



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **CABINET AGENDA**

**Wednesday, 9 September 2020**

remotely 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.

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**Chief Executive**

**George Candler**

If you have any enquiries about this agenda please contact  
[democraticservices@northampton.gov.uk](mailto: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](mailto: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 remotely via Zoom: <https://www.youtube.com/northamptonbctv>  
on Wednesday, 9 September 2020  
at 6:00 pm.

**George Candler**  
**Chief Executive**

**AGENDA**

- 1. APOLOGIES**
- 2. MINUTES**  
(Copy herewith)
- 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 JULY 2020**  
(Copy herewith)
- 8. CORPORATE PERFORMANCE ALL MEASURES REPORT QUARTER 1 - 1ST MARCH 2020 - 30TH JUNE 2020**  
(Copy herewith)
- 9. ASSET MANAGEMENT DISPOSALS**  
 (Copy herewith)
- 10. CONSULTATION ON A PUBLIC SPACES PROTECTION ORDER FOR THE ALLEYWAY CONNECTING DUNSTER STREET AND ST. MICHAEL'S ROAD**  
(Copy herewith)
- 11. 24 GUILDHALL RD (GUILDHALL RD BLOCK) CULTURAL QUARTER ENHANCEMENT WORKS**  
 (Copy herewith)
- 12. 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.”

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## NORTHAMPTON BOROUGH COUNCIL

### CABINET

Wednesday, 19 August 2020

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

#### 1. APOLOGIES

An apology for absence was received from Councillor King.

#### 2. MINUTES

The minutes of the meeting held on 22<sup>nd</sup> July 2020 were agreed and signed by the Chair.

#### 4. DEPUTATIONS/PUBLIC ADDRESSES

None.

#### 5. DECLARATIONS OF INTEREST

None.

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

None.

#### 7. FINANCE MONITORING TO 30 JUNE 2020

Councillor Eldred, as the relevant Cabinet Member, submitted a report and reported a current forecasted overspend position of £1.434m; the update appendix detailed some of the areas most impacted by Covid-19. He explained that the Covid-19 government grants were held within a portfolio area under the Chief Finance Officer in order to facilitate accounting assistance with identifying cost pressures; where grants were recorded did not have a detrimental impact on those services. Virements, costs and budget setting would take place during the year once costs and needs were more stable. The forecast assumed a prudent view of government support announced in respect of lost income through fees and charges and the Council awaited further guidance in respect of the schemes, how they would work and what they would assist with. Councillor Eldred noted that draft guidance had been shared with officers and that he anticipated the forecast overspend position improving in the next report. However, as some costs and losses were unlikely to be covered in government grants it was likely that there would be a residual overspend pressure throughout year, which would be monitored. With regard to Business Support grants, Councillor Eldred reported that the scheme would run until the end of August and encouraged small businesses to apply if they had not already done so. He noted that approximately 3000 grants had been given out, totalling £35.55m. Councillor Eldred explained that the report also sought to increase the HRA borrowing limit by £50m; money would be borrowed as schemes came forward and each would be considered by the Cabinet. Properties would be acquired to either meet specific needs of residents, also alleviating the use of temporary accommodation. Properties purchased would also increase the Council's own housing stock. Councillor Eldred advised that based on the mix of schemes being looked at, it was expected that the funds would deliver between 300-400 homes, depending on the eventual mix of flats and houses.

Councillor Stone addressed the Committee and expressed concern around hidden costs around savings, specifically staffing, and questioned what the overall impact on the annual

budget would be.

Councillor Eldred explained that savings around staffing were unfilled vacancies and that all other savings were highlighted in the report. He advised of no further ongoing costs. In response to a supplementary question, Councillor Eldred urged any staff members to contact their line manager with any issues or concerns that they had, specifically relating to Covid-19 pressures.

**RESOLVED:**

Cabinet:

- 2.1 Noted the contents of the report and noted that future reports will set out the actions being taken by Corporate Management Board (CMB) to address issues arising.
- 2.2 Supported a request being made to Council in September 2020, to further increase the HRA Budget funded through borrowing by £50m.

**8. HOUSING ACQUISITION OPTIONS**

Councillor Hibbert, as the relevant Cabinet Member, submitted a report and reported a successful pilot scheme whereby 24 properties were purchased and let to homeless households that had spent the longest in temporary accommodation. The report proposed to extend this scheme, including any suitable homes (not only ex-council houses) and expand on the scheme to house rough sleepers through the government's "Move In" initiative. Councillor Hibbert explained that the scheme's progress would be closely monitored by a multi-disciplinary Group, following suggestions from the Overview & Scrutiny Working Group, and an additional recommendation, 2.1 (g), included.

Councillor Lane addressed Cabinet; he thanked Councillor Hibbert and the Director of Housing for the report. He welcomed the amendment and looked forward to seeing future reports.

Councillor Stone addressed Cabinet and expressed concern around the length of time people spent in temporary accommodation, the impact it had on family life and children and the impact that Covid-19 had on families living in high-density housing.

Councillor Hibbert stated that temporary accommodation was always the first resort with regard to rough sleepers and noted that the Council's own housing stock was increasing through the private purchase of properties.

**RESOLVED:**

Cabinet:

- (a) Noted the outcome of the housing acquisitions pilot and the lessons learned;
- (b) Approved the extension of this scheme to acquire more homes;
- (c) Approved the expansion of this scheme to include homes that will meet the needs of people who have been sleeping rough and are rehoused through the Government's rough sleeping move-on initiatives;
- (d) Approved the expansion of this scheme to include any suitable homes (not just those that were previously owned by the Council)

and noted that the acquisition of blocks of similar homes can reduce the maintenance cost risks;

- (e) Agreed that, although this scheme will continue to utilise a Target Operating Model which is based on agreed formulae and ceilings on purchase and repair costs, the acquisition of homes to meet specialist requirements may be approved by the Director of Housing and Wellbeing, in consultation with the Chief Finance Officer and Northampton Partnership Homes, when those acquisitions are forecast to remain affordable within the Housing Revenue Account model;
- (f) Delegated to the Borough Secretary the powers (including, but not limited to, any variation required to be made to the Management Agreement between Northampton Borough Council and Northampton Partnership Homes dated 5 January 2015) that may be necessary in order to implement any Cabinet approvals arising from this report or past Cabinet reports in connection with the alleviation of the costs of temporary accommodation; and
- (g) Agreed that a multi-disciplinary group will oversee the implementation of the housing acquisitions scheme and will provide the Overview and Scrutiny Committee with regular updates on the scheme.

The meeting concluded at 6:25 pm

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Appendices:  
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**NORTHAMPTON**  
BOROUGH COUNCIL

Item No.  
[For Democratic  
Services Use only]

## CABINET REPORT

<b>Report Title</b>	<b>Finance monitoring to 31 July 2020</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	9 September 2020
<b>Key Decision:</b>	NO
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	NO
<b>Directorate:</b>	Management Board
<b>Accountable Cabinet Member:</b>	Cllr B Eldred
<b>Ward(s)</b>	N/A

### 1 Purpose

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To update Cabinet on the latest financial monitoring reports including:

- 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

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- 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.

## 3 Issues and choices

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### 3.1 Report background

- 3.1.1 This report is the third financial monitoring report of 2020/21 and reports the forecast position as at the end of July 2020, period 4 of the financial year.

### 3.2 Impact of Covid-19 on 2020/21 budgets

- 3.2.1 As previously reported to Cabinet, the COVID-19 pandemic will have a significant impact on the Council's finances in 2020/21. The Council has received three tranches of "COVID-19 emergency grant" funding from central government, coming to a total of £2.797m. 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.

### 3.3 Key financial indicators

Budget area	Variation from budget	
	General fund	Housing Revenue Accounts (HRA)
	£m	£m
Controllable service budgets	0.939	0.143
Debt financing and corporate budgets	0	0
Total	0.939	0.143

### 3.4 General fund revenue budget

- 3.4.1 The overall general fund revenue budget is currently forecasting an overspend of £0.939m. 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 £1.685m 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 £1.311m. 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. The forecast pressure on car parking income is less than reported last month, as more details are now available on the government grant scheme that is expected to compensate for this lost income – these new details have led to an

increase in the amount of grant that we expect to receive to compensate for losses in car parking income.

Other income losses relate to rental income in relation to business closures and other vacant properties (£0.272m), a loss of income due to closure of the market and reduced number of traders following re-opening (£0.123m), 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 £0.186m.

- 3.4.3 The **Housing and Wellbeing** service is forecasting an overspend position of £1.011m 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. This forecast also now includes the costs relating to the provision of accommodation for Rough Sleepers as a result of the COVID-19 pandemic of £0.275m. There is pressure in the Private Sector Housing service due to a reduction in civil penalties, licences and disabled facilities grant administration income of £0.092m as a result of the COVID-19 pandemic (including some forecast government grant due to compensate for lost income). Other small variances make up the remaining £0.044m.
- 3.4.4 The **Planning** service are forecasting a £0.268m overspend position. This is associated with an anticipated reduction in land charges income (£0.046m) and planning income (£0.120m) as a result of COVID-19 disrupting normal business. The Council are expecting some government grant to offset this lost income. The details of this grant are not yet known, but a prudent estimate has been included in these figures. In addition, there is also a £0.100m pressure in the Planning Policy area due to the risk on an Article 4 policy and the saving option regarding joint working on Planning policy now not being achievable (£0.035m).
- 3.4.5 The **Chief Finance Officer** service is reporting an underspend of £1.946m. However, this is due to the unbudgeted £2.797m 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 £0.851m. There are pressures of £0.300m in relation to potential additional external audit costs; £0.315m in relation to the Benefits area mainly from overpayment recovery reductions; £0.155m 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 £0.006m.

- 3.4.6 The **Customers and Communities** area is reporting an underspend of £0.063m. This includes an underspend of £0.284m in the Environmental Services area, largely due to the uptake of the chargeable green waste project exceeding its target as well as pension contribution costs being lower than budgeted, which has mitigated the additional costs of providing the waste service through this difficult period. This is partially offset by pressures in the Licensing area (£0.056m); the Commercial Services area (£0.032m); and the Environmental Protection area (£0.010m) which are mainly due to losses of income as a result of COVID-19 disrupting normal business. There is also a pressure in the Leisure Contract area caused by a delay in signing a new lease agreement with Northampton Leisure Trust resulting in a loss of budgeted income (£0.050m); and the

Museums area due to redundancy costs and loss of income from the Museums not being able to open during COVID-19 (£0.121m).

- 3.4.7 There were other smaller variances forecast in the **Chief Executive area** and the **Borough Secretary** service area, with a combined underspend of £0.015m due mainly to staff savings and vacant posts.
- 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**

- 3.5.1 The Housing Revenue Account is currently forecasting a £0.143m pressure. This includes £0.485m pressure on rental income primarily due to a combination of pre-COVID-19 budget assessment of new build units coming on to the rental stream and the subsequent re-phasing of new build schemes following the COVID-19 pandemic. It is offset by forecast savings on expenditure budgets of £0.343m

### **3.6 General fund capital programme**

- 3.6.1 The approved General Fund Capital Programme is currently forecast to spend up to the latest budget of £17.1m. There have been a number of in-year changes since the previous Cabinet Report and these are detailed in the table below.
- 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 are a further £59.3m of schemes in the Development Pool awaiting approval. Any further additions to the 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.

<b>Reference</b>	<b>Scheme Title</b>	<b>£k</b>	<b>Comments</b>
BA278	St Michaels Car Park Lift Refurbishment	220	Refurbishment of lifts 1 & 2. This scheme has been transferred from the Development Pool.
BA279	Northampton Leisure Trust	1,800	Upgrade of NCC owned assets at 3 sites to improved efficiency and reduce costs.

### **3.7 HRA capital programme**

- 3.7.1 The HRA capital programme for 2020/21 totals £69.117m, of which £49.409m 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, and this is currently anticipated to be in the region of £1.7m. 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 at 2.1 and 2.2. There are no alternative options, other than not to agree the recommendations.

## **4 Implications (including financial)**

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### **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 July 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.

### **4.3 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**

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

**Stuart McGregor, Section 151 Officer, 01604 838347**



## CABINET REPORT

<b>Report Title</b>	<b>Corporate Performance. All Measures Report</b> <b>Quarter 1 - 1 April 2020 – 30<sup>th</sup> June 2020</b>
<b>Agenda Status</b>	<b>Public</b>
<b>Cabinet Meeting Date</b>	9 September 2020
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Chief Finance Officer
<b>Accountable Cabinet Member(s):</b>	Councillor P Larratt
<b>Ward(s)</b>	n/a

### 1. Purpose

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To inform Cabinet of the council's performance indicators figures for Quarter 1 - 2020 – 2021

### 2. Recommendations

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- 2.1. That Cabinet review the contents of the performance report (Appendix 1) and recommend actions to be taken, if any, to address the issues arising.

### 3. Issues and Choices

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#### 3.1. Report background

Data is collected across a range of locally developed indicators which are collected on a monthly, quarterly or annual basis. These form the basis of the council's performance monitoring process. Cabinet members receive information on all the measures through the Corporate Performance All Measures Report (Appendix 1). This enables the monitoring of the Corporate Plan within their portfolios on a regular basis.

This report summarises the council’s monthly, quarterly and annual performance indicator figures for 2020-2021:

The appended report details:

- A performance dashboard overview for each of the corporate themes
- Key Performance Indicator (KPI) results with supporting commentary

The Annual Performance Report will be presented in June of each year to the Audit Committee.

Work on updating the format of this years report has been put on hold due to work being carried out by staff involved with the Covid-19 pandemic.

### 3.2. Issues

Progress against Corporate Plan priorities.

### 3.3. Overall indicator performance against targets

This has been an exceptional quarter for the organisation. Due to lockdown, and the migration of the majority staff and Elected members moving to working from home we might have expected to see far more indicators slipping into red. There have been a number of staff reassigned to different roles while having to maintain their ‘day’ job.

