appendix 3.
- 5.26 Where applicants are not eligible for assistance or their financial circumstances mean that they will need to make a contribution to the cost of the works, the Council may be able to provide them with advice on how to access other sources of funding, such as charitable contributions, interest-only loans, etc.

Carrying out the works

- 5.27 Applicants are encouraged to have the works 'project managed' by, and delivered through, the Home Adaptations Team. A fee is charged for this service and this will be included in the calculation of the mandatory disabled facilities grant award.
- 5.28 Where someone wants help to carry out adaptations that would help to meet the objectives of this Policy but they are not eligible for a grant or loan, the Home Adaptations Team can help them to organise the work, as a private customer, for the Council's standard fees and charges.

Works that are funded by the applicant

- 5.29 Some applicants may wish to carry out works above and beyond those that can be grant funded. Alternative schemes are acceptable, but subject to the following conditions:
- The scheme must meet all of the mobility needs that the grant would have met. To ensure that this happens, the plans must be agreed by the overseeing Occupational Therapist;
 - The grant will be based only on the works that Northampton Borough Council has agreed are necessary and appropriate;
 - The applicant will be responsible for any unforeseen works or items;

- No interim payments will be made, as it is not possible to assess the correct levels of interim payments, based on the work in progress; and
- Full and final payment of the grant will only be made when all of the works relating to the alternative scheme have been completed and the Council is satisfied the completed works meet the disabled person's identified needs.

Repayment of the grant

- 5.30 All grant approvals contain grant conditions that the applicant must be aware of and agree to before accepting the grant.
- 5.31 Following the award of a grant, a local land charge will be placed on the property for a period of 10 years to show that a grant has been provided in relation to that property.
- 5.32 If the mandatory disabled facilities grant is more than £5,000 and the property is sold within the 10 year period, a proportion of the grant funding may need to be repaid to the Council. The Council has determined that £10,000 is the maximum that it will seek to recover under such circumstances and that, for each full year that passes from the date the works are completed, the amount that has to be repaid will be reduced by 10% of the original repayable amount.
- 5.33 The requirement to repay all or part of the grant funding may be waived, at the discretion of the Director of Housing and Wellbeing, if this is requested by the applicant or home owner and there are good grounds for waiving repayment.
- 5.34 All grant conditions, including the repayment conditions, will be explained to the applicant in full during the application process. A grant will not be approved if the applicant has not signed to state that all the conditions have been read and understood.
- 5.35 Further information is included in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

Future applications

- 5.36 Where work is completed following a mandatory disabled facilities grant application and the applicant has had to make a financial contribution towards the work, this may sometimes reduce the contribution they have to make in relation to future applications for mandatory disabled facilities grant works. Further information is available on request.

Smaller adaptations

- 5.37 Some small standard adaptations, often costing less than £1,000, that are eligible for a mandatory disabled facilities grant may be offered as discretionary special purpose grants if the Council is satisfied that funding it in this way will significantly speed up the process and improve the outcome for the applicant. (See Section 10, below).
- 5.38 In such a situation, the Council will explore the options with the applicant and, if this option is pursued, it will not affect their right to apply for a disabled facilities grant.

6. Discretionary disabled facilities top-up grants

Purpose

- 6.1 Discretionary disabled facilities top-up grants are available to help with the cost of home adaptations and disabled facilities (to enable a disabled person to continue living in their home) where the cost of the works agreed through a mandatory disabled facilities grant application exceeds the mandatory maximum grant limit (currently £30,000).

Eligibility

- 6.2 Discretionary disabled facilities top-up grants are available to those applicants who have an owner's interest in their home and have been assessed as being eligible for a mandatory disabled facilities grant.
- 6.3 As the top-up grant is discretionary, the decision on whether or not it is awarded will depend on the individual's needs and the financial resources available.
- 6.4 Discretionary disabled facilities top-up grants may be considered, however, where:
- The option to move to more suitable accommodation has been explored fully but found not to be feasible; and
 - Having taken all reasonable steps, funding cannot be found from any other sources; and
 - Not carrying out the works would mean that:
 - (a) the applicant would be unable to continue living in the community; or
 - (b) the applicant or their carer would be at significant risk; or
 - (c) the opportunity to achieve significant savings in other areas of public provision (including health, social care and education) would be lost.

Maximum grant payable

- 6.5 The maximum amount payable for a discretionary disabled facilities top-up grant is £15,000, including the Home Adaptations Team's fees if its services have been used.

Amount of grant payable

- 6.6 Applications for discretionary disabled facilities top-up grants for adults will normally be subject to a means test to assess income and savings levels, using the national Financial Test of Resources. (See Appendix 3 for more details).
- 6.7 Where an application for a discretionary disabled facilities top-up grant is being made to meet the needs of children or young people (see definition of 'children' in the Glossary in Appendix 5), the Council will not means test the family. Instead, the Council will look at each family's financial circumstances (including, for example, any rent, mortgage and childcare costs they incur) into account when considering the request for a discretionary disabled facilities top-up grant.

Carrying out the works

- 6.8 The Council expects all discretionary work – with the exception of disabled persons resettlement grants – to be managed through the Home Adaptations Team.

Repayment of the grant

- 6.9 All grant approvals contain grant conditions that the applicant must be aware of and agree to before accepting the grant.
- 6.10 Following the award of a mandatory disabled facilities grant – and, where appropriate, a discretionary disabled facilities top-up grant – a local land charge will be placed on the property for 10 years to show that a grant has been provided in relation to that property.
- 6.11 If the property is disposed of within 10 years of the grant-assisted works being completed, the grant will be required to be repaid in full.
- 6.12 The requirement to repay all or part of the grant funding may be waived, at the discretion of the Director of Housing and Wellbeing, if this is requested by the applicant or home owner and there are good grounds for waiving repayment.
- 6.13 All grant conditions, including the repayment conditions, will be explained to the applicant in full during the application process. A grant will not be approved if the applicant has not signed to state that all the conditions have been read and understood.

Future applications

- 6.14 Where a discretionary disabled facilities top-up grant has already been awarded to a disabled person, a future application will only be considered for the same person in very exceptional circumstances.

7. Discretionary disabled persons resettlement grants

Purpose

- 7.1 Discretionary disabled persons resettlement grants are available to help disabled people who are eligible for a mandatory disabled facilities grant to move to another, more suitable home and, in doing so, provide a better, more cost effective solution than if they had remained in their existing home and it was adapted to meet their assessed needs.

Eligibility

- 7.2 Applications for a discretionary disabled persons resettlement grant can be considered from home owners and tenants of private landlords, registered providers and housing associations who are living in the borough, have identified a suitable property they want to move into and they meet at least one of the following criteria:
- (a) The disabled person is eligible for a mandatory disabled facilities grant, but resettlement offers a more cost effective option, taking into account the cost of adapting the person's existing home and how much it is likely to cost to adapt their new home to meet their needs; or

- (b) The disabled person's existing home requires adaptation but it is not reasonable or practicable to adapt it; or
- (c) Resettlement of the disabled person in another property is likely to result in savings to the wider public purse and/or the person resolving issues that had been having an adverse effect on their health and wellbeing.

7.3 Council tenants in this situation should approach Northampton Partnership Homes, requesting a transfer to a more suitable home.

7.4 In each case, a suitable alternative property must have been identified before a formal application for a resettlement grant is submitted and the Council must be satisfied that the property into which the disabled person is planning to move more closely meets their needs (and their family's needs, where appropriate) than their existing home.

7.5 Applications for discretionary disabled persons resettlement grants will only be considered if they are received before the person has moved home. A representative of the Council may visit the property prior to resettlement in order to ensure that it is suitable and will meet the needs of the disabled person.

Maximum grant payable

7.6 The maximum discretionary disabled persons resettlement grant payable is £5,000.

Amount of grant payable

7.7 The discretionary disabled persons resettlement grant is designed to help with the reasonable costs of moving to a more appropriate property.

7.8 Although the resettlement grant will not cover the cost of adapting the disabled person's new home, it can cover the following:

- Removal expenses
- Estate agent fees
- Legal fees
- Other resettlement expenses that are reasonably incurred.

7.9 As the disabled persons resettlement grants are discretionary, applications will be determined on the basis of a comprehensive assessment of the individual's needs and the financial resources that are available. Details on how discretionary cases may be prioritised is shown in Paragraph 13.3.

The means test

7.10 Applications for disabled persons resettlement grants will not be means tested.

Repayment of the grant

7.11 The grant will only be repayable if the payment is made before the disabled person moves and, subsequently, the planned move does not take place.

Future applications

- 7.12 If the disabled person receives a disabled persons resettlement grant and then applies for another grant to move again, the Council will only consider that application if the disabled person's circumstances have changed significantly since moving into the property for which the original grant was given. This will be at the Council's discretion.

8 Discretionary hospital discharge grants

Purpose

- 8.1 Discretionary hospital discharge grants are available to help disabled people and people aged 65 or over to pay for minor works that will enable them to be discharged, quickly and safely, from hospital to their home.

Eligibility

- 8.2 Applications for a discretionary hospital discharge grant can be considered from home owners and tenants of private landlords, registered providers and housing associations who are living in the borough and are disabled or aged 65 or over.

Maximum grant payable

- 8.3 The maximum discretionary hospital discharge grant payable will be £3,000, including the Home Adaptations Team's fees where its services have been used.

Amount of grant payable

- 8.4 The discretionary hospital discharge grant can be used to meet the cost of any works that support the applicant's discharge from hospital. This includes minor works such as:
- Urgent home improvement works
 - Equipment (internal rails, for example)
 - The removal of any hazards, including the cleaning of the property to ensure that the accommodation is suitable
 - Heating systems improvements or the provision of emergency heating

The means test

- 8.5 Applications for discretionary hospital discharge grants will not be means tested.

Carrying out of works

- 8.6 The Council expects all discretionary work – with the exception of disabled persons resettlement grants – to be managed through the Home Adaptations Team

Repayment of the grant

8.7 There are no repayment conditions attached to the hospital discharge grant.

Future applications

8.8 Unless there are exceptional circumstances, fresh applications for discretionary hospital discharge grants will not normally be considered from the applicant within three years of the works being completed in relation to their previous award.

8.9 An exception may be made, however, if refusal of the hospital discharge grant will result in a significant health impact or the delayed transfer of care.

9. Discretionary dementia friendly homes grants

Purpose

9.1 Discretionary dementia friendly homes grants are available to help people who have been diagnosed with dementia to pay for minor works and adaptations to their home in order to improve their independence and create a safe environment for their continued health and wellbeing.

Eligibility

9.2 Applications for a discretionary dementia friendly homes grant can be considered from home owners, tenants of private landlords and, in certain circumstances, tenants of registered providers / housing associations who have been diagnosed with dementia.

Maximum grant payable

9.3 The maximum discretionary dementia friendly homes grant will be £5,000, including the Home Adaptations Team's fees where its services have been used.

Amount of grant payable

9.4 The discretionary dementia friendly homes grant can be used to meet the cost of any minor works and adaptations to the person's home that will maintain and improve their independence and create a safe environment for them. This may include, for example:

- Door intercom and door entry systems
- Assistive technology
- Telecare monitoring systems and support

The means test

9.5 Applications for discretionary dementia friendly homes grants will not be means tested.

Carrying out of works

- 9.6 The Council expects all discretionary work – with the exception of disabled persons resettlement grants – to be managed through the Home Adaptations Team

Repayment of the grant

- 9.7 There are no repayment conditions attached to the dementia friendly homes grant

Future applications

- 9.8 Unless there are exceptional circumstances, fresh applications for discretionary dementia friendly homes grants will not normally be considered from the applicant within three years of the works being completed in relation to their previous award.
- 9.9 An exception may be made, however, if refusal of the dementia friendly homes grant will result in a significant health impact or the delayed transfer of care.

10. Discretionary special purpose grants

Purpose

- 10.1 Discretionary special purpose grants are available to help people to pay for repairs, or other minor works or interventions in the home, which the Council is satisfied are reasonable and practicable and will help to meet one or more of the Policy's objectives.

Eligibility

- 10.2 Applications for a discretionary special purpose grant can be considered from people who are living in the borough, are living in the property for which they are seeking a grant and are home owners, tenants of private landlords or, in certain circumstances, are tenants of registered providers / housing associations.
- 10.3 Unless the special purpose grant relates to home adaptations or the provision of disabled facilities, applicants will normally be required to have resided in the property for at least two years prior to the date of application.
- 10.4 Applications from tenants will normally only be considered for work which is not the responsibility of the landlord.

Maximum grant payable

- 10.5 The maximum discretionary special purpose grant will be £10,000 per household, including the Home Adaptations Team's fees where its services have been used.
- 10.6 However, where the applicant is an owner-occupier and works are required in order to remedy Category 1 hazards in their home, the maximum discretionary special purpose grant will be £20,000 per household, including the Home Adaptations Team's fees where its services have been used.

Amount of grant payable

- 10.7 A discretionary special purpose grant will not normally be offered for interventions which are readily available through other services, or where work is covered under a warranty.
- 10.8 The grant may not be used, either, to pay for repairs to disability equipment, such as stairlifts and ceiling track hoists, because any ongoing maintenance that is not covered by the warranty will generally be the responsibility of the owner.
- 10.9 Examples of the types of work that can be funded by the grant include the following:
- Works to remedy Category 1 hazards (including reducing the risk of falls);
 - Work (such as damp treatment or the installation of new electrical wiring) that is not eligible for a mandatory disabled facilities grant but needs to be carried out to enable the disabled facilities work to proceed;
 - Works that are not eligible for a mandatory disabled facilities grant but will help prevent people from being admitted to hospital or residential care, speed up transfers of care, and/or save money elsewhere in the health, social care and/or education system;
 - Home adaptations which would normally be funded through a mandatory disabled facilities grant, but the Council is satisfied that funding it through a discretionary special purpose grant will significantly speed up the process and improve the outcome for the applicant. (The Council will also need to be satisfied that the circumstances are so exceptional that waiving the mandatory disabled facilities process is justified);
 - The leasing or purchase of larger items of personal equipment where alternative funding is not available, and where the provision of such equipment would be cheaper and/or provide a better outcome for the disabled person than would be achieved through home adaptations;
 - Property repairs, security measures and replacement of fixtures and fittings;
 - Energy efficiency measures to promote warm homes;
 - Work to make a home dementia-friendly; and
 - Any other request deemed by the council to be reasonable & practicable, and necessary & appropriate to meet the objectives of the Policy.

The means test

- 10.10 Some applicants may be eligible for a discretionary special purpose grant but are required to make a financial contribution, based on their financial circumstances.
- 10.11 Applications for discretionary special purpose grants for adults will normally be subject to a means test to assess income and savings levels, using the national Financial Test of Resources. (See Appendix 3 for more details).

- 10.12 The means test will not apply to discretionary special purpose grant applications that relate to the needs of children and young people (see definition of 'children' in the Glossary in Appendix 5).
- 10.13 If the person who requires the discretionary special purpose grant is an adult and is in receipt of a 'qualifying benefit', they will be 'passported' through the means test and, as long as they are eligible for the grant, full grant funding of up to the maximum of £10,000 or £20,000 will be available to them without them making a financial contribution.
- 10.14 More detail on how the means test will be carried out, and the definition of 'qualifying benefits', is contained in Appendix 3.
- 10.15 Where applicants are not eligible for assistance or their financial circumstances mean that they will need to make a contribution to the cost of the works, the Council may be able to provide them with advice on how to access other sources of funding, such as charitable contributions, interest-only loans, etc.

Carrying out of works

- 10.16 The Council expects all discretionary work – with the exception of disabled persons resettlement grants – to be managed through the Home Adaptations Team

Repayment of the grant

- 10.17 Where a discretionary special purpose grant is awarded, a local land charge will be registered against the property in order to secure the grant. The grant will be required to be repaid, in line with the Council's repayment conditions, if the property is disposed of within 10 years of completion of the works.
- 10.18 The requirement to repay all or part of the grant funding may be waived, at the discretion of the Director of Housing and Wellbeing, if this is requested by the applicant or home owner and there are good grounds for waiving repayment.
- 10.19 All grant conditions including the repayment conditions will be explained to the applicant in full during the application process. A grant will not be approved if the applicant has not signed to state that all the conditions have been read and understood.

Future applications

- 10.20 Unless there are exceptional circumstances, fresh applications for discretionary special purpose grants will not normally be considered from the applicant or their household within three years of the works being completed in relation to their previous award.
- 10.21 An exception may be made, however, if refusal of the special purpose grant will result in a significant health impact or the delayed transfer of care.

11. Discretionary funding of partnership work and other services

- 11.1 This Housing Assistance Policy allows for Northampton's Disabled Facilities Grant funding allocation from the Government's Better Care Fund to be made available to fund wider partnership projects or other services where it can be clearly demonstrated that they would help to meet the objectives of this Policy.

12. Access to the service

How to apply for housing assistance and who to contact for information

Please contact:

Home Adaptations Team
Housing and Wellbeing Service
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: 01604 838585

Email: homeadaptations@northampton.gov.uk

Web: <https://www.northampton.gov.uk/info/100007/housing/1259/disabled-facilities-grant-dfg>

Valid applications

12.1 For an application to be valid, it must be in writing, and the applicant must provide the Council with all of the information it requires. Amongst other things, this may include:

- Details of why the work is needed
- Details of the relevant works
- Estimates of the cost of the works
- Any financial information that is required to enable a financial assessment (the means test) to be carried out, including documentary evidence to support any benefits entitlements
- Written documentation evidencing a legal interest in the property, and that the occupant on behalf of whom the application is made intends to live there as their only or main residence throughout the grant/loan condition period.
- If the application is for a property that is held in trust or is occupied under another licence (as in the case of agricultural workers) it will be for the Council to determine (at its discretion) the appropriateness or otherwise of requiring sight of the written documentation.
- For works to be carried out for the benefit of a tenant, a statement of consent to the works signed by the person who at the time of the application is the landlord under the tenancy.

- 12.2 Exactly what information is required in each case will depend on the type of financial assistance being applied for and the individual circumstances of the applicant. More information is available on request.
- 12.3 Where the applicant is using the services of the Home Adaptations Team, the Agency can help with completing the application.
- 12.4 Further information on the types of legal interest and occupancy documentation required is contained in Appendix 4.

Details of the fees charged

- 12.5 The Housing Renewal Grants (Service and Charges) Order 1996, details and amends the Housing Grants, Construction and Regeneration Act 1996 in establishing the costs that can be legitimately applied to the capital funding under the Better Care Fund.
- 12.6 These costs include a range of service charges, such as assistance in the completion of forms, the preparation of plans and drawings, technical and structural surveys, and the supervision of the relevant works.
- 12.7 It is at the discretion of the Council to determine the level of professional fees that are deemed reasonable and can be included in the calculation of financial assistance. Where an applicant uses the services of the Home Adaptations Team then the Council will generally include the fees in the calculation of financial assistance.
- 12.8 The fees charged may vary from time to time, and applicants will be advised of the current rate when they instruct the Home Adaptations Team to act for them. The team's fees are subject to VAT. A fee, currently 15% of the final value of the adaptation works (as set within the Council's Private Sector Housing Fees and Charges Policy) for this service will be included in the grant award.

Terms and conditions

- 12.9 Information on grant/loan conditions are available from the Council. These conditions remain in force throughout the relevant grant/loan condition period.
- 12.10 Specific conditions will relate to any requirements on the repayment of the grant.
- 12.11 In making an application for financial assistance, the applicant agrees to the terms and conditions attached to the provision of that assistance.

13. Additional information

How the funding is prioritised

- 13.1 Although this Policy is designed to encourage flexible use of Northampton's disabled facilities grant allocation from the Better Care Fund, mandatory disabled facilities grants will generally need to be given priority over discretionary assistance when there is not enough funding available to meet demand.
- 13.2 Where the Council considers there will be sufficient funding to provide discretionary assistance on top of mandatory disabled facilities grants, applications for discretionary assistance will be dealt with on a first come, first served basis while there is on the condition that , so long as sufficient funding remains available.
- 13.3 If several applications are being considered at one time, mandatory disabled facilities grants will be prioritised ahead of the discretionary assistance and the applications for discretionary assistance will generally be prioritised in the following order:
- (1) Special purpose grants for applicants who would be eligible for a mandatory disabled facilities grant but need to complete the works quickly;
 - (2) Works (such as damp treatment or the installation of new electrical wiring) that are not eligible for a mandatory disabled facilities grant but need to be carried out to enable the disabled facilities work to proceed;
 - (3) Disabled persons resettlement grants;
 - (4) Disabled facilities top-up grants;
 - (5) Other special purpose grants; and
 - (6) Discretionary partnership projects and/or other services.
- 13.4 The Council reserves the right to amend this priority ordering if the need arises. It may do this, for example, where changes in legislation enable or require it to do so or, additional funding becomes available but needs to be spent in a particular way.
- 13.5 When considering whether or not to provide financial assistance for other purposes (in addition to mandatory disabled facilities grants) and what priority should be given to each purpose, the Council will take into account the following:
- (a) The extent to which providing assistance will meet the objectives of this Housing Assistance Policy;
 - (b) Whether or not the need for assistance is considered serious and urgent, both in its own right and relative to any other current applications and enquiries for assistance that the Council is considering;
 - (c) Whether or not the work to which the application relates is considered serious and urgent both in its own right and relative to the general state of repair of homes in the borough;

- (d) The extent to which the applicant is able to resolve the problem and/or pay for the work themselves; and
- (e) Any other circumstances which may be relevant at the time.

Approval of applications and the payment of grant

- 13.6 Before approving an application, the Council will need to be satisfied that the application is complete and that it accurately reflects the applicant's circumstances. It will also need to be satisfied that the applicant clearly understands and accepts the conditions of any financial assistance being provided.
- 13.7 Where the financial assistance is being provided to pay for work that is to be carried out:
- The Council must be satisfied that the cost of the works is reasonable and that all the appropriate notifications and/or permissions have been obtained, such as Building Regulations, Planning Permission etc.
 - If the applicant is arranging the work themselves, they should not make any arrangements for the work to start until they have received the grant/loan approval in writing from the Council.
 - If the applicant is carrying out the work themselves, they must notify the Council when the work is completed. A Council representative may need to visit the property to inspect the works before arranging payment. No payment will be made until the relevant work is completed to the Council's satisfaction. The applicant will be responsible for ensuring that any defects are remedied.
 - Unless otherwise specified, payment will be made direct to the contractor.
 - Where the approved work has not been carried out to the satisfaction of the applicant, the Council may withhold payment if the applicant requests this and the request is considered reasonable.
- 13.8 Generally, it is expected that works will be completed within 12 months of the grant/loan being approved.
- 13.9 Further conditions may apply to the payment of any financial assistance under this Policy. Applicants will need to formally agree to these conditions before any application can be approved. Full details are available from the Council.

Maintenance of equipment

- 13.10 A grant is, in effect, a one-off good faith payment to provide a specific adaptation.
- 13.11 On completion of the grant works, any ongoing maintenance or guarantees become the responsibility of the grant recipient. Any equipment that is provided through the grant will be covered by the standard warranty and, when the warranty period expires, all maintenance and repairs will become the responsibility of the applicant.

13.12 When determining the grant award, the Council will have regard to the funding of additional periods of warranty. However, this will only be considered prior to completion of any works. The applicant can extend the manufacturer's warranty at their expense.

Local authority decision-making and appeals

13.13 All applications for assistance contained within this Policy are subject to the local authority's decision-making processes.

13.14 If an applicant wishes to appeal against a decision under this Policy, they should contact:

Private Sector Housing Manager
Housing and Wellbeing Service
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: 01604 838585

Email: homeadaptations@northampton.gov.uk
www.northampton.gov.uk

13.15 The Manager will advise the applicant of how their appeal will be dealt with.

13.16 The Director of Housing and Wellbeing has the authority to make exceptions to the Housing Assistance Policy, based on the merits and circumstances of each case, in exceptional circumstances, and each case will be considered on its merits.

Equalities

13.17 The public sector equality duty under the Equality Act 2010 requires public bodies, in exercising their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

13.18 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Safeguarding

- 13.19 There are national requirements for safeguarding and protecting people at risk of abuse or neglect. The Council is committed to safeguarding and promoting the welfare of children and adults who may be at risk, and their policies and processes reflect the direction of Northamptonshire County Council in relation to safeguarding. All key staff are trained in safeguarding issues.

Complaints, compliments and comments

- 13.20 Customer care is of utmost importance. Staff are trained in their area of work and most are experienced at supporting disabled and vulnerable people. Contractors are required to act in accordance with a code of conduct, and health and safety is taken seriously.
- 13.21 Unfortunately, sometimes things do go wrong. Customers who wish to make a complaint should speak, in the first instance, to the Private Sector Housing Manager who will explain how to make a complaint and to whom it should be addressed,

Recourse to public funds

- 13.22 Assistance will not be available to individuals who have no National Insurance number or recourse to public funds. Further details are available from the government's website.

