

# NORTHAMPTON BOROUGH COUNCIL

## CABINET

Wednesday, 16 October 2019

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

**APOLOGIES:** Councillor Hadland

### 1. APOLOGIES

Apologies for absence were received from Councillor Hadland.

### 2. MINUTES

The minutes of the meeting held on 11 September 2019 were agreed and signed by the Leader, subject to the following amendment:

Item 7, paragraph 3 - the two references to Councillor Birch were corrected to Councillor Beardsworth.

### 3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE IF NECESSARY

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

### 4. DEPUTATIONS/PUBLIC ADDRESSES

Mrs Sarah Matcham addressed Cabinet on Item 9 – *Public Spaces Protection Order – Jeyes Jetty* – and outlined her strong conviction that the alleyway should be gated and locked at all times. On 18<sup>th</sup> February 2019 her 24 year old son Bradley died as the victim of an unprovoked attack in Jeyes Jetty. Last Friday Mrs Matcham had herself walked through Jeyes Jetty. The smell indicated it had been used as a toilet, which was a public health risk. There was evidence of fly tipping and three youths were loitering. She considered that the alleyway served no purpose, and encouraged crime and anti-social behaviour. Mrs Matcham pointed out that the council has a responsibility to protect the public and encouraged the making of the Public Spaces Protection Order to enable Jeyes Jetty to be locked and gated.

Councillor Hallam thanked Mrs Matcham for her bravery in attending and sharing her story.

### 5. DECLARATIONS OF INTEREST

There were none.

### 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were no issues arising from Overview and Scrutiny Committees.

### 7. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY UPDATE

Councillor Nunn as the relevant Cabinet Member presented the report and advised that approval was being sought for the revised and updated Regulation of Investigatory Powers Act 2000 (RIPA) policy. A version showing the Policy updated with tracked changes was circulated to Members at the meeting. The Borough Secretary noted that there had been a good outcome from the Inspection, resulting in slight changes which had been made to the policy.

RESOLVED:

- 2.1 Cabinet noted the update on the outcome of the desktop Inspection carried out by the Investigatory Powers Commissioner's Office (IPCO) dated 16<sup>th</sup> August 2019.
- 2.2 Cabinet approved the updated RIPA Policy attached as Appendix 1; and
- 2.3 Cabinet delegated authority to the Borough Secretary and Monitoring Officer to
  - a) Update the RIPA policy to include the name and contact details of new Authorising Officers after they have been appointed, and
  - b) Make such future amendments to the Policy which are in the opinion of the Borough Secretary and Monitoring Officer minor and are necessary to reflect either legislative requirements, relevant guidance or current good practice.

## **8. REVIEW OF PUBLIC SPACES PROTECTION ORDER 2017**

Councillor King as the relevant Cabinet Member presented the report and stated that it was important to agree to the commencement of a consultation process regarding the review of the Public Spaces Protection Order (PSPO) as the current order would expire on 31 March 2020.

Councillor Hallam welcomed enforcement in respect of cycling on the pavement – frequent complaints were received about Kettering Road.

Councillor Larratt also received regular complaints in respect of cycling on the pavement along Wellingborough Road. In regard to busking, he pointed out that whilst some buskers were very good, others were not, and regularisation would be helpful.

Councillor Birch agreed that cycling on the pavement was very dangerous. She considered that busking needed to be time-limited. Councillor Birch questioned how effective PSPOs were and how many times they had been issued. She also pointed out that current signage was small and high up – it needed to be legible and at eye level.

Councillor King stated that not many PSPOs had been issued. New signage would be put in place at the end of the consultation, dependent on the outcome. Operation Lily, deploying 10 extra police officers to the town centre, was making a difference.

Councillor Beardsworth noted that cycling on the pavement was a major problem and was also concerned about use of scooters – this was likely to become an issue and needed to be planned for. She had been out with the police in the town centre on many occasions. Jeyes Jetty had always been a problem as a cut-through and was not suitable for the town centre.