The organisation has been settling into home working, with staff in IT working with the teams to ensure that the organisation could continue to provide as near to normal services as possible. There has been a huge amount of extra work associated with business grants, closing the One Stop Shop, ensuring staff left in the Guildhall were safe and protected, and yet still ensure our standards are maintained to protect the vulnerable, those who needed extra support, and keep delivering our services. Due to staff pressures and redeployments we have been unable to gather data for all the KPIs in this quarter and it has not been possible to report fully on PP22% Hackney Carriage and Private Hire vehicles or PP16, % of Off licence checks, as no inspections were carried out in this quarter. With staff being deployed on a number of extra Covid related tasks such as welfare checks and business checks and a steep rise in complaints about bonfires and noise nuisance meant that there were delays in responding to service requests within timescales.

This quarter shows no change in the number of indicators that were either Blue, Green or Yellow overall for the quarter, in comparison to the previous quarter (Q4 2019/20).

Performance Status	2019/2020				2020/2021
	Q1	Q2	Q3	Q4	Q1
Blue (Exceptional or over performance)	32.35%	25.00%	20.59%	17.65%	17.65%
Green	41.18%	56.25%	47.06%	44.12%	52.95%
Amber (Within agreed tolerance)	11.76%	6.25%	11.76%	14.71	5.88



Rounded total	85.29%	87.50	79.41	76.48%	76.47%
Red (Outside agreed tolerances)	14.71%	12.50%	20.59%	23.52%	23.53%

### 3.4 Exceptions

The below exceptions are to be considered by CMB and Audit as to whether any of these are considered to be classified as corporate risks.

#### High Performing Highlights (Exceptional or Over Performing YTD)

KPI No	Detail	Q1
CS14a	% OSS Customers with an appointment seen on time.	The decision to close the One Stop Shop due to Covid-19 was taken in April and May. There was a gradual reopening for vulnerable customers on an appointment only basis as things eased in June. Waiting times are minimal as customers are seen immediately on arrival and safety measures are in place for protection of both staff and customers.
ESC02	% missed bins corrected with 48 hours of	Improved data collection allows Veolia to monitor performance and ensure that performance continues to improve.
EC05	% of land and highways assessed falling below an acceptable Level – Litter	Each month an average of 75 transects are inspected. These are varied to give a picture across the Borough. Findings have been very low during the pandemic.
EC06	% of land and highways assessed falling below an acceptable Level – Detritus	The target for this year has been increased for the % of land and highways assessed as falling below an acceptable level for detritus, but Veolia have consistently reported findings have been good. Whether this is due to less people being out during the pandemic and lock down it is difficult to report.
EC09	% of Fly tipping incidents removed within two working days of reporting.	The percentage of fly tips reported and removed within 48 hours was well over target. This figure will no longer include the hazardous or oversize figures for which specialist removal is required. A separate KPI with a 5-day target will be reported going forward.
HML09	No of Households for who a full homelessness duty is accepted.	The overall acceptance number has dropped compared to last year in the same quarter, which is good, but this could be due to Covid-19 restrictions (until August 2020) as we had less homeless case referrals received during this period.
<b>Lower Levels of Reporting (outside agreed targets)</b>		

KPI No	Detail	Q1
BV008	Local invoices paid within 10 days	The number of invoices paid within ten days has slipped significantly in the first quarter. As staff were urgently asked to step into other roles in the early weeks of lock down this may have affected the rate at which invoices were approved for payment. Although the figure recovered in May, it slipped again in June. Staff who are responsible have been reminded of the importance of prompt payment for our suppliers.
EC01	% Total bins/boxes missed in period in period	Veolia continue to monitor the numbers of missed collections and work with the crews to reduce these, though with upwards of 100,000 properties being collected from each week there can be a few issues with both crews and container presentation.
EC04	% of household waste recycled and composted	NBC and Veolia continue to work towards improving recycling performance though recent issues with the Covid-19 pandemic have reduced the amount of campaigns undertaken.
HM07	No of households that are prevented from becoming homeless	The prevention number has gone down compared to the last quarter. This could be because of eviction restrictions (until August 2020) as less homeless case referrals have been received during this period.
MPE01	No of new businesses locating on NWEZ	The low progress/outputs on the NWEZ is due to a lack of space left available. Going forward, sites such as Four Waterside are being progressed which will provide high quality commercial space within the NWEZ. Marketing of the area is on hold due to issues around problems caused by Covid-19. Over the year, figures are low due to the reasons given before which will also affect the number of new jobs created. This KPI will be reviewed in the next financial year.
MPE02	NWEZ New Jobs	
PP53a	% Service requests responded to within five working days	In April, staff were being deployed on a wide range of new duties relating to Covid-19. These included welfare checks, supporting vulnerable residents and carrying out checks in relation to business closures. In addition, routine fly tipping complaints were not subject to the normal investigation processes if staff were unable to carry out a visit that was not safe. There was a significant rise in complaints about bonfires and domestic noise during the lock down period of April and May. In June working patterns started to return to normal, but some staff were still involved in Covid related business regulation work and ongoing increase in domestic nuisance complaints, especially during periods of hot weather.
TCO05	Town Centre Footfall	As expected, town centre footfall has fallen significantly during the lockdown with all but key workers being urged to stay at home. It is down 68% compared to the same sector last year.

### 3.4 Data Quality

The council has processes in place to ensure that the data and information it provides to support management decision-making is as reliable as possible. The council has a strategy to improve data quality and service areas are working to achieve the objectives within it.

### **3.5 Governance**

Cabinet are asked to review the appended performance report and recommend actions to be taken if any to address the issues arising.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

Corporate performance measures are monitored monthly or quarterly to track progress towards delivering the council's priorities as detailed in the Corporate Plan.

Service areas review and develop objectives annually through the service planning process. Measures and targets are identified to help.

### **4.2 Resources and risks**

The risk process includes challenging and confirming capacity and ability to deliver as well as confirming continued priorities. These will be assessed as to whether these are within the levels of accepted risk appetite for the organisation.

### **4.3 Legal**

There are no specific legal implications arising from this report.

### **4.4 Equality and Health**

There is no specific health or equalities implications arising from this report.

### **4.5 Process and Consultees (Internal and External) - How the Proposals Deliver Priority Outcomes**

Performance monitoring (financial and non-financial) to improve performance is good practice, in terms of efficient and effective management. It focuses on the key areas and therefore contributes directly to one of the 2019 - 2021 priorities of the Corporate Plan "Ambitious, Prosperous and Proud" through quality modern services.

### **4.6 Other Implications**

There are no other implications arising from this report

## **5 Background papers**

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Appendix 1. Corporate performance all measures and outturn report Q1 (1 March 2020 – 30 June 2021)

Jan Stevenson  
Governance and Compliance Support Officer  
(Ext. 7806)

# Corporate Performance

## All Measures Report

Q1 - 2020-2021 - June 2020

NORTHAMPTON  
BOROUGH COUNCIL

## Introduction

The report details the full list of performance measures monitoring the Council's Corporate Plan by corporate priority and is published quarterly.

The measures contained within this report are monitored on a monthly, quarterly, half yearly or four monthly basis.

Performance is reported against the latest report period and then by overall performance year to date (YTD). Overall YTD performance is monitored against the current profiled target and helps us to keep track of the progress towards meeting the annual target.

Performance comparison against the same time last year is highlighted where comparative data is available.

## Report Key:

-  Exceptional or over performance
-  On or exceeding target
-  Within agreed tolerances
-  Outside agreed target tolerance
-  Good to be low: Better
-  Good to be low: Worse
-  Good to be High: Better
-  Good to be High: Worse
-  No change
-  No data or target available
-  No data available
-  No target available

NORTHAMPTON  
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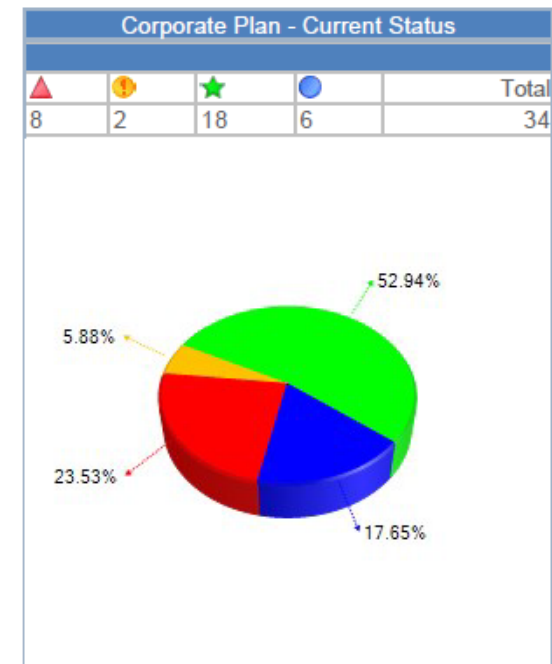
# Northampton Borough Council Corporate Plan 2019 – 2021



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## Ambitious | Prosperous | Proud

- **A stronger economy**
  - Shaping place and driving growth
  - Creating a thriving vibrant town
  - A clean, green and tidy town
- **Resilient communities**
  - Keeping the town and people safe
  - Empowering local people
  - More homes, better homes
- **Exceptional services to be proud of**
  - Putting the customer first
  - Spending your money wisely
  - Improving your governance



Monthly Measures

Measure ID & Name	Mar 20	Apr 20	May 20	Jun 20	Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
+ AST05a External rental income demanded against budgeted income (M)	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	Bigger is Better		100.00%
We continue to demand external rental income against budgeted income as we have done throughout the year. The team have relocated to home working as far as possible during the lockdown period.											
Source Date 30/06/2020											
+ AST05b % commercial rent demanded within the last 12 months (more than 2 months in arrears) (M)	?	?	?	?	?	?	100.00%	100.00%	Smaller is Better	?	?
Due to COVID19 the debt has increased but it is still being reviewed with the proportion of debt not yet certain.											
Source Date 30/06/2020											
+ BV008 Local invoices paid within 10 days (M)	83.29	66.11	81.51	72.51	72.51	72.51	80.00	80.00	Bigger is Better		80.86
The number of invoices paid within 10 days has slipped significantly during the first quarter. As staff were asked to urgently step into other roles in the early weeks of lockdown, this affected business as usual. It showed a significant improvement in May. The slippage in June, is actually a very small number of invoices, but staff are reminded again the importance of ensuring that queries on invoices and authorisations must be carried out as soon as possible to help businesses in these difficult times.											
Source Date 30/06/2020											
+ BV008 Percentage of invoices for commercial goods & serv. paid within 30 days (M)	99.00%	99.30%	99.60%	99.60%	99.60%	99.60%	99.00%	99.00%	Bigger is Better		98.10%
Payment of invoices paid within 30 days has remained within target during this quarter.											
Source Date 30/06/2020											
+ BV012_12r Ave. no. of days/shifts lost to sickness for rolling 12 month period (M)	6.32	7.66	8.51	9.39	9.39	9.39	9.00	9.00	Smaller is Better		7.76
We have a small group of shielded staff (11 in total) that due to the type of work that they currently do, could not do their normal work or alternative work at home during the lockdown. These staff in the main were cleaning, car parking, market and bus station staffing. We could not replicate this work in the home environment, or support their development into using some of the ICT packages from a distance. We are however looking at options for them to do some work from home should they be shielded once more in the event of either a further lockdown, or second wave as HR recognises the negative effect that being shielded with nothing to do has on mental health and general well-being.											
Source Date 30/06/2020											
CH11 Number of visitors to Abington Park Museum	1,894	0	0	0	0	0	0	0	Bigger is Better		18,134
Due to the Corona Virus the decision to shut the museum was taken in mid March and has remained shut during this quarter.											
Source Date 30/06/2020											
+ CS05 Percentage satisfied with the overall service provided by the Customer Service Officer (M)	88.89%	88.89%	100.00%	91.04%	93.04%	93.04%	90.00%	90.00%	Bigger is Better		98.04%
Overall the quarterly target was met. April satisfaction level was a little low which was owing to the accessibility of services due to service restrictions during lockdown.											
Source Date 30/06/2020											
+ CS13a % of calls for NBC managed services into contact centre answered (M)	84.76%	98.59%	97.68%	96.24%	97.43%	97.43%	90.00%	90.00%	Bigger is Better		92.09%
The contact centre has maintained target throughout this quarter. The majority of the team were relocated to home working, which has proven very successful. Staff wellbeing continues to be a priority and we having fortnightly one to ones with all staff. We have introduced the face to face service again on an appointment basis, for vulnerable customers that are unable to self serve or have a priority need which is also working well. Telephone contact has been carefully monitored throughout this quarter and we have now reached expected levels. As well as maximizing service delivery on our normal services at this difficult time, we supported the Revenues and Benefits team by responding to tweets, the Community Cell by completing approximately 150 welfare checks each week and taking some overflow of calls on behalf of the Planning team.											
Source Date 30/06/2020											
+ CS14a % OSS customers with an appointment seen on time (M)	88.3%	0.0%	0.0%	100.0%	100.0%	100.0%	90.0%	90.0%	Bigger is Better		88.5%
The decision to close the One Stop Shop due to Covid-19 was taken in April and May 2020. There was a gradual reopening for vulnerable customers on appointment basis only from June 2020. Waiting times will be minimal as customer are seen immediately on arrival and safety measures introduced for the protection of staff and customers.											
Source Date 30/06/2020											
+ ESC01n Total bins/boxes missed in period (M)	405	519	425	597	1,541	1,541	1,020	4,080	Smaller is Better		891
With upwards of 100,000 properties being serviced each week, understandably there can be a few issues with access and container presentation at times. Veolia continue to monitor the numbers of missed collections and work with											