VAT on works

- 13.23 The cost of carrying out works for the benefit of a disabled person through a disabled facilities grant are normally exempt from Value Added Tax (VAT) if the applicant signs a certificate for the contractor / supplier confirming that the works are for a disabled person for their own domestic use.

Review of the Private Sector Housing Assistance Policy

- 13.24 This Policy will be implemented from 1 August 2020.
- 13.25 The Government has recently announced a national review of disabled facilities grants. When the outcome of the review is known, the Policy will be reviewed.

APPENDIX 1, Legislative Framework

Housing Act 2004

This piece of legislation introduced the Housing Health & Safety Rating System (HHSRS), a risk-based method of inspecting properties brought in by this piece of legislation was the introduction of the Housing Health and Safety Rating System, HHSRS. This required properties to be inspected in a risk based way looking at 29 hazards, which range from structural collapse, falls on stairs, collision and entrapment, fire, damp and mould growth and excess cold.

The risk based system provides two categories that a hazard can fall into based on the calculations; category 1, which every local authority has a legal duty to deal with and category 2, which has no legal duty but many local authorities have chosen to deal with these issues as well to continue improving the housing stock and the quality of life for its residents.

The other major change brought in under the Housing Act 2004 was the introduction of mandatory licensing for houses in multiple occupation (HMOs) that are more than three storeys and have 5 or more people living in the property. This requirement was due to the high risk nature of these premises and the need to have stricter controls placed on these premises to protect the tenants from hazards, in particular fire.

Housing Grants, Construction and Regeneration Act 1996

This legislation provides requirements for grants within private sector housing such as HMO grants, common parts grant and renovation grants along with group repair schemes, home repair assistance and deferred action notices. All of the grants listed in this legislation are discretionary except for Disabled Facilities Grants (DFGs), which are mandatory.

DFGs are provided to adapt a person's home to ensure that they can live independently, to enable them to use their bathroom and kitchen as well as getting in and out and around the property. The amount of grant required depends on the needs of the person living in the property; the needs are assessed by the occupational therapist following a means test of resources to determine if they are eligible for a grant. Grants are provided for any disabled person whether they are children or the elderly but they must have first been assessed and deemed in need. Typical works under the DFGs include stair lifts and hoists, level access showers to full ground floor extensions.

Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 became law on 18 July 2002. The Order gives local authorities greater discretionary powers to provide assistance to private homeowners in the form of low cost loans and equity release as well as grants to help them to renovate, repair or adapt their home. The Order also enables authorities to provide other sorts of assistance, for example helping someone move to more suitable accommodation where this is a better option than repairing or adapting their existing home.

Local authorities have the flexibility to determine eligibility criteria, whether to perform a means test and the type of assistance available (e.g. grant, loan advice, works). Use of this new power is subject to the authority formulating and publishing a policy setting out how it intends to use the new power to give assistance. Mandatory Disabled Facilities Grants are outside the scope of the new reforms, but the Order does extend eligibility to those living in park homes and houseboats.

The Housing Renewal Grants (Amendment) (England) Regulations 2008, Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008

In May 2008, this legislation amended previous legislation enabling councils to apply conditions to grant approvals to protect their position and recover grant monies in excess of £5,000 paid to applicants with an owner's interest up to a maximum repayment of £10,000.

Grant conditions will now be applied to all DFG approvals, enabling the Council to recover a proportion of grant monies paid to owner occupiers. These grant conditions last for 10 years and are registered with the Land Charges Team.

Care Act 2014

The Care Act 2014 focuses on prevention.

Guidance states "*Local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example interventions such as rehabilitation/reablement services, e.g. community equipment services and adaptations.*" The guidance goes on to state "*Integrated services built around an individual's needs are often best met within the home. The suitability of living accommodation is a core component of an individual's wellbeing and when developing integrated services, local authorities should consider the central role of housing within integration.*"

The Public Health Outcomes Framework "Healthy Lives, Healthy People: Improving Outcomes and Supporting Transparency" (Dept of Health, 2013) sets out desired outcomes for public health and how they will be measured. Many of the outcomes have links to housing including prevention of falls and injuries in over 65s, Fuel Poverty and Excess Winter Deaths.

APPENDIX 2

Mandatory Disabled Facilities Grants – Further Information –

The provisions governing mandatory disabled facilities grants are set out in the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002.

The following summarises the purposes for which disabled facilities grants can be given:

a) Facilitating Access and Provision

These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into, and around, the dwelling and enjoying the use of the dwelling and the facilities or amenities within it. Such works will include:

- Ramps
- Handrails
- Widening of internal and external doors
- Creating manoeuvring space for wheelchairs
- Stairlifts to common stairs
- Widening of steps
- Modification of steps
- Provision of access to the garden

b) Making a dwelling or building safe

Adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. Such works will include:

- Toughened or shatterproof glass
- Fixed fire and radiator guards
- Fixed stair and access guards
- Protective wall coverings
- Alarm systems

c) Room usable for sleeping

The provision of a room usable for sleeping should only be undertaken if the council is satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Such works will include:

- Through floor lifts
- Stairlifts
- Handrails
- Creating manoeuvring space for wheelchairs
- Widening internal doors
- Hoists

d) Bathroom

A disabled person should have access to a wash hand basin, a WC and a shower or bath (or, ideally, a bath and a shower). Such works will include:

- Through floor lifts and stairlifts
- Replacement of bath with shower or provision of an over bath shower
- Downstairs WC/Bath/Shower/wash basin
- Thermostatic controls for showers
- Raising of toilet pedestal
- Hoists and other fixed bathing aids
- Bath lifts

e) Facilitating preparation and cooking of food

A wide range of works are available to enable a disabled person to cater independently. Such works will include:

- Modification of work units
- Alteration of kitchen for wheelchair use
- Enlargement of a kitchen
- Alterations to gas, electric and plumbing installations

- Purposely designed cooker

f) Heating, lighting and power

The improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet his needs, a heating system may be provided. Such works will include:

- Replacement of coal fire with gas fire
- Provision of central heating for those parts of the accommodation normally used by the disabled person
- Where extra rooms are provided and the existing boiler cannot cope with the extra demand, separate local heating for the extension
- Relocation of power sockets and switches
- Electric radiators

g) Dependent residents

Works to a dwelling required to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides where whether or not they are related to the disabled person.

h) Access to garden

Works for facilitating access to and from a garden by a disabled occupant, or making access to a garden safe for a disabled occupant.

Further details are available, on request, from the Council.

APPENDIX 3

Financial Test of Resources – Means Testing –

Where required under this Policy, a test of resources will be carried out in order to determine what amount, if any, the applicant must contribute to cost of the works. If the applicant is not in receipt of a 'passporting benefit' they will need to provide details of income and capital.

'Passporting benefits' are:

- Working Tax or Child Tax Credits (calculated on earnings of less than £15,050 per annum)
- Universal Credit
- Housing Benefit
- Income Support
- Income-based Job Seekers Allowance
- Income based Employment Support Allowance (Not Contribution based)
- Guarantee Pension Credit

For those in receipt of one or more of the 'passporting benefits' or any equivalent or successor benefits at the time of the application, there will be a 'NIL' contribution.

For those who are not in receipt of one or more of the 'passporting benefits' listed above, a full means test will be carried out under the national Test of Resources in accordance with the Housing Renewal Grants Regulations 1996 (as amended) or any future legislation that replaces it. This means test will calculate the applicant's contribution and assess how much assistance may be given up to the maximum eligible expenses limit.

Test of Resources

Where an application is subject to a financial assessment, there are four principal stages within the means testing process:

Stage	Description
Stage 1: Calculation of household income requirement	This is referred to as 'allowable income' and is calculated using a set of standard allowances for living costs using basic amounts of income support/pension credit and a flat rate allowance for housing costs. These figures are set by Central Government.
Stage 2: Assessment of actual household income	The actual income of the applicant's household income is then established. A 'tariff' income is then added in order to take into account any savings over £6,000. If the household is already in receipt of any means tested benefits, they are automatically 'passported' through and awarded a 100 per cent grant, even if they have some small surplus income according to this calculation.
Stage 3: Affordability of a loan	For those applicants not in receipt of a means tested benefit, a calculation is undertaken to establish whether the household has sufficient 'surplus' household income to be able to afford a loan to fund the agreed adaptations and any associated fees. The calculations assume a loan period of 10 years for owner-occupiers and 5 years for tenants at a standard rate of interest and incorporate 'tapers' (see above).
Stage 4: Calculation of grant value	The final stage of the process is to compare the agreed cost of the adaptations and any associated fees and the ability (or otherwise) of the household to finance these via a loan. If the calculated loan amount is the same or greater than the cost of the adaptations and fees, the applicant is not eligible for financial assistance. If the loan amount is less than the cost of the adaptations and fees, the amount of grant that is awarded will be the difference between the total cost of the works (including any fees) and the size of the loan.

Notes

- The means test does not apply where an application for a grant is made by the parent or guardian of a disabled child (who is up to, and including, 16 years of age) or a young person (who is in full time education and under 19 years of age).
- The cost of the works/adaptations is obtained from the agreed quotations/costs for the eligible work plus any reasonable ancillary costs or expenses incurred solely as a part of the application. These can include, but are not limited to:
 - Agency Service fees
 - Architect or surveyor's fees
 - Solicitor's fees

If a contribution is required from the relevant person, this must be deducted from the amount of grant which would otherwise have been paid. For example, if the cost of the works exceeds the maximum £30,000 limit the grant will be £30,000 less the contribution. If the cost of the works is less than the £30,000, the grant will be the agreed cost of the works less the contribution.

Successive Applications

Where a previous application has been approved for the same applicant(s), any financial contribution required at that time can be considered for subsequent applications, where they are agreed, providing the new application is made within five years (for a tenant) or ten years (for an owner occupier) from the previous application(s) where works were completed and the grant paid.

The contribution calculated for the new application will be reduced by the amount that was contributed to the previous grant(s).

For example, where an applicant made a £5,000 contribution to a previous DFG and the test of resources for the subsequent DFG shows the contribution to be £8,000, this amount would be reduced to £3,000 due to the applicant's previous contribution.

APPENDIX 4

Documentation regarding occupancy

The documentation that is required to demonstrate a legal interest in the property and the intention to remain in the property is as follows:

a) Owner-Occupiers

An owner's certificate which certifies that the applicant has or proposes to acquire an owner's interest in the dwelling, and that the applicant intends that the person requiring financial assistance will live in the dwelling as their only or main residence throughout the relevant grant/loan condition period, or for such shorter period as his/her health and other relevant circumstances permit. The Council retains the discretion to demand repayment of the grant or loan if this condition is breached.

b) Tenants

A tenant's certificate which certifies that the person requiring financial assistance is a tenant, and that they intend that the occupant for whom the assistance is being sought will live in the dwelling as their only or main residence throughout the relevant grant/loan condition period, or for such shorter period as his/her health and other relevant circumstances permit.

The Council retains the discretion to demand repayment of the grant or loan if this condition is breached. It will be at the Council's discretion whether an application should also be accompanied by an owner's certificate from the landlord.

c) Occupiers (in relation to houseboats and park homes)

An occupier's certificate that states the applicant intends that the occupant for whom assistance is being sought will live in the qualifying houseboat or park home as their only or main residence throughout the relevant grant/loan condition period or for such shorter period as his/her health and other relevant circumstances permit. The Council retains the discretion to demand repayment of the financial assistance if this condition is breached. A consent certificate must also accompany an occupier's application, from each person with an interest in the land or mooring, or in the park home site or boatyard itself.

If none of the above certificates are appropriate to the applicant's situation then signed documentation shall be provided by either the owner or the occupier to confirm the intention for future occupation of the property by the person for whom financial assistance is being sought.

d) Availability for letting

In a case where a certificate of intended letting accompanies the application:

- It is a condition of any financial assistance under this Policy that, throughout the relevant grant/loan condition period the dwelling will be let or available for letting to the applicant as a residence. Being available as a holiday letting will not satisfy compliance with this requirement.
- It is also a condition of the financial assistance that the Council, may, by written notice require the owner to provide, within 21 days of that notice, a statement showing how the property is occupied and by whom.

APPENDIX 5

Glossary

TERM	DEFINITION
Assistance	Any form of financial assistance approved under this Policy
Better Care Fund	<p>The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing and live independently in their communities for as long as possible.</p> <p>The BCF has been created to improve the lives of some of the most vulnerable people in our society, placing them at the centre of their care and support, and providing them integrated health and social care services, resulting in an improved experience and better quality of life.</p>
Category 1 Hazards	Hazards in the home as assessed as 'serious' through the Housing Health & Safety Rating System.
Children	<p>For mandatory disabled facilities grant applications the relevant person is a child if;</p> <ul style="list-style-type: none"> • they are under the age of 16 • a person who is 16 or over but not yet 20 and is still in full-time non-advanced education ('A level' and below) and not getting Income Support, income-based Job Seekers' Allowance, income-related Employment and Support Allowance or Universal Credit.
Condition	Any condition attached to financial assistance approved under this Policy. Details of conditions are available on request.

Council	Any reference to the Council means Northampton Borough Council or an authorised representative of the Council. An authorised representative could include, for example an Occupational Therapist, a Trusted Assessor, etc.
Disabled person	<p>For the purposes of this policy, a person is disabled if:</p> <ul style="list-style-type: none"> • their sight, hearing or speech is substantially impaired; • they have a mental disorder or impairment of any kind; or • they are physically substantially disabled by illness, injury, impairment present since birth, or otherwise. <p><i>(s100 Housing Grants, Construction and Regeneration Act 1996)</i></p>
Discretionary assistance	Grants and/or loans which the Council may make available to applicants, subject to having a policy in place, and to having sufficient funding available to offer that assistance. The extent to which discretionary assistance may be available to an applicant may also be subject to how the Council concerned interprets and/or implements financial regulations – e.g. use of capital grant funding for revenue purposes.
Disposal of a property	<p>Any reference to ‘disposal’ of a property means:</p> <ul style="list-style-type: none"> • A conveyance of the freehold • An assignment of the lease – where the lease was used to qualify for the assistance: e.g. a long lease that was treated as effective ownership • The grant of a lease, other than a mortgage term, for a term of more than 21 years otherwise at a rack rent • In the case of a mobile home or a houseboat, the sale, pledge or assignment of the mobile home or houseboat.

Home Adaptations Team	The team responsible for delivering the Council's Home Adaptations Service, a discretionary service established to provide additional support to enable people to remain independent at home. The role of the Home Adaptations Team is described in Section 1.4 of this Policy.
Household	The person or persons who occupy a dwelling as their only or main residence.
Housing Health and Safety Rating System (HHSRS)	National system for assessing risks in residential properties. Replaced the old housing fitness standard.
Mandatory assistance	Disabled Facilities Grants are 'mandatory' in that local authorities are legally required to provide them to applicants who meet national eligibility requirements.
Maximum grant amount for DFGs	The maximum amount the government says that a council can pay as a mandatory Disabled Facilities Grant. At the time of writing this policy the maximum was set at £30,000, but the government has indicated that this is likely to change in future.
Means Test / Test of resources	As part of an application for some forms of assistance under this Policy, a test of resources must be carried out in order to assess the amount, if any, that the applicant must contribute to the cost of the works. If the applicant is not in receipt of a 'passporting benefit' they will have to provide details of income and capital. More information is available in Appendix 3 to this Policy
Owner's interest	Where an application for a DFG (or other works to the home) has been made by an owner-occupier the applicant must provide proof of ownership. Under the 1996 legislation : An owner's certificate' certifies that the applicant has, or proposes to acquire, an owner's interest (as defined in section 21(2)) in the dwelling, and that he intends that the disabled occupant will live in the dwelling as his only or main residence'. For more information see Appendix 4 to this Policy
Regulatory Reform Order Repair & Renewal policies	Councils have powers to provide financial assistance to individuals to help them improve living conditions. In order to be able to use those powers

	they need to have a published policy detailing how they will use those powers.
--	--

This page is intentionally left blank

Appendices

0



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Guildhall Roof Replacement
---------------------	-----------------------------------

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22/07/20
Key Decision:	YES
Within Policy:	NO
Policy Document:	NO
Service Area:	Economy & Assets
Accountable Cabinet Member:	Cllr Tim Hadland, Member for Regeneration and Enterprise
Ward(s)	Castle

1. Purpose

- 1.1 To update Cabinet on the condition of the roof at the Guildhall, specifically that of the older part of the building, and seek approval to procure and appoint a contractor to undertake the roof works.

2. Recommendations

That Cabinet:

- 2.1 Approves the roof works to the Guildhall roof pursuant to paragraph 3.3.4 of this report;
- 2.2 Delegates authority to the Economic Growth and Regeneration Manager, in consultation with the Borough Secretary and Cabinet Member for Regeneration and Enterprise to appoint a contractor for the Guildhall roof replacement works following the completion of a tender process; and
- 2.3 Approves the appointment of a legal advisor if specialist construction law advice is required

3. Issues and Choices

3.1 Report Background

- 3.1.1 During the summer of 2018 repairs to the roof of the Guildhall extension were undertaken to address the water ingress issues in the office areas following heavy rainfall.
- 3.1.2 Whilst the Guildhall extension remains dry, there are substantial leaks in the original part of the Guildhall, notably in the Council Chamber, Mayors Shields Gallery and the Great Hall.
- 3.1.3 The leaks are causing substantial damage to the historic fabric of the building.
- 3.1.4 The leak in the Mayors Shields Gallery became so bad that a tarpaulin is permanently in place over the glass atrium, cutting out natural light from the area.
- 3.1.5 Stimpson Walton Bond Ltd, Chartered Architects (SWB) were appointed to undertake surveys of the roof, develop a scope of works and to manage the repair and restoration of the roof works to the original part of the Guildhall.
- 3.1.6 A roof condition survey has been undertaken by SWB which included visual inspections of the pitched roofs. Following the inspections, it was identified that there is substantial damage to the roof slates, protected patent glazing to the Great Hall and the guttering. Lead weld patch and flashing repairs are also required and a crack in the wall between the extension and existing gable wall needs to be addressed.
- 3.1.7 A report has been submitted by SWB that identifies that there are several parts of the roof that require urgent repair (Priority 1), some that will require attention within the next 12 months (Priority 2), and recommendations for work needed within the next 5 years (Priority 3).
- 3.1.8 The anticipated costs of the Priority 1, 2 and 3 recommendations are estimated at circa £316,500.
- 3.1.9 Other costs which need to be accounted for include design, survey and Project Management fees £30,000, contractor preliminaries £50,000, scaffolding £70,000 and a contingency £30,000
- 3.1.10 SWB will tender this work on behalf of the Council, adhering to the Council's procurement rules and thresholds A high weighting (70%) will be placed on cost to ensure Value for Money is achieved.

3.2 Issues

- 3.2.1 Due to the location and height of the roofs, scaffolding is required. To offset this cost and achieve value for money other projects within the same area should be undertaken in conjunction with the roof works.

- 3.2.2 There is currently no access for general maintenance and repair to the Guildhall roof since a gate to the fire escape was installed that serves the properties at Wood Hill. Within the pricing for the roof works is provision to install a galvanised steel gantry and ladder access out of the Farmers Room and up onto the roof and to create a platform to enable access to the clock tower. This will require listed building consent which will be obtained before this work takes place.
- 3.2.3 Not all areas of the roof are accessible, even with use of a drone and further repairs may be identified once the scaffold is in place, an additional 5% contingency has been included within the budget to cover any potential urgent variations identified.

3.3 Choices (Options)

3.3.1 Option 1 – Do nothing

This option is not recommended because of the substantial damage caused to the historic parts of the Guildhall caused by water ingress during heavy rainfall.

3.3.2 Option 2 – Undertake the Priority 1 works only

This option is not recommended because although it would address the immediate problems being experienced, it would be a false economy as the report identifies that further works will be required within the next 12 months which would necessitate the use of scaffolding and associated costs.

3.3.3 Option 3 – Undertake Priority 1 & 2 Works

This option is not recommended as the report identifies that further works will be required in the next 5 years that will necessitate the use of scaffolding and associated costs

3.3.4 Option 4 - Undertake all works identified in the Roof Condition Survey Report.

This is the recommended option because it ensures that all works are completed whilst the scaffold is in place. As the cost of the scaffolding is high (circa £70K) it makes economic sense to maximise the work that is undertaken, thus ensuring savings in future years.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This report does not set policies nor have implications on existing policies.

4.2 Resources and Risk

- 4.2.1 Funding the project has been earmarked from the Capital Project General Fund with a budget of £500k allocated for this work.

4.2.2 The estimated full cost of these works is £496,500 as set out in Para's 3.1.8 and 3.1.9 of the report.

4.2.3 The key financial risk of the proposal is that some areas of the roof are not fully accessible, even with use of a drone, the true condition cannot be properly assessed until the scaffolding is in place. As noted above additional contingency has been included on the project to account for this risk.

4.3 Legal

4.3.1 The tender process and appointment will be undertaken in accordance with the Council's Contract Procedure Rules.

4.3.2 The project may require the appointment of a law firm to provide specialist construction legal advice.

4.4 Equality and Health

4.4.1 Due to substantial ingress of rainwater into the Old Town Hall and subsequent soaking of walls, there is a risk that those attending meetings in the affected rooms could be at risk of illnesses associated with dampness such as fungal infections, bronchitis and asthma

4.5 Consultees (Internal and External)

4.5.1 The following have been consulted:

- Building Control Manager
- Senior Planning Services Officer
- Stimpson Walton Bond Architects
- Property Services Manager

4.6 How the Proposals deliver Priority Outcomes

4.6.2 A Stronger Economy

- Protect, enhance and promote our heritage
The Guildhall is a 2* Listed Building and one of the best examples of Gothic architecture in the country. Replacing parts of the roof that are leaking will help to preserve the building for future generations

4.7 Environmental Implications (including climate change issues)

4.7.1 Making repairs to the roof will help to reduce heat loss from the building.

4.8 Other Implications

4.7.1 There are no implications other than those covered in this report.

5. Background Papers

- 5.1 Northampton Guildhall Roof Inspection Report & Schedule of Works prepared for Northampton Borough Council by Stimpson Walton Bond Chartered Architects – To be requested separately as contains confidential cost estimates.

6. Next Steps

- 6.1 Tender process to appoint contractor - July 2020
- 6.2 Works commence on site – August 2020

Kevin Langley
Economic Growth and Regeneration Manager

This page is intentionally left blank

Appendices

0



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Guildhall Boilers and Building Management System Renewal
---------------------	---

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22/07/20
Key Decision:	YES
Within Policy:	NO
Policy Document:	NO
Service Area:	Economy & Assets
Accountable Cabinet Member:	Cllr Tim Hadland, Member for Regeneration and Enterprise
Ward(s)	Castle

1. Purpose

- 1.1 To update Cabinet on the condition of the plant and equipment within the Guildhall, specifically the Boilers and Building Management System and to seek approval to appoint a contractor to replace the boilers and undertake any necessary ancillary works to the pipe systems as required to facilitate the replacement of the boilers.

2. Recommendations

It is recommended that:

- 2.1 Cabinet delegates authority to the delegates authority to the Economic Growth and Regeneration Manager, in consultation with the Borough Secretary, Chief Finance Officer and Cabinet Member for Regeneration and Enterprise to appoint the contractor for the Guildhall boiler and associated works following the completion of the tender process; and
- 2.2 Cabinet approves the appointment of a legal advisor if specialist construction law advice is required

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Guildhall boilers, building management system and pumps have exceeded their normal working life. The basement boiler room dates from 1992 and involved the re-connection of the existing Guildhall building heating system onto the main heating system installation for the Guildhall extension. The normal life expectancy of boilers of this type is 25 years as per the CIBSE guide M. An independent Mechanical and Electrical Condition report has identified operational and performance issues that need to be addressed as soon as practical.
- 3.1.2 Over the last 24 months a total of £66,000 has been spent on emergency call outs and maintenance to keep the boilers running and the building heated.
- 3.1.3 The level of expenditure is expected to increase as the boilers are obsolete and components/repairs need to be machine made, which is a slow and costly process.
- 3.1.4 Several radiators in the Old Town Hall are not working properly (notably in the Mayors Quarters). Thermal images imply there is a restriction in the flow pipework at the take off point feeding up to the convectors.
- 3.1.5 There are multiple and significant water leaks in the basement from the pipework serving the heating system. The leaks require daily checks and are becoming more difficult to manage as the condition of the pipes continues to deteriorate.
- 3.1.6 The pipes and surrounding walls have asbestos on them which will need to be removed professionally before any repairs can be undertaken.
- 3.1.7 A report was submitted by Blueprint Building Services Solutions in April 2019 that identified several areas in the Old Guildhall where radiators were not working correctly and are suspected of being air locked or blocked.
- 3.1.8 The report identified that the main secondary pump sets in the boiler room are ageing and motors have been replaced over time. Maintenance records indicate that over a 2-year period 14 separate reactive call outs and cost have been incurred due to problems with various pumps on the heating system.
- 3.1.9 The report identified that access and egress around the boilers, access to the pumps and general health and safety considerations for ongoing maintenance is a concern and that larger components may require on-site construction if larger units cannot be transported to the lower basement level.
- 3.1.10 According to the report, the boilers would have been circa 80% efficient at the time of installation in 1992 and would now be considerably less due their age and current condition.

