



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **CABINET AGENDA**

**Wednesday, 17 February 2021**

Remotely via Zoom:

<https://www.youtube.com/user/northamptonbctv/>

At 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  
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## 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  
Remotely via Zoom: <https://www.youtube.com/user/northamptonbctv/>  
on Wednesday, 17 February 2021  
at 6:00 pm.

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

**AGENDA**

1. **APOLOGIES**
2. **MINUTES**
3. **INTENTION TO HOLD PART OF THE MEETING IN PRIVATE IF NECESSARY**
4. **DEPUTATIONS/PUBLIC ADDRESSES**
5. **DECLARATIONS OF INTEREST**
6. **ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**
7. **PROPOSED REDEVELOPMENT OF THE FORMER AVENUE CAMPUS TO PROVIDE AFFORDABLE HOUSING**  
 (Copy herewith)
8. **24 GUILDHALL ROAD - CONTRACTOR PROCUREMENT AND NN CONTEMPORARY ARTS RELOCATION**  
 (Copy herewith)
9. **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.”

**SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

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## NORTHAMPTON BOROUGH COUNCIL

### CABINET

Wednesday, 20 January 2021

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

**APOLOGIES:** Councillor King

#### 1. APOLOGIES

Apologies were received from Councillor King.

#### 2. MINUTES

The minutes of the meeting held on 16<sup>th</sup> December 2020 were agreed and signed by the Chair.

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

The Leader explained that due to the confidential nature of Appendix B relating to agenda item 8, this would be considered in private. However, the remainder of the discussion and the decision relating to this item would be made in public.

#### 4. DEPUTATIONS/PUBLIC ADDRESSES

There were no deputations or public addresses.

#### 5. DECLARATIONS OF INTEREST

Councillor Nunn declared a non-pecuniary interest in item 7 as a Director of Northampton BID (appointee of NBC).

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

##### 6.A RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE REVIEW - IMPACT OF THE MOVE OF THE UNIVERSITY

Councillor Hadland as the relevant Cabinet Member introduced the report responding to the work of the Overview and Scrutiny Panel. The first three recommendations had already been implemented. Recommendations 4 and 5 were to be kept under review.

Councillor Roberts acknowledged the contribution of residents in relation to recommendations 3 and 4. Considerable effort had been expended by them regarding parking permits. Councillor Roberts requested that residents were involved in discussions regarding noise barriers and insulation from the beginning, and considered it important that this was followed through to the unitary council.

Councillor Hadland gave credit to residents, who had worked for positive solutions in difficult circumstances.

**RESOLVED:**

2.1 Cabinet:

- (a) Accepted Recommendations 1, 2, and 3 in the Overview & Scrutiny Panel's report on the Impact of the move of the University; and

- (b) Accepted Recommendations 4 and 5 but agreed to keep these under review as noted in the report.
- (c) Congratulated the task and finish group on a high quality and comprehensive report and thanked the group for the time and effort given to produce it.

## **6.B RESPONSE OF OVERVIEW AND SCRUTINY COMMITTEE REVIEW - NORTHAMPTON POST-UNITARY**

Councillor Larratt as the relevant Cabinet Member introduced the report and acknowledged the work of Overview and Scrutiny on the future of the mayoralty and civic assets post unitary. A cross-party working group had led to the setting up of the Town Council and transfer of assets, delivering the recommendations of the Overview and Scrutiny Panel.

### **RESOLVED:**

2.1 Cabinet agreed the Overview and Scrutiny recommendations detailed below:-

2.1.1 The Mayor of Northampton is retained and if necessary a Charitable Trust is set up for the Mayoralty. The Mayoralty is also retained at the Guildhall to protect Civic traditions and to promote our heritage.

2.1.2 A Civic Quarter is created that includes our Civic assets.

2.1.3 Should a Town Council be established, the Town Council should be located in the Guildhall, along with Mayoralty and its regalia to ensure the secure protection of the historic assets of the Borough Council.

2.1.4 To protect civic pride in a wider Northampton area and consider that the proposed Unitary Council for the West of Northamptonshire should be called the Greater Northampton Council.

2.1.5 It is ensured that the Maces, known as North, South, East and West, are retained in Northampton's Museum, in the borough and that all silver assets are made secure.

2.1.6 Oak Apple day is a Borough Council tradition and it should be recaptured by the Borough. This would be the opportune time to reintroduce some of the civic events that have over time disappeared, for example May Day celebrations and celebrate other cultural celebrations.