RESOLVED:

- 2.1.1 Cabinet authorised the Chief Executive to undertake a 12 week consultation period regarding whether the review of current PSPO 2017 under the Anti-Social Behaviour, Crime & Policing Act 2014 should be renewed for a further three years and whether any additional activities or behaviour ought to be included in it as detailed in Appendix 1.
- 2.1.2 In addition, Cabinet authorised the consultation on additional behaviours which have been brought to our attention (busking, cycling on pavements).

2.1.3 Cabinet agreed to receive a further report, following completion of the statutory public consultation, which considers any representations received and, if appropriate, seek approval of the PSPO(s).

## **9. PUBLIC SPACES PROTECTION ORDER - JEYES JETTY**

Councillor King as the relevant Cabinet Member introduced the report, seeking approval to make a PSPO restricting the public right of way over Jeyes Jetty. Marble Arch had been gated a few years previously and anti-social behaviour in the area had reduced as a result.

Councillor King and Councillor Nunn had met with Mrs Matcham last Friday and Councillor King thanked Mrs Matcham for speaking to Cabinet.

RESOLVED:

Cabinet:

- 2.1.1 Resolved to make a PSPO as per Appendix 1 to this report restricting the public right of way over Jeyes Jetty for a period of three years after taking into account the results of a public consultation carried out between 19th June and 11<sup>th</sup> September 2019.
- 2.1.2 Resolved 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 restricting the public right of way over Jeyes Jetty for a period of three years as per Appendix 1 in order to give effect to the decision at 2.1.1.
- 2.1.3 Resolved to delegate to the Chief Executive authority to make an application for listed building planning permission for the installation of secure gates at each end of Jeyes Jetty and, subject to approval being granted, arrange for the installation, operation and maintenance of said gates.
- 2.1.4 Resolved to delegate to the Chief Executive authority to enforce a PSPO made under the power delegated at 2.1.2 and to authorise Council officers and appropriately trained external contractors working on behalf of the Council as authorised persons to issue fixed penalties of £100 to any person suspected of committing an offence under section 67 of the Act.

## **10. DRAFT NORTHAMPTONSHIRE DOMESTIC ABUSE AND SEXUAL VIOLENCE STRATEGY 2019-2022**

Councillor King as the relevant Cabinet Member presented the report and urged Members to adopt the Draft Northamptonshire Domestic Abuse and Sexual Violence Strategy. Funding opportunities had previously been missed because the strategy had not been in place.

Councillor Stone considered that the strategy should have been implemented earlier. Domestic violence and sexual violence were increasing year on year. However, she did not consider this to be an adequate report. The reference to Female Genital Mutilation (FGM) in

section 3.1.6 was not good enough and needed to be taken more seriously.

Councillor Stone noted that although men can be victims of domestic and sexual violence, this was a gendered issue since 80% of victims were women. Of the men, one third were abused by their male partners and another third were a result of retaliation by women who were victims themselves. It was important that the correct evidence was obtained, otherwise the strategy and its implementation would not be adequate.

Councillor King initially stated that the strategy had been prepared by Nikki Marzec from the Police and Crime Commissioners Office. However, she later advised that it may have been written by Nikki Martin.

Councillor King advised that Home Office funding had been received recently, so some work on FGM had been done. This work had not commenced when the report was drafted, and Councillor King agreed to ask for it to be added.

Councillor Ashraf was pleased the strategy had come to Cabinet, but disappointed that refugees had not been consulted. She reminded Cabinet that a motion had been passed at Council on 10 December 2018 for financial assistance to Northamptonshire Domestic Abuse Service (NDAS), and asked how much had been given.

Councillor King stated that she and the Head of Housing and Wellbeing had had numerous conversations with NDAS, who were happy with how things were progressing. One of the reasons for the lack of funding had been the current strategy and once this was in place, progress could be made.