Monthly Measures

Measure ID & Name	Mar 20	Apr 20	May 20	Jun 20	Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
crews and residents to reduce these.											
Source Date 30/06/2020											
ESC02 % missed bins corrected within 24hrs of notification (M)	97.04%	98.00%	93.00%	96.00%	96.00%		90.00%	87.00%	Bigger is Better		85.00%
Improved data collection allows Veolia to monitor performance and ensure that performance continues to improve.											
Source Date 30/06/2020											
ESC04 % household waste recycled and composted (NI192) (M)	80.04%	45.73%	46.77%	46.16%	46.16%		48.00%	48.00%	Bigger is Better		49.25%
NBC and Veolia continue to work towards improving recycling performance though recent issues with the Covid-19 pandemic have reduced the amount of campaigns undertaken.											
Source Date 30/06/2020											
ESC05 % of Land and Highways assessed falling below an acceptable level - Litter (NI195a) (4M)	3.23%	0.00%	0.00%	1.61%	1.61%		4.00%	4.00%	Smaller is Better		0.00%
Each month on average 75 transects are inspected by the contractors. These vary each month to give a picture across the borough. We have increased some performance indicators and reduced others to ensure that we have realistic targets, and Veolia continue to achieve these.											
Source Date 30/06/2020											
ESC06 % of Land and Highways assessed falling below acceptable level - Detritus (NI195b) (4M)	16.13%	10.00%	6.00%	9.00%	9.00%		25.00%	25.00%	Smaller is Better		1.00%
Each month on average 75 transects are inspected by the contractors. These areas vary each month to give a picture across the borough. The target for this PI has been increased this year to factor in the more complex nature of ensuring all detritus is removed. and Veolia are meeting these targets.											
Source Date 30/06/2020											
ESC07 % of Land and Highways assessed falling below acceptable level - Graffiti (NI195c) (4M)	0.00%	0.00%	0.00%	1.00%	1.00%		2.00%	2.00%	Smaller is Better		5.00%
Of the transects inspected all areas were with targets.											
Source Date 30/06/2020											
ESC08 % of Land and Highways assessed falling below acceptable level - FlyPosting (NI195d) (4M)	0.00%	0.00%	0.00%	0.00%	0.00%		2.00%	2.67%	Smaller is Better		0.00%
Of the average of 75 areas inspected per month, no incidents of fly posting were recorded in this quarter											
Source Date 30/06/2020											
ESC09 % of Fly Tipping incidents removed within 2 working days of notification (SO2) (M)	66.29%	75.23%	90.67%	90.55%	90.55%		70.00%	70.00%	Bigger is Better		68.23%
The percentage of fly tips reported and removed within 48 hours was well over target. For fly tips that are hazardous or oversized there will be a new KPI which will detail the breakdown. For these where specialist equipment is required they will be cleared within 5 days of the initial report.											
Source Date 30/06/2020											
HML01 Total no. of households living in temporary accommodation (M)	342	358	341	356	356		380		Smaller is Better		338
Overall acceptance numbers have dropped compared to last year in the same quarter which is good, but this could be again due to Covid-19 eviction restrictions (until August 2020) as less homeless case referrals have been received during this period.											
Source Date 30/06/2020											
HML07 Number of households that are prevented from becoming homeless (M)	25	37	43	48	128		150	600	Bigger is Better		147
The prevention number has gone down compared to last year in the same quarter. This could be because of eviction restrictions (until August 2020) due to Covid-19 situation therefore less referrals received during this period. This also coincides with the number of approaches recorded lower during this period as compared to last year in the same quarter.											
Source Date 30/06/2020											
HML09 Number of households for whom a full homelessness duty is accepted (M)	32	34	11	19	64		240	960	Smaller is Better		85
The overall acceptance number has dropped compared to last year in the same quarter which is good, but this could be due to Covid-19 eviction restrictions (until August 2020) as we had less homeless case referrals received											

Monthly Measures

Measure ID & Name	Mar 20	Apr 20	May 20	Jun 20	Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
during this period. This also coincides with the number of approaches recorded which were lower when compared to last year (2019/20) in the same quarter.											
Source Date 30/06/2020											
+ IG03 % FOI/EIR cases responded to within 20 working days (M)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	98.0%	98.0%	Bigger is Better		100.0%
In the first quarter the top three types of FOI requests received were as follows:- Businesses=26 requests; CCTV = 25 requests; Media requests =22. In June and following the implementation of schemes to assist small businesses by offering grants, we were made aware of national fraudulent behaviour which resulted in all Northamptonshire councils removing the business rates data from public view as well as refusing any specific FOI requests for business rates data, to eliminate the risk of information being used in a fraudulent way. While we are still in a period of national economic uncertainty and when further assistance may be offered in this area, we will continue to uphold this stance.											
Source Date 30/06/2020											
+ IG04 % Subject Access requests responded to within one month (M)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	Bigger is Better		100.0%
All SARs requests received within this quarter were responded to within times scales. One SAR completed in April had received Executive approval to be extended by two months from January in line with GDPR Guidance Art 12 para 3 .."taking into account the complexity and number of the requests." This is the first time an extension has been applied by the Council under GDPR. All cases were dealt with within the regulatory time. The team continued to work throughout lockdown, relocating to home working without any detriment to performance.											
Source Date 30/06/2020											
+ NI157a % Major Planning applications determined in 13 weeks or agreed extension (M)	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	Bigger is Better		100.00%
100% of applications determined during April and May, no Major applications made during June.											
Source Date 30/06/2020											
+ NI157b % of 'minor' planning apps determined within 8 weeks or agreed extension (M)	100.00%	100.00%	100.00%	98.44%	98.44%	100.00%	100.00%	100.00%	Bigger is Better		100.00%
98.21% applications determined within agreed time scales with one application out of time. This was when the case was reallocated after an officer left, and there was oversight in meeting the decision date. We have now rectified this with weekly monitoring reports of outstanding cases for all officers.											
Source Date 30/06/2020											
+ NI157c % of 'other' planning apps determined within 8 weeks or agreed extension (M)	100.00%	100.00%	100.00%	99.41%	99.41%	100.00%	100.00%	100.00%	Bigger is Better		100.00%
Again, one case was out of time, due to the application being of a sensitive nature the case was referred to the Planning Committee. As there had been previous Extension of Time applications made previously during the course of the application it would have been unreasonable to request a further EOT from the applicant in this instance.											
Source Date 30/06/2020											
+ PP22 % Hackney Carriage and private hire vehicles inspected which comply with regulations (M)	66.67%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	Bigger is Better		0.00%
During this period the team were working remotely and not undertaking inspections due to the Coronavirus restrictions. The team were involved with monitoring compliance with Covid 19 business restrictions, and dealing with complaints and enquiries relating to the PVH and Hackney carriages.											
Source Date 30/06/2020											
+ PP53a % Service Requests responded to within 5 working days (M)	76.19	393.00	476.00	630.00	630.00	697.00	85.00	85.00	Bigger is Better		96.87
In April, staff were being deployed on a wide range of new duties relating to Covid. These included welfare checks, supporting vulnerable residents and carrying out checks in relation to business closures. In addition routine fly tipping complaints were not subject to the normal investigation processes if staff were unable to carry out a visit that was not safe. There was a significant rise in complaints about bonfires and domestic noise during the lock down period of April and May. In June working patterns started to return to normal, but some staff were still involved in Covid related business regulation work and ongoing increase in domestic nuisance complaints, especially during periods of hot weather.											
Source Date 30/06/2020											

### Quarterly Measures

Measure ID & Name	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	Overall perf. to Date	YTD	Current Profiled Target	Annual Target	Polarity	Perf. vs. same time last year	YTD value same time last year
HMO01 No. HMOs with Mandatory licence (Q)	473			471			519			509	★	★	500		Bigger is Better		491
The number of licences has risen during the quarter, but the team have ensured that business as usual has continued during the lockdown period.																	
Source Date 30/06/2020																	
HMO08 No. of HMOs with an additional licence (Q)	393			382			388			324	★	★	324	324	Bigger is Better		398
The team have ensured business as usual carried on during difficulties presented during lockdown.																	
Source Date 30/06/2020																	
IG01 % LGO cases responded to within 28 days (excl. pre-determined cases) (Q)	100.0%			100.0%			87.8%			100.0%	★	★	100.0%	100.0%	Bigger is Better		100.0%
There were no full investigations during this period.																	
Source Date 30/06/2020																	
IG02 Av. days to respond to LGO enquiries (excl. pre-determined cases) (Q)	26.00			23.00			21.00			1.00	★	★	1.00	1.00	Smaller is Better		26.00
The first quarter includes the period of complete lockdown by the LGSCO. NBC only received three predetermined cases of which 2 were deemed "unlikely to find fault" and one was "No power to investigate". One pre-investigation also received resulted in the finding of "No sign of fault without requirement to go to full investigation".																	
Source Date 30/06/2020																	
MPE01 No. of new businesses locating on NWEZ (Q)	2			1			3			1	▲	▲	5		Bigger is Better		2
As this project is now reaching its conclusion this will be the last time this KPI is used in this report.																	
Source Date 30/06/2020																	
MPE02 No. of new jobs created on NWEZ (Q)	9			1			5			4	▲	▲	50		Bigger is Better		7
As this project is now reaching its conclusion this will be the last time this KPI is used in this report.																	
Source Date 30/06/2020																	
PP16 % Off licence checks that are compliant (Q)	0.00%			0.00%			0.00%			0.00%	★	★	0.00%		Bigger is Better		0.00%
During this period the team were working remotely and not undertaking inspections due to Corona virus restrictions. The team were involved in monitoring compliance with Covid-19 business restrictions and dealing with complaints and enquiries about the full range of licensing functions.																	
Source Date 30/06/2020																	
TCO05n Town Centre footfall (Q)	3,085,725			2,935,852			2,504,292			1,057,879	▲	▲	3,250,000		Bigger is Better		3,277,491
Town centre footfall is taken from 3 footfall cameras on Abington Street, The Drapery and Market Square. The Town centre footfall was significantly affected due to Covid-19 with all but key workers being urged to stay at home. Overall it is 68% down on the same quarter last year.																	
Source Date 30/06/2020																	

## Major Project update

### Delivery of the Northampton Waterside Enterprise Zone

Movement within the Enterprise Zone for quarter one showed one new business locating within the area, creating 4 new jobs.

Source Date 30/06/2020

### Development of the Greyfriars site

Northamptonshire Partnership Homes will be utilising the site as their compound during the development of Belgrave House.

Source Date 30/06/2020

### Restoration and regeneration of Delapre Abbey and Park

Essential repairs to the roof and alterations are now complete together with the external lighting installation. End of defects inspection for the car park was arranged, and some minor issues were resolved. A legal review of the schedule of defects for a potential claim has been undertaken

Source Date 30/06/2020

### Delivery of the Business Incentive Scheme and account management to key businesses

The Five Year Business Incentive Scheme came to a close at the end of March 2020, and has been extremely successful with overall figures of 167 new and existing businesses being supported with committed grants of £1,406,991, creating 799 jobs and leveraging £8,493,868 of private sector investment.

Source Date 30/06/2020

### Delivery of the Four Waterside Development

The Masterplan was approved at Cabinet in February 2020, and the development appraisal and delivery advice have now been completed. A draft business case to meet the viability gap has been developed and is in the process of being appraised by SEMLEP ahead of being brought to the Enterprise Zone Board by July 2020.

Source Date 30/06/2020

### Development of the Cultural Quarter

**Museum** The 'Practical Completion' certificate was accepted by NBC in April. There is still a range of works outstanding that will be completed as part of the close out programme submitted by the contractor. Extra internal measures have been put in place to monitor the commissioning and to report on a weekly basis if there are any further delays. Installation work was mainly halted due to the Covid-19 situation, but a skeleton staff were able to continue to work safely. Museum staff are working towards opening the museum at the earliest opportunity when it is safe to do so.

Source Date 30/06/2020

### Development of the Cultural Quarter - Vulcan Works

Development continues with masonry works on Guildhall Road, underpinning and drainage complete. The last bay and internal alterations underway in Fetter Street. Equipment has been removed from the cellar and will be infilled with concrete. Partitioning to the upper floors is almost complete on Angel Street with the units taking shape and skimming is in progress. Truss repairs are completed and ready for installation in the Victorian Workshops. The steel frame structure works are in progress and the lift shaft is now taking shape. The project team are in contact with the external project manager during the Covid-19 pandemic, to keep informed of any potential risk to the programme. The final drawdown has been completed for LGF funding.

Source Date 30/06/2020

### Delivery of the Castle Station development

A workshop meeting to discuss various options and progress agreement was held in late April. Following the workshop it was agreed that a meeting would be arranged with the Department of Transport which will be held ahead of the Cabinet paper later in the year should the council wish to progress this development.

Source Date 30/06/2020

**Appendices:**

**Annex 1 - 4**



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Asset Management Disposals</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	9 <sup>th</sup> September 2020
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	No
<b>Policy Document:</b>	Yes
<b>Service Area:</b>	Economy & Assets
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland, Regeneration & Enterprise
<b>Ward(s)</b>	Nene Valley Ward, Castle Ward, Talavera Ward, New Duston Ward

### 1. Purpose

- 1.1 This report seeks approval from Cabinet to consider the sites identified below as surplus to the Council's requirements and approves the recommendation that these sites be disposed of pursuant to the provisos noted in the report.

### 2. Recommendations

- 2.1 Cabinet 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 agree the terms and conditions and complete the transfers of the following property and land:-

#### 2.1.1 Farmclose Road, Land adjacent to Cemetery

- That the transfer is to Wootton Parish Council for community use
- A restrictive covenant is placed on the land to ensure that it continues to be used as intended for community use.

- The site continues to be maintained by the Council (currently under a landscape maintenance contract June 2028) and this contract for grass cutting and associated services will continue once the site has transferred subject to the ongoing collection of special expenses for these services.
- The Parish Councils will take on all other responsibilities for the land and centres at completion of the community asset transfer.
- The Council to retain a right of pre-emption should the Parish Council no longer require the land or centres for permitted use.
- The market valuation will consider the financial benefit of the grass cutting contract, the management and maintenance costs, the restrictive covenant, and where relevant, the council tax charges collected on behalf of the Parishes for services provided in the Parish Council areas. A net market value will be determined, and the transfer price will be agreed considering any value for money savings that will be achieved by the transfer.
- Each party will bear their own professional fees including legal and estates costs.
- The community assets are held on the council asset register with a nominal capital value, reflecting the exiting use. To ensure the transfers achieve value for money a market valuation will be completed and Economic Growth and Regeneration Manager, in consultation with the Borough Secretary, Chief Finance Officer.