2.1.7 Other key roles of the Mayoralty must be protected, including:

- The Mayor is the Chair of the Housebound Fund
- The Mayor is the President of Town Twinning
- The Mayor is the President for St John's Home
- Honorary Freeman take place just once every civic term
- Hereditary Freeman take the oath from the Mayor

2.1.8 The re-establishment of the roles of Major's Serjeant and Town Serjeant, as Honorary roles, for example the office of Alderman or former Councillor are investigated and introduced.

2.1.9 Publicity and marketing of the Mayoralty is good; but it should be widened further to include proactive use of leaflets at locations such as the train station and libraries and more use of social media. 2.1.10 Cabinet is informed that it is the aspiration of the Scrutiny Panel that Northampton is a City of Culture by 2025.

**nb.** Cabinet noted that the Mayoralty and all the attached regalia were transferred by the relevant Statutory Order of the 24<sup>th</sup> February, 2020 to the new Northampton Town Council to take effect on the 1st April, 2021.

## **6.C RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE REVIEW - FOOD POVERTY**

The Director of Customers and Communities introduced the report which was a response to the report from Overview and Scrutiny presented at Cabinet in December 2020. There were 17 recommendations, some of which had already started to be implemented. Many relied on partners and would need to be moved to the new unitary council.

Councillor Stone was pleased that work was being done to ameliorate interventions and prevent poverty. However, she noted two unfolding issues. Firstly, nurseries were in crisis because they were unable to operate in a socially distanced way. Closure would prevent many parents from working. Secondly, the threat of withdrawal of the Universal Credit uplift. Food poverty was being addressed by the provision of food parcels, but problems of no oven, microwave or electricity still existed in some households. Councillor Stone suggested all local authorities should develop an anti-poverty strategy.

Councillor Roberts seconded Councillor Stone's comments and was grateful that some recommendations were already being implemented. She considered that it was dangerous to deal with poverty in silos and payment of a living wage should be taken seriously. MPs needed to be lobbied to change policy.

Councillor Hill pointed out that there was no national policy to remove the Universal Credit uplift at present. It would be reviewed in March after 12 months, but looked likely to continue.

### **RESOLVED:**

Cabinet agreed the Overview and Scrutiny recommendations detailed below:

- 2.1.1 That a Working Group, owned by the Community and Engagement Team, is set up and tasked with analysing the gaps in foodbanks within Northampton and the Working Group works with Partners to seek solutions to increasing food provision within these areas.
- 2.1.2 That child poverty needs are included in any Strategy in relation to poverty, note that the process of developing an Anti-Food Poverty Strategy can of itself have wider impacts such as:
  - Raising the profile of food poverty, especially with local decision-makers
  - Developing a shared positive vision
  - Creating a sense of empowerment for experts by experience
  - Empowering diverse groups to raise their voices to call for food justice
  - Ensuring the local council and other partners take ownership of agreed actions
  - Sharing of good practice across local authority boundaries to support specific projects
  - Raising the profile of food poverty, especially with local decision-makers
  - Developing a shared positive vision

- Creating a sense of empowerment for experts by experience
- Empowering diverse groups to raise their voices to call for food justice
- Ensuring the local council and other partners take ownership of agreed actions
- Sharing of good practice across local authority boundaries to support specific projects

2.1.3 That Food Poverty Champions, who can identify the partners, who have the motivation and drive to bring all together lead on the production of an Anti-Food Poverty Strategy, which must include all demographics, ensuring that it is an all-inclusive Policy is investigated.

2.1.4 That with the move to the West Northamptonshire Authority, the way forward in relation to the production of an Anti-Food Poverty Strategy including the following adopted actions for local authorities as recommended by Sustain:

NB: The Scrutiny Panel updated some the actions recommended by Sustain so that they are more Northampton based

- Developing a food action plan to tackle food poverty
- Improving the uptake of Healthy Start vouchers
- Promoting breastfeeding via the Baby Friendly Initiative
- Promoting the need for children's centres
- Ensuring low-income families have adequate access to childcare
- Investing and developing children's access to food 365 days a year
- Becoming an accredited Living Wage employer and promoting the Living Wage
- Ensuring all residents have physical access to good food
- Supporting and enhancing meals reasonably priced and the provision of meals to vulnerable people
- Supporting financial advice services and providing crisis support

2.1.5 That a Working Group, led by the Community and Engagement Team, is set up and tasked with identifying areas where holiday hunger is a concern and to seek solutions to increasing food provision for children 365 days a year. In addition, the outcomes that have come out following the Marcus Ashford Scheme within Northampton are continued and built upon to ensure food provision is developed for all children 365 days a year.