3.1.11 Options for different fuel types for the boilers were considered prior to specifying a gas fired boiler. The options considered were as follows:

- A biomass system – This option was discounted as there is not suitable space for the storage and delivery of the fuel/pellets, issues with availability of the fuel which could cause issue if using as the sole source of fuel and the high cost implications for installation. The installation of a Biomass system would be between 5 and 10 times greater, depending on the specification of the boiler, than gas powered boilers. There would be a reduction in omissions as a result of using biomass but the costs far outweighed the benefits in this instance.
- Air Heat Source Heat Pump system – This type of system would require substantial works to the ducting throughout the building and given the listed nature of the Guildhall this option was discounted as there would need to be a major capital investment on the old and new Guildhall building to facilitate this.
- Electric fired boiler – While electric emitters are 100% efficient in transferring energy to heat, compared with circa 90% efficiency with gas boilers, the cost of electricity is four times more expensive than gas and as such the ongoing costs would be substantially more with this option.
- Gas fired boilers provide the most economical solution while also offering the ability to fit into the existing mechanical infrastructure within the building. This option was one of the only two that could be delivered within the budget and provides substantial savings in running costs over the alternative. New gas fired boilers will also offer the greatest potential to be adapted to burn blended gas/hydrogen fuel should this become available and would be cheaper to adapt than any of the above alternatives.
- Based on the above therefore, it is considered that gas fired boilers offer the best combination of fuel efficiency, capital investment, adaptability and the least impact on the fabric of the listed building.

3.2 Issues

3.2.1 Replacing the boilers to their original location would incur further costs as the asbestos in the boiler room would have to be completely stripped out (£30-£40K on asbestos removal)

3.2.2 The current boiler room layout and space for maintenance is not fit for purpose. The sump pump is inaccessible as it is sited behind the boilers, high temperature items of boiler plant are accessible, and evidence suggests damage to plant occurs due to space constraints and access to pump sets.

3.2.3 Only 2 out of the 3 existing boilers are operational and there would be significant cost to get the third one working again. The heating system operation is significantly impaired and, should another boiler issue occur on one of the operating units, then the available capacity would be reduced by 50%.

3.3 Choices (Options)

3.3.1 Option 1 – Do nothing

This option is not recommended because the water leaks will become more significant which could result in the Guildhall basement flooding. The impact would be severe due to the volume of paperwork that is archived in that area

Also, the boilers will continue to fail, and the cost of constant call outs and repairs will be substantial. Eventually the failure of the boilers will be permanent and there will be no facility to heat the Guildhall.

3.3.2 Option 2 – Repair the pipework and replace the boilers in their current Location

This option is not recommended because work to replace the boilers would have to be undertaken during the summer months whilst the heating is off, which will not be possible until 2021 as the repairs to the pipes must be undertaken this year. The cost of emergency repairs and maintenance will continue to rise and there will be further cost due to the requirement to strip the asbestos from the boiler room to enable the redundant equipment to be removed and replaced. It has also been identified that there is not adequate space in the room to safely service and maintain the boilers.

3.3.3 Option 3 – Repair the pipework and relocate replacement boilers

This option is recommended because there will be no requirement to strip out the asbestos around the redundant boilers and the new boilers could be installed during the winter months whilst those already in place are still being used to heat the building. The new boiler room layout would be carefully planned to ensure that H&S is paramount, that high temperature items are inaccessible and that there is space to access all parts that may need to be serviced, including the sump pump.

4. Implications (including financial implications)

4.1 Policy

This report does not set policies nor have implications on existing policies.

4.2 Resources and Risk

4.2.1 The costs for the works are estimated as follows:

- Asbestos survey and asbestos removal - £110,000
- Repairs to the pipework - £28,500.
- Boiler replacement, pumps, flue, control panel, water conditioning and vent - £216,000
- Rectify and upgrade the pipework - £89,500
- Relocation of gas supply - £7,500
- Project Management - £30,000
- Contingency - £18,000.

4.2.7 Based on the assumption that the existing boiler plant would be replaced with a new 90% efficient plant, it is calculated that a saving of £2,880.55 per annum would be achieved on energy consumption from the revenue budget.

4.2.8 Electrical power consumption associated with the boiler plant, pump sets and controls are not available for review.

- 4.2.9 A new service and maintenance contract would be sourced to further reduce costs from the revenue budget.
- 4.2.10 Funding of £500,000 has been earmarked from the Capital Project General Fund.
- 4.2.11 The key financial risk of the proposal is that other areas of pipework might degrade and start leaking later which will necessitate further repairs and outlay.

4.3 Legal

- 4.3.1 The tender process and appointment of a contractor will be undertaken in accordance with the Council's Contract Procedure Rules.
- 4.3.2 The project may require the appointment of a law firm to provide specialist construction legal advice.
- 4.3.3 Listed building Consent would be required if the decision is taken to move the boilers to an alternate location within the building.
- 4.3.4 A Building Control Application will be required if the decision is made to move the boilers to an alternate location
- 4.3.5 Removal of asbestos insulation to pipework will be Notifiable works which must be carried out by a licenced contractor

4.4 Equality and Health

- 4.4.1 Under the Health & Safety at Work Act 1974, temperatures in the indoor workplace are covered by the Workplace (Health, Safety and Welfare) Regulations 1992, which place a legal obligation on employers to provide a reasonable temperature. The Approved Code of Practice suggests the minimum temperature in a workplace should be at least 16 degrees Celsius unless the work involves rigorous physical effort. This project will ensure the Council can comply with the Code.

4.5 Consultees (Internal and External)

- 4.5.1 The following have been consulted:
- Building Control Manager
 - Senior Planning Services Officer
 - Senior Conservation Officer
 - Blueprint Building Services Solutions
 - Property Services Manager
 - Senior Environmental Health Officer

4.6 How the Proposals deliver Priority Outcomes

4.6.1 Exceptional services:

- Make the best use of our Assets
The Guildhall is part of the commercial offering and being able to rent out rooms generates income. Being able to adequately heat the building during colder months is key to this.
- Provide value for money
The new heating system will be much cheaper to run, and the initial outlay will result in savings in the future.

4.6.2 A stronger Economy

- Protect, enhance and promote our heritage
The Guildhall is a 2* Listed Building and one of the best examples of Gothic architecture in the country. Repairing the heating system so the building remains warm and dry will help with preserving it for future generations

4.7 Environmental Implications (including climate change issues)

4.7.1 The new boilers will significantly reduce the CO2 emissions and improve comfort levels for the workforce over the winter months. The estimation is that 14.25 tonnes of CO2 could be saved.

4.8 Other Implications

4.8.1 There are no implications other than those covered in this report.

5. Background Papers

5.1.1 Building Services Condition Report – Northampton Guildhall Plantroom – prepared for Northampton Borough Council by Blueprint Building Services Solutions.

6. Next Steps

6.1.1 Appoint a Project Management team using the Scape Framework for a mini tendering competition with a view to the work starting in August 2020

Kevin Langley
Economic Growth and Regeneration Manager

Appendices –

5



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	REVIEW OF PUBLIC SPACES PROTECTION ORDER 2017
---------------------	--

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22 July 2020
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Community Safety & Engagement
Accountable Cabinet Member:	Cllr Anna King
Ward(s)	All

1. Purpose

- 1.1 To ask Cabinet to agree to make a Public Spaces Protection Order (“PSPO”) as set out in sections 59 to 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) to replace the now expired PSPO made in 2017 and in line with the results of the consultation carried out between 17 December 2019 and 10 March 2020.

2. Recommendations

That Cabinet:

- 2.1.1 Resolve to make a PSPO which prohibits only the activities recommended in paragraphs 3.2.6, 3.2.8, 3.2.11, 3.2.17, 3.2.20, 3.2.23 and 3.2.27 and 3.2.30 of this

report for a period of three years, after taking into account the results of the recent public consultation.

- 2.1.2 Delegate to the Borough Secretary, in consultation with the Chief Executive, the authority to draft a PSPO including only the prohibitions recommended by the paragraphs described at 2.1.1 so as to ensure the enforceability of those prohibitions included in the final Order which will be made in accordance with the same resolution.
- 2.1.3 Resolve to delegate to the Borough Secretary the authority to comply with all legal steps and processes required by Chapter 2 of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the Council to make a PSPO in accordance with the resolution at paragraphs 2.1.1 and 2.1.2 above.
- 2.1.4 Delegate to the Chief Executive authority to enforce a PSPO made in accordance with the resolution at paragraph 2.1.1 and to authorise appropriately trained persons to issue fixed penalties of £100 to any person committing an offence under section 67 of the Act.

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 20th October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. The purpose of the Act was to give local authorities and the Police more effective powers to tackle unreasonable conduct which effectively amounts to anti-social behaviour (“ASB”), providing better protection for those living in the locality. Amongst these new tools and powers are PSPOs, which are designed to stop all individuals or a specific class of persons committing anti-social behaviour in a public space.
- 3.1.2 The statutory criteria that must be satisfied on reasonable grounds when considering whether to make a PSPO are;
 - a) that activities carried on in a public place within the local authority’s area have had a detrimental effect on the quality of life of those in the locality or it is likely that such activities will be carried on and they will have such an affect and
 - b) that the conduct is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions to be imposed by an Order.

- 3.1.3 There is a requirement to undertake a statutory public consultation exercise and to consider any responses prior to making any PSPO. The Council must consult with the following for the proposed area to be restricted;
- (a) the chief officer of police, and the local policing body for the area;
 - (b) whatever community representatives the local authority thinks it appropriate to consult;
 - (c) the owner or occupier of land within the area;
 - (d) the parish council or community council (if any) for the area and
 - (e) the county council (if any) for the area.
- 3.1.4 PSPOs provide Councils with a power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems, as well as power to enforce those restrictions flexibly as appropriate in any given situation. It is important that PSPOs are used proportionately and that they are not seen to be targeting behaviour of children/young people where there is a lack of tolerance and understanding by local people.
- 3.1.5 Restrictions and requirements can be placed on an area where activities have, or are likely to have, a detrimental effect on the quality of life of local people, are persistent or continuing in nature and are unreasonable. These can be blanket restrictions or requirements or can be targeted against certain behaviours or certain groups at certain times.
- 3.1.6 The legislation provides they can be extended at the end of the period, but only for a further maximum period of up to three years at a time, although PSPOs can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement, provided there is evidence that applicable activities are having the required effect on those within the locality. They can also discharge a PSPO. Both variation and discharge are subject to the same statutory consultation requirements.
- 3.1.7 Enforcement may be shared between the Council and the Police. Breach of a PSPO is a criminal offence which can result in the issuing of a Fixed Penalty Notice (“FPN”) for a maximum of £100 or a prosecution resulting in a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, any person designated by a local authority for the purpose of issuing fines for breaches of a PSPO and Police officers. Police Community Support Officers are no longer permitted by the 2014 Act to issue FPNs for breaches of any PSPO.

- 3.1.8 Once the PSPO has been made the Council must publish it on its website and ensure that sufficient signage is in place in the areas in which any restrictions will apply.
- 3.1.9 On 16 October 2019 Cabinet authorised the undertaking of a statutory consultation on the review of a new PSPO which could contain some applicable activities that were not included in the previous PSPO.

3.2 Outcome of Consultation

3.2.1 The Council engaged in a 12 week online public consultation via an open access online survey using 'Survey Monkey'. This was promoted through;

- Council social media sites
- Councillors for individual Wards
- The Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Members of the public
- Local press and media channels
- NBC Social media
- Northampton Town Centre BID
- Northampton's Forums

Paper copies of the consultation were also made available on request.

- 3.2.2 The consultation sought views on various behaviours. Full results of the consultation, and all comments, are available to view in Appendices 1 and 2. The Council received 515 responses to this consultation in total, although not all responders answered every question.
- 3.2.3 Some comments asked why certain activities were not proposed to be restricted across the Borough. In considering what activities are restricted in which areas, there must be evidence that any activity proposed to be restricted by way of PSPO is, or is likely to have, a detrimental effect on the quality of those living in the locality affected. We also need to consider the likelihood of the PSPO being enforced for that behaviour in any particular area as well as any potential displacement of ASB into neighbouring areas.
- 3.2.4 86.91% of the responders believed that continuing to authorise Police officers and the Council to regulate ASB caused throughout the Borough by the consumption of alcohol in public places open to the air would be justified in order to that ASB. 6.84% did not feel it was justified and 6.25% have no opinion.

3.2.5 Most of the comments received with regard to alcohol and drug use related ASB were around homeless persons. However, this item would also cover the night-time economy to a limited extent.

3.2.6 It is recommended that restriction prohibiting the consumption of alcohol in public spaces across the Borough is included within the proposed PSPO. .

3.2.7 92.19% of responders believed that continuing to prohibit non-prescription drug use in public places open to the air Northampton was justified in order to prevent ASB. Use of prohibited drugs is not a criminal offence and so such a prohibition in a PSPO will be lawful.

3.91% did not feel it was justified and 3.91% did not have an opinion.

3.2.8 It is recommended that non-prescription drug use in a public place open to the air is prohibited across the Borough and included within the proposed PSPO.

3.2.9 95.28% of responders thought that continuing to prohibit public urination and/or defecation in public in Northampton was justified. 2.36% did not feel it was justified and 2.36% did not have an opinion.

3.2.10 Several comments were made on this issue, mainly around the provision of public toilets. However, most of the issues are during the night-time economy as people moved from bar to bar – toilets are, of course, available in all the licenced premises

3.2.11 It is recommended that urination and/or defecation in a public space open to the air (which would exclude public toilets) is prohibited across the Borough and included within the proposed PSPO.

3.2.12 65.75% of responders thought continuing to prohibit begging in public areas open to the air in the town centre and Kingsley front was justified. 22.44% did not think it was justified and 11.81% did not have an opinion.

3.2.13 A submission was received from Liberty (Appendix 4) speaking against this proposal stating it is wrong and potentially unlawful. The content of this letter is addressed in the legal comments at paragraph 4.3 below.

3.2.14 Since the consultation and lockdown, much has changed, including the temporary housing of homeless persons by the Council, affording a unique opportunity to work with this category of persons with regard to ASB caused by begging. As they will be the category of persons most affected by, it is recommended that a decision on the inclusion of this prohibition in the proposed PSPO is delayed whilst the Council continues to house the majority of the town's homeless population

3.2.15 98.43% of responders thought continuing to prohibit dog walkers from failing to remove their dog faeces from all public places in Northampton and requiring them to dispose of them in a bin would be justified. 0.39% did not think it was justified and 1.18% did not have an opinion.

3.2.16 Comments were supportive of this item.

3.2.17 It is recommended that failing to remove dog faeces is prohibited across the Borough and included within the proposed PSPO.

3.2.18 73.40% of responders thought continuing to prohibit dog walkers from having their dog off a lead in any children's play area across the Borough was justified. 19.60% thought it was not justified and 7.00% did not have an opinion.

3.2.19 Comments were supportive of this item.

3.2.20 It is recommended that a prohibition on dogs being off lead in a children's play area across the Borough is included within the proposed PSPO

3.2.21 88.71% of responders thought continuing to prohibit dog walkers from having their dog off the lead in cemeteries was justified. 5.95% did not think it was justified and 5.34% did not have an opinion.

3.2.22 No specific comments were received on this item.

3.2.23 It is recommended that a prohibition on dogs being off lead whilst in any cemetery across the Borough is included within the proposed PSPO

3.2.24 48.13% of people considered a time limit on any person or performing street entertainment in the town centre and Kingsley front a good idea. 37.48% felt it was not a good idea and 14.40% did not have an opinion.

3.2.25 19.11% felt an hour or less was appropriate. 20.33% felt 2 hours or less was appropriate. 10.57% felt 3 hours or less was appropriate and 4.67% felt it should be over 3 hours. 45.66% had no opinion.

3.2.26 Quite a few comments were received supporting busking and wanting it to be encouraged rather than restricted.

3.2.27 It is recommended that a restriction on the length of time any person may perform street entertainment in the town centre and Kingsley Front is not included in the Order.

3.2.28 84.19% of responders thought that prohibiting persons from spitting in a public place within Northampton was justified. 9.29% did not think it was justified and 6.52% did not have an opinion.

3.2.29 Prohibiting spitting in a public place was included following several requests from the general public. The consultation was concluded before lockdown due to Coronavirus and it is a possibility that it would receive more support if consulted on now.

3.2.30 It is recommended is that spitting in a public place open to the air anywhere in the Borough is prohibited.

3.3 Additional Comments from the Consultation

The general public were asked if they felt that there were any other activities that had, or were likely to have a detrimental impact on the quality of life in their locality.

3.3.1 Rough sleeping – many people made comments about the number of rough sleepers in the town, most wanting more resources to support them rather than just trying to drive them out of the town centre so they become a hidden problem.

3.3.2 Chewing gum – discarded chewing gum is a pet hate for many.

3.3.3 General cleanliness of the town needs improving including being harsher on littering and fly-tipping.

3.3.4 Salespeople on the street.

3.3.5 Illegal driving on The Drapery.

3.3.6 Smoking on the street.

3.3.7 More activities for, and engagement of, young people.

3.3.8 More visible police presence.

3.3.9 More powers to prevent illegal traveller encampments.

3.3.10 Perceived threat from large groups of people.

3.3.11 Cycling on a pavement in the Town Centre or on Kingsley Front

3.3.11 However, it is not recommended to include any prohibitions with regard to the activities in paragraphs 3.3.1 to 3.3.10 above for the following reasons;

- a) Paragraphs 3.3.2, 3.3.3, 3.3.5 and 3.3.11 concern activities which constitute existing criminal offences and there is no power to further prohibit them by way of PSPO.
- b) Paragraphs 3.3.7 and 3.3.8 do not concern activities which would be capable of being prohibited or required by way of PSPO. In any event, the Council would be unable to enforce any prohibition or requirement against itself or the Police as an organisation.
- c) Paragraphs 3.3.1, 3.3.4, 3.3.6, 3.3.9 and 3.3.10 concern activities which, if prohibited by way of PSPO, are highly likely to significantly interfere with the civil liberties of individuals or groups of individuals in the Borough. To do so would increase the chances of any prohibition or even the entire PSPO being held by the High Court to be unlawful on human rights grounds if challenged by way of Judicial Review. Section 72 of the 2004 Act requires that local authorities must have particular regard to the rights of freedom of expression and freedom of assembly in the Human Rights Act 1998, but any PSPO must have regard to the rights in that Act generally in any event.

3.4 Choices (Options)

- 3.4.1 Cabinet can decide to do nothing. The PSPO made by NBC on 31st March 2017 expired on 31 March 2020 and there are currently no prohibitions in force against any of the activities described within that Order, including prohibitions against the consumption of alcohol in public places and dog owners failing to remove their pets' faeces anywhere in the Borough. This choice is not recommended.
- 3.4.2 Cabinet can decide to make a PSPO for a period of 3 years or lesser period as it deems appropriate in line with the above recommendations. This choice is recommended on the basis that it prohibits only those activities that can be strongly evidenced as being detrimental to the quality of life of those living in the locality of the areas in which they take place.
- 3.4.3 Cabinet can decide to make a PSPO including one or more prohibitions that this report recommends to exclude, or exclude one or more prohibitions that Cabinet has been recommended to included. This choice is not recommended for the same reasons that the choice at paragraph 3.4.2 as set out above is recommended.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The approach supports the multi-agency Countywide Anti-Social Behaviour Policy that Northampton Borough Council is signed up to.

4.1.2 Under Section 17 of the Crime and Disorder Act 1998, any local authorities have a statutory duty to;

“exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs , alcohol and other substances and re-offending ”.

In practice, the Council works in partnership with statutory, non-statutory, community and voluntary agencies to develop and implement strategies and policies for tackling crime, disorder and ASB.

4.2 Resources and Risk

4.2.2 PSPOs can be enforced by both the Police and appropriately authorised persons on behalf of the Council. The aim is that the Council will be the agency to process any Fixed Penalty Notices (“FPNs”) issued to any person found to have breached the PSPO, as an alternative to prosecution, regardless of which agency issues them.

4.2.3 There are financial implications for the Council with regard to new signage if the prohibitions created by the new PSPO are different to that of the Order made in 2017. However, as the current signs have the Northampton Borough Council name and logo, consideration will need to be given to changing them anyway in time for the dissolution of the Council on 31st March 2021 and the creation of the new Local Authority empowered by the 2014 Act to make PSPOs; namely West Northamptonshire Council.

4.2.4 It would be very difficult to make any projection as to the number of FPNs that will be issued and therefore what income can be reasonably be expected to be generated through the making of this PSPO. Any income generated by payment of FPN’s for a PSPO is not required to be directed back into management of the PSPO process as the 2014 Act is silent on this issue.

4.3 Legal

4.3.1 PSPO can be made by a Local Authority in accordance with section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for a maximum of three years if it is satisfied on reasonable grounds that two conditions are satisfied. These are set out at paragraph 3.1.2 above.

- 4.3.2 Section 59 also states that an activity prohibited by way of PSPO may apply to all persons or persons in, or those not in, specified categories and it may apply at all times or only specific times.
- 4.3.3 Section 72 requires the public and specific organisations to be consulted about the prohibitions proposed for inclusion within a and Local Authorities have a duty to consider the responses when deciding to make any PSPO. They only have a power to comply with any demands or requests made by any responses if they deem them to be reasonable.
- 4.3.4. Section 72 also dictates that any PSPO that is made must be published on the local authority's website and notices must be erected on or adjacent to the public place to which the PSPO relates, in sufficient numbers to draw the public's attention to it and its effect.
- 4.3.5 An individual who lives in the area restricted by a PSPO or who regularly works in or visits that area may apply to the High Court to question the validity of that Order by virtue of section 66 of the Act. The only grounds for such an application are that the local authority did not have power to make the Order and/or that the local authority did not comply with a statutory requirement with regard to the making of the PSPO. Any such challenge must be made within 6 weeks of the PSPO being made and the High Court has a discretion whether or not to suspend the operation of the Order until the final determination of the challenge.
- 4.3.6 The High Court may quash any PSPO or any prohibition if it is satisfied that the local authority lacked the power to make the Order or any prohibition or if it is satisfied that the interests of the applicant have been **substantially prejudiced** by a failure to comply with a statutory requirement with regard to the making of the Order.
- 4.3.7 The Act does not give a Local Authority the power to prohibit any activity which is already prohibited by the criminal law.

4.4 Equality and Health

- 4.4.1 Incidents of ASB will continue to be dealt with in line with the Council's equalities framework and in accordance with the Public Sector Equality Duty as it applies to local authorities under section 1 of the Equality Act 2010 .
- 4.4.2 As a result of the requirements of the Public Sector Equality Duty, an Equality Impact Assessment screening has been carried out and can be viewed at Appendix 5. The prohibitions recommended for inclusion in a new PSPO have been assessed in that document so as to ensure that they will not disproportionately affect any persons or group of persons who share any of the protected characteristics detailed in Chapter 1 of the Equality Act 2010.

4.4.3 The recommended prohibitions above are intended to have a significant community impact in continuing to prevent and limit ASB and improve the quality of life for those people living and working in the areas affected by it the most.

4.5 Consultees (Internal and External)

Legal Services
Environmental Health & Licensing Manager, NBC
Community Safety and Engagement Manager, NBC Northants
Police
Cabinet Member for Community Safety and Engagement, NBC
Northants Fire Service
NBC Forums

4.6 How the Proposals deliver Priority Outcomes

4.6.1 One of the Council's priorities is "invest in safer, cleaner neighbourhoods" and the PSPO has the potential to contribute towards this priority.