#### 2.1.2 Becketts Park Pavilion

- To market the site as a Community Asset Transfer inviting expressions of interest from Third Party Sector organisations as identified in paragraph 3.3.7. below.
- A qualifying process will then follow, and a panel of Officers and Members will review the applications and report back to Cabinet with a recommendation identifying the preferred organisation and include the outline terms of the transfer and adherence to the requirement to achieve value for money.

#### 2.1.3 Land at Blackthorn Bridge Court

- To sell the land by private treaty to the Blackthorn pharmacy operator at market value as determined by a RICS registered valuer.

#### 2.1.4 Land abutting 11a Eastfield Road

- To sell the land by private treaty to the owner of 11a Eastfield Road at market value as determined by a RICS registered valuer.

2.1.5 The transfer of all the above will be subject to advertisement to adhere to statutory requirements to allow members of the public opportunity to comment. These comments will be reviewed by the Economic Growth and Regeneration Manager, in consultation with the Borough Secretary, and the Cabinet Member for Regeneration and Enterprise and should there be no objections to

the proposed disposal received the matter will complete. If there are any objections received to the proposed disposal then in accordance with statutory procedure the matter will be brought back to Cabinet for consideration.

### **3. Issues and Choices**

#### **3.1 Report Background**

3.1.1 The Council has substantial property and land holdings acquired over many years. There is a duty to regularly review the assets to consider whether they should be retained by the Council or released to other parties in line with government policy and corporate objectives.

3.1.2 The property and land below have been identified as surplus to the Councils requirements and have been prepared for disposal, annexed to this report is a summary of each site together with an indicative plan of the site.

#### **3.2 Farmclose Road, Land adj to Cemetery**

3.2.1 The Council is the freehold owner of this site currently used as unrestricted recreational area by the community. Historic maps indicate this was farm land before Farmclose Road was built by the local authority of the time (it would have been pre-1974 reorganisation).

3.2.2 The land below the site to be transferred, was designated as a cemetery and this site was left probably intended to be held for future cemetery expansion. The cemetery itself belongs to Wootton Parish Council.

3.2.3 When the nearby Wootton Fields housing development was laid out in the 1990s, land to the south was set aside for a community hall, which was constructed, and subsequent land transfers took place to allow for play equipment to be sited. The playing fields are in the ownership of David Wilson Homes and are in the process of being transferred to Wootton Parish Council

3.2.4 Officers have reviewed this site and in conjunction with Wootton Parish Council conclude that the land should remain for recreational use by the community but note that longer term it may be required for cemetery extension in the future (subject to usual consents).

3.2.5 Emerging planning policy (NLPP2) shows the site falling under Policy 24 Open Space, Sports and Recreation (Churchyards and Cemeteries) and Local Policy 1997 Policy E6 (Greenspace) and that it may in future be assessed as potential to extend the neighbouring cemetery.

3.2.6 It is important to note that the NLPP2 is out for consultation at the moment, the responses will have to be considered and the document reviewed before the next stages, it is therefore referred to in this report as a draft document – the weight the document carries in determining planning applications will increase as the plan progresses.

3.2.7 The site is currently maintained by the Council under a landscape maintenance contract to June 2028 and this contract for grass cutting and associated services will continue once the site has transferred subject to the Parish continuing to pay the special expenses for these services.

### **3.3 Becketts Park Pavilion**

3.3.1 This timber clad pavilion was built circa 1920s and used until recently as a café for park users to enjoy. Sadly, the leaseholder died in 2017 and the café remains closed.

3.3.2 Since the café has been closed it has been the subject of frequent vandalism and attracted anti-social behaviour. The property has been reviewed by assets with the aim of bringing it back into a functional use but given the poor condition of the building and the recognition that the Council does not have sufficient staff with necessary skills and experience to operate a successful community café, an alternative solution needs to be found to preserve a café in the park.

3.3.3 Becketts Park is one of Northampton's primary open spaces, located to the south of the town, and enjoyed by students, boaters and the wider community. In 2019 the Council commissioned a masterplan for the park, produced by Buddies of Becketts (BOB), which made recommendations on many aspects.

3.3.4 The Becketts Park masterplan was a thorough review which included consideration of the history of the park, current planning policy, previous masterplans of the area, and the results of extensive public and stakeholder consultation. Documents reviewed included: -

- Waterside Northampton, Development Framework and Masterplan 2005 and its review in 2008 (Halcrow)
- Open Parks, Sports and Recreational Needs Assessment and Audit 2009 (NBC)
- Nene Meadows Masterplan 2010.
- Becketts Park Master Plan 2008 (found on the NBC website)

3.3.5 The proposal for the café is to market the opportunity for a qualified community organisation to submit a tender, including business plan, demonstrating credible evidence that they have the financial resources and ability to take control of the café and fulfil the recommendation contained within the masterplan to reopen a community café in the park.

3.3.6 Effective and carefully managed transfers of assets to the local community can bring benefits not only to the Council but also to its community partners. Such transfers provide the potential to strengthen the role and future sustainability of local community assets and organisations.

3.3.7 Consideration has therefore been given to the best outcome for the Pavilion and it is recommended that this asset should be transferred to a community or voluntary organisation. The process will be:-



- The advert will be prepared to market the site as a Community Asset Transfer and in conjunction with this Council will advertise the disposal of an open space in the local press.
- The marketing advert will be asking for expressions of interest from the voluntary and community sectors ie third party sectors (TPS). A TPS is one which:-
  - Is independent of the public sector;
  - Is value driven, ie motivated to achieve social goals( eg improving public welfare, the environment and economic well-being) rather than the desire to distribute profit and
  - Reinvests surpluses generated in pursuit of their goal.

3.3.8 Applicants will need to follow the instructions on the advert and contact the Corporate Asset Manager to get an application form, complete it fully and return it to the Corporate Asset Manager by the closing date.

3.3.9 A panel of officers and members will review the applications, and each will be scored to arrive at a decision. Further details of the qualities the Council are assessing, and the timeline of the process will be sent to interested parties.

3.3.10 Any organisation submitting an application should be able to provide supporting information about themselves, including demonstrating existing credible evidence of sympathetically working within a park setting and be able to confirm their ability to make surpluses (to be financially sustainable) which may include outlining their plans to get funding to invest in the facility.

3.3.11 Once the qualifying process has concluded a report will be brought back to Cabinet with a recommendation identifying the preferred organisation together with an outline of the main terms of the transfer.

### **3.4 Blackthorn Pharmacy (Land off Blackthorn Road)**

3.4.1 This disposal concerns the pharmacy operator (currently located in the community shop) and planning permission obtained by the pharmacy operator to build a new unit for pharmacy purposes, a larger area ensuring the bigger unit remains in the area by providing more services.

3.4.2 It is understood that some years ago the Council agreed in principle to sell an area of land to the pharmacy operator to enable a larger pharmacy to be provided, but the area of land previously agreed for that purpose then became required for a play area (funded by the Growing Together Community Group with lottery funding) and as a result of continued local support for a pharmacy an alternative new site, adjacent to the community shop. See plan annexed to this report.

3.4.3 The applicant has obtained planning permission, which was granted on 14<sup>th</sup> February 2018, expiring on 14<sup>th</sup> February 2021 under planning reference N/2017/1539 to build the pharmacy unit and therefore the intention is to dispose of the site to enable the development to commence.

3.4.4 The proposal is to sell the site subject to the planning permission granted at market value, a RICS market valuation has been obtained.

### **3.5 Land abutting 11a Eastfield Road**

3.5.1 The owner of 11a Eastfield Road obtained planning permission on 22 January 2019 to permit development of a two-storey rear extension and the change of use of highway verge to form private parking spaces, planning reference N/2018/1313.

3.5.2 Planning assessed the application taking account of consultation responses and the application was subsequently approved.

3.5.3 The owner of the property developed the scheme; however they do not own the highway verge where the two vehicle parking spaces have been created, the owner being Northampton Borough Council.

3.5.4 Various correspondence has been received between the owner and the Councils Assets team and in summary the asset team in this instance agree to dispose of this small area of land to the owner at market value, subject to all reasonable costs being paid.

3.5.5. It should be noted that any application for change of use on Council owned land will not only require planning permission, but also need to be determined in line with the Council's asset strategy for the land. Each application will be assessed on its own merits in line with Council policy and processes.

### **3.6 Issues**

3.6.1 To ensure the land proposed to be transferred to Wotton Parish Council community remain for the intended use a restriction will be put on title so that no change of use would be allowed without further consideration.

2.6.2 Becketts Park Pavilion is not in good repair, the community organisation will be expected to take on the property in the current condition, secure the site and demonstrate they have the resources to deliver the outcomes for the Pavilion.

### **3.7 Choices (Options)**

3.7.1 The Council could choose not to proceed with the recommendations above and retain some or all of the sites, which may result in:-

3.7.1.1 Farmclose Road would continue to be retained as the existing use with the responsibilities of land ownership remaining with the Borough Council. This would not facilitate local empowerment for the community and the costs associated with maintenance and insurance would remain.

- 3.7.1.2 Becketts Park Pavilion would remain closed and continue to fall into disrepair. It would remain under review by the Borough but there would not be a resource to focus on this asset alone and therefore progress to bring it back into use would be slow.
- 3.7.1.3 Land for Blackthorn Pharmacy has been progressed to this stage following much consultation, and if it does not proceed may be at risk of closure as the current space is identified as not being suitable by the pharmacy governing body.
- 3.7.1.4 Land at 11a Eastfield Road has been approved by planning for change of use, there is no benefit in retaining the land, any income for rental would be minimal and not cover the management costs incurred.

3.7.2 The Council can choose to proceed as stated in section 2.1.1 – 2.1.4 of the recommendations, which is the preferred option.

#### **4. Implications (including financial implications)**

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##### **2.2 Policy**

- 2.2.1 The disposals are in line with the Corporate Plan.
- 2.2.2 The recommendations in this report do not set policy or have implications on existing policies set.

##### **2.3 Resources and Risk - Finance**

- 2.3.1 These community assets are held on the council asset register with a nominal capital value, reflecting the exiting use. To ensure the transfers achieve value for money a market valuation will be completed and the Economic Growth and Regeneration Manager, in consultation with the Borough Secretary, Chief Finance Officer and Cabinet Member for Regeneration will have delegated authority to agree the terms and conditions and complete the transfers.
- 2.3.2 Each Council will pay their own legal estates costs.
- 2.3.3 Northampton Borough Council also charge special expenses for the maintenance of their parks and open spaces as part of the Council Tax. These costs will be factored into the valuation to assist in determining the market value and the transfer price. The Council may continue to charge the special expenses where grass cutting services are provided and each site will be reviewed on a case by case basis.
- 2.3.4 All contractual open space grounds maintenance costs will be determined and factored into the market valuation to ensure the Council achieves value for money.

##### **4.3 Legal**

4.3.1 It is noted that the Council assets identified above consider different forms of disposal from community asset transfer to disposal by way of private treaty (ie where the sale of land is negotiated with one or a small number of interested parties as a result of a direct approach).

### **Community Assets Transfer**

4.3.2 Pursuant to the provisions of the Local Government Act 1972 (LGA 1972), the Council has the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate , or is conducive or incidental to, the discharge of any of its functions and the proposed community asset transfer are governed by the provisions of the LGA 1972 as outlined in paragraph 4.3.3

4.3.3 It is noted that Farmclose Road adjacent to the cemetery and Becketts Park Pavilion have been identified as potential community asset transfers. The disposal of such assets is governed by section 123 of the LGA 1972. It follows therefore, that the Council as trustee, in relation to the land it holds on behalf of the community has a statutory duty to sell the land at the best price reasonably obtainable, unless the exception under the General Disposal Consent (England) 2003 applies.

4.3.4 As noted in paragraph 4.3.3 above, the General Disposal Consent (England) 2003 provides consent for the Council to dispose of land for less than best consideration that can reasonably be obtained where the Council considers the purpose of disposal at less than best price will achieve the promotion or improvement of the economic, social or environmental wellbeing for the area and/or local residents, subject to the caveat that in all cases disposal at less than best consideration that the undervalue does not exceed £2,000,000 (2 Million)

4.3.5. Notwithstanding paragraph 4.3.4 above, the Council nonetheless needs to ensure that it complies with normal prudent commercial practices including obtaining the view of a professionally qualified valuer as to the likely amount of any undervalue, where this is relevant. Such a valuation sets out the unrestricted value (best price reasonably obtainable) the restricted value together with the value of the conditions. This will ensure that the monetary value had been taken into account by the Council.

4.3.6 In addition to the above requirements there are further procedural steps that the Council are required to comply with in order to meet its statutory duty under s.123 LGA 1972. Pursuant to s.123 (2A) of the LGA 1972 in advance of any final decision to dispose of any open space land the Council must first advertise its intention to do so in a local newspaper for two consecutive weeks and thereafter consider any objections received.

4.3.7 There is also connected with any disposal the requirement to consider procurement regulations where relevant and ensure that legal advice is obtained as part of the disposal process.

4.3.8 It is noted at paragraphs 3.3.7 to 3.3.9 makes reference to the community asset transfer application process. It is recommended that any application process undertaken by the Council is robust in approach and ensures that any applicant under the process has good transparent governing procedures in place so that the Council can be confident that the Council's intended objectives are achieved.

### **Sale by Private Treaty**

4.3.11 With respect to disposal of Council assets by way of private treaty which is proposed with respect to land at Blackthorn Pharmacy and land abutting 11a Eastfield Road, with regard to these proposed transactions the Council has the power pursuant section 1 (1) of the Localism Act 2011 to power to do anything that individuals generally may do, subject to the restraints of public law.

4.3.12 The Council has both a statutory and fiduciary duty to obtain best consideration for the disposal of the land. As noted above there are exemptions to this obligation but it is understood that the Council are not relying on any such exemptions in respect of these transactions.

### **4.4 Equality and Health**

4.4.1 There are no equality or health impacts resulting in the disposal of the surplus assets.

### **4.5 Consultees (Internal and External)**

4.5.1 Legal, Assets, Planning, Environmental, Finance and Community Officers. Ward Councillors.

### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 The proposals are aligned to the Corporate Plan and the priority to make best use of our assets and provide value for money. The recommendations in this report will deliver against the following strategic outcomes within the Corporate Plan, using public money effectively, empowering local people and keeping the town and people safe.