2.1.6 That the Manager, HM Revenues and Customs is formally invited to visit food banks in Northampton, to work with customers and aid regarding budgeting and where further help can be obtained.

2.1.7 That the Universal Credit app is widely promoted.

2.1.8 That Officers are instructed to work with partners in generating more events such as summer festival where assistance in relation to food poverty can be highlighted.

2.1.9 That the Health Start Voucher Scheme is promoted.

2.1.10 That the promotion of food poverty is highlighted to allotment holders and shops regarding giving away excess produce as emergency food aid.

2.1.11 That it is recommended to Northampton Partnership Homes (NPH) that it considers



reviewing Tenancy Agreements to ensure that support is provided to older people to ensure that they are in receipt of the correct pension credits.

- 2.1.12 That the Northampton Community Forums are asked that a presentation is given to each Forum, in particular the Older People's Forum, that promotes the provision of pension credits and how this can be applied for.
- 2.1.13 That it is recommended to the West Northamptonshire Authority that a Grants Officer is engaged with the main role of investigating funding for crisis support and the Grants Officer works closely with all organisations in this respect.
- 2.1.14 That it is recommended to the West Northamptonshire Authority that West Northamptonshire becomes a living wage Authority and a sustainable food Authority.
- 2.1.15 That the West Northamptonshire Authority is asked to lobby for national campaigns and challenge national Policy on food poverty.
- 2.1.16 That a copy of this report is provided to the MPs within West Northamptonshire and the MPs are asked to respond to the recommendations, in particular, recommendations 2.1.14 & 2.1.15.
- 2.1.17 Cabinet thanked the Overview and Scrutiny Committee for its detailed and robust report.

#### **6.D RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE REVIEW - HOMELESSNESS AND ROUGH SLEEPERS**

Councillor Hibbert as the relevant Cabinet Member introduced the report accepting most of the recommendations from the Overview and Scrutiny Panel. In respect of recommendation 6, engaging with criticism on social media had been found to exacerbate rather than resolve problems and in respect of recommendation 9, current legislation did not permit the provision of guaranteed job interviews for rough sleepers.

RESOLVED:

2.1 Cabinet:

- (a) Accepted Recommendations 1, 2, 3, 4, 5, 7, 8, 10 and 11 in the Overview & Scrutiny Panel's report on Homelessness and Rough Sleepers; and
- (b) Congratulated the task and finish group on a high quality and comprehensive report and thanked the group for the time and effort given to produce it.

#### **6.E RESPONSE TO OVERVIEW & SCRUTINY COMMITTEE REVIEW - GANGS AND KNIFE CRIME**

The Director of Customers and Communities outlined the report responding to the recommendations from Overview and Scrutiny regarding guns and knife crime. The Community Safety Manager had already started to progress these recommendations, although some were reliant on working with the unitary council and other agencies.

Councillor Duffy expressed the view that early intervention in schools was key to avoid Northampton youth from resorting to gangs and the temptation to carry a knife as a form of defence.

The Director of Customers and Communities advised that these comments would be taken on board. Best practice initiatives from Merseyside were being implemented and a link to a Free to Talk video had been provided.

RESOLVED:

Cabinet agreed the recommendations of the Overview and Scrutiny Committee as below:

### **Collaborative working**

- 2.1.3 That the current work and programmes undertaken by the Community Safety Team regarding knife crime is continuous and becomes more strategic
- 2.1.4 That the Community Safety Manager is charged with working with all relevant organisations and agencies so that they collaborate and enhance joint bids for funding in respect of dealing with gangs and knife crime.
- 2.1.5 That Northampton Borough Council works with other Agencies and Groups in the town to coordinate the youth provision/offer in the Borough.
- 2.1.6 That Northampton Borough Council leads on Multi Agency Training, regarding issues relating to gangs and knife crime, to bring all Multi Agency work together.
- 2.1.7 That a meeting with the Community Safety Team, NBC, and Community Courtyard is convened regarding involving its work.