4.7 Other Implications

5. Appendices

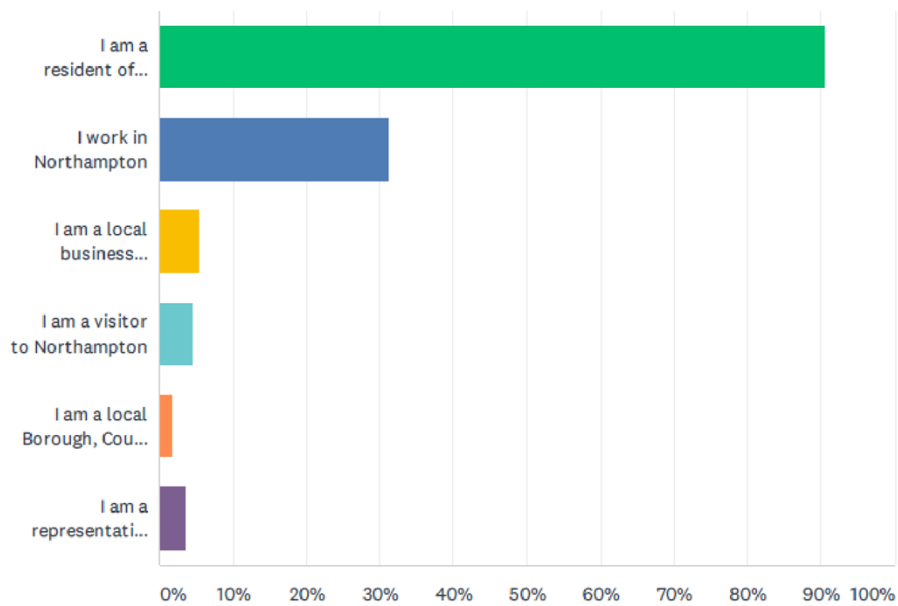
Appendix 1 – Consultation results.
Appendix 2 – Comments made during the consultation.
Appendix 3 – Responses from statutory consultees.
Appendix 4 – Submission from Liberty
Appendix 5 - Equality impact assessment.

6. Background Papers

6.1 Anti-Social Behaviour, Crime & Policing Act 2014
6.2 Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals – August 2019

**George Candler
Chief Executive**

APPENDIX 1 Results of Consultation



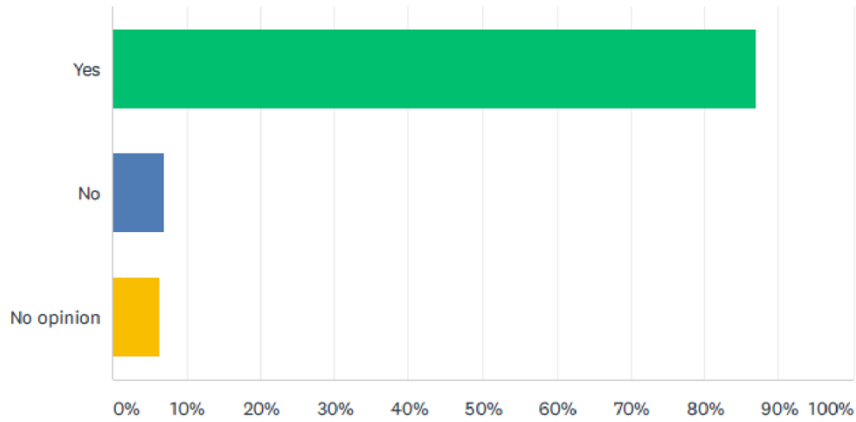
ANSWER CHOICES	RESPONSES	
I am a resident of Northampton	90.68%	467
I work in Northampton	31.07%	160
I am a local business owner/manager	5.44%	28
I am a visitor to Northampton	4.66%	24
I am a local Borough, County or Parish Councillor	1.75%	9
I am a representative from a local community or voluntary group (please state name of group below.	3.50%	18
Total Respondents: 515		

Q2 My postcode is

Answered: 499 Skipped: 16

Q3 Do you feel that consumption of alcohol in public places / street drinking in Northampton (see the area outlined in red in the plan, Appendix 1) leads to, or is likely to lead to, anti-social behaviour?

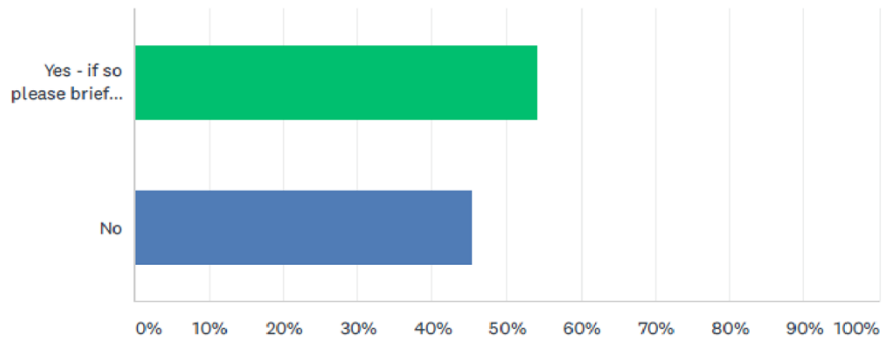
Answered: 512 Skipped: 3



ANSWER CHOICES	RESPONSES
Yes	86.91% 445
No	6.84% 35
No opinion	6.25% 32
TOTAL	512

Q4 Do you have any experience of encountering anti-social behaviour in Northampton that you believe was caused by consumption of alcohol in public places / street drinking?

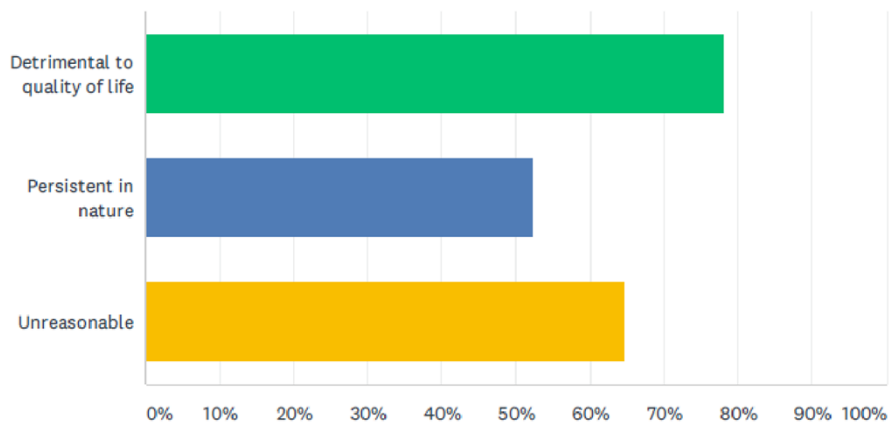
Answered: 512 Skipped: 3



QUIZ STATISTICS			
Percent Correct 99%	Average Score 1.0/1.0 (100%)	Standard Deviation 0.00	Difficulty 4/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes - if so please briefly describe	1/1	54.10%	277
✓ No	1/1	45.31%	232
TOTAL			512

Q5 Do you feel that alcohol fuelled anti-social behaviour in public places in Northampton is, or is likely to be any or all of the following?

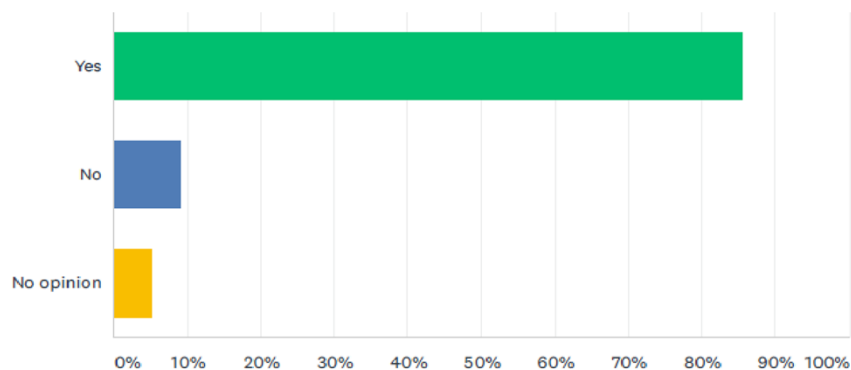
Answered: 484 Skipped: 31



ANSWER CHOICES	RESPONSES	
Detrimental to quality of life	78.10%	378
Persistent in nature	52.27%	253
Unreasonable	64.67%	313
Total Respondents: 484		

Q6 Do you believe that continuing to prohibit consumption of alcohol in public places / street drinking would be justified in order to prevent anti-social behaviour? Please note that consumption of alcohol in public or "street drinking" is not a criminal offence under the current PSPO. It is currently a criminal offence to refuse a request from a police officer or an authorised council officer to stop drinking alcohol in a public place and / or to refuse to surrender any open containers of alcohol. This would continue to be the case under any future Order.

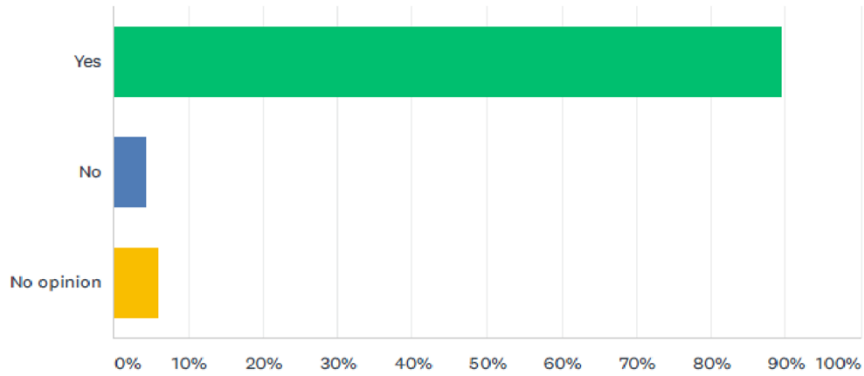
Answered: 510 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	85.49%	436
No	9.22%	47
No opinion	5.29%	27
TOTAL		510

Q7 Do you feel that drug use in public places in Northampton (see the area outlined in red on the plan at Appendix 1) leads to, or is likely to lead to, anti-social behaviour? For the purposes of questions 7, 8, 9 and 10, the Council describes drugs and what used to be called “legal highs” as “intoxicating substances”. It does not include tobacco or prescription medication. Ingesting, injecting or smoking any intoxicating substance is prohibited under the current PSPO.

Answered: 508 Skipped: 7

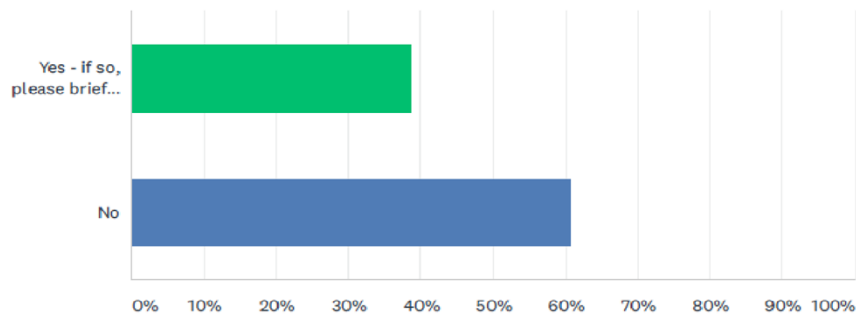


QUIZ STATISTICS			
Percent Correct	Average Score	Standard Deviation	Difficulty
99%	1.0/1.0 (100%)	0.00	4/13

ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	89.57%	455
✓ No	1/1	4.33%	22
✓ No opinion	1/1	6.10%	31
TOTAL			508

Q8 Do you have any experience of encountering anti-social behaviour in Northampton that you believe was caused by drug use in public?

Answered: 512 Skipped: 3

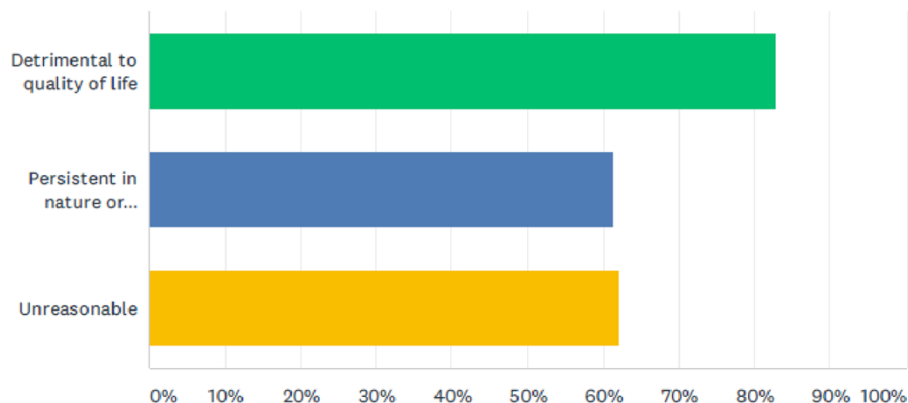


QUIZ STATISTICS			
Percent Correct	Average Score	Standard Deviation	Difficulty
99%	1.0/1.0 (100%)	0.00	4/13

ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes - if so, please briefly describe	1/1	38.67%	198
✓ No	1/1	60.94%	312
TOTAL			512

Q9 Do you feel that anti-social behaviour caused by drug use in public places in Northampton is, or is likely to be, any or all of the following?

Answered: 491 Skipped: 24

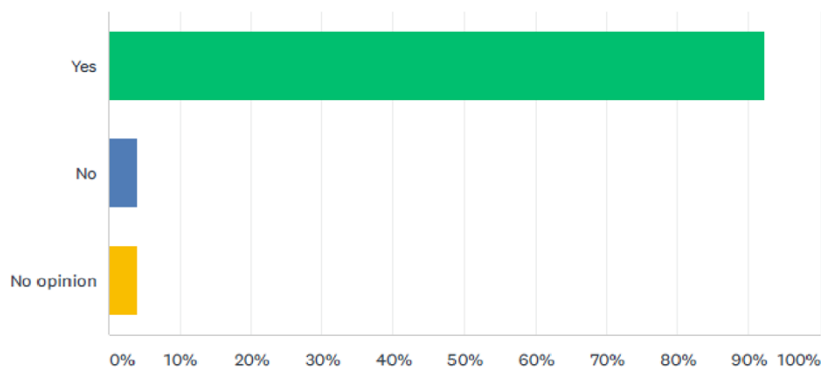


ANSWER CHOICES	RESPONSES	
Detrimental to quality of life	82.89%	407
Persistent in nature or continuing	61.30%	301
Unreasonable	62.12%	305
Total Respondents: 491		

Northampton Borough Council Public Spaces Protection Order 2017 Review

Q10 Do you believe that continuing to prohibit drug use in public places in Northampton would be justified in order to prevent anti-social behaviour?

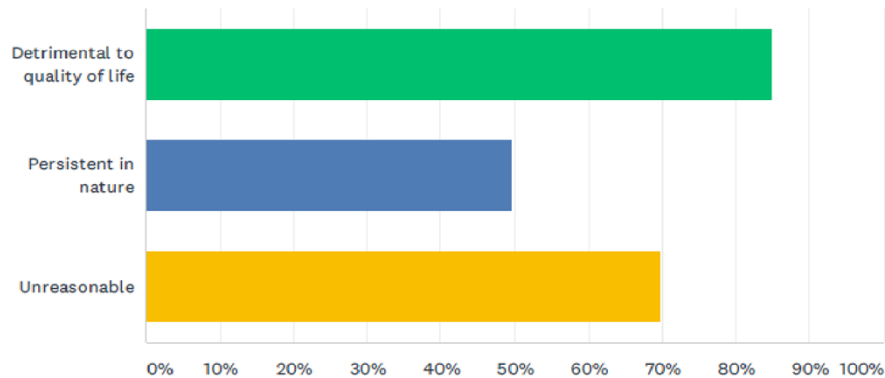
Answered: 512 Skipped: 3



QUIZ STATISTICS			
Percent Correct 99%	Average Score 1.0/1.0 (100%)	Standard Deviation 0.00	Difficulty 4/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	92.19%	472
✓ No	1/1	3.91%	20
✓ No opinion	1/1	3.91%	20
TOTAL			512

Q11 Do you feel that urination and / or defecating in public in Northampton is, or is likely to be, any or all of the following? Please note that the current PSPO prohibits urinating or defecating in public in the whole Borough, as can be seen outlined in red on the plan marked Appendix 1.

Answered: 506 Skipped: 9



QUIZ STATISTICS

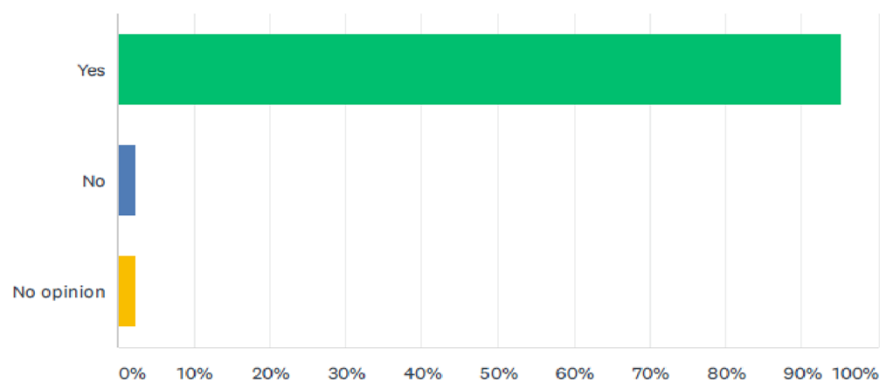
Percent Correct 42% Average Score 2.0/3.0 (68%) Standard Deviation 0.90 Difficulty 2/13

ANSWER CHOICES

ANSWER CHOICES	SCORE	RESPONSES	
✓ Detrimental to quality of life	1/3	84.98%	430
✓ Persistent in nature	1/3	49.60%	251
✓ Unreasonable	1/3	69.96%	354
Total Respondents: 506			

Q12 Do you think continuing to prohibit public urination and / or defecation in public in Northampton would be justified?

Answered: 509 Skipped: 6



QUIZ STATISTICS

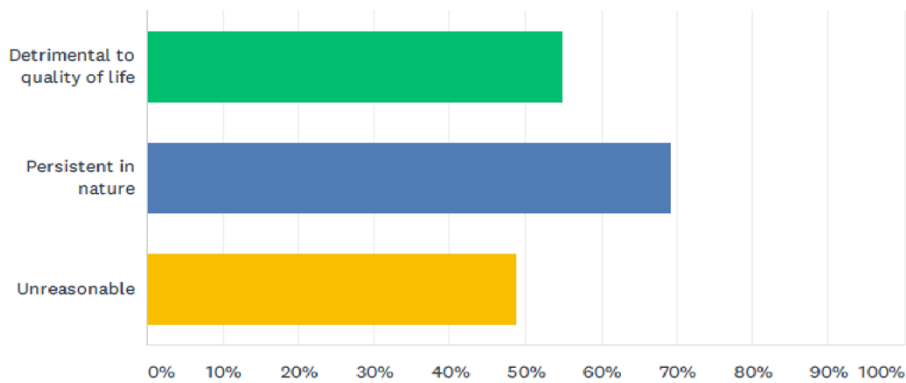
Percent Correct 99% Average Score 1.0/1.0 (100%) Standard Deviation 0.00 Difficulty 4/13

ANSWER CHOICES

ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	95.28%	485
✓ No	1/1	2.36%	12
✓ No opinion	1/1	2.36%	12
TOTAL			509

Q13 Do you feel that begging in public in the areas edged in red on the plans marked as Appendices 1A and 1B is, or is likely to be, any or all of the following? Please note that the current PSPO prohibits begging in public places in two specific areas only, rather than in the whole Borough. The location of these two areas can be found edged in red on the plans marked as Appendices 1A and 1B.

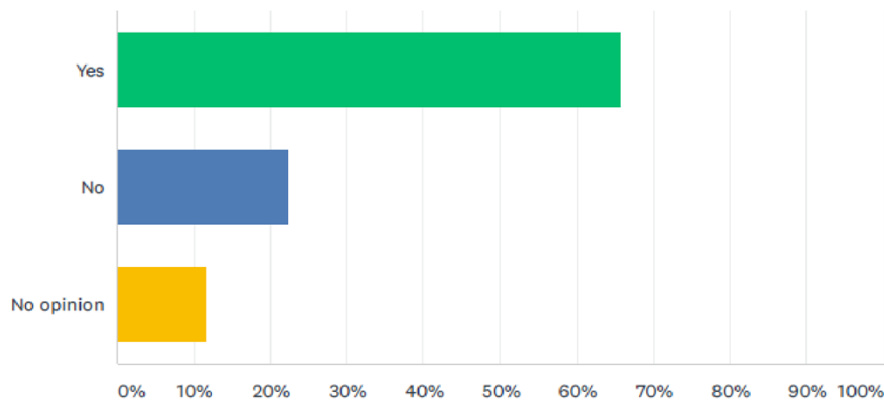
Answered: 439 Skipped: 76



ANSWER CHOICES	RESPONSES
Detrimental to quality of life	54.90% 241
Persistent in nature	69.25% 304
Unreasonable	48.75% 214
Total Respondents: 439	

Q14 Do you think continuing to prohibit begging in public in the same areas would be justified?

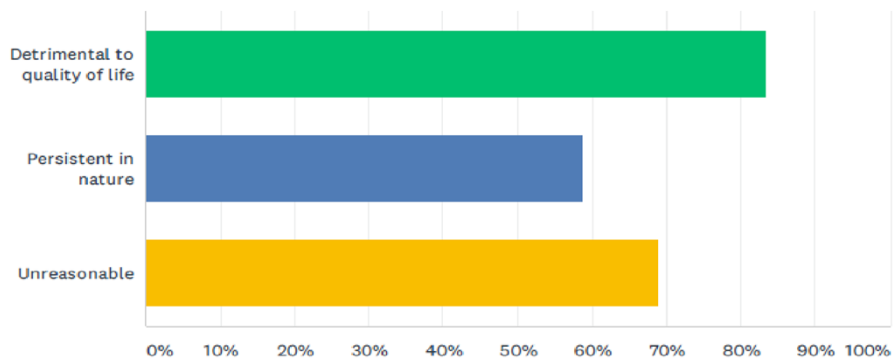
Answered: 508 Skipped: 7



QUIZ STATISTICS			
Percent Correct 99%	Average Score 1.0/1.0 (100%)	Standard Deviation 0.00	Difficulty 4/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	65.75%	334
✓ No	1/1	22.44%	114
✓ No opinion	1/1	11.81%	60
TOTAL			508

Q15 Do you think that dog walkers failing to remove their dog's faeces from all public places in Northampton and disposing of them in a bin is, or is likely to be, any or all of the following?

Answered: 509 Skipped: 6



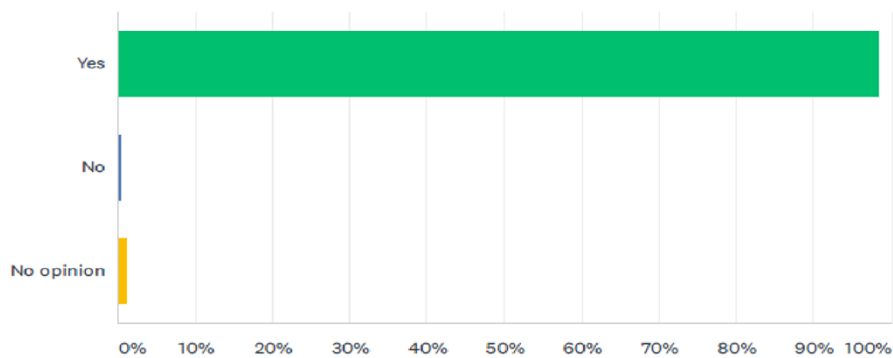
QUIZ STATISTICS

Percent Correct 47% Average Score 2.1/3.0 (70%) Standard Deviation 0.91 Difficulty 3/13

ANSWER CHOICES	SCORE	RESPONSES
✓ Detrimental to quality of life	1/3	83.50% 425
✓ Persistent in nature	1/3	58.74% 299
✓ Unreasonable	1/3	68.76% 350
Total Respondents: 509		

Q16 Do you think continuing to prohibit dog walkers from failing to remove their dog's faeces from all public places in Northampton and requiring them to dispose of them in a bin would be justified? The current PSPO requires dog walkers to remove any faeces (poo) left by their dog in any public place in Northampton, as outlined in red on the plan at Appendix 1.