### **4.7 Environmental Implications (including climate change issues)**

4.7.1 There are no environmental implications identified.

### **4.8 Other Implications**

4.8.1 There are no other implications in this report.

## **5. Background Papers**

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5.1 Cabinet Report, 4<sup>th</sup> March 2020 – Disposal of Community Centre Shops.

- 5.2 Cabinet Report, 20<sup>th</sup> May 2020 – Community Asset Transfers
- 5.3 Attached annexes for reference and for individual recommendations moving forward. Listed annex 1-4.

## **6. Next Steps**

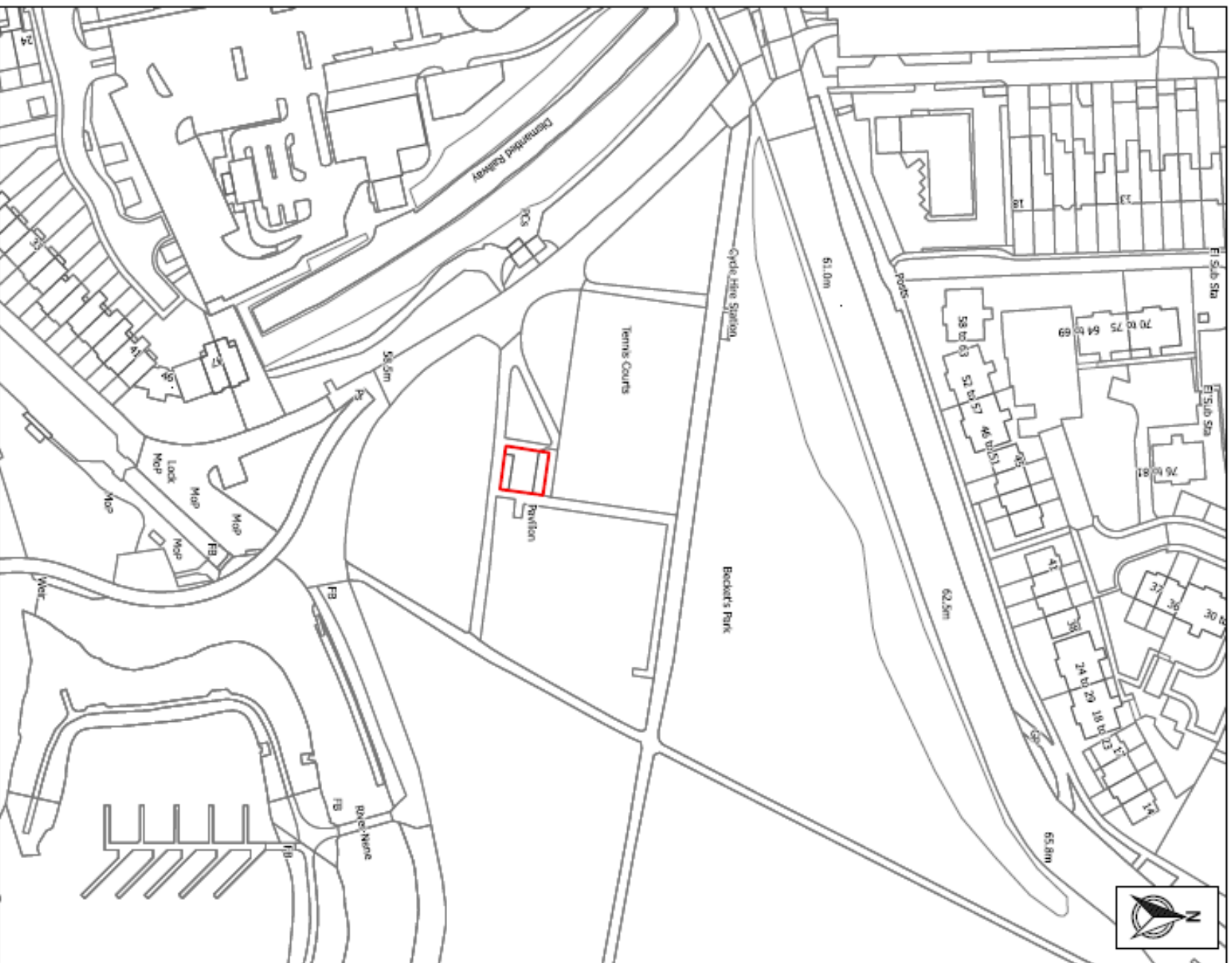
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- 6.1 Subject to the recommendations being approved officers would progress the transfers as documented in the recommendation above.

**Kevin Langley**  
**Economic, Growth and Regeneration Manager**

Annex 2 –

<b>Description of Property:</b>	Beckets Park Pavilion (Café and Booking Office)	Comments -	The Council has received many expressions of interest. A marketing process will be required to advertise the Pavilion.
UARN	60418		
Address	Bedford Road NN1 5NH		
Current Use	Café & Booking Office (Vacant)		
Planning Policy	Emerging Policy (NLPP2) - Policy 24 - Parks and Gardens		
Tenants	Mostly vacant however a small area is used for the storage of grounds maintenance equipment.		
Recommendations	Transfer the site to a suitable and quality community organisation under the terms within the cabinet report.		



**NORTHAMPTON**  
BOROUGH COUNCIL

**Title: Becket's Park Pavilion**

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Date: 18-05-2020

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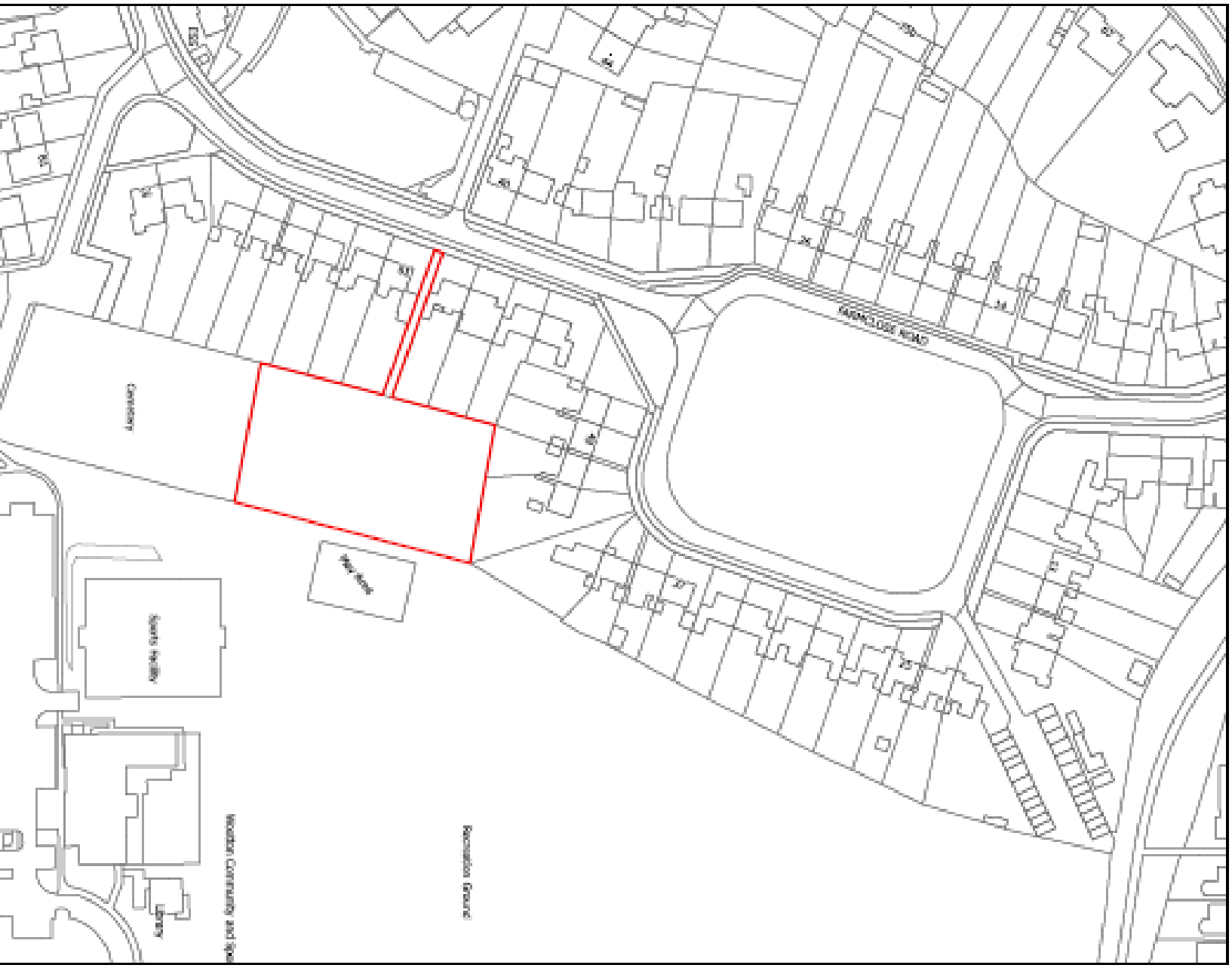


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Annex 4 –

<b>Description of Property:</b>	Farmclose Road, Land adj to Cemetery	Comments – Historic maps indicate that this area of land used to be farmland before Farmclose Road was built. The land below the site to be transferred, was designated as a cemetery and this land was left property for future cemetery expansion which we believe is owned by Wootton Parish Council.
UARN/ Title Number	NN318848	
Address	Farmclose Road NN4 6HL	
Current Use	Open Space/Greenspace	
Planning Policy	Emerging Policy (NLPP2) - Policy 24 - Open Space, Sports and Recreation (Churchyards and Cemeteries). Local Policy 1997 - Policy E6, Greenspace	
Tenants		
Recommendation	Outlined in the Cabinet Report however this will have the same restrictions as outlined in Cabinet Report from May 2020 – Community Asset Transfer – Open Spaces and Community Centres to Parish Councils.	





**The Land adjacent to Cemetery, Farmlose Road**

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Annex 6 –

43

<b>Description of Property</b>	Blackthorn Pharmacy (Land of Blackthorn Road)	Comments – Full planning permission has been granted for a new pharmacy on 14 <sup>th</sup> February 2018, expiring on 14 <sup>th</sup> February 2021. The pharmaceutical regulatory body has advised the tenant that the current location based within a supermarket is not big enough for a pharmacy. The current licence of the pharmacy is under review.
UARN/Title Number	60432/ NN55419	
Address	Blackthorn Bridge Court NN3 8QH	
Current Use		
Planning Policy	Emerging Policy (NLPP2) - Policy 19 - Neighbourhood Centres	
Tenant	N/A	
Recommendations	Northampton Borough Council has granted full planning permission for the use of a new build pharmacy on the site at Blackthorn Bridge Court and to sell at market value.	



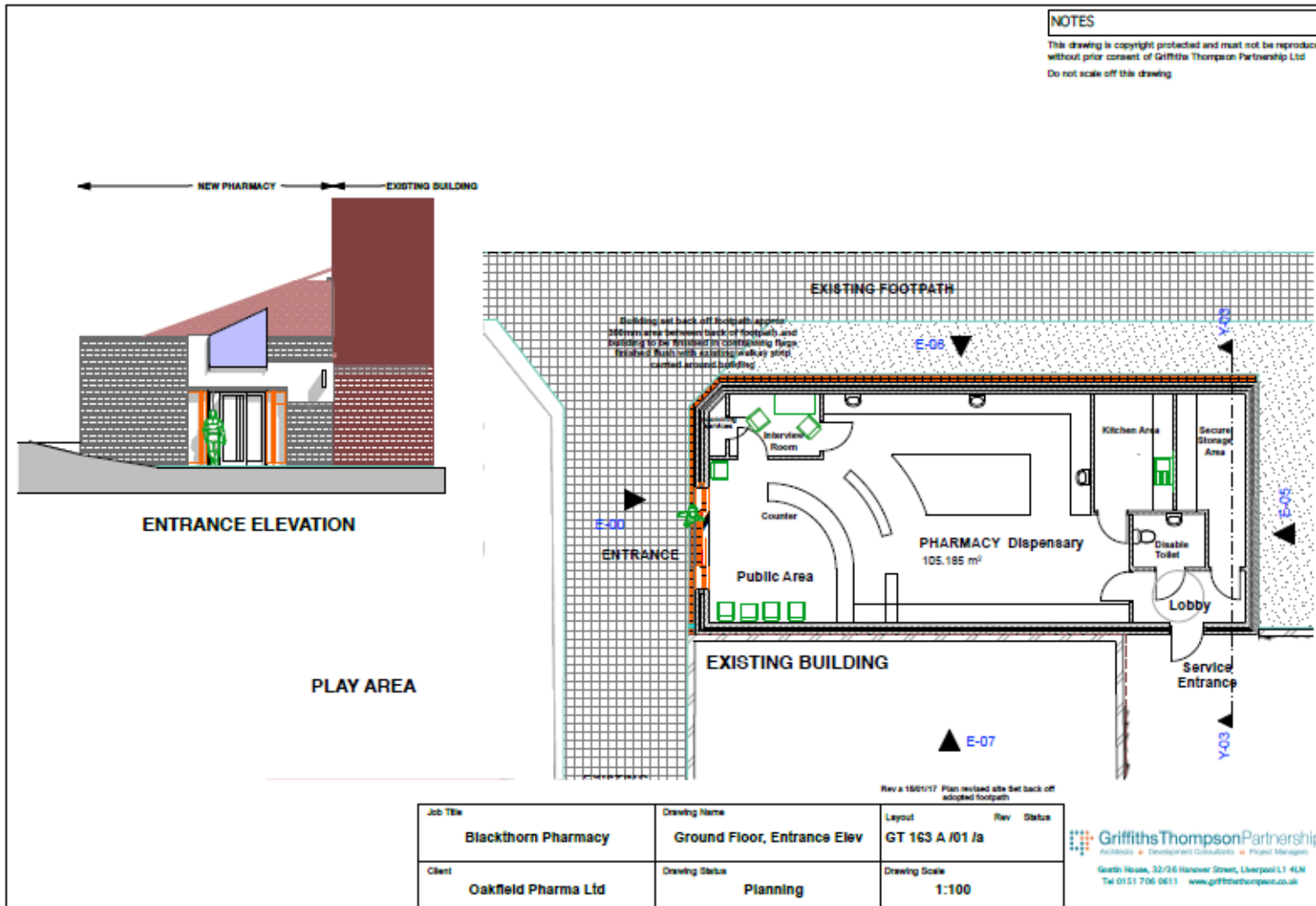


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Rev a 15/01/17 Plan revised site position