Councillor Beardsworth welcomed the report and questioned whether slavery should be included, especially in relation to those with additional needs and those from other countries. It was shocking that there was no criminal prosecution for FGM. She expressed appreciation for the work that had been done – especially since funding was difficult. She questioned whether the New Zealand or Tasmanian model of removing the perpetrator rather than the victim could be an effective way forward.

Councillor King advised that slavery was unlikely to be covered by this strategy, but she would provide feedback and await any response.

The Head of Housing and Wellbeing advised that it was difficult to draw the line as to what was included in the strategy. This was a draft county-wide strategy which each Northamptonshire Council was being asked to approve. An action plan was being developed with 5 objectives to be achieved in a reasonable time period. Comments made would be taken on board in developing the actions linked to the strategy.

Councillor King agreed to feed back concerns, particularly regarding FGM.

RESOLVED:

2.1.1 Cabinet considered and adopted the draft Countywide Domestic Abuse and Sexual Violence Strategy 2019-2022.

2.1.2 Cabinet committed to work with partner agencies to ensure the development and delivery of the strategy and associated action plans, through the community safety governance structures that are proposed.

2.1.3 Cabinet agreed to receive further reports on the implementation and progress of this strategy as and when necessary.

## **11. MUSEUM POLICY DOCUMENTS**

Councillor King as the relevant Cabinet Member presented the report seeking approval for the updated and revised policies for Northampton Museums and Art Gallery.

Councillor Birch stated that the policies were robust and sound, based on current good practice. She was pleased to note the interest in suffragette and women's related objects. It was assumed that disposal procedures would be carefully followed to avoid previous errors. Councillor Birch asked how long it would be before everything was digitised, when Arts Council accreditation would be reinstated, and whether there would be a Phase 2 development of the museum.

Councillor King responded that although there were no plans for full digitisation, this could be suggested. There were positive conversations with the Arts Council regarding accreditation and Phase 1 was due to complete in Spring 2020. There were no plans for Phase 2 at present.

Councillor Beardsworth was pleased to note that lessons had been learned concerning disposal – although the extension of the museum had been a positive outcome from an undesirable situation.

### **RESOLVED:**

- 2.1 Cabinet agreed the adoption of the updated and revised Collections Development Policy; Care of Collections and Conservation Policy; Documentation Policy and Access Policy.
- 2.2 Cabinet noted Section 1 Overarching Principles and Section 16. Disposal Procedures in the Collections Development Policy relating to financially motivated disposals and the undertakings contained therein.

## **12. TOWN CENTRE MASTERPLAN**

In the absence of Councillor Hadland, Councillor Nunn outlined the report, noting that the ambitious plans were all indicative – detail would follow and would be consulted upon. The masterplan had been shaped by the public consultation. It was the start of the process, giving vision, direction and purpose which would link into local planning policy to help shape the town.

Councillor Ashraf read a statement on behalf of Councillor Stone, who broadly agreed with the plan and expressed thanks to officers for developing it, but questioned how viable it would be financially. The proposed Heritage Gateway would be a huge attraction to the town, but plans needed to be sympathetically drawn up. The current bus station should become the long-distance coach station and the new bus station should be part of Mayorhold. It was disappointing that there was a lack of space provided for the voluntary sector.

Councillor Birch read a statement from Dr Marie Dickie OBE (Friends of Northampton Castle and Spring Borough's Voice). Dr Dickie considered that the plan had limited public involvement and offered little in the way of enhancing the heritage of the town. Whilst recognising that development was necessary to fund transformation of a car park into public open space, she was concerned by the scale of development proposed for the Castle House/Doddridge site. She emphasised the importance of a heritage-led town centre

improvement rather than focusing on residential and retail issues.

Councillor Beardsworth expressed thanks for the cross-party working group on the town centre. The town centre needed to become smaller with improved shop fronts. More money was needed, although not much was available. In terms of the public realm, more could have been done with the Greyfriars site; perhaps it could have been grassed. If award-winning council houses (like those in Norwich) could be built in Northampton that would be positive. The town centre masterplan document was well thought out and a good start to plan for the future.