Answered: 510 Skipped: 5



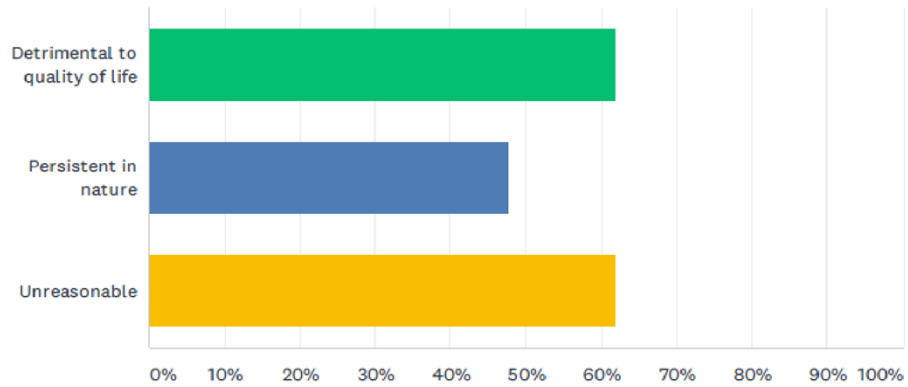
QUIZ STATISTICS

Percent Correct 99% Average Score 1.0/1.0 (100%) Standard Deviation 0.00 Difficulty 4/13

ANSWER CHOICES	SCORE	RESPONSES
✓ Yes	1/1	98.43% 502
✓ No	1/1	0.39% 2
✓ No opinion	1/1	1.18% 6
TOTAL		510

Q17 Do you think that dog walkers allowing their dogs to be off lead in public places in Northampton has, or is likely to have, any of the following? The current PSPO requires dog walkers keep their dogs on a lead in specific places in Northampton (Town Centre, childrens play areas and cemeteries)

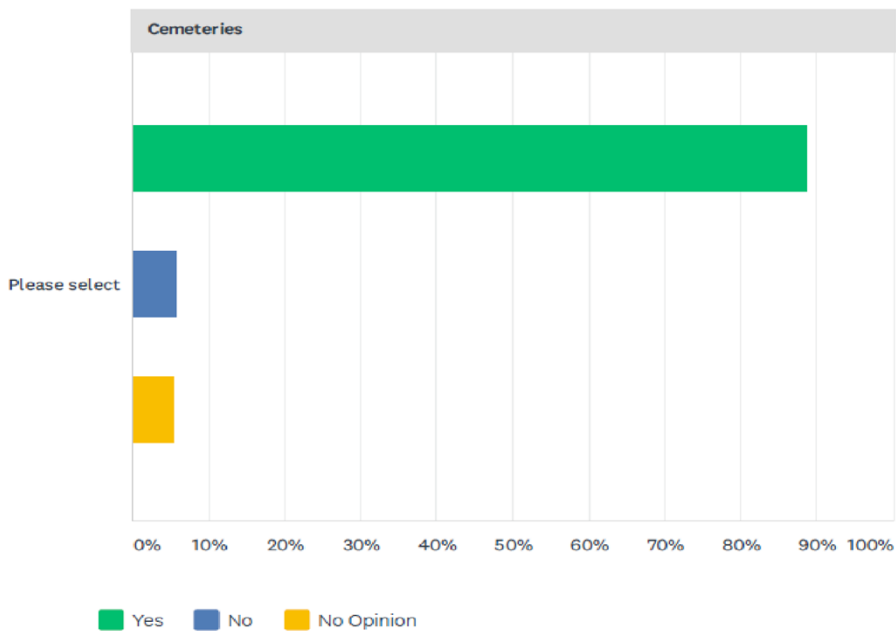
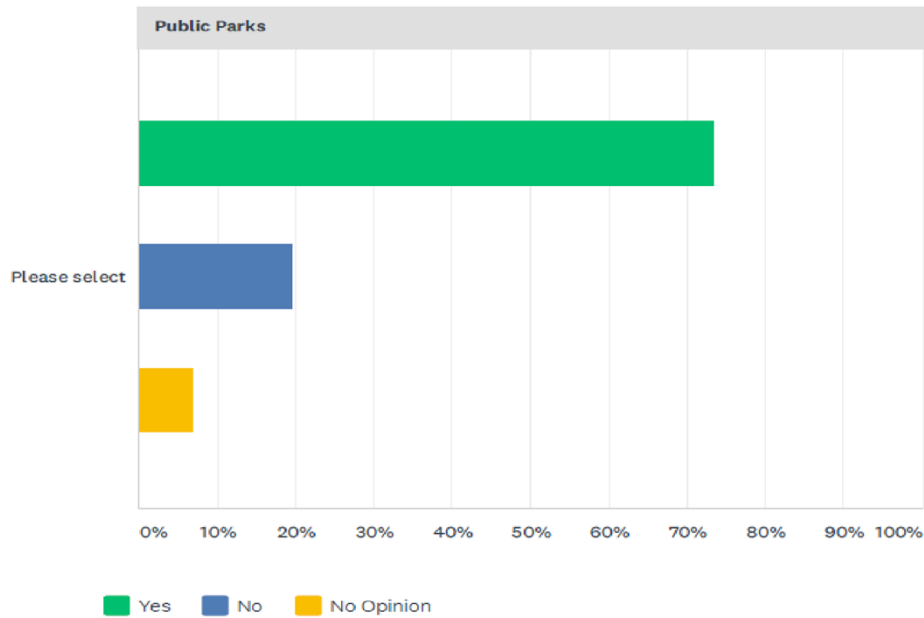
Answered: 422 Skipped: 93



ANSWER CHOICES	RESPONSES	
Detrimental to quality of life	61.85%	261
Persistent in nature	47.63%	201
Unreasonable	61.85%	261
Total Respondents: 422		

Q18 Dogs are currently prohibited from being off lead in the following public places in Northampton; * All children's play areas in public parks, * All cemeteries, * The areas shown edged in red on the plan at Appendix 1A (in effect, the town centre). Do you think that continuing to prohibit dog walkers from allowing dogs to be off lead in the above areas would be justified?

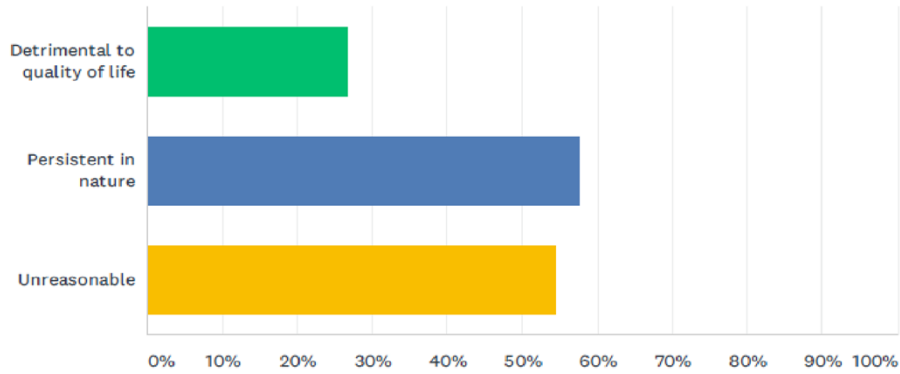
Answered: 502 Skipped: 13



Public Parks				
	YES	NO	NO OPINION	TOTAL
Please select	73.40%	19.60%	7.00%	500
	367	98	35	
Cemeteries				
	YES	NO	NO OPINION	TOTAL
Please select	88.71%	5.95%	5.34%	487
	432	29	26	

Q19 The Council has received complaints about busking and performances of street entertainment, with or without amplified music and singing, in the areas outlined in red on the plans at Appendices 1A and 1B. This is not currently regulated at all by the Council. Do you think busking or performances of street entertainment are, or are likely to be, any of the following

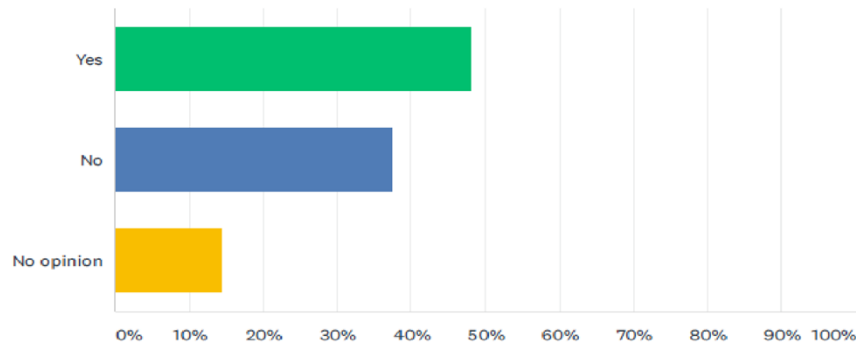
Answered: 291 Skipped: 224



ANSWER CHOICES	RESPONSES
Detrimental to quality of life	26.80% 78
Persistent in nature	57.73% 168
Unreasonable	54.64% 159
Total Respondents: 291	

Q20 The Council has received suggestions that it should consider imposing a time limit on any person busking or performing street entertainment as set out in the previous question. Do you think this would be a good idea?

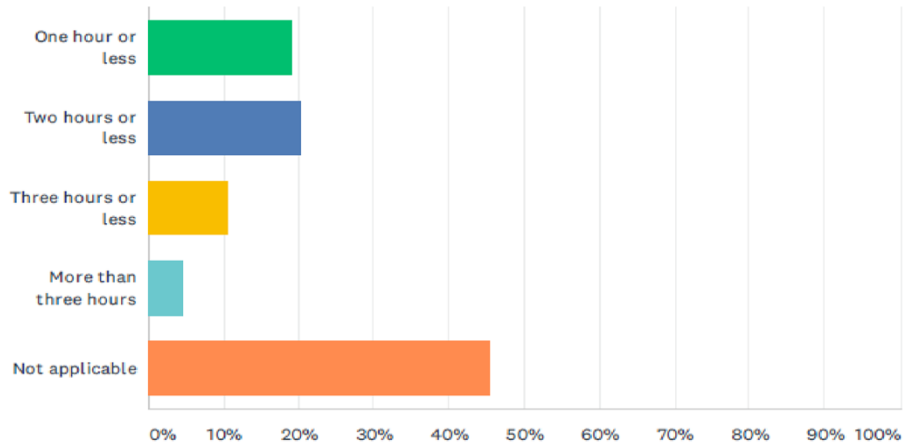
Answered: 507 Skipped: 8



QUIZ STATISTICS			
Percent Correct 98%	Average Score 1.0/1.0 (100%)	Standard Deviation 0.00	Difficulty 4/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	48.13%	244
✓ No	1/1	37.48%	190
✓ No opinion	1/1	14.40%	73
TOTAL			507

Q21 If you think it would be a good idea, what time limit do you think would be appropriate?

Answered: 492 Skipped: 23



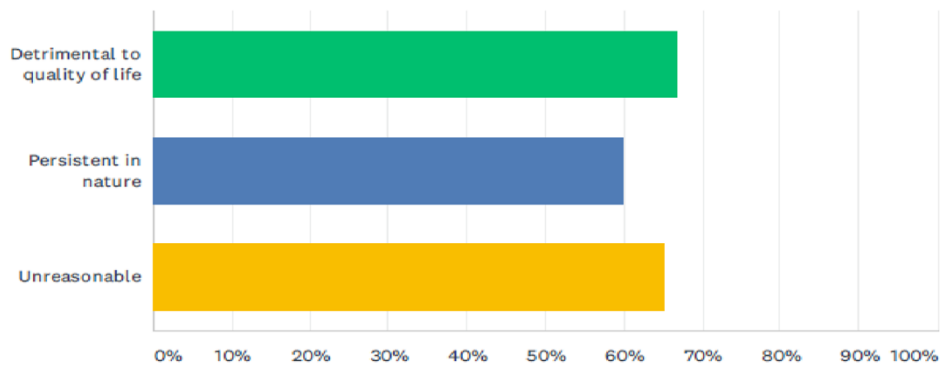
QUIZ STATISTICS

Percent Correct 96% Average Score 1.0/1.0 (100%) Standard Deviation 0.00 Difficulty 4/13

ANSWER CHOICES	SCORE	RESPONSES	
✓ One hour or less	1/1	19.11%	94
✓ Two hours or less	1/1	20.33%	100
✓ Three hours or less	1/1	10.57%	52
✓ More than three hours	1/1	4.67%	23
✓ Not applicable	1/1	45.33%	223
TOTAL			492

Q22 The Council has received complaints about cyclists riding on the pavement in the areas outlined in red on the plans at Appendices 1A and 1B. Do you think that this is, or is likely to have or be, any of the following?

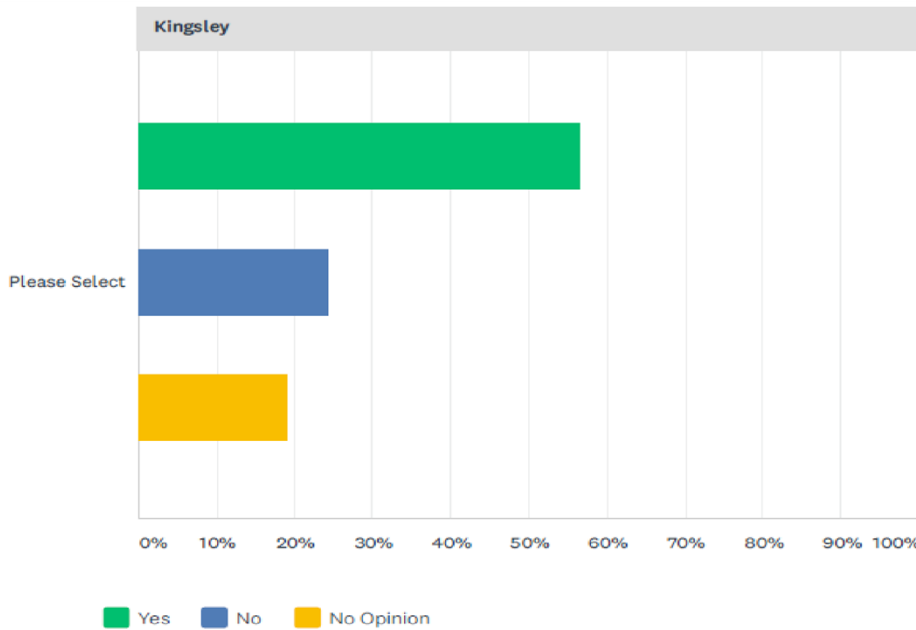
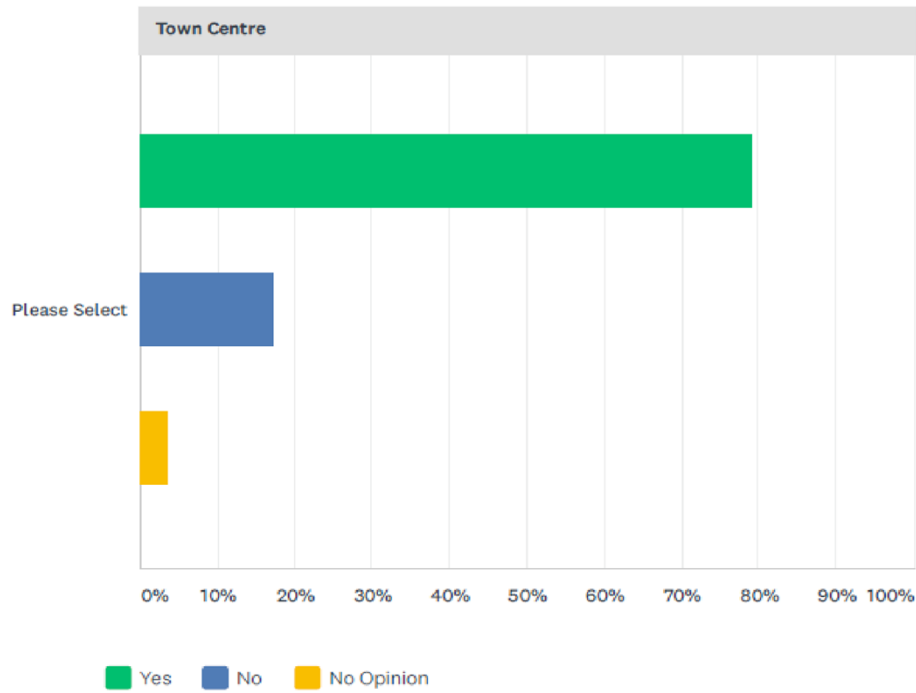
Answered: 441 Skipped: 74



ANSWER CHOICES	RESPONSES	
Detrimental to quality of life	66.89%	295
Persistent in nature	60.09%	265
Unreasonable	65.31%	288
Total Respondents: 441		

Q23 The Council has received suggestions that it should consider imposing a prohibition on any person riding a bicycle on the pavement at any time in the above areas. Do you think this would be justified?

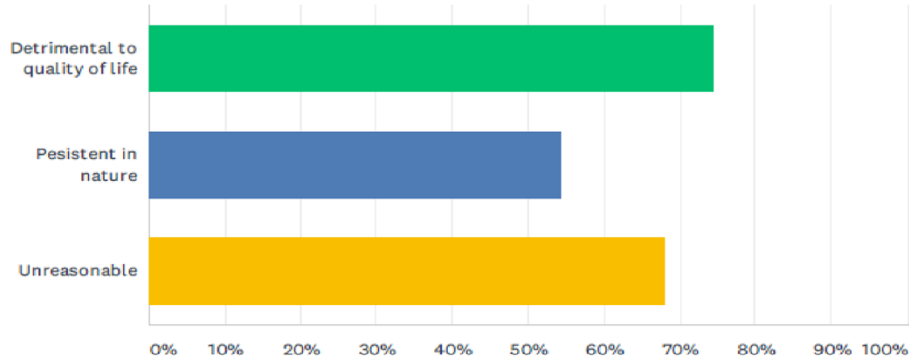
Answered: 502 Skipped: 13



Town Centre				
	YES	NO	NO OPINION	TOTAL
Please Select	79.08%	17.33%	3.59%	502
	397	87	18	
Kingsley				
	YES	NO	NO OPINION	TOTAL
Please Select	56.58%	24.28%	19.14%	486
	275	118	93	

Q24 The Council has also received complaints about persons spitting in public places within the whole of Northampton (see plan at Appendix 1). Do you think that spitting in public places is, or is likely to be, any of the following?

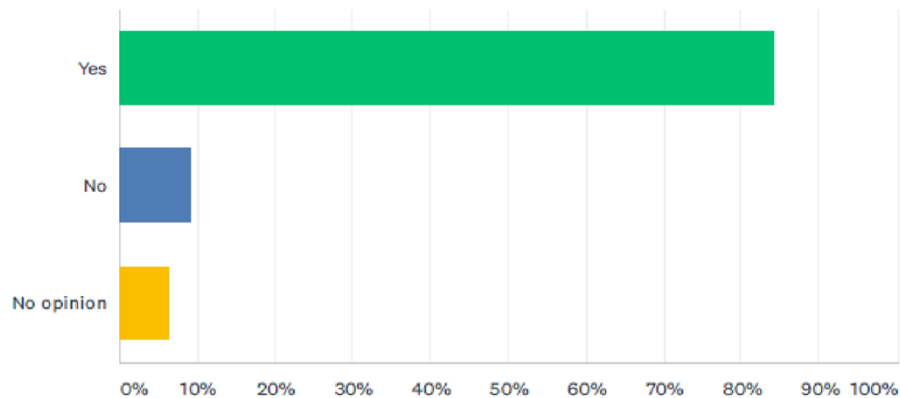
Answered: 477 Skipped: 38



QUIZ STATISTICS			
Percent Correct 37%	Average Score 2.0/3.0 (66%)	Standard Deviation 0.91	Difficulty 1/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Detrimental to quality of life	1/3	74.42%	355
✓ Pesistent in nature	1/3	54.30%	259
✓ Unreasonable	1/3	67.92%	324
Total Respondents: 477			

Q25 Do you think that prohibiting persons from spitting in any public place within Northampton would be justified?

Answered: 506 Skipped: 9



QUIZ STATISTICS			
Percent Correct 98%	Average Score 1.0/1.0 (100%)	Standard Deviation 0.00	Difficulty 4/13
ANSWER CHOICES	SCORE	RESPONSES	
✓ Yes	1/1	84.19%	426
✓ No	1/1	9.29%	47
✓ No opinion	1/1	6.52%	33
TOTAL			506

APPENDIX 2 Comments Made During Consultation

Alcohol & Drugs

- Stop drinking and drugs on the street. Dogs pooping. Cats to be kept in at night
- we need to do something and fast the towns drunks are killing off our once lovely town
- I find it infuriating to see street drinkers using the town centre church yard as a place to drink, I have even seen one person urinate up the side of the church. I am not a religious person, but this is extremely disrespectful. Many of these people are not homeless, so I have no sympathy for them. But I do agree that fining these people will have no effect whatsoever. The council needs to provide more funding to those who provide alcohol and substance abuse programmes to help these people, rather than just imposing fines. drugs and alcohol are the biggest issues we have found, along with littering which is persistent
- Drug and alcohol problems which may cause anti-social behaviour are best tackled through appropriate rehab and support facilities rather than fining people
- Banning alcohol in public spaces far is too broad a statement. It is perfectly socially acceptable to have a summer picnic in a park with a glass of Pimms and this should not be banned
- I avoid town centre because of the 'characters' that loiter at all times of the day. Drug/alcohol misuse is clear to see and litter not dealt with effectively
- Most ASB can be prevented by increasing the facilities in public places to develop pro social behaviours such as public drinking. Problems are with drug use in the main and people's intolerance of different cultures
- Use of drugs in public parks needs to be stopped
- I think a question you have missed is how much drug dealing now takes place within the town, and often in broad daylight. It is so brazenly done that there is no recourse at all. Drug taking, especially with needles, has increased in the town centre and regularly I've seen needles either in the car park behind my place of work or inside my place of work. As for the issue of alcohol consumption - why is alcohol so readily available for people to buy, in large quantities, so early within the day, in the town centre? I've come across many drunks even before 8 a.m., most days in the town centre, which is horrendous. This is a shameful dereliction of responsibility to these people, to allow them to perpetuate their addictions with alcohol with no challenge or barrier, at all
- street drinking and associated ASB and empty doorways filled with drug using rough sleepers is the reason many people avoid the town centre. The town would flourish if this was reduced or eradicated
- Street anti-social behaviour in general, seems to be an increasing issue with drugs and drink appearing high on the list
- If something is to be done about people using drugs and alcohol around Northampton town then you had better try and help the people suffering instead of just moving them on and hoping they won't come back, otherwise you will just annoy everyone that's not some jumped up rich kid, help the poor don't f**k with them
- Drinking in public areas has, I thought, been in force for quite some years and should be a continued ban. I have had eggs thrown at me from the roofs in Abington Street, Also have had abuse from Drug and alcohol users at work.
- Alcohol and drug use are on the rise not just in town centre but in the suburbs too. People are more brazen than once were and should be dealt with more severely. It is also the case that people seek these highs because there is not a lot of other entertainment in the town centre so more events, activities and ideally free activities are needed too

- stop all the drug deals and prostitution being brought and sold from the blocks of flats
- I live next to St Giles church yard and the amount of litter left, the constant drinking and drug use is appalling, I have even seen PSCO's walk through and totally ignore it. Something need to be done

Urination

- There should be public toilets more readily available for use in the town centre
- Witnessed public urination around Kingsthorpe shops. Gross, and occurred at a time when lots of kids & older people around
- If you don't want people to urinate and defecate outside it would be helpful for facilities to be provided There should be more toilets in town-then people wouldn't need to 'do there business' on streets.
- If you don't provide sufficient public toilet facilities, don't be surprised if people urinate in public spaces
- Urinating in public won't be stopped until the Council provide enough decent toilets!

Begging

- Begging has no impact on my life. People who are forced to turn to begging have their lives impacted far more
- I feel intimidated being asked for money by anyone including charities
- Begging generally and drunks/drug users can be very intimidating especially when it is directed towards the elderly
- If there were more provisions in the day for the homeless, begging would not be visible as they'd have a place to go. Prohibiting begging in certain areas would just mean moving the problem to somewhere else down the road. It needs to be tackled head on and provide support for the homeless instead of using punitive measures
- Be It is ridiculous to ban begging, as if life is not hard enough for people living on the streets, how about more action from the council to house people, rather than trying to hide the issue by banning begging. The idea of banning busking is also ridiculous, try busking licenses. There's barely any culture in this town as it is, and you're proposing taking music off the street. Some bars and cafes should be allowed to have outdoor seating areas out the front of their establishments to promote a European cafe culture, which would work great on St. Giles' street if it were to be pedestrianised
- Begging should be stopped as well as people sleeping in doorways.
- Beggars, rough sleepers and drunks staggering around are making a lot of people avoid the town centre
- Street begging and street drinking are my biggest issues. My wife who is Northampton born and bred refuses to come into the town centre. If I didn't work here I would never shop here which is a shame as parts of the town centre are very beautiful and it has potential. I would like a concerted effort by the council and police to clear the streets of beggars and drink and drug takers
- Beggars in the town centre making me feel unsafe. They need to be helped or moved on
- continual begging from BIG ISSUE sellers, not the familiar faces, just the new influx of immigrants

Dogs

- No dogs should be on the market square as food is sold there
- Bradlaugh fields is particularly bad for dogs off leads and owners not picking up mess.