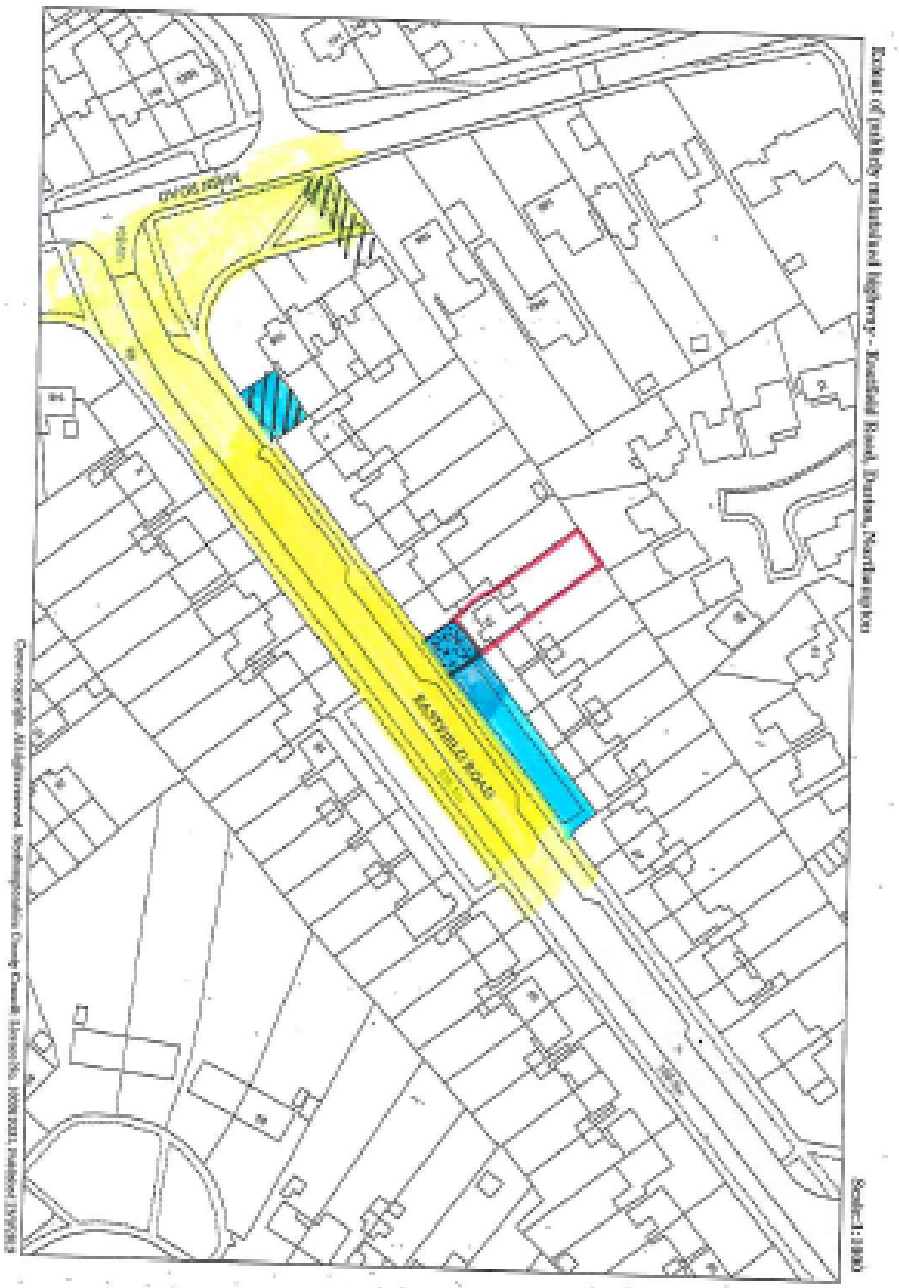
<b>Job Title</b> Blackthorn Pharmacy	<b>Drawing Name</b> Location Plan	 <b>Griffiths Thompson Partnership</b> <small>Architects • Development Consultants • Project Managers</small> Goodwin House, 32/36 Hanover Street, Liverpool L1 4AN Tel 0151 706 0611 www.griffithsthompson.co.uk		
<b>Client</b> Oakfield Pharma Ltd	<b>Drawing Status</b> Planning	<b>Drawing Scale</b> 1:1250	<b>Layout</b> GT 163 A/ 00 a	<b>Rev</b> Status



Annex 8 –

<b>Description of Property</b>	Land abutting 11a Eastfield Road	Comments -	Full planning permission has been granted (22 <sup>nd</sup> January 2019) for their rear extension and change of use of a highway verge to form private parking spaces.
UARN			
Address	11a Eastfield Road		
Current Use	Land has been used as driveway for extension works		
Planning Policy			
Tenants	Liz Higginson & Scott Chilton (Owner of 11a Eastfield Road)		
Recommendation	The recommendation is to regularise the site, with the owners buying the land from NBC to allow full implementation of the planning permission		

Scarps Land,  
Duxton  
and adjoining area



- Key :
- IIA Eastfield Road - owned by Mr Higginia
  - Land owned by NRC
  - Highways - adopted
  - NRC land affected by proposed parking

Appendices

4



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>CONSULTATION ON A PUBLIC SPACE PROTECTION ORDER FOR THE ALLEYWAY CONNECTING DUNSTER STREET AND ST. MICHAEL'S ROAD.</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	9 September 2020
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Community Safety & Engagement
<b>Accountable Cabinet Member:</b>	Cllr Anna King
<b>Ward(s)</b>	Castle

### 1. Purpose

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- 1.1 To seek authority to undertake a statutory consultation about potentially making a Public Spaces Protection Order ("PSPO"), as set out in sections 59 to 68 of the Anti-Social Behaviour, Crime & Policing Act 2014 ("the Act"), with regard to an alleyway which is part of the public highway between Dunster Street and St Michael's Road.

### 2. Recommendations

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That Cabinet:

- 2.1 Delegates authority to the Chief Executive to undertake a 12 week statutory public consultation in the terms set out in Appendix 3 on the proposal to make a PSPO that allows gating the alleyway that links Dunster Street and St Michael's Road, as shown on the map at Appendix 1.

- 2.2 Agrees to receive a further report, following completion of the statutory public consultation, which considers any representations received and, if appropriate, seeks approval of a PSPO as per para. 2.1.

### **3. Issues and Choices**

#### **3.1 Report Background**

- 3.1.1 The Act 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. The activity must also be “unreasonable” and any restriction must be 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 an 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 also 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 or renewing an Order, the Council 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 The alleyway between Dunster Street and St Michael's Road is part of the public highway and has been a hotspot for drug dealing, fly tipping and anti-social behaviour for many years. In the past several recommendations were made for gating this alleyway, but were not viable due to previous legislation making it cost prohibitive. However, the issues remain and since the introduction of the Act, gating of part of public highway is permitted by way of PSPO, simplifying the process and significantly reducing the financial outlay.
- 3.2.2 The alleyway has been brought to the attention of the Neighbourhood Police Team repeatedly for drug dealing and regularly provides a cut through for suspects making a quick exit on foot. Local Police Community Support Officers have also reported witnessing suspected drug dealing taking place in the alleyway.
- 3.2.3 The alleyway allows easy pedestrian and cycle access from St Michael's Road through to Dunster Street and vice versa, making it an ideal place for fly tippers to deposit bags of controlled waste and white goods out of site.
- 3.2.4 In order to make a PSPO prohibiting access to the alleyway, the Act states that the Council needs to consult with anyone who could legitimately use it as well as those who live nearby.
- 3.2.5 A PSPO can only be made for a period of up to 3 years. At any time before expiry the Council can extend a PSPO by up to 3 years, provided it follows the statutory consultation requirements for doing so.

## 3.2 Choices (Options)

3.3.1 Do nothing. This is not an option that would meet the needs of the wider community and address the anti-social behaviour issues and criminal activities that are being experienced on a regular basis and is **not recommended**.

3.3.2 Authorise the Chief Executive to undertake a statutory consultation regarding the making of a PSPO to restrict access to the alleyway as per para. 2.1 and agree to receive a further report once the consultation period has ended and any replies have been considered, as per para. 2.2. This choice is **recommended**.

Gating the alleyway between Dunster Street and St. Michael's Road would take away a hot spot for street drinking, drug dealing, public urination and fly tipping and remove a place with extremely limited natural surveillance for other criminal activities. Legitimate pedestrian users of Dunster Street can use the alternative route of Alcombe Terrace/Alcombe Road/Grove Road to access Kettering Road.

3.3.3 However, there will be an initial financial outlay for planning permission and the installation of gates which will be used to restrict access, but this will be addressed in the further report following consultation, should Cabinet agree to receive one.

## 4. Implications (including financial implications)

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### 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 None at this stage.

### 4.3 Legal

4.3.1 A PSPO has fixed penalty notice powers attached and would also have the potential to enhance local control over a range of local anti-social behaviour issues. They can remain in place for 3 years and then can be renewed if a further Order is required. Any PSPO ultimately made by Northampton Borough Council will probably remain in force after 31<sup>st</sup> March 2021 as part of interim arrangements that are likely to be approved by Government.

4.3.2 A PSPO can be made by a Local Authority under section 59 of the Act if satisfied on reasonable grounds that two conditions are met. These are 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,



- (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 and

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 the Council to carry out a statutory consultation with the local Police force, whatever community representatives the Local Authority thinks it appropriate to consult and any owner or occupier of land within the proposed restricted area.
- 4.3.4 The making of a PSPO could be challenged in the High Court by any person directly affected within 6 weeks of the making of the Order. A challenge can be made on the basis that the Council did not have the power to make the order, that the particular prohibitions or requirements are unnecessary or that the order is defective.
- 4.3.5 When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly as set out in the European Convention on Human Rights, although this is not a requirement that must be satisfied when considering whether to consult about a proposal to make a PSPO.

#### **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 should any PSPO eventually be made.
- 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, NBC
- Environmental Health & Licensing Manager, NBC
- Community Safety Partnership Manager
- Northants Police
- Cabinet Member for Community Safety, NBC
- Northamptonshire County Council
- Northants Fire Service
- Local Residents groups

#### **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 consultation concerning a possible PSPO has the potential to contribute towards this priority.

#### **4.7 Other Implications**

4.7.1 The Council's website and social media channels will be used to undertake the statutory consultation.

#### **5. Background Papers**

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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.

#### **Appendices**

Appendix 1 – Map showing the Dunster Street/St Michael's Road alleyway and the alternative route to Kettering Road.

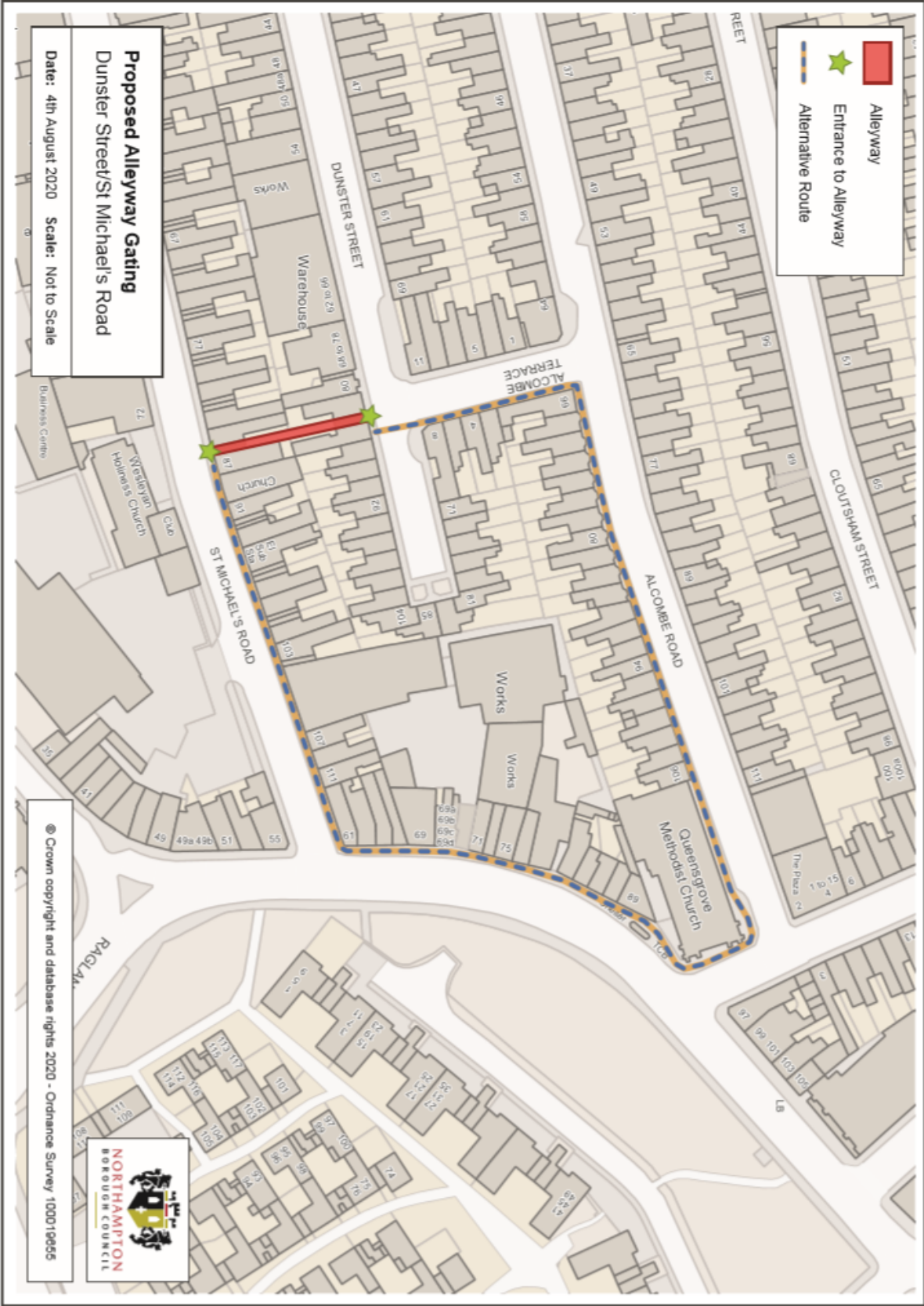
Appendix 2 – Equality Impact Assessment

Appendix 3 - Statement of Support from Alcombe Terrace Residents Group.