Councillor Nunn expressed thanks to the Economic Growth and Regeneration Manager for his input to the report.

Cllr McCutcheon considered that retail was not the most important factor and in the past too much attention had been paid to it. In consultations, people mentioned the importance of the Guildhall/County Hall, libraries, theatres and other cultural activities. These should be built up, but public money was needed.

Councillor Eldred stated that it was important to develop leisure and other facilities alongside residential to encourage university students to stay in the town after graduating. Greyfriars would be a good hub for this.

RESOLVED:

- 2.1 Cabinet approved the Northampton Town Centre Masterplan which sets the Principles and the approach that will be taken in order to deliver transformational change.
- 2.2 Cabinet noted the results of the consultation and how the masterplan has accounted for these within its design.
- 2.3 The Masterplan is used to inform emerging planning policy within the town centre
- 2.4 Cabinet noted the progress made to date, timescales and next steps for the Future High Street Fund application and the priority areas for intervention.

### **13. PROPOSED DESIGNATION OF AN ADDITIONAL HMO LICENSING SCHEME**

Councillor Hibbert as the relevant Cabinet Member presented the report seeking approval of a new Additional Houses in Multiple Occupation (HMO) Licensing Scheme. This was needed to ensure HMOs were well maintained and managed with accountable landlords.

Councillor Beardsworth was pleased to note the licensing scheme was being extended. Many people were discouraged by the number of HMOs because of parking issues, small room sizes, quality of life concerns and mental health issues.

Councillor Hibbert stated that the quality and enforcement team had been strengthened to ensure landlords fulfilled their obligations.

RESOLVED:

- 2.1 Cabinet:
  - (a) Noted the 'Consultation Report' of 3 May 2019 (attached to the report as Appendix A) and the 'Report on the findings from the Consultation on the Designation of an Additional HMO Licensing Scheme in Northampton' (attached

to the report as Appendix B);

- (b) Agreed that, having considered the 'Consultation Report' (Appendix A), the 'Report on the Findings from the Consultation' (Appendix B) and the 'Hazards identified during HMO inspections' (Appendix C) which show that a significant proportion of the HMOs in the designated area are being managed ineffectively, an Additional HMO Licensing Scheme is required for a period of five years; and
- (c) Agreed to designate, with effect from 1 February 2020 for a period of five years, a selected area of the Borough (identified in the map and list of streets contained in Appendix D of this report) as being subject to Additional HMO Licensing under section 56(1)(a) of the Housing Act 2004 for the following types of HMO:
  - (i) Any HMO (irrespective of the number of storeys) that contains three or four occupiers who form two or more households; and
  - (ii) All self-contained flats (irrespective of the number of storeys) that are Houses in Multiple Occupation and contain three or four occupiers who form two or more households but, where the HMO is a section 257 House in Multiple Occupation, this Additional HMO licensing designation will only apply to those section 257 HMOs that are mainly or wholly tenanted, including those with resident landlords.

#### **14. BOROUGHWIDE ARTICLE 4 DIRECTION FOR HOUSES IN MULTIPLE OCCUPANCY**

Councillor Hill as the relevant Cabinet Member presented the report seeking approval for public consultation of the proposal to introduce a Borough-wide Article 4 Direction. If approved, the three-week consultation would start on 7<sup>th</sup> November 2019, with a view to being approved by November 2020.

Councillor Ashraf was pleased that this Direction would cover all areas. Residents living in HMOs in her ward had expressed concern and people needed a decent place to live.

Councillor Hill also pointed out that some changes had already been implemented.

#### **RESOLVED:**

- 2.1 Cabinet approved, for public consultation, the Council's proposal to introduce a Borough wide Article 4 Direction for houses in multiple occupation (HMO). This Direction, if it were to come into effect, would withdraw permitted development rights for the change of use from Class C3 Dwellinghouses to Class C4 Houses in Multiple Occupation for areas of the Borough not currently covered by an Article 4 Direction.
- 2.2 Cabinet agreed that the Head of Planning be given delegated authority in consultation with the Cabinet Member for Planning to make minor non-material spelling, formatting and other amendments to the consultation notices and documents where they do not alter the intent of the Direction.