- The Abington area, particularly the park is awash with dog faeces. There should be clear signs about this and enforcement
- Whilst I agree that people should clear away dog faeces, I feel that this should be extended to horses too. I find horse defaecating on paths, walkways and roads far worse than a dog doing so
- When walking to school (Kingsley) my children have to negotiate dog faeces every day. Faeces is often stepped in away some point by a child attending school with the potential odd being walked around in school where children sit on the floor. Definitely hazardous to their health
- Dogs should be kept on leads at all times in public places and only let off in designated areas. This allows those with a fear of dogs to be know when they might meet an unleashed dog.
- Dogs need to be on leads in ALL public parks
- dogs running free in the street scare my kids why not ban dogs not under control by being on a lead everywhere. they shit in my garden
- I think dogs should not be allowed off lead in children's play areas, but if there are other areas of the park that are not specifically for children, the dog is not out of control & the owner picks up their dogs faeces then they should be allowed off lead
- Irresponsible dog owners are my pet hate - If a dog is not controlled by its owner and runs at people and other dogs, it should be kept on a lead at all times. Dogs that are obedient with responsible owners should be allowed to run free off a lead. Living on a park, I have dogs run at myself and my dogs regularly on a daily basis. This is not acceptable, regardless as to whether their dog is friendly or not. Some dog owners allow their dogs to urinate and defecate on people gardens, up their fences and walls and make no attempt to clean up after their pets. Some owners pick up after their pets and toss the bag down. What is the point? We need more Wardens patrolling the park and actually dishing out fines
- Have more bins so people can deposit litter including bagged dog faeces in and around the town and especially in open spaces.
- Dog owners shouldn't let dogs run off lead or jump up-as a disabled person on 2 sticks I've had so many dogs trouble me. So often owners say 'their dog won't hurt you'-They aren't disabled with additional bad leg wound. Unleashed dogs on pavements and cycle paths can be a problem
- I am fed up of encountering dogs off leads on a daily basis in Abington Park. My young child has been barked at by angry/excited dogs within the play area on several occasions and is now reluctant to play there as a result. It ruins the enjoyment of what is otherwise a lovely outdoor space
- Dog owners should keep their dogs on a lead when around the lakes in Abington Park having witnessed a dog attacking a swan and seeing the horrific aftermath of a dog badly injuring another swan that had to be put to sleep

Busking

- Facebook speaks this week - every post, over 50 wants the buskers and all got likes. However, no one is supporting drunks, drugs, dogs, cyclists, spitters!!
- I feel the council is trying to justify making buskers buy a licence by claiming to have had complaints just to try and make money it has lost through poor management. Try looking at high paid, unnecessary staff instead
- Busking is a boon to areas, I love hearing a lot of the often very skilled people who are performing and would welcome an open mic type event or stage within the town centre where they could showcase their talents I think Buskers should be protected. They are just trying to earn a living, and are often in vulnerable situations. I think restricting or banning buskers would

be detrimental to their physical and mental well-being and could well lead to homelessness and starvation

- There should be a heavily enforced time cut off around 9pm for buskers and street entertainers
- I enjoy the buskers, cheers me up to see them
- Busking brings me joy and entertainment when shopping and is a gift to the community. Of course there may be some busking that is considered too loud in which case perhaps it should be required when asked by an authority to turn down or switch off amplification, otherwise, I personally enjoy buskers
- Leave buskers alone. Get rid of the street hawkers.
- I don't think the buskers are a problem. I feel sometimes they can brighten the shopping areas and peoples' moods. They do not beg for cash and generally perform because they enjoy it themselves and bring pleasure to others
- Buskers are ok but often too loud. Keep it but go easy on the amplifiers as it's too intrusive
- Busking is generally entertaining and brightens the town up, especially in Summer and at Christmas Time. Not an anti-social activity at all • No problem with buskers - they liven the place up!
- This survey is not worded well... I would like to see more busking in Northampton. It makes the town feel more vibrant. I don't think that they should be in one place for a whole day for their own welfare
- With regard to busking you ask if a time limit should be considered, I answered no but I actually mean it should not be allowed at all and this option was not available to select. I fully support all efforts to make the town more appealing, safer and cleaner for all
- busking: busking is culturally important, and there is no benefit in time restricting. For some this is a single income stream. My advice, walk a mile in their shoes before imposing unnecessary rules
- Northampton has some talented buskers and we should promote their performances. I personally enjoy walking through the town at the end of the day and listening to the music our local buskers are playing. Stop pandering to those who complain and leave them be.
- I would like to add that I do not object to street buskers who do not use amplifiers. Those who do use them are far too loud and can be heard from a great distance away. Amplifiers should be banned. Those without should be allowed to busk. They have a beneficial impact on the town centre
- I enjoy the buskers, cheers me up to see them
- Ban buskers altogether. Especially the bagpipes man on Abington Street. And the preachers with microphones
- Busking SHOULD NOT be banned or even ticketed by an officer. It's often pleasant to be in town Centre and hear something nice. The town Centre is depressing enough without it being silent too
- Consider licensing buskers to control better, there is a difference between a musician creating a living from entertaining and someone putting down a cap and just singing
- Quality busking should be encouraged and controlled by NBC
- Give buskers to opportunity to apply for a licence and be assessed on their ability. Give them specific places and times that they can play
- The banking of busking from the town centre would have a negative effect on the atmosphere of the area. An organized form of busking should be considered to make the centre more vibrant. I have seen the effect of busking in centre across the country and the result makes the area a more enjoyable experience

- I hope you will not ban buskers; many add to the atmosphere in the town. But at busy times they can cause an obstruction so being able to make them move on after half an hour in one place would offer a degree of control. I believe some years ago Nottingham required that a busker obtain a licence (which was free) on condition applicants demonstrated a degree of musical ability but I don't remember how or who was the judge or if this still continue
- Busking is a positive contribution to our town centre
- I think that a limit on the number of buskers in an area would be a good idea
- Maybe offering the buskers places around the market square to entertain lots of people enjoy listening to local talent
- No problem with busking - they can add to the environment!
- Busking of quality entertainment can add character to areas and as our town is hideous a need to have something attractive
- Buskers should be auditioned, as happens in my former hometown in Brisbane, Australia

Cycling

- Cycling on pavements is dangerous, particularly on Cliftonville road. This is a narrow pavement next to a bust road and cyclists seems oblivious to pedestrians
- Cycling on pavements is dangerous, particularly on Cliftonville road. This is a narrow pavement next to a bust road and cyclists seems oblivious to pedestrians
- Numbers 22 and 23 - while I agree that cycling on the pavement is not acceptable, simply banning it is not the answer. It is clearly not safe to cycle on the road in many of the places outlined. We need to provide proper segregated cycle routes in order to address this issue and make the town better for everyone. We need to be doing everything we can to get more people to cycle rather than drive, as stated in the policies of central government and the county council Small children practicing cycling on pavements should be allowed. Teens and above going at speed should not
- Wellingborough Road to town is not a cycle friendly for work commuters / school children, sort out a cycle scheme, improve the already lacking infrastructure available. Get some form of recycle incentive machine /scheme (cans bottles etc) in this town.
- Almost knocked over by someone cycling on the pavement on Wellingborough road. Danger to health especially for the less able people
- In Kingsley I have often almost been knocked over by cyclists on the path and received verbal abuse from the cyclist
- I nearly got knocked over by a cyclist when I was heavily pregnant
- The current PSPO seems to have worked well and extending this to include spitting and pavement cycling is to be welcomed ensure cyclists have dedicated cycle lanes, especially along major roads, but do away with joint footpath/cycle paths. These encourage cyclists to use pavements instead of roads. If not possible, make it mandatory for all cyclists to have a bell on their bikes to warn pedestrians of their approach
- I've been almost knocked down and then sworn at by kid on bike in town centre
- As a pedestrian I have been hit by cyclists 3 times, with many near misses. Once I was pushing a Pram with a new-born in it. Cyclists need to be off the pavements everywhere, and someone needs to be monitoring it. It is after all a criminal offence
- There are few safe cycle routes around the town centre so I think people who feel unsafe on the road should be able to cycle responsibly on pavements
- follow European model and place cycling lanes through pedestrianised areas. The cycling lane provision in this town is shockingly poor and in fact puts cyclists at danger when forced to use the road.

- There needs to be more safer routes of cyclists, you have to ask why people are cycling on the pavement in these areas. I personally would never cycle down the Kingsley front due to cars opening doors into the road without checking their mirrors for cycling. It's dangerous, and I'd happily take repeated fines than risk my life. The same applies for the town centre and billing road. Highways England have recently made it worse for cyclists on the Wellingborough road despite apposition during their consultation. The rest of the world seems to be making the roads more accessible for cyclists, and we seem to be going backwards. Why?
- Whilst cycling on the pavements in town is a nuisance, the Council need to provide better cycle infrastructure (as part of a joined up network) in these areas to allow a clear and safe access to town for cyclists and pedestrians.
- Cyclists going through the town centre do so at speed . They are not young children they are generally adults . It is dangerous as we do not expect to need to dodge cyclists at speed on the pavements. The same situation arises in Kingsthorpe
- Cyclists on pavements all over Northampton a hazard and needs action especially as most are adults
- My personal annoyance is cyclists on the pavement. I have been placed in danger of being knocked over on many occasions. People should be made aware of the dangers and CCTV footage used to prosecute them
- I think cycling on pavements is only a problem if the cyclist is inconsiderate e.g. Cycling fast, not giving way to pedestrians etc. However as Northampton is woefully inadequate in respect of providing safe cycle paths and as the roads are so busy I think it is understandable that cyclists feel the need to use the pavements and as long as they are careful and respectful of pedestrians I think they should be allowed to. I would urged the council to invest in better cycling infrastructure to help with reducing air pollution, reducing carbon emissions and encouraging people to take more exercise
- Cycling on pavements is thoroughly dangerous. No bells or any regard for pedestrians in most cases
- Until the roads improve for cyclists we will often be forced into the pavement for our own safety
- I am 74 years old and at the age of 11 enforced previous information by the school cycling scheme that cycling on any pavement was illegal. This still seems to follow through with current school instructors. We do have combined cycle tracks and footpaths which are clearly marked. Why then are your above proposals not town wide? If it is the law it is the law and should be administered by those we pay for to uphold the law. Cycling in Abington Park, in this context private land, is prohibited by local bye laws with signs indicating this prohibition. Why is this order not extended to paths in Public Parks that do not have sign posted cycle ways within them
- Cyclist are an issue in the town as are motorbikes. Causing disturbance and endangering the public.
- Cyclists riding on the pavement in Kingsthorpe are a danger.
- It is just very unpleasant and in some cases (especially cycling on the pavement) dangerous
- Provision for cyclists who have the use the roads at peak times (8-9am 5-6pm) would reduce use of public footpaths as cycle ways
- Surely cycling on pavement is illegal. Police should intervene

- cycling on pavements is prolific and I have nearly been run over by cyclists previously! but I do think that cycling on the roads is difficult and at times unsafe. I have stopped cycling due to concerns over safety
- a bike on pavement Kingsley Park Terrace-came from behind & caught one of my sticks in front wheel-as I was walking it jarred my neck. This was a few months ago-neck still painful from it I am particularly concerned about motorists in Northampton. I have witnessed far too many jumps at red lights, failure to stop at pedestrian crossings, vehicles in advance stop boxes which are dedicated to cyclists. I find that there are also unsafe potholes for cyclists, which do not meet classification for repair. I consider that these barriers to cycling which is a healthy lifestyle to be to the detriment of those making good environmental and healthy choices. I consider that cyclists should be encouraged and on that basis improved provision should be made. This would include dedicated and shared cycle lines with pedestrians, better bicycle parking, safe spaces on roads, And consideration of routes which are short and easy to cycle, An example of a route which is not easy to cycle is Dychurch Lane which is lumpy (Road surface), bumpy (cobbed in places), often badly parked by delivery lorries, obstructed by bins, misunderstood by drivers and has no obvious places for pedestrians to walk
- I live in Kingsley and there are many cyclists on the pavement, the amount of near misses to the public is unreasonable we have a lot of elderly and they are worried to walk around streets. Cars speeding along ketteringbriad please put speed camera back on Kingsley park terrace there will be a terrible accident. Shoppers going into the capital shops on Kingsley park terrace t Parking in the Bus stop with no regard to passengers one bus couldn't pull in as the passenger was in a wheelchair I have actually fallen off the step of the bus due to having to get off by the tree because the bus couldn't park. No traffic wardens either
- Northampton desperately need fully segregated cycling infrastructure. As a cyclist I feel very vulnerable and unsafe cycling around Northampton - it's not a nice experience as it is the Netherlands. If Northampton is to take it's climate change obligations seriously then we need to get more people cycling, but they won't want to do this if it's dangerous
- Cycling on pavements must be an obvious case of "Health and safety" and to ignore that is to encourage accidents to happen.
- Regarding cycling, adults and teenagers should be prohibited, but common sense applied for younger children (do you really want a 5 year old to cycle on the road along Wellingborough Road for example)
- Instead of targeting cyclists as criminals, maybe work with Highways and looks at updating out road systems to make safe spaces for cyclists. The Council did agree to taking steps to becoming greener afterway. Your blaming the wrong people.
- Cycling in the town centre is prohibited in the first place! Cyclists on pavements are very dangerous, especially to those who cannot hear or see
- Adults riding bikes on the path is a major problem
- I always thought cycling on pavements was illegal, but this is a problem all over Northampton, e.g. along the Billing and Wellingborough Roads, where it is dangerous given the speeds and lack of consideration for pedestrians. My husband has been hit by cyclists twice, when coming out of a shop on the Wellingborough Road
- More and safer roads for cyclists, in order to prevent them from using the pavements. Roads feel very unsafe. Having more safe areas would be hella. Limiting busking limits freedom of expression
- Cycling in the town centre is a natural symptom of a confusing disjointed road network, this affects pedestrians too, particularly since the demolition of Greyfriars bus station. I sometimes cycle into town, since I work in the town centre, and it's a right royal pain in the

backside, the roads just peter out when you get to Abington street and to go around is an annoying detour. The volume of traffic also deters people from using the roads. I would suggest we need investment in public transport, investment in safe, clearly marked cycle routes and for driving in town to be dis-incentivised.

- If you want people not to cycle on the pavement then improve the cycling infrastructure of the town and take action against aggressive drivers. Also, protect and improve pedestrian areas, including acting on pavement parking, parking on corners, blocking crossing points (where the kerb has been lowered) and improve public transport
- Cycling in Abington Street, where there is clear signage that it is not permitted and spitting (which is disgusting) are the worst
- Cycling on Northampton Roads is extremely dangerous. I cycle where possible on roads but on paths where safe for all
- As an older person with some loss of hearing cycling on pavements can be especially hazardous for me. Most of the other activities are just unpleasant and make me not want to visit certain areas
- Pavement cycling seems to be getting worse all around town, especially on the Wellingborough Rd, where no sign of people being stopped and fined as on the signage
- I agree with all points except the cycling issue. It is not the activity that is the issue, but the user's and their lack of awareness/ignorance to other users that is the issue
- Everywhere in Europe seems to be taking steps to encourage cycling over driving, however, in Northampton, the reverse is happening. Northamptonshire Highways are currently removing a cycle lane from the Wellingborough road. I personally do not cycle on any paths in Northampton, but as the roads are becoming more dangerous, I can see why some choose to cycle on the path. It is interesting that Kingsley is mentioned in this consultation as this one of the roads I refuse to cycle down in Northampton due to motorists opening their stationary cars into oncoming cyclist traffic, the same applies to the Kettering road. The billing road just sees idiotic parents sitting in cycle paths who drop their children off at the boys school. The headteacher is more than aware of this ongoing issue. I've previously complained after being knocked off. Regarding buskers, let them play their music, I'd love to see who has complained, no doubt the business owning counsellors of the town and nobody else!
- Cyclists riding on areas marked already as 'no cycling' are a nuisance and have no regard for people trying to walk on a Pedestrian area. There are council authorised people who seem to ignore things in front of them. If you do any of these orders you need to enforce them properly. If the town was cleaner people would respect it more. Veolia needs to step up to fulfil its contract.
- As a cyclist, being forced to cycle on roads could be very dangerous without proper cycle lanes due to motorists poor attitude towards cyclists on roads
- Cyclists on pavements are a nuisance and dangerous. Now I'm an OAP I notice this more. We were told it was against the law to cycle on pavements, this should be enforced. Also enforce no cycling in Abington Street
- Bikes on path and skateboards going up and down Cliftonville Road, Northampton
- People cycle on the path in town because there are no cycle routes, its risk getting killed on the road or annoy a few mindless pedestrians not looking where they are going. Cycling on the footway is already an offence under the Road Traffic Act. Further sanction is unnecessary
- As a cyclist I can let you know that the roads are very often a dangerous place here in Northampton, and most of your cycle routes and roads are in a terrible state

- People wouldn't be cycling on the footpaths if there was adequate cycling infrastructure in / around town Centre
- If you had proper cycling infrastructure, you wouldn't have this problem. The town is laughably behind in this in most areas
- You must install Dutch style cycle infrastructure if you want safe streets for all . You cannot impose fines on cyclists if you don't offer a safe alternative to the pavement when car drivers do not follow Police and Highway code instructions
- The roads are not safe enough to ride in due to the lack of cycle lanes and the persistence of people parking in the cycle lanes, e.g. Rushmore road. Park across north is wide enough to allow cyclists safely on the path, which they do so mark it so they can. Make it easier and safer for cyclists and you'll get more people cycling which would mean less drivers and cars in the road in town. A fence around the play area at Abington park would be ideal to stop people taking dogs in there. The park is big enough for dog walkers to take their dogs but keeping them away from the play area will keep children safe and stop fouling. And I say that as a dog owner
- Ref cycling. At many junctions in the town it is impossible for a cyclist to remain safely on the road e.g. White Elephant junction, they must be allowed to use the pavement.
- Regarding cycling on pavements. Cycling at a speed similar to walking poses no danger. However, cycling on the roads when there is no segregated lane is dangerous
- Taking care of our existing cycling infrastructure (e.g. cleaning slippery leaves out, removing potholes), and adding actual segregated cycleways would promote cycling without causing conflict
- Segregated cycling to alleviate cycling on pavement and to increase this greener transport by making it safer
- Please provide more cycle lanes to encourage sustainable transport and make the town safer for cyclists
- Cycling is not detrimental to the quality of life. Please prohibit motoring in the town centre (air quality) and parking on pavements throughout the borough (harmful to pedestrians, wheelchair users and those pushing prams; also persistent
- The council have not provided a full segregated cycle network which forces people to cycle on the pavement out of safety concerns. The mixture of shared paths also creates confusion for cyclists as the network appears to abruptly end and provide no guidance on what route to use next. Therefore, cyclists continue to use the pavement as it appears to be a continuation of the route. The cycling ban should be lifted on Abington street and replaced with cycle with caution signs. The majority of people cycling on the street do so in a conscientious and considerate manner. It is a vital street for connecting a safe cycling route. People 'wheelieing' or riding too fast on Abington street should be told to stop. Providing a complete segregated cycle network would stop people cycling on the pavement and would cost considerably less than car lane expansions or new roads
- How could limiting cycle use in town be justified when it's healthy and environmentally friendly ! Should be encouraged, not the opposite
- Need to be more healthy and good to the environment. We need to get more people on bikes and public transport. I know this issue of cyclist is mainly caused by wheelie kids and people being scared to ride on roads
- As a responsible cyclist I feel Northampton's safe cycle provision is inadequate and improving this will reduce congestion and pollution however educating cyclists who ride on pavements that pedestrians have priority should be encouraged. More safe road routes though please

- Build some segregated cycling infrastructure and people won't have to ride on pavements

Spitting

- With the current virus crisis spitting is of particular concern
- Spitting - disgusting any time, (use drains or bins if you have to), esp. with CV19 on the way
- To add to spitting, I'm against it but understand at times its necessary. I always deliberately spit into the gutter or a drain if I can find one. Spitting randomly is out of order
- Seeing spit on the floor or objects is unhygienic and disgusting (especially with current epidemic). It should be clamped down on
- The spitting issue I 100 percent agree with, it's absolutely vile, way too many times I've stood in some germ ridden splatter of glob wanting to be sick. Absolutely no need
- Spitting carries disease and should be banned and people who do it should be fined, Heavily
- Spitting is dirty, disgusting and spreads viruses etc
- Spitting in public is offensive, is unhygienic and can spread illnesses or germs, so again, I think there is a "Health and safety" issue at stake rather than just it being impolite
- Spitting, dropping of litter, gum, fly tipping - all are constant in all areas of town, and impact upon quality of life
- As we have seen from the Chinese experience, the habit of spitting in public increases the spread of disease as well as being unpleasant to others
- I'd love to know how you intend to stop someone from spitting? The question is somewhat ridiculous
- There needs to be engagement with immigrant community regarding spitting. This is a cultural issue which may be acceptable in other counties so the new population may not realise that local residents find it unacceptable
- I think one has to be a little bit careful about the penalties for spitting. Some of them are really delightful and community spirited residents whose lives originated in the Indian subcontinent to believe that it is healthy to clear ones throat and spit into the gutter and I feel that we can't penalised someone for the way their culture teaches them to behave health wise
- The spitting thing, yes it's disgusting but where do you draw the line for illnesses and spitting out a disgusting drink etc? Would I be fined if I was to do this over an open drain but missed a little?
- I have had someone clear their nasal passage through spitting and be directly hit by it, unintentionally
- Spitting is probably the worst one mentioned in the survey, it's disgusting & there is absolutely no need to do it

General Comments

- I am raising a young family in this area and because I want to protect my I feel very strongly about stopping some of the anti-social behaviour described in the survey. All of which happen in the highlighted area of Kingsley. It would be good to have an email address where we could anonymously send footage of this antisocial behaviour so it can be quickly dealt with
- Society must uphold decent and proper minimum standards of behaviour at all times and places in public, without maintaining such standards life will become deplorable. Don't let slack and low standards drag the rest of decent society down wo their depths

-
- If certain activities were banned in certain areas where are the staff coming from to enforce it.
I think NBC need to look at why some of these behaviours occur - or drugs and alcohol and be looking at strategies to deal with the cause rather than the symptom. Why would anyone object to busking some notable artists began their careers busking - Dermot Kennedy to name one. There are some really miserable people in this town
- All of the activities in this survey have had an impact on my decision as to whether I use the town centre or not and unfortunately it shows, as I go elsewhere. Perhaps having controlled zones where some of these activities can continue would be the answer
- I avoid going into Northampton because of these behaviours
- A lot of the drinking, drug taking, urinating, begging etc is from the homeless people living in the town centre, if the council were to deal with these people and find them a shelter they wouldn't be in the town centre! Homelessness is the real issue here not buskers
- There is a problem with cleanliness in the town centre. There are practically no public toilets available once shops are closing. This is something the council could address and would help with the problem of public urination etc. Street entertainers are not antisocial in nature and I never see them performing very early in the morning or very late at night to warrant a noise complaint. I do find it unacceptable to treat street performers as antisocial
- Most of the above activities can be attributed to the homeless issue in Northampton. If that can be sorted there would be less incidents of anti-social behaviour
- Most of this needs controlling AND enforcing. You will fail to enforce it. Also look at disposing of litter and chewing gum
- It just adds to the general malaise. Northampton is a run-down dirty place that I'd rather not visit. I go to other towns to shop
- Busking and cycling-no problem. Spitting, dog fouling, drinking and drug use-prosecute!
- Littering, dog mess, spitting, swearing in public, shouting unnecessarily
- These are all obvious answers to anybody who lives in this town. Come down hard on people who think its ok to allow drinking at 9am. Spitting in the street is just disgusting, Automatic on the spot fine
- I just wish something was done when reported
- I don't think busking should be criminalised, nor should cycling on the pavement be criminalised, however anti-social. We should avoid giving young people criminal records for things which may be illegal but are not actually crimes. Otherwise I would have a record as I have had points for speeding! Also it should be possible to have picnics with wine and beer in Becketts park and places like this
- The fact that these elements are included in your survey highlight how they need to be controlled or preferably eliminated
- Littering is also anti-social and continues to happen. Especially that left behind by the homeless and street drinkers. I Think all street entertainment should be pre-arranged. I don't not go into town to be sang at badly or preached at about religion
- If the council and police were to actually enforce any of the above there would be an improved quality of life for all. But as the council don't care about anything other than lining their own pockets and wasting the tax money taken from me I don't see anything changing. Also police help and presence would help with above issues but they only will help if the antisocial behaviour is caused by someone doing 35 in a 30 zone
- Priorities for me are ultimately relating to actions by others which mean I am prevented from access to the areas by virtue of concern for my own health and safety. I currently avoid

entering the centre of Northampton because I feel intimidated by people urinating and defaecating on the pavement, being under the influence of alcohol and other substances even during the daytime

- More police presence moving & dispersing groups needed
- My walk to work is often littered with vomit, faeces, general spoils of the night before , broken bottles . When I go out at lunch time there are piles of bedding and belongings from the homeless in empty shop doorways . This is unpleasant and intimidating, esp. in the Drapery area when waiting for buses. I no longer come to Northampton unless it is to work - I chose to shop either in MK or Birmingham . The Town centre is a thoroughly unpleasant area
- Why has lower, town end of Kettering Road not been included in the proposal: (White Elephant/Old Racecourse down to town/Steffans jewelers) ? Have witnessed poor behaviour as survey questionnaire there
- I think some action should be taken everywhere within the borough not just in particular areas
- The prohibitions & controls should be extended to ALL public places, including parks, cemeteries, churchyards and the like throughout the whole of the Borough
- any rules, prohibitions etc. only make sense if they are then controlled and enforced
- I find everything you have mentioned to be anti-social. We need to make Northampton a nicer place to visit
- Drinking, drug taking, defecating, urinating and spitting in public places are all disgusting activities which should be clamped down on. The council needs to provide cycle paths and stop persecuting people who are helping cut down on carbon emission
- There needs to be adequate and appropriate support in place for people that are going to be engaging in these behaviours who are vulnerable for one reason or another. You can't be reactive and punish people without having proactive support in place
- Very few have. Town centre is a downtrodden area and this survey just appears to want to have a bullying enforcement
- The environmental wardens should spend less time waiting for smokers to drop cigarette butts and more stopping idiots on bikes and smoking weed on the market square
- The town is not the place it was and not a pleasure to visit
- Can the above areas be expanded to include Kingsthorpe shopping Front?
- Most of the activities are not 'policed' or enforced effectively - this renders the Order and this survey somewhat pointless. The potential powers need to be used effectively to provide any benefit. One only has to walk around the area to see multiple examples daily of the activities in question and the absence of anyone or anything to prevent them. 'Quality of life' will only improve if what is being done now is changed; the present approach clearly isn't working.
- I feel some of this is slightly over the top and people will continue to carry out certain behaviours regardless. Surely there can be better things to focus time and money on in the town
- Please extend the PSPO to and including Racecourse. In the past restrictions have moved drunks from town centre & onto Racecourse. Police need to be more committed to dealing with the issues
- I oppose most of the measures listed, even where I see there is a problem, because I see that they are symptomatic of deeper problems within the town centre and they are pitched directly at homeless people who are already vulnerable and don't need to be stung with

-

punitive measures. If you want to stop their behaviour then invest in them as people. The most anti-social drinkers are not the ones drinking on the street, they're the ones who head into the pubs and clubs spoiling for a fight or drink until they have no idea what they're doing. Rather than persecuting street drinkers it would be more effective to target them.