Appendix 4 – Proposed consultation questions,

**George Candler  
Chief Executive**

APPENDIX 1



## 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](http://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.

<p><b>1 Name of policy/activity/project/practice</b></p>	<p>Public Places Protection Order – Dunster Street Alley</p>
--	--

<p><b>2. Screening undertaken (please complete as appropriate)</b></p>	
<p>Director of Service</p>	<p>George Candler</p>
<p>Lead Officer for developing the policy/activity/practice</p>	<p>Vicki Rockall</p>
<p>Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)</p>	<p>Legal Services Environmental Services Manager, NBC Environmental Health &amp; Licensing Manager, NBC Northants Police Cabinet Member for Community Safety, NBC Highways, Northamptonshire County Council Northants Fire Service</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 proposed PSPO will allow gating of the highway between Dunster Street and St Michaels Road, a hotspot for anti-social behaviour for many years.
- Gating Dunster Street alley 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 in the area including street drinking, drug taking/ dealing, sexual and violent offences, removal of tags from stolen goods away from the public eye.
- 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 between Dunster Street and St Michael's Road. This highway is currently for pedestrian through access only. There is a parallel pedestrian through access only highway, Swan Yard, or around Gold Street 100 yards away in either direction.

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](http://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 and residents adjacent to Jeyes Jetty
  - 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 Fire & Rescue

#### **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.	There is no evidence that the ‘Order’ will impact on any specific person based on their dis/ability.
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	The consultation process will provide the opportunity	The ‘Order’ has been proposed due to the

	to capture their views.	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.
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### 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 from 'Alcombe Terrace Community Clean Up' Residents Group**

#### **Dunster Street / St Michaels Road Alleyway**

As a community group and residents of the area around the alleyway in question, we have long had issues and concerns regarding the use of the alleyway and its effects on the community.

**The main issue of great concern is anti-social behaviour: criminal activity, drug use and dealing.**

**Second to this would be: fly tipping, dumping of rubbish and litter.**

We have recently come together as a community and are monitoring the terrace for anti-social behaviour and fly tipping, started a Facebook group and are in touch and gaining support from both local Councillors, community police/engagement and Neighbourhood Wardens. This platform has enabled us to share our concerns on safety in the area and has highlighted that many residents simply feel very unsafe in the close vicinity of the alleyway.

We are in desperate need for help and support in making change on this subject particularly. We regularly report sightings of anti-social behaviour and criminal activity and some residents have both footage and images as evidence.

This activity isn't a one off now and again; the alleyway and the corner of Dunster Street opposite are used **DAILY** for drug dealing and possible usage. This mainly happens at night but during lockdown especially we are witnessing drug deals happening in broad daylight on that corner practically on residents doorsteps. (CCTV in place on properties in question.) The alleyway is then used as a convenient 'escape/exit route' for those on foot due to being so dark and hidden. Countless vehicle activity late at night – waiting, odd movements from people coming up to cars and then disappearing through the alleyway. Cars will pull up on the corner of Dunster Street/Alcombe Terrace, then people on foot approach the cars. This is not the same car every time – numerous different cars, therefore different dealers/buyers have been witnessed, highlighting the fact that this spot is notorious for this criminal activity due to its location and the convenience of the alleyway. The alleyway is used **EVERY TIME** this activity takes place.

We strongly believe if the alleyway were to be gated this would deter this criminal activity and stop the use and dealing of drugs on our doorsteps. Residents witness this first-hand and many of us share our concerns with messages from people very scared in the middle of the night – this is only getting worse. None of us feel comfortable going outside our properties past 8/9pm at night and it is no way to live. We are scared of any repercussions from all this – you just never know who these people are and what they are carrying on them, how easily they may be provoked if they happen to see you witnessing what they are doing. We are beyond desperate for that alleyway to be gated off and for the authorities to take note and survey this area more to stop and even catch the culprits who seem to be doing this routinely. Residents are not sleeping, scared to go out at certain times and feel quite trapped in our own community.

We have a resident in Alcombe Terrace who is actually suffering extremely badly from this and having to seek medical help due to anxiety and insomnia – brought on and made worse by the

activity taking place on our street right outside our properties. We also have a resident who is quite poorly who is regularly woken up both day and night due to this activity. The property right next to the alleyway on Dunster Street has also shared and expressed their concerns. Change needs to happen.

We have routinely witnessed people also using the alleyway as a place to meet, get drunk, use drugs and stay for long periods of time. The alleyway has been slept in on numerous occasions too as well as being used frequently as a toilet. The smell is unbearable, this is dangerous especially at this current time and a health concern for all. Numerous sightings of disposed nitrous oxide gas canisters in this area are also very troubling.

The alleyway is also conveniently used as a rubbish bin – tucked away and hidden it has been great for those wanting to dump that broken fridge or dispose of countless extra bin bags! It is disgusting and a serious concern. We no longer walk around our area, walk our dogs, take kids out etc as there is simply too much debris and broken glass all over walkways.

We thank you for your time in reading our statement,

Alcombe Terrace Community Clean Up

## APPENDIX 4

### Proposed Consultation Questions

Q1 Do you think anti-social behaviour is an issue in or connected with the alleyway between Dunster Street and St Michael's Road?

Q2 If so, what anti-social behaviour have you experienced or seen in or connected with the alleyway?

Q3 How close to the Dunster Street/St Michael's Road alleyway do you....

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

Q4 How often do you use the alleyway?

Q5 Would you support the closure of the Dunster Street/St Michael's Road alleyway 24 hours a day, 7 days a week?

Q6 Do you think that the Alcombe Terrace/Alcombe Road/Grove Road route is an acceptable alternative route to Kettering Road from Dunster Street?

Q7 Do you have any other comments to add?

Appendices

4



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>24 Guildhall Rd refurbishment and NN Contemporary Arts relocation</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	9th September 2020
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorates:</b>	Economy & Assets
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland, Regeneration & Enterprise
<b>Ward(s)</b>	Castle

### 1. Purpose

For Cabinet to approve works undertaken to 24 Guildhall Road including extensive asbestos removal/disposal repairs to the central heating and Part M (access and use) repairs. The report also seeks the agreement of Cabinet to refurbish the building which will allow its occupation by approving works to undertake roof covering, window and façade repairs and other associated work in line with the Getting Britain Building funding that is to be received from Government.

### 2. Recommendations

It is recommended that:

- 2.1 Cabinet approves the completed construction works including extensive asbestos removal/disposal, repairs to the central heating and Part M (access and use) repairs required since the purchase of the building in accordance with Council procurement guidelines at a value of £1.17m
- 2.2 Cabinet approves the match funding of £385,000, with £320,000 to be taken from existing in year budgets and the remaining requested as new capital, for

further enhancement works to 24 Guildhall Road in conjunction with the grant funding for £1.15m that has been awarded via the Getting Building Fund (GBF) for this purpose.

- 2.3 Cabinet 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 implement the tendered roof, window and façade repairs.
- 2.4 To approve a legal budget in connection with the refurbishment and use of 24 Guildhall Road for £10,000 for the provision of external professional legal advice as may be required in connection with this project.
- 2.5 Cabinet 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 prepare for a formal lease and partnership agreement between the Council and NN Contemporary which will include the establishment of the governance and project arrangements on the refurbishment project and the working relationship beyond completion.
- 2.6 Cabinet agrees that project to refurbish 24 Guildhall Rd is for Regeneration purposes and the relocation of NN Contemporary Arts.

### **3. Issues and Choices**

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#### **3.1 Report Background**

##### **Northampton Town Centre and the Town Centre Masterplan**

- 3.1.1 Northampton Town Centre plays a vital role as a major centre serving the town and a wider catchment of over 1m people. The population is expected to grow further over the coming years, supported by the Town's alignment to the Ox-Cam Arc increasing the role of the town centre in providing facilities that encourage community cohesion.
- 3.1.2 Despite the increase in population Northampton Town Centre has seen a decrease in footfall of 14.4% year on year, with this currently greatly increased because of the social distancing that has been implemented as a result of the pandemic. Culture and Heritage assets in our town have a key role to play in encouraging people back into our town.
- 3.1.3 The Northampton Town Centre Masterplan (attached as Appendix A) was approved by Cabinet in October 2019, this document sets the principles and the approach that will be taken to deliver the transformational change that is required.
- 3.1.4 The Town Centre Masterplan identifies catalyst regeneration projects aligned to the Council's long-term strategic objectives for Northampton Town Centre. These were focussed on, consolidating the retail core, growing the density of the town centre and nurturing an ecosystem for all kinds of urban life to flourish and expand. These proposals are framed within five town centre areas:

- Market Square
- Greyfriars
- Abington Street - Eastgate Quarter
- The Cultural Quarter
- Marefair

### **NN Contemporary**

- 3.1.5 NN Contemporary Art (NN) is a not-for-profit contemporary art space in the centre of Northampton. Founded in 2003, NN presents a dynamic programme of contemporary art, community outreach and career development.
- 3.1.6 Nationally and internationally recognised for excellence, NN was awarded National Portfolio Organisation (NPO) status from the Arts Council England (ACE) in 2018. NN enriches the lives of people in Northamptonshire, brings new audiences to the area, and is a focal point and catalyst for creativity and collaboration.
- 3.1.7 It is an established focus for creatives, students and graduates establishing careers in the creative industries in the region and beyond, as well as cultural audiences. During 2018/19 around 15,000 visitors were welcomed to its exhibitions, events and CPD sessions, with 99% of visitors rating the experience of their visit “good or very good”, 98% rating the quality of the exhibition “good or very good”.
- 3.1.8 NN secured an agreement from the Council enabling them to secure a new home within the Town’s Cultural Quarter at 24 Guildhall Road in March 2019. To facilitate the move into offices on the ground floor of the building, essential works were completed in March 2020 including repairs to the central heating and Part M (access and use) repairs. This arrangement was made on a temporary basis until funding could be secured, and having been so secured, the approval of Cabinet is now sought so that a formal lease arrangement can be entered into with NN.

### **24 Guildhall Rd - building condition and works completed to date**

- 3.1.9 24 Guildhall Road was purchased by the Council from Northampton County Council as part of the building was required to enable the New Museum and Art Gallery (NMAG) project. Due to budgetary constraints on the project the refurbishment of 24 Guildhall Road for the purposes of the NMAG project was not possible.
- 3.1.10 The building consists of five floors including the lower ground floor (basement), upper ground floor, first floor, second floor and third floor (Appendix 1 - floor plans). The building has been left in the same condition and layout as when occupied by NCC with office partitions, dated welfare facilities, non-compliant access arrangements and carpet tiles throughout.
- 3.1.11 As part of the purchase a detailed asbestos report was prepared which revealed the presence of asbestos in significant quantities throughout the building. Remedial work to remove and dispose of the asbestos in accordance with

Building Regulations and Health and Safety guidelines was tendered and completed by Oracle in 2018. The building is now safe for occupation.

3.1.12 Further inspections by Chartered Surveyors completed in 2019 revealed that significant repairs were required to the flat roof coverings in order to prevent water ingress and ultimately destabilise the integrity of the flat roof joists. A schedule of works was prepared and tendered, the tender comparison and breakdown are included in Appendix 2. A 10% contingency has been allowed in the capital allocation should further defects be found upon removing the damaged roof coverings.

3.1.13 A Chartered Surveyor also completed an inspection and schedule of works for urgent repairs to windows and the façade. These works were tendered, the tender comparison and breakdown are included in Appendix 3. A 10% contingency has been allowed in the capital allocation should further defects be revealed at commencement of the contracted repairs.

3.1.14 Mechanical and electrical defects have been identified throughout the building that will require remediation/ replacement.

3.1.15 The existing lift at the current main entrance to the building is not compliant with Building Regulation and would require replacement or significant alternations. Each floor has a change in level that will require further access enhancements in order to comply with Building Regulations for public use.

### **Getting Building Fund 2020**

3.1.16 In June 2020, Local Enterprise Partnerships were invited to put forward projects for the Getting Building Fund. Specifically, Government were looking for shovel-ready capital projects which can be delivered within 18 months.

3.1.17 Nationally, the size of the Getting Building Fund pot totals £900 million.

3.1.18 The overarching objectives of the fund are to drive economic growth, create new jobs and support green recovery. This includes funding to enable:

- town and city centre modernisation through targeted infrastructure investments unleashing their longer-term economic potential
- investment in physical connectivity to improve the functioning of the local economy;
- investment in innovation ecosystem including through improvements to research and development facilities driving up business productivity;
- improvements to human capital; and
- improving digital connectivity, in order to support economic performance, particularly in more isolated areas.

3.1.19 SEMLEP has been successfully allocated £27.3 million Getting Building Fund. This funding must be spent by 31st March 2022.

3.1.20 As part of the bidding round for the GBF it was confirmed that the refurbishment of 24 Guildhall Road and relocation of NN Contemporary Art would be eligible for funding under the terms of the grant scheme.



3.1.21 After providing assurances on the outputs of the project, the benefits derived from these outputs and confirming these could be delivered by March 2022, the project was successful in obtaining funding through the GBF for £1.15m (Appendix 4 -confirmation of successful GBF bid). Final due diligence checks are due for submission to SEMLEP on the 1<sup>st</sup> September 2020.