#### **15. LONG LEASE OF PUBLIC OPEN SPACE AT STONE CIRCLE ROAD**

Councillor Larratt as the relevant Cabinet Member outlined the report seeking authority to advertise the proposed disposal of public open space at Stone Circle Road. This was required in order to grant a 25 year lease to Thorplands 81, who had been playing football on the land for over five years. In the event of no objection, authority would be delegated to those mentioned in recommendation 2.3 (to which Councillor Larratt was added) to finalise the terms of the lease. A 25 year lease would give the club access to funding to further develop the excellent community facility.

**RESOLVED:**

- 2.1 Cabinet approved “in principle” the disposal by way of a long lease the land at Stone Circle Road subject to (1) the intended disposal being advertised in accordance with statutory requirements and (2) any objections arising from this process being considered by Cabinet prior to any disposal taking place.
- 2.2 Cabinet authorised the advertisement of the proposed long lease (25 years) of public open space at Stone Circle Road in accordance with the requirements of the Local Government 1972, section 123 (2A) of the local Government Act 1972 as amended by the Local Government Act 1980, relating to the disposal of public open space
- 2.3 Cabinet authorised in the event of there being no objections received to the proposed disposal of public open space, that authority be delegated to the Economic Growth and Regeneration Manager in consultation with the Lead Member for Regeneration and Enterprise, the Deputy Leader, the Chief Finance Officer and Borough Secretary to approve and conclude terms of the long lease to Thorplands 81.

**16. SIXFIELDS - ENFORCEMENT STRATEGY - UPDATE**

Councillor Nunn as the relevant Cabinet Member referred to the report updating Cabinet on the enforcement actions in the Sixfields case. It was important that these were made public where possible.

The Borough Secretary stated that there had been a number of reports in private due to the live litigation and consequent risk to strategy. In terms of liability, the Cardozas had been found to be in breach of fiduciary duties and efforts were now focused on the enforcement action to recover the judgement award and legal costs of £3m.

The Borough Secretary reported that discussions were ongoing in the transfer of two properties from Artefact to NBC, and a charge had been made on David and Christina Cardoza’s house. Anthony Cardoza had declared himself bankrupt and a Trustee in bankruptcy had been appointed. First Land Limited had been put into liquidation by a separate party. Discussions were ongoing with Deloitte regarding a funding agreement – value for money was needed.

Councillor Beardsworth stated that she was angry for the taxpayers of Northampton. The debt should be pursued and NBC should be more proactive in recovering the money.

Councillor Nunn stated that public updates were important and progress was being made. The outrage was shared by all.

The Borough Secretary pointed out that money was put into First Land by the football club, not by NBC directly, so enforcement had to be done via a liquidator and needed to be cost-benefit analysed. Councillor Beardsworth asked whether it had been known that the football club were putting money into a separate company. The Borough Secretary stated that he had not been involved at that point, but it was not known from his reading of the documents.

RESOLVED:

Cabinet noted the actions that are being undertaken to recover the judgement debt and in particular noted that:

- 2.1 The Council is in the process of agreeing transfers to it of residential properties from Artefact Investments Limited.
- 2.2 The Council has commenced possession proceedings for Christina and David Cardoza's property outside Northampton.
- 2.3 FRP Advisory Insolvency Practitioners LLP (Paul Allen) has been appointed as the Trustee in Bankruptcy for Anthony Cardoza.
- 2.4 Discussions are ongoing with Deloitte about the recovery of monies for NBC as major creditor through the First Land Limited liquidation.
- 2.5 Of the £200k maximum legal costs spend agreed by Cabinet at its meeting on 3rd April 2019 £141,564 has been spent.

The meeting concluded at 7:38 pm