- Perhaps those places should all close by midnight? On the subject of busking, I am extremely opposed to any measures which restrict people's freedom of expression to perform music on the street. We have some good buskers and some not so good ones, but I respect them all. Some of them are using their respective talents to earn something instead of begging. See above: more investment required. Prohibiting people from spitting is also problematic. Yes, ideally, it would be polite if people didn't, but imposing fines is too much. If an insect flies into my mouth what do you want me to do, swallow it? Sometimes it's reasonable to spit. Some of us find it necessary during exercise. Again, I do not think this is the problem. I think there is someone, or some group, which you do not like, who sometimes does this. How could you help them?
- All the above are classic examples of unsociable behaviour which I feel is endemic in Northampton. All the above is however pointless if not enforced, enforcement I am not currently seeing
- All of the above (except for busking) are issues that have a detrimental effect on the public visiting the town centre. It's good to clamp down on these issues but they need to be strongly enforced. For example, drug dealing has been rife in town for a long time now yet dealers rarely hide their activities now. There are numerous reports of public dropping cigarette ends (which needs addressing) but drinking, drugs, graffiti etc are all bigger issues that need eliminating. Add violence and knife crime to the list too.
- I would include Marefair and railway station within the restrictions
- All of the above affect my daily quality of life. The behaviour of some is disgusting and needs to be shown it is not acceptable. This needs to be constantly policed. I am not against buskers per se however they often create noise outside the central library which is now used to register births, deaths and marriages. It is not appropriate to hear buskers whilst carrying out this type of business.
- Drinking on the street, dog poo on the street and spitting should all be criminal offences
- All of this antisocial behaviour can be easily viewed multiple times on a daily basis as I go to and from work. There is nowhere in town centre that I or my peers feel safe anymore, either alone or with someone else
- Many of the questions raised here e.g. urinating in public, cycling on pavements are illegal anyway regardless of where they are, and should be enforced. Cycling in the town centre is downright dangerous. Cycling, and dogs off the lead are forbidden in Abington Park but not enforced. No point in having any rules if they are blatantly ignored because they are not enforced

Enforcement

- None of the activities are tackled by anyone. This exercise is pointless without enforcement. Zero or very low tolerance is needed for an effective change
- No point having pspo's unless you intend to enforce them!
- The main problem that I have is the fact that while we have PSPOs in place, and equally advertised by street signage in the town, no enforcement is ever carried out. Officers within the council have the authorisations in place, as part of their job role, to deal with ASB; however, they are prevented from doing so. The Neighbourhood Wardens are one such
- Trying to work registering deaths with buskers and drunk shouting and the smell of cannabis is totally inappropriate, there does need to be more action taken though, having the rules but no enforcement is pointless
- designation with these delegation of duties. Why aren't PSPOs being enforced? Without appropriate enforcement, PSPOs are completely pointless. Town Centre Patrols was, in the

-
- past, a useful tool to combat ASB why was this activity completely removed from being effective? In addition to this, the job descriptions of Neighbourhood Wardens clearly include this activity but are prevented from carrying this task out!
- Education and enforcement are key to being successful. Signs are useless unless the restrictions can be enforced. Situation is currently very bad with spitting, drug and alcohol. Councillors and staff should spend a few hours on the streets to see the problems for themselves
- There are too few police to control anti-social behaviour but common sense and a reasonable approach should be taken
- If the proposed measures are implemented make sure there is enough staff from all agencies to enforce, otherwise it becomes a waste of time

Do you have any other comments that you would like to add regarding any impact that the above activities may have had on you and your quality of life?

- Can the chewing gum be removed from pavements in the town centre IT is quite disgusting and can this be included in the PCSO. Thank you
- Disabled badge parking spaces being used by non-badge holders And VANS
- I do not like seeing duvets left in doorways by homeless people also do not like how in some cases they congregate in doorways along Abington St. In some cases I have found this quite threatening
- Any salesperson stopping people on the street
- I grew up in Northampton, and have seen the demise over the years to the point of we are thinking of relocating. With people continuously dumping rubbish in the street, fly tipping, rat infestation in the town and surrounding area due to poor hygiene will take a mammoth effort to put right. I am not sure the town can be fixed as these types of issues have become less important and a culture of the way of living. There are so many other things that need fixing, such as Northampton's roads again something that used to get done is now acceptable as a way of life, drink and drug driving seems to be on the increase, this is a form of antisocial behaviour. I don't really need to be telling you none of this as it's nothing you don't already know as you must see on social media platforms.
- Groups of men smoking outside coffee shops is extremely intimidating and is primarily why I choose to shop in Milton Keynes
- What about smokers? They are anti-social, because they cause phenomenal mess, yet nothing is mentioned about them. If drinking is not allowed, then neither should smoking be allowed antisocial behaviour puts me off going into Northampton
- Rubbish left over pavements, no decent provision for homeless people
- Town is dirty and run down. People behave in response to their environment. See broken window theory of criminology
- I think it's about time people came out for the day and started to see what is really going on the street daily. We see it all from our store taking drugs selling it drinking , stealing begging and selling fake goods e.g. Eau de Toilette toys balloons
- This is a very negative poll, nowhere to allow a positive reaction or answer, typical of the CAD's in government, no matter what position
- Council can find officers to nab cigarette butt droppers but cannot find officers to stop unauthorised vehicles using the Drapery

- Homeless Northampton dangerous
Stricter littering laws where those found guilty of littering should have to spend several hours litter picking
- Dumping rubbish on the streets is also antisocial when the vast majority of persons abide by the guidelines - the streets are awash with rubbish and plants growing where they shouldn't - the place has a general unloved feel to it
- It makes me feel that the area is unsafe
- Illegal camping by gypsies/travellers in public parks and green spaces
- Making the town safer and more economically environmentally friendly
- it's not my quality of life I'm worried about , it's the homeless I worry about if excluded from town you are hiding the problem
- Prohibit the disposal of chewing gum other than in a waste bin
- provide more shelter for rough sleepers
- We need to bring an air of wellbeing back to our town and people being irresponsible needs to be clamped down on with a firm hand. You can enjoy yourself without being a nuisance
- Anti-social and inappropriate behaviour sadly appears to be becoming the norm. Lack of police presence must be a major factor
- I think there is a wider issue of supporting the homeless properly and providing further activities for young people that do not involve drinking which would help beyond general bans on drinking etc in public spaces. I also wonder who knows and how people know about bans and how often fines are actually given
- Fearful of being out in public areas
- Large groups or gangs of people is very intimidating. There should be a presence or power to disperse
- Stop people loitering in Birchfield Road East near the shops
- The town is filthy - anything to stop people littering/fly-tipping/graffitiing is a good measure. The council also needs to clean it up - they are terrible at this and it really isn't difficult
- Discarding used chewing gum should be banned and a fine imposed. Northampton has spent a huge amount redoing paved areas in the town centre and they are covered in chewing gum.
- Town centre - Improving the market alone will not increase footfall throughout the centre. The place as a whole is dirty, dark and has attained a stigma. Market Walk is a lovely short cut that is wasted and forgotten. Kettering road is disgusting, visitors to this town are met with squalid pathways covered in gum and litter. Wouldn't it be a better start to have Northamptonian drug addicts cleaning up the town to fuel their heart breaking addictions? Rather than stealing from local businesses who are already struggling.
- Rough sleepers in shop doorways, need to be moved away from the town centre these all contribute to the above
- been here nearly two years and never see Police in town centre except very late at night at weekends. higher presence required to help quality of visiting town
- This town is only going to get worse no matter what you do
- Large groups congregating causing noise disturbances around the town centre. Especially when near residential dwellings
- Coming into the town centre is an unpleasant experience now with lots of suspicious males loitering in doorways. There are a lot of rough sleepers who are not included in this survey. That needs addressing too. I think we need to look at the underlying causes for these

- antisocial behaviours- why there are so many street drinkers, drug users and people who are generally antisocial in their behaviours. An analysis of the demographics would be helpful and working with community groups to end this blight that is ruining our lovely town.
- You haven't mentioned street parking I have yellow lines outside my house and I persistently get people parking on the pavement outside my house and nothing is done about it despite many complaints to the Police and Northampton parking all is linked to general decline in order bring back regular police patrols on foot I have noticed lots of anti-social acts in the town centre and never ever see police there other than if there is an incident and even then it takes time for them to arrive deterrent is the key visible police around the town I would like to see a Police box like the old days where maybe 2 or 3 Police can sit in this box and people in the town would know where to go if an incident was to happen to get help by not giving this reassurance the people of Northampton are being made targets and problem people and gangs can act without fear I do very much appreciate the Police but they should be given more powers and options to deal with problem people. I have been pleased to see the guys stopping people from littering in the town centre these measures should be expanded all around the town excessive littering really brings down an area and stops descent people from having a sense of pride living in other people's mess and rubbish it really is degrading. Regarding homelessness and begging why can't the government construct a large warehouse type building offering a bed and running water we can build warehouses to store food stuffs but we allow people to decline in health sleeping on the streets how many beds do you think you could get inside a large warehouse then you could ban encampments in the town centre of course such a place would need policing but if someone is truly in need and such a place was safe the people would use it
- Don't feel safe walking around Northampton town centre
- This is all well and good but when the town centre/ town in general has litter everywhere people think they can do as they please. Maybe having a dedicated town centre police team would help, as the University Campus has. I would put my police council tax contribution up for these two things (litter control and permanent visible town centre policing)
- I do not enter the Town Centre (consequently traders there have lost my custom) as I am not allowed to walk my fully trained dog off-lead there
- Town centre is extremely dirty, shop facades disgusting no shops, too scared to go into town in case of assault etc
- Whilst I have sympathy for some homeless people. I object to seeing tents and encampments being set up in the town Centre. Especially in shop doorways whilst I'm trying to go about my daily business. It's intimidating and not nice to see. I, Myself as a law abiding taxpayer would not be allowed to pitch a tent or make a home in a public place. Being followed whilst asking for money. Passing or being in areas where there's a strong smell of weed is not healthy. I don't want to be breathing in other people's use of this drug. People begging by ATM machines is very intimidating especially for a women on her own. Groups of men standing around Abingdon street smoking Can also not be very pleasant. Bike riding is a real nuisance and dangerous. I once passed a young women laying in a shop doorway totally out of it covered in baked beans. In fact I thought she was dead. I searched for a community police person to report this to but could find no one ! I avoid coming into Northampton for all of the above reasons.
- I have lived in Northamptonshire for approx. 28 years. I used to go into town, but haven't been for about 5 years and no longer go into town as it's so horrible
- I believe it is a forlorn task to attempt to improve Northampton town, particularly the centre, which is becoming less attractive over time - as are many other towns across the UK. As an

inward looking society full of the “me me” types there is no prospect of improvement. All that can be done is to contain those low-lives in cages. Erect a cage in the town centre, throw the scummers in and hose them down with cold water

I just think it's disgusting

- Please tidy up the town centre and reopen shops that have closed and make it a town worth coming to. Part of this is to prohibit those creating a nuisance and using drink and drugs
- Smoking in public, there should be designated smoking areas within town if people wish to smoke. This is something other countries do and I feel this is something that would make Northampton a better and cleaner place to shop
- On street parking area rules need to be reviewed to prohibit even disabled drivers parking in high traffic/narrow areas. The Drapery traffic fiasco needs to be policed
- The police should have all the powers they want. Anti-social behaviour in Northampton is a big reason for its decline. Gangs of kids hanging out should be dispersed. Weston Favell car park has that problem. The Drapery/Gold St access is not a nice place to walk. The bus stops on the drapery have caused a lot of anti-social behaviour. It's way too crowded. So has Mc Donald's. They should be closed down. Much more police presence in the town centre is needed
- Our Town Centre is not a place now to go to, it is dire, and the anti-social behaviour just adds to it
- Some of the anti-social behaviours mentioned are driving people away from our town centre as the law-abiding citizens feel threatened by them. Also, large gatherings of people need to be banned as well as accosting people to sell/give them reading material. These can be quite intimidating for normal shoppers in the town
- Homeless people gathering at the top of Abington street seems a particular trouble spot. As mentioned previously we avoid town at all costs mainly due to this and all the anti-social behaviour we see occur each time we visit. Spitting, swearing, drunk people and I'm sure drugs have been involved too. The town needs a huge clear up!
- Its not pleasant for people who have clear all the drug rubbish and alcohol rubbish plus the verbal abuse you can get
- Just improve the town centre. It's a dump. Because nobody goes there, then all this antisocial behaviour happens. There is no pride in our town centre. You will never get rid of these behaviours until society stops it. Police are just wasting their time and efforts

•

APPENDIX 3

Responses from Statutory Consultees

NORTHAMPTON BOROUGH COUNCIL - ENVIRONMENTAL HEALTH AND LICENSING MANAGER

Drinking alcohol and the taking of drugs in public spaces - The PSPO provides a potentially effective mechanism for controlling anti-social behaviour resulting from these activities . There is potential for further increased street drinking as compliance with covid-19 secure requirements will limit the numbers of people admitted to pubs. The PSPO provides a mechanism for control of groups of drinkers in public spaces who are not observing social distancing.

Cleaning up dog fouling - The adverse health effects associated with dog faeces are well known – risk of toxacara infection which can lead to blindness. Failure to clean dog fouling is at best inconsiderate and at worst a significant health risk. Significant number of complaints continue to be received about dog fouling . The PSPO provides an effective means of controlling this.

Dogs on leads in Town Centre, children’s play areas and cemeteries - A number of members of the population have a fear of dogs, in areas such as the town centre where there are large number of people in a limited space, loose dogs can cause significant harassment alarm and distress. This is also true in children’s play areas and cemeteries.

Urination and defecation in public spaces - Unacceptable behaviour in a public place and has potential for the transmission of infection.

Spitting in a public place - Means of transmission of infection, particularly important as part of the mechanism for controlling Covid 19 infection.

NORTHAMPTONSHIRE POLICE – Sergeant, Neighbourhoods Team

I support all of the recommendations for inclusion (the drug taking obviously comes with its own police powers, including the power of arrest) but having the PSPO in place for seizing alcohol is really handy. Also urination and defecation in a public space as well as spitting. Any extra powers/policies in place can only be a good thing.

WEST HUNSBURY PARISH COUNCIL

In response to the consultation on the review of Public Spaces Protection Orders the parish council of West Hunsbury would like to comment that the councillors do not see a problem with busking in the town centre, in some cases good buskers can add to the atmosphere of a town in a positive way.

APPENDIX 4

Letter from Liberty

LIBERTY

PSPO Consultation
Northampton Borough Council
Guildhall, St. Giles Square
Northampton
NN1 1DE

9 March 2020

BY POST AND EMAIL TO: email pspo@northampton.gov.uk

Dear Sir/Madam

Proposed renewal of the Public Spaces Protection Order Covering the Borough of Northampton

I write in relation to the proposed renewal of the Public Space Protection Order for the Borough of Northampton ('the PSPO'), as set out on your website. I note that a copy of the proposed renewed PSPO has not been published on your website; in breach of s. 72 (4) Anti-Social Behaviour Crime and Policing Act 2014. In the interests of expedience, our response to the consultation here is based on the version of the PSPO published on 1 April 2017. If the wording proposed is different then we request that you send us a copy of it without delay to enable us to make further representations.

We enclose for your attention:

1. Poole Centre PSPO
2. Court order of 20 February 2020

1. Background to Liberty's concerns

Liberty has been concerned about the impact of PSPOs since their inception and has successfully persuaded a number of local authorities not to pursue their proposed PSPOs. We are particularly concerned about the potential misuse of PSPOs, especially those that punish poverty-related behaviours such as begging. For the reasons set out below, we are against renewing the proposed PSPO.

Liberty is currently instructed on behalf of a Poole resident in a statutory appeal before the High Court challenging Bournemouth, Christchurch and Poole Council's PSPO which includes a prohibition on begging (CO/2060/2018).¹ Since proceedings have been issued, BCP Council's officers have stated they will recommend to BCP's Cabinet that it varies the order to remove the prohibitions relating to begging and rough sleeping; the case has been stayed to allow them to do so (see enclosed court order). We urge Northampton to reconsider its proposed PSPO. If the Borough of Northampton decides to implement the begging provisions, it would be vulnerable to a similar legal challenge.

¹ <https://www.bbc.co.uk/news/uk-england-dorset-51219444>

2. Lack of evidence

We are disappointed that no evidence has been published on the Northampton Borough Council's ('the Council') website to support the PSPO. The Council is required by s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the '2014 Act') to be satisfied on reasonable grounds that the conditions to implement a PSPO are met before it can lawfully make a decision to introduce a PSPO. The Council cannot reasonably be satisfied of the relevant conditions without first considering robust evidence on the situation in the area which will be covered by the proposed PSPO. It is unclear whether any such evidence exists. If there has been a thorough assessment of the impact of the PSPO to date, it should be published.

By way of comparison, we have found that other councils have relied on, and published, data, witness statements, police reports, surveys, impact assessments, and many other sources of information to justify the need for a PSPO before setting out a proposed order and starting a consultation. If the Council goes ahead with renewing this PSPO without sufficient evidence then it will be unlawful and vulnerable to challenge in the High Court. Further, when considering the evidence, the Council should ensure that its consultation has heard a representative sample of views, including from those who will be negatively affected by the PSPO, who are likely to be among the most vulnerable and marginalised members of the community.

3. Begging

Provision 3(a)(V)

"Persons within the town centre tennis racquet area (Appendix 1A) will not place themselves with the intention to make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers for money."

Provision 3(a)(VI)

"Persons within the Kingsley shopping area (Appendix 1B) will not place themselves with the intention to make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers for money."

As mentioned above, the Council is required by s.59 of the 2014 Act to be satisfied on reasonable grounds that the conditions to implement a PSPO are met. No reasons have been provided here.

Further, the Council can only impose PSPO requirements that it is reasonable to impose. It is clearly not reasonable to impose requirements that are simply not needed. It is not reasonable (or efficient) to slap those who are begging with fines that they cannot afford to pay. Indeed, it would be particularly cruel and perverse for those caught begging in violation of the PSPO to have to pay a fine using what little money they might have saved from charitable donations.

The Government's current statutory guidance (the "Statutory Guidance") emphasises that the prohibited behaviour itself must be unreasonable, and that PSPOs should only be used to address any specific behaviour which is within the control of the person concerned. Begging when destitute is not in itself harmful or unreasonable, nor does that person have any other option where begging is their only source of income.

The only method of enforcing a PSPO is by way of a Fixed Penalty Notice (an 'FPN') of up to £100 or, upon prosecution, a fine of up to £1,000. A PSPO does not give council officers, police officers or Magistrates any other additional powers, for example powers to require engagement with substance misuse services.

This measure also wrongly targets those who are homeless, who are likely to beg, and those who are otherwise destitute. Begging is not anti-social behaviour: it is often an act of desperation. There is no evidence that the Council has considered whether a blanket ban on all forms begging is the least intrusive way of achieving its aims or whether alternative measures can be pursued which would not risk drawing vulnerable people into the criminal justice system.

We consider that a ban on begging would have a harmful and disproportionate effect on the most vulnerable people in Northampton, and would result in the unfair penalisation of poverty. People who resort to begging are likely to do so because of poverty, addiction and/or mental health issues. They are also highly unlikely to be able to pay an FPN or a Magistrate's Court fine, and a resulting criminal record will not alleviate their poverty or address the underlying causes.

We are also concerned by the broad and vague wording of the PSPO. Which behaviours does "placing yourself with the intention to make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods" include? Would sitting on a pavement in dishevelled clothing be sufficient? Does this PSPO effectively amount to the criminalisation of anyone who appears to be impoverished and in need of financial assistance? This is a very dangerous and wide-ranging discretion to give to your enforcement officers, and we would urge you to consider removing this part of the wording of the PSPO in particular. A blanket ban on begging would be too vague to be enforceable, disproportionate and also potentially discriminatory. There are well-established links between begging, homelessness and disability (mental or otherwise), as recognised in the Government's August 2018 *Rough Sleeping Strategy*.² The publication also notes that while rough sleeping is the most visible form of homelessness, "street activity such as begging, street drinking, street based drug use and street based sex work can be more visible again, often causing concerns for local communities. People engaged in street activity will not always be sleeping rough, however as with people who sleep rough they will have a range of housing and support needs and will often be vulnerable or contributing to the vulnerability of others."³ Those who fail to engage with support services among the homeless and destitute are precisely those who are the most vulnerable – they should not be criminalised.

There is therefore a risk that this provision will unlawfully discriminate against disabled people. There is no indication that the Northampton Borough Council has conducted an Equality Impact Assessment or in any other way considered the equalities implications of the PSPO. Failure to do so is likely to amount to a breach of the Equality Act 2010.

Blanket bans on begging are also likely to be ineffective. As the Statutory Guidance suggests, "introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere."⁴ This is likely to be the result of including such a provision within a PSPO, as has been the experience of many other local authorities who have enacted similar provisions.

² See *Rough Sleeping Strategy*, August 2018, para 34.

³ See para 147.

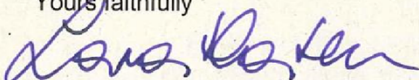
⁴ See p 49.

This measure would also constitute an interference with Articles 8 and 10 of the European Convention on Human Rights ("the Convention") and therefore the Human Rights Act 1998. The measure interferes with these rights in two ways: firstly, begging is arguably an expression of poverty and disadvantage, and criminalising such conduct may undermine the right to freedom of expression under Article 10 of the Convention. Secondly, Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public. Begging is a form of interaction with others and, in our view, its blanket and untargeted criminalisation falls within the scope of the right to respect for private life in Article 8.