### **Council Match funding**

3.1.22 The Council match funding will be obtained through capital receipts, borrowing or grants.

3.1.23 If approved, the match funding will be made available for the immediate commencement of essential repairs to the Guildhall roof, windows and façade as tendered allowing a 10% contingency. The £320k of the match funding has been identified from in year budgets, with the request for the additional £65k to meet the amount that has been submitted in order to receive the grant.

3.1.24 If approved, the match funding will be made available for the detailed design work to RIBA 3 and 4 including due diligence of the tendered repairs. This is to ensure these works are compatible with the refurbishment of the whole of the building and avoid duplication.

### **Outputs of the project funded through GBF and Council match funding**

3.1.25 The project will make the building fit for occupation and public use; carrying out essential roof maintenance, windows and façade repairs, mechanical and electrical works, internal and external access improvements and various Part M (access and use) modifications. All works will comply with Building Regulations, Planning approval will be obtained where necessary. NBC Planning are in broad support of the project.

3.1.26 Create inspiring exhibition spaces on the lower ground floor suited to presenting new media productions, sound installations and large-scale art works and a welcoming visitor entrance and lobby area on the ground floors

3.1.27 Refurbish the upper floors for use by cultural groups, organisations and individuals, this should ensure flexibility for a range of uses.

3.1.28 Work closely with the New Museum and Art Gallery and the Council on the future use of the rear Courtyard for programmed events.

3.1.29 The project will transform 24 Guildhall Road into an attractive and innovative contemporary public space, for industry and culture alike that will complement the other buildings and organisations in the Northampton Cultural Quarter.

3.1.30 The project must start this financial year (20/21) with the essential repairs, achieve practical completion by January 2022 and financial completion by March 2022.

### **Benefits of the project**

- 3.1.31 A place for ideas, culture and inspiration - Create inspiring exhibition spaces on the lower ground floor suited to presenting new media productions, sound installations and large-scale art works.
- 3.1.32 A place for young people and learning - A dynamic, innovative contemporary arts hub, including workshop and learning spaces, works with the University of Northampton to make the Town an exciting place for people to study, live and work, supporting and retaining creative and digital talent in the area.
- 3.1.33 3. A place for skills and employment - An extensive continuing professional development (CPD) programme and affordable workspaces to and support creative SMEs and contribute to the appeal of the town to businesses and professionals. The project creates direct and indirect job opportunities.
- 3.1.34 A place to visit and enjoy - Welcome 50,000 local and international visitors each year to NN and Northampton's Cultural Quarter, contributing to the economy, reputation and vitality of the town centre. The project innovatively injects life back into an empty deteriorating council building. Adjacent to the Royal & Derngate theatre, the Vulcan Works business incubator and the Northampton Museum, NN collaborates to attract new audiences to this increasingly vibrant area.
- 3.1.35 A place of community and inclusion - A fully accessible public space engages all sectors of the community, creating pride in local heritage and social inclusion. A special focus on engaging BAME, disabled visitors, and those from lower socio-economic backgrounds supports the inclusion and wellbeing of those least likely to engage in cultural activities.

### **Partnership between the Council and NN Contemporary**

- 3.1.36 NN Contemporary currently occupy the Upper Ground Floor of 24 Guildhall Road on a Tenancy At Will. The Council is the freehold owner of the building.
- 3.1.37 The bid for access to the GBF via SEMLEP was made as a partnership between the Council and NN Contemporary.
- 3.1.38 A Partnership Agreement and a lease must now be prepared, finalised and agreed to establish NN's and the Council's obligations and responsibilities during the project to refurbish 24 Guildhall Road and formalise the future relationship beyond completion of the refurbishment project.
- 3.1.39 External legal services will be instructed, in consultation with, and to the satisfaction of the Borough Secretary, to provide to the Council with legal advice on State Aid in connection with this project in addition to all of the necessary documentation for the establishment Partnership Agreement with NN and a Lease of 24 Guildhall Road to NN on completion of the refurbishment works. I.
- 3.1.40 The Partnership Agreement will establish the terms of governance, the roles and responsibilities of both parties, penalties for non-compliance, timeframes for the partnership, timeframes for key decisions, general working arrangements

and sharing/recording of information related to the Partnership and operation of 24 Guild Road.

3.1.41 The partnership agreement must demonstrate an absolute commitment to achieve the GBF criteria and complete all outputs by March 2022.

### **3.2 Issues**

3.2.1 If the grant provided by SEMLEP and the Council is not sufficient to complete all project outputs, then value engineering will need to take place potentially impacting on the agreed outputs with SEMLEP

3.2.2 The successful project is dependent on the successful partnership between the Council and NN Contemporary.

3.2.3 Key risks and mitigation measures –

- The GBF grant is not sufficient to complete the refurbishment project – further detailed design work will be undertaken with the budget as a key factor. The designs can be value engineered if required.
- The project does not achieve practical completion by January 2022 and Financial Completion by March 2022 – ensure the programme to design, tender and implement works is clearly established from the onset of the project with clearly defined milestones. There must be an absolute commitment from the Partners to complete the project on time.
- The project outputs are not of the desired quality for occupation of the building by cultural groups, organisations and individuals – the project must be managed by a qualified and skilled project manager reporting to the project board on quality management on a regular basis.

### **3.3 Choices (Options)**

3.3.1 Cabinet can choose not to agree to the recommendations of this report and not proceed with the essential repairs and refurbishment of 24 Guildhall Road. This will mean the GBF grant must be returned, the building will continue to deteriorate and NN Contemporary may have to find suitable alternative accommodation.

3.3.2 Cabinet can choose to accept the recommendations as presented. This option is recommended in order to refurbish 24 Guildhall Rd, carryout essential repairs, provide a new home for NN Contemporary, establish the partnership between NBC and NNC and ensure the successful allocation of the GBF grant.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 The recommendations of this report are within policy and have no policy implications.

## **4.2 Resources and Risk**

- 4.2.1 A sum of £292,605 will be allocated from the NBC match funding for essential repairs to 24 Guildhall Rd.
- 4.2.2 The total NBC match funding is £385,000, with £320,000 to be taken from in year budgets and a further £65,000 will be required through the approved capital programme.
- 4.2.3 The GBF grant of £1.15m must be spent in full by March 2022 (Financial Completion of the project).
- 4.2.4 There are a number of financial risks associated with the project as outlined in section 3.2 above. In particular, the age and condition of the building could give rise to unexpected issues as the work progresses, resulting in increased costs which could exceed the value of the contingencies available. However, the budget is the key factor for the project and further mitigations can be made through design engineering and ensuring value for money throughout.
- 4.2.5 Time constraints around the grant funding are also a risk and we know that a robust and successful partnership with NN Contemporary will be key to delivering the project on time and within budget. The Council already has an established relationship with NN Contemporary so should be in a good position to ensure appropriate mitigations are in place to minimise this risk.

## **4.3 Legal**

- 4.3.1 The Council can exercise pursuant to section 1 of the Localism Act 2011 a general power of competence, which provides the Council with the same power to act in the same way an individual would, subject to the restraints of public law.
- 4.3.2 It is noted pursuant to paragraph 31.19 above that SEMLEP were successful in securing 27.3M from the GBF fund, and that the Council has successfully applied for grant funding from the GBF fund via SEMLEP in the sum of 1.15M, subject to final diligence by SEMLEP, which at the time of writing is still to be concluded and the result confirmed for the benefit of Cabinet.
- 4.3.3 In addition it is noted that save for reference to the requirement for the Council to match fund, and to have spent the grant sum by March 2022, little else is known from the Cabinet report about any other obligations or penalties the Council may be subject to (if any) under the provisions of the grant agreement with SEMLEP. It is therefore not possible to consider what risk (if any), those provisions may represent for the Council or what impact this may have on the effectiveness of the project. It is therefore recommended that Cabinet be fully appraised of the Council's obligations and that of NN in that respect under the grant agreement with SEMLEP.
- 4.3.4 It is noted at paragraph 3.1.39 that it is proposed that external legal advice is to be sought by the Council with regard to State Aid and to advise on and complete the legal documentation necessary to record the Partnership

Agreement and to affect a lease of 24 Guildhall Road between the Council and NN, subject to and in consultation with and to the satisfaction of the Borough Secretary.

- 4.3.5 Subject to the State Aid advice to be received the Council will have to act in compliance with the European Commission's State Aid Rules where these apply to the matter.

#### **4.4 Equality and Health**

- 4.4.1 Services to the public will not be directly impacted as a result of the recommendation of this report. There are therefore no direct equality or health implications. However, there will be a variety of non-direct benefits that will come from these vacant sites coming back into use.

#### **4.5 Consultees (Internal and External)**

- 4.5.1 Public consultation took place in late spring/early summer 2019 to gather the opinions of the public with regards to the proposed interventions. A total of 742 people gave detailed responses to the questionnaire.
- 4.5.2 The Northampton Forward Board are in broad support of the project to refurbish 24 Guildhall Rd as it is line with the Town Centre Masterplan objectives.
- 4.5.3 NBC Planning is in broad support of the project subject to a formal planning application.

#### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 This report will contribute to the priority corporate outcomes of
- Creating a thriving, vibrant town by removing long term vacant unit's from within the town center and enabling a cultural led use.

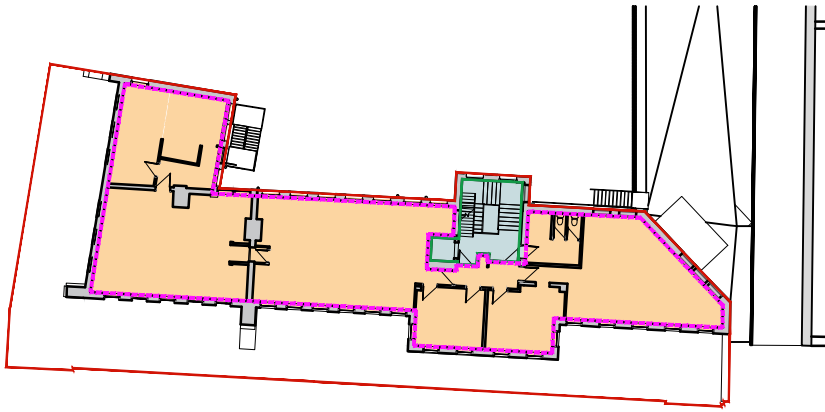
### **5. Background Papers**

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- 5.1 The Northampton Town Centre Masterplan (attached as Appendix A) was approved by Cabinet in October 2019

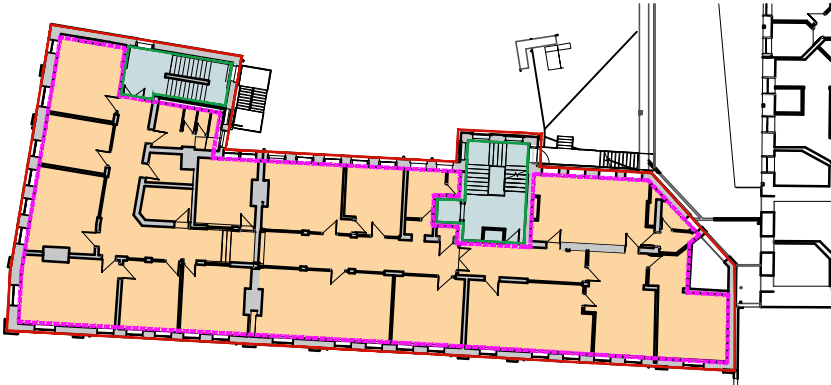
**Contact:** Kevin Langley, Economic Growth and Regeneration Manager

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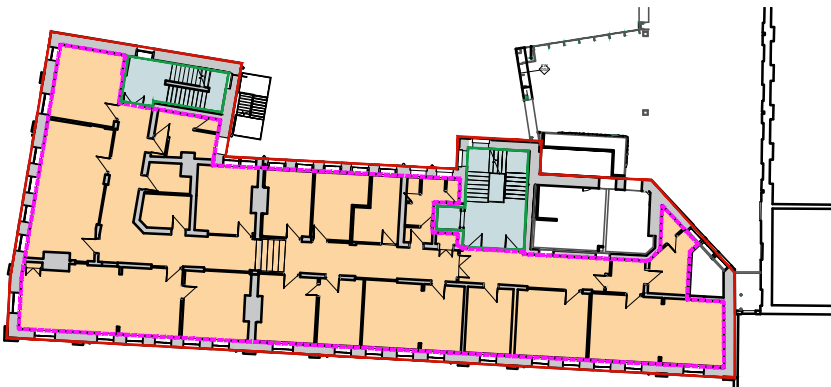
THIRD FLOOR

- Available floor space (GIA) = 318 sqm
- Existing room layout plan
- Shared access stairs and lift



SECOND FLOOR

- Available floor space (GIA) = 542 sqm
- Existing room layout plan
- Shared access stairs and lift



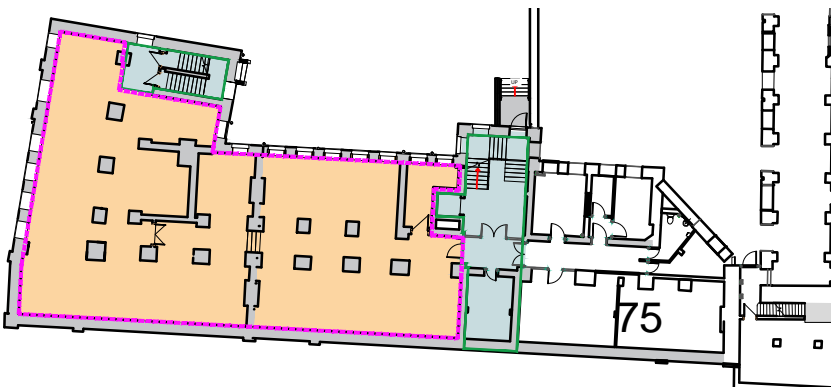
FIRST FLOOR

- Available floor space (GIA) = 499 sqm
- Existing room layout plan
- Shared access stairs and lift



UPPER GROUND FLOOR

- Available floor space (GIA) = 375 sqm
- Existing room layout plan
- Shared access stairs and lift



LOWER GROUND FLOOR

- Available floor space (GIA) = 375 sqm
- Existing room layout plan
- Shared access stairs and lift

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