CONCLUSION

We are therefore concerned that the existing PSPO contains inappropriate provisions and that your proposed renewal of the PSPO would be wrong and potentially unlawful. We urge you to consider the arguments above before renewing this PSPO.

Yours faithfully



Lara ten Caten

Solicitor

0207 378 3657

laratc@libertyhumanrights.org.uk

APPENDX 5 Equality Impact Assessment



Equality Impact Assessment Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	Public Places Protection Order
--	--------------------------------

2. Screening undertaken (please complete as appropriate)	
Director of Service	George Candler
Lead Officer for developing the policy/activity/practice	Vickie Rockall
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Director of Customers & Communities, NBC Legal Services Finance, LGSS Environmental Health & Licensing Manager, NBC Environmental Services Manager, NBC Northants Police Cabinet Member for Community Safety, NBC NCC

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

- A Public Spaces Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined locality.
- The proposed PSPO will allow gating of the highway known as Marble Arch, a hotspot for anti-social behaviour for many years.
- Gating Marble Arch will make it more difficult for offenders to evade the police.
- This is a legal order that can last for up to three years and it will prohibit a number of anti-social behaviour activities.
- If an element of this order is breached, the outcome could be that the individual is issued with a fixed penalty notice for £100 or fined up to a maximum of £1000 if at court.
- Cabinet agreed on 16 October 2019 that they wanted to progress to a consultation on proposals to review the PSPO made in 2017.
- Consultation ran from 17 December 2019 to 10 March 2020.

4 Relevance to Equality and Diversity Duties

A Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space. Much of the Order would be replacing the old PSPO with a few potential additions.

If you have indicated there is a negative impact on any group, is that impact:

No – all individuals/sections of the community will be dealt with in the same manner. Incidents of ASB will continue to be dealt with in line with our equalities framework

Legal?

N/A

Please explain:

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-howorganisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Cabinet as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

- Cabinet agreed on 16 October 2019 to progress to a 12 week consultation phase which ran from 17 December 2019 to 10 March 2020 via an open access online survey using 'Survey Monkey' and the Council's social media accounts

- Councillors
- Businesses
- Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Community Forums
- Residents Panel
- Members of the public
- Local press and media channels
- Town Centre BID
- Northamptonshire Retail Crime Initiative (NRCI)
- Pubwatch

Are proposed actions necessary and proportionate to the desired outcomes?

Yes/No Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Yes/No The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

Yes/No Public Spaces Protection Orders provide the opportunity to address specific problems in specific areas and create an 'Order' to enable appropriate and proportionate action to be taken.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

From the evidence you have and strategic thinking, what are the key risks (the harm or ‘adverse impacts’) **and opportunities** (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race		There is no evidence that the ‘Order’ will impact on any specific person based on their race
Disability	Mental Health issues and physical disability will be taken into account by officers. The restriction on the consumption of alcohol could also affect those that are alcohol dependant. The proposed ‘Order’ will not bring in any new powers in this area and will simply replace the existing Designated Public Spaces Protection Order.	The ‘Order’ may well have the opposite effect and encourage those that are drug/alcohol dependant to engage with the support that is available and this in turn will deliver health benefits.
Gender or Gender Identity/Gender Assignment		There is no evidence that the ‘Order’ will impact on any specific person based on their gender
Pregnancy and Maternity (including breastfeeding)		There is no evidence that the ‘Order’ will impact on any specific person based on pregnancy or maternity. If required pregnant women will be referred into safeguarding mechanisms
Sexual Orientation		There is no evidence that the ‘Order’ will impact on any specific person based on their sexual orientation

Age (including children, youth, midlife and older people)		Young people will be referred into safeguarding mechanisms. In some cases parent/guardian of under 16's will be spoken to
Religion, Faith and Belief		There is no evidence that the 'Order' will impact on any specific person based on their beliefs or religion
Human Rights	There could be impact on certain groups (street entertainers/the homeless) if those items were included. Both groups could feel their earning opportunities have been limited.	The 'Order' has been proposed due to the volume of incidents that are occurring that are having a significant impact on the peoples' quality of life. The introduction of this 'Order' will have a positive impact on residents, businesses, and visitors to the town.

7 Proportionality

All cases will be treated on an individual basis, and any decisions reached will be within existing legislative guidelines. Use of the PSPO powers and advice given will be recorded in pocket notebooks and on ECIN's data base. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.

Enforcement action will always be seen as a last resort. Through the multi-agency groups and individual case management, support and intervention will continue to be offered.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Full Equality Impact Assessment is not required as all sections of the community are treated the same. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address

Date of Decision: 8 June 2020

We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

*NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.*

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

*The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.*

Duty to 'foster good relations between people'

*This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.*

***Lawful Exceptions to general rules:** can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).*

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

*5. Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.*

This page is intentionally left blank

Appendices

4



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	PUBLIC SPACES PROTECTION ORDER – MARBLE ARCH
---------------------	---

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22 July 2020
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Community Safety & Engagement
Accountable Cabinet Member:	Cllr Anna King
Ward(s)	Castle

1. Purpose

- 1.1 To seek authority to undertake the statutory consultation with a view to making a further Public Spaces Protection Order (“PSPO”) for Marble Arch, as set out in sections 59 to 68 of the Anti-Social Behaviour, Crime & Policing Act 2014. A PSPO, which was originally made on 8 January 2018 and allowed the gating of the highway known as Marble Arch, which runs from Ash Street to Barrack Road, expires on 8 January 2021.

2. Recommendations

That Cabinet:

- 2.1 Delegates the Chief Executive to undertake a 12 week statutory public consultation in the terms set out in Appendix 4 on the proposal to renew the Public Spaces Protection Order (see Appendix 1) that allows the gating of the public highway known as Marble Arch that runs from Ash Street to Barrack Road.

- 2.2 Receives a further report, following completion of the statutory public consultation, which considers any representations received and, if appropriate seeks approval of the renewal, for a further 3 years, of the Public Spaces Protection Order.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides Local Authorities and the Police with the powers to tackle anti-social behaviour and provide better protection for victims.
- 3.1.2 PSPOs are designed to stop all individuals, or a specific group of persons, committing anti-social behaviour in a public space. The criteria that must be satisfied when considering whether to make a PSPO is whether a particular activity or activities has or is likely to have a detrimental effect on the quality of life of those in the locality and that the activity is, or is likely to be, persistent or continuing in nature or that the activity is unreasonable and any restriction is justified.
- 3.1.3 For the proposed area to be restricted, there is a requirement for the Council to undertake a statutory public consultation exercise with the following:
- (a) The chief officer of police, and the local policing body for the area;
 - (b) Whatever community representatives the local authority thinks it appropriate to consult;
 - (c) The owner or occupier of land within the area;
 - (d) The parish council or community council (if any) for the area; and
 - (e) The county council (if any) for the area.
- 3.1.4 PSPO's provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems.
- 3.1.5 It is important that PSPO's are used proportionately and that they are not seen to be targeting behaviour of the children/young people where there is a lack of tolerance and understanding by local people.
- 3.1.6 A PSPO can be made for a maximum of three years. The legislation provides for the Order to be extended at the end of the period, but only for a further period of up to three years. However, Orders can be extended more than once. Local Authorities can increase or reduce the restricted area of an existing Order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an Order. The variation or discharge of an Order are subject to statutory consultation requirements.

- 3.1.7 Enforcement may be shared between the Council and the Police. Breach of a PSPO is a criminal offence which can result in the issuing of a Fixed penalty Notice (FPN) or a prosecution resulting in a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, any person designated by a local authority for the purpose of issuing fines for breaches of a PSPO, and Police Officers.
- 3.1.8 Before making/renewing the Order, the local authority must notify people who are potentially affected by the proposed Order and notify them of how long they have to make representations. Officers will then consider any representations made with the intention of bringing a report back to Cabinet.
- 3.1.9 The consultation will last 12 weeks and will be carried out on Survey Monkey via the Council's website. Adjacent properties, businesses and local residents groups will be directly contacted to make them aware of the proposed order. Others will be notified via the Council's website, Facebook and Twitter. Posters will also be put up on site inviting representations.

3.2 Issues

- 3.2.1 Marble Arch had been a hotspot for street drinking, fly tipping and anti-social behaviour for many years. A Police Environmental Audit carried out in 2010 recommended gating this highway but, at that time it was not viable due to previous legislation making it cost prohibitive. However, since the making of the PSPO restricting access to Marble Arch in 2018, the levels of crime and anti-social behaviour have reduced. (See Appendix 3 – statement of support from area Sergeant Rodney Williams, Northamptonshire Police)
- 3.2.2 Police had difficulty with dealing with the street drinkers in the area due to the layout and with another route being available (Temple Bar) a few hundred yards away, making it easy for the drinkers to evade the police and support agencies.
- 3.2.3 Marble Arch has easy access through Ash Street making it an ideal place for fly tippers.
- 3.2.4 In order to make, or renew, a PSPO the legislation states that the Council needs to consult with anyone who could legitimately use that highway as well as those who live nearby.
- 3.2.5 A PSPO can only be made for a period of 3 years. At any time before expiry the Council can extend a PSPO by up to 3 years following consultation with the local Police and community representatives as the Council thinks appropriate.
- 3.2.6 The current PSPO expires on 8th January 2021, a new Order needs to be made prior to the expiry date, or the gates will have to be removed as agreed with Highways.

3.2 Choices (Options)

- 3.3.1 Do nothing and allow the Order to expire. The gates will then need to be removed, which is a requirement from Highways. This will incur a cost and will allow the original anti-social behaviour to return. If this option were chosen, it is highly likely the anti-social behaviour and criminal activity would return to the area. If this option were chosen it would be opposed by Northamptonshire Police.
- 3.3.1 Authorise the Chief Executive to undertake a statutory consultation to renew the PSPO for the gating of this area for a further 3 years from 8th January 2021 in the terms set out in Appendix 4. The Order has given the local community a period of respite from regular anti-social behaviour and would be the favoured option.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The approach supports the multi-agency Countywide Anti-Social Behaviour Policy that Northampton Borough Council is signed up to.

4.2 Resources and Risk

- 4.2.1 A PSPO can be enforced by both the Police and Council. The Council will be the agency to process the Fixed Penalty Notices (FPN's), regardless of which agency issues them.
- 4.2.2 If the Order is allowed to expire there will be a cost incurred to remove the gates. The gates were bespoke to the area and may not be able to be re-used.
- 4.2.3 Any income generated by payment of FPN's must be directed back into management of the PSPO process.

4.3 Legal

- 4.3.1 A PSPO is in effect an enforceable form of byelaw with fixed penalty notice powers attached. A PSPO has the potential to enhance local control over a range of matters thus returning greater control to District Councils. PSPOs replaced the previous gating orders. Such orders remain in place for 3 years following commencement and then must be renewed if a further PSPO is required
- 4.3.2 A Public Spaces Protection Order can be made by a Local Authority under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014) if satisfied on reasonable grounds that two conditions are met. that the first condition is that;

- (i) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
- (ii) It is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect, of the activities is, or is likely to be of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the notice.

- 4.3.3 Under the Act there is a requirement for a local authority to carry out a statutory consultation and undertake the prescribed publicity and notification before the making of any PSPO.

Statutory consultation means consulting with –

- (a) The chief officer of police, and the local policing body for the police area that includes the restricted area
- (b) Whatever community representatives the local authority thinks it appropriate to consult
- (c) The owner or occupier of land within the restricted area

Statutory publicity means –

- (a) In the case of proposed or variation, publishing the text of it

Statutory notification means notifying the following authorities of the proposed order

- (a) The parish council or community council (if any) for the area that includes the restricted area
- (b) In the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area

- 4.3.4 The making of a PSPO can be challenged in the High Court by any interested person within 6 weeks of the making of the Order, Anyone who is directly affected by the making of the PSPO can challenge the order.

- 4.3.5 A challenge can be made on the basis that the Council does not have the power to make the order, or that the particular prohibitions or requirements are unnecessary or that procedurally the order is defective.

- 4.3.6 When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights

4.4 Equality and Health

- 4.4.1 Incidents of ASB will continue to be dealt with in line with our equalities framework.

4.4.2 These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour.

4.4.3 An Equality Impact Assessment has been carried out. See Appendix 2.

4.5 Consultees (Internal and External)

- Head of Community Safety & Engagement, NBC
- Legal Services
- Environmental Health & Licensing Manager, NBC
- Community Safety Partnership Manager
- Northants Police
- Cabinet Member for Community Safety, NBC
- Highways Authority/ KIER WSP

4.6 How the Proposals deliver Priority Outcomes

4.6.1 One of the Council's priorities is "invest in safer, cleaner neighbourhoods" and the PSPO has the potential to contribute towards this priority.

4.7 Other Implications

4.7.1 Information technology - use of the Council's website and social media channels to undertake part of the consultation.

5. Background Papers

5.1 Anti-Social Behaviour, Crime & Policing Act 2014

5.2 Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals

5.3 PSPO – Marble Arch 8 January 2018

Appendices

Appendix 1 – PSPO Marble Arch 2018

Appendix 2 – Equality Impact Assessment

Appendix 3 – Statement of Support from Sergeant Rod Williams, Northamptonshire Police

Appendix 4 – Proposed consultation questions

**George Candler
Chief Executive**

APPENDIX 1

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

NORTHAMPTON BOROUGH COUNCIL (Marble Arch) PUBLIC SPACES

PROTECTION ORDER

Northampton Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime & Policing Act 2014 ('the Act') hereby makes the following Order:-

1. This Order shall come into operation on 8th January 2018 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.

2. This Order relates to Marble Arch, which runs from Ash Street to Barrack Road as shown in the attached plan ('the Restricted Area').

3. The effect of this Order is to restrict the public right of way over the Restricted Area 24 hours, 7 days a week.

4. The alternative route for pedestrians will be along Temple Bar.

5. Responsibility for the maintenance of the gates will lie with Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE.

6. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised by the Council, including the business premises adjacent to the highway, shall be exempt from the provisions of this Order.

7. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour, specifically street drinking, drug taking and fly tipping in the restricted area. The Council makes the Order because the anti-social behaviour has had a detrimental effect on the quality of life of

those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed by the Order.

8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on this this Order is made.

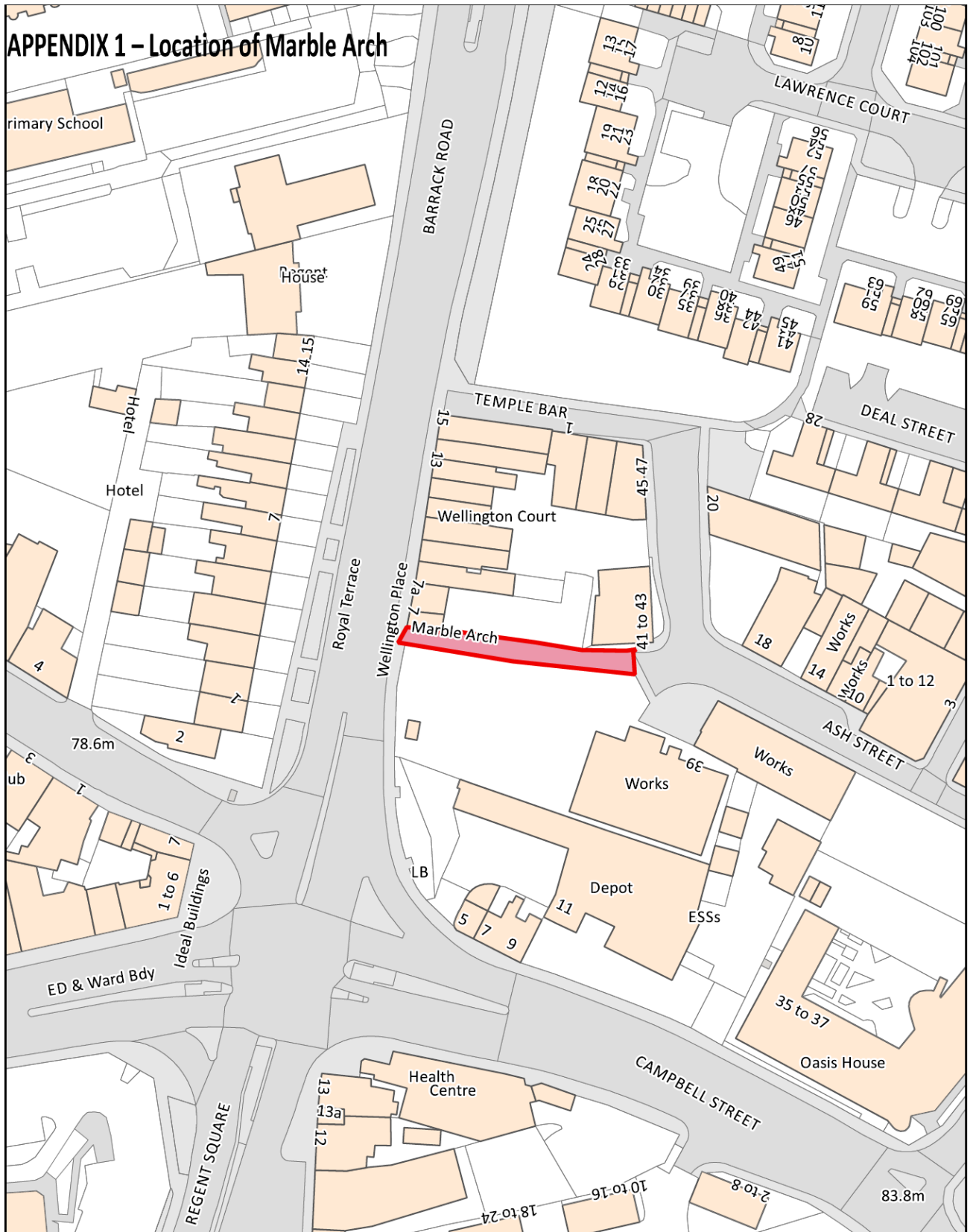
Signed: 

Borough Secretary

Northampton Borough Council

Dated: 8th January 2018

APPENDIX 1 – Location of Marble Arch



Title: **Marble Arch, Northampton**

© Crown copyright and database rights 2017 Ordnance Survey licence no. 10019655

Date: 06-03-2017

Scale: 1:1,000 @A4

Drawn by: -----

APPENDIX 2 – Equality Impact Assessment

Equality Impact Assessment

Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	Public Places Protection Order – Marble Arch- renewal of Order
---	--

2. Screening undertaken (please complete as appropriate)	
Director of Service	George Candler
Lead Officer for developing the policy/activity/practice	Vicki Rockall
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Head of Community Safety & Engagement, NBC Legal Services Finance, LGSS Environmental Health & Licensing

	<p>Manager, NBC</p> <p>Environmental Services Manager, NBC</p> <p>Northants Police</p> <p>Cabinet Member for Community Safety & Engagement, NBC</p> <p>Highways, KIER WSP</p>
--	---

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

- A Public Spaces Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined locality.
- The PSPO allowed the gating of the highway known as Marble Arch, a hotspot for anti-social behaviour for many years.
- Gating Marble Arch has made it more difficult for offenders to evade the police. Levels of criminal activity and anti-social behaviour have consequently dropped.
- This is a legal order that can last for up to three years and it will prohibit a number of anti-social behaviour activities in the area including street drinking and fly-tipping.
- The project is to have the Order extended for a further 3 years, subject to the result of public consultation.
- There is an alternative route, Temple Bar, 100 yards from and running parallel to Marble Arch.
- If an element of this order is breached, the outcome could be that the individual is issued with a fixed penalty notice for £100 or fined up to a maximum of £1000 if at court.

4 Relevance to Equality and Diversity Duties

A Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space. This Order allows gating of a highway known as Marble Arch. This highway is currently for pedestrian through access only. There is a parallel pedestrian through access only highway, known as Temple Bar, 100 yards away.

If you have indicated there is a negative impact on any group, is that impact:

No – all individuals/sections of the community will be dealt with in the same manner. Incidents of ASB will continue to be dealt with in line with our equalities framework

Legal?

N/A

Please explain:

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Cabinet as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

- If Cabinet authorises the consultation period the following will be consulted:-
 - A 12 week online public consultation via an open access online survey using 'Survey Monkey' Councils social media accounts
 - Businesses adjacent to Marble Arch
 - Councillors
 - Businesses
 - Community Safety Partnership
 - Council Officers
 - Northamptonshire Office of Police & Crime Commissioner
 - Northamptonshire Police
 - Northamptonshire County Council
 - Community Forums
 - Residents Panel
 - Members of the public
 - Local press and media channels
 - Town Centre BID
 -

Are proposed actions necessary and proportionate to the desired outcomes?

Yes/No Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Yes/No The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the

order

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

Yes/No Public Spaces Protection Orders provide the opportunity to address specific problems in specific areas and create an ‘Order’ to enable appropriate and proportionate action to be taken. The Order has been successful in achieving this since January 2018.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

From the evidence you have and strategic thinking, what are the key risks (the harm or ‘adverse impacts’) and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race		There is no evidence that the ‘Order’ will impact on any specific person based on their race
Disability	<p>Mental Health issues and physical disability will be taken into account by officers.</p> <p>The restriction on the consumption of alcohol could also affect those that are alcohol dependant. The proposed ‘Order’ will not bring in any new powers in this area and will simply replace the existing Designated Public Spaces Protection Order.</p>	The ‘Order’ is more likely to have the opposite effect and encourage those that are drug/alcohol dependant to engage with the support that is available and this in turn will deliver health benefits.

Gender or Gender Identity/Gender Assignment		There is no evidence that the 'Order' will impact on any specific person based on their gender
Pregnancy and Maternity (including breastfeeding)		There is no evidence that the 'Order' will impact on any specific person based on pregnancy or maternity. If required pregnant women will be referred into safeguarding mechanisms
Sexual Orientation		There is no evidence that the 'Order' will impact on any specific person based on their sexual orientation
Age (including children, youth, midlife and older people)		Young people will be referred into safeguarding mechanisms. In some cases, parent/guardian of under 16's will be spoken to
Religion, Faith and Belief		There is no evidence that the 'Order' will impact on any specific person based on their beliefs or religion
Human Rights	Some people may feel the consultation process will provide the opportunity to capture their views.	The 'Order' has been proposed due to the volume of incidents that are occurring that are having a significant impact on the peoples quality of life. The introduction of this 'Order' will have a positive impact on residents, businesses, and

		visitors to the town.
--	--	-----------------------

7 Proportionality

All cases will be treated on an individual basis, and any decisions reached will be within existing legislative guidelines. Use of the PSPO powers and advice given will be recorded in pocket notebooks and on ECIN's data base. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.

Enforcement action will always be seen as a last resort. Through the multi-agency groups and individual case management, support and intervention will continue to be offered.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Full Equality Impact Assessment is not required as all sections of the community are treated the same. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address

Date of Decision:

We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

*NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.*

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life.

***Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.*

Duty to 'foster good relations between people'

*This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.*

***Lawful Exceptions to general rules:** can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).*

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

5. *Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.*

APPENDIX 3

Statement of support from Sergeant Rod Williams, Northamptonshire Police

I am a Sgt on the Central Neighbourhood Policing team here in Northampton and have specific responsibility for all areas within Castle Ward which include Semilong, Spring Boroughs and the Mounts. I attend meetings with partner agencies and locals and discuss concerns with a view of resolving the highlighted issues that would potentially affect the stability of the area. I have had this responsibility for the last eight years and in that time I feel the adopted multi agency approach of dealing with issues has gone a long way in maintaining the stability within the area and reducing the frequency and regularity of Anti-social behaviour reports.

The decision to install gates on the Marble Arch alleyway/cut through was a decision which has had a significant impact on the locals allowing them to have a degree of normality in their everyday lives. This has allowed them to go about their normal lives without feeling intimidated or threatened which can be evidenced by businesses in close proximity.

The installation of the gates has also resulted in a reduction in ASB reports and criminality and has prevented large groups from congregating which in turn has resulted in a reduction of discarded needles being recovered and reports of people seen defecating and urinating.

I have been extremely happy with the overall impact on criminality and ASB the installation of the gates has had and would oppose any decision to alter or remove them from their current location.

Sgt Rodney Williams
Northamptonshire Police

APPENDIX 4

Proposed Consultation Questions

Q1 Do you think anti-social behaviour is an issue in the area of Marble Arch?

Q2 Have you experienced any anti-social behaviour in this area?

Q3 How close to Marble Arch do you....

	Within 50m radius	50-100 m radius	Farther than 100m
Live			
Work			

Q4 How often do you pass through the area of Marble Arch?

Q5 Do you support the continued closure of Marble Arch for 24 hours a day, 7 days a week?

Q6 Do you agree Temple Bar is an acceptable alternative route to March Arch? (see map)

Q7 Do you have any other comments to add?