### **Facilities for Young People**

- 2.1.8 That all potential funding streams are investigated so that youth clubs, and other facilities for young people are brought back into the town.
- 2.1.9 Funding is the core as all activities cost money and it is ensured that the costs should not be passed onto the young people.
- 2.1.10 That in recognising that the most difficult area appears to be liaising with families, when safe to do so, the Community Safety Team has a stand at a family fun day; or a similar event is organised remotely.

### **Best Practice**

- 2.1.11 That the Community Safety Team liaises with Officers at Merseyside regarding their best practice initiatives in dealing gangs and knife crime and aim to mirror such initiatives in Northampton.
- 2.1.12 That all Councillors are provided with the link to the short film produced by young people, via Free2 Talk - Knives end Lives: <https://www.youtube.com/watch?v=mCnUZyfekL4> and encouraged to watch it.

## **6.F RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE REVIEW - ADULT SOCIAL CARE FACILITIES**

Councillor Hibbert as the relevant Cabinet Member presented the report seeking approval of the recommendations of Overview and Scrutiny Committee. The report on Adult Social Care Facilities was extensive. It explored demand, need and current facilities, and had been shared with the other West Northamptonshire Councils and would be taken forward by

the unitary council.

Councillor Hibbert advised that recommendation 4 in the original report relating to the hospital discharge scheme should state that Kettering learnt from Northampton's experience rather than the other way round. Northampton have had a dedicated housing officer working with the hospital since May 2015.

Councillor Stone was pleased to note the recommendations from Overview and Scrutiny but was concerned that there were elderly residents who were not known to social services and were socially isolated. This had been made worse by the loss of day centres. Councillor Hibbert advised that Northampton Partnership Homes have strong connections with elderly tenants. However, there could be scope for volunteers to make doorstep connections to enable the necessary referrals to be made.

The Leader expressed thanks to Overview and Scrutiny for the work carried out, and to officers for their responses. Councillor Larratt echoed these congratulations and asked whether a report would be passed to the Overview and Scrutiny Committee of the new West Northamptonshire Council to ensure the work was continued and progress was not lost. The Borough Secretary advised that he would brief officers to ensure this was done.

**Information note:** In view of the limited time before unitary, relevant costs from the implementation of the Overview and Scrutiny recommendations will not fall on NBC and will be an issue for the unitary council

RESOLVED:

2.1 Cabinet:

- (a) Noted the recommendations in the Overview & Scrutiny Panel's report on Adult Social Care Facilities and confirmed that a copy of the report had been shared with Northamptonshire County Council, Daventry District Council and South Northants Council; and
- (b) Congratulated the task and finish group on a high quality and comprehensive report and thanked the group for the time and effort given to produce it.

## 7. NORTHAMPTON BUSINESS IMPROVEMENT DISTRICT RENEWAL

Councillor Hadland as the relevant Cabinet Member presented the report proposing the renewal of the Northampton Town Centre Business Improvement District, which was required every 5 years. The work done in the last 12 months had shown the value of a town centre champion.

Cabinet:

- 2.1 Agreed to instruct the Ballot Holder (the Local returning Officer) to conduct a ballot of local businesses in accordance with legislation, in order to determine whether the proposal for the renewal of Northampton Town centre Business Improvement District may proceed.
- 2.2 Agreed to delegate to the Cabinet Member for Regeneration, Councillor Hadland, the authority to exercise the council's rights to vote in the ballot on behalf of the Borough Council.

## **8. FUTURE USE OF THE NEWTON BUILDING**

Councillor Hadland as the relevant Cabinet Member presented the report updating Cabinet on the plans for the Newton Building, following the decision to purchase Avenue Campus. The Newton Building had previously been a school. Northampton Partnership Homes were currently using accommodation which was not fit for purpose and a move to the Newton Building with a conventional commercial lease would be a positive step.

Councillor Hadland noted that recommendation c) required an amendment of his title to Cabinet Member for Regeneration and Enterprise (not Economy and Assets).

Councillor Larratt requested that the interior of the Newton Building be retained and looked after. It was a Grade II listed building which included a panelled library and hall.

Cabinet deferred the decision on this item until after discussion of the exempt Appendix B in private session. After reconvening, the following decision was then made in public.

### **RESOLVED:**

#### **2.1 Cabinet:**

- a) Noted the intention of Northampton Partnership Homes, to relocate from the Westbridge Depot site, to the Newton Building to release the depot for appropriate uses, noting that the Newton Building provides more suitable office accommodation for the Council's Housing delivery partner.
- b) Noted that the Acting Director for Economy and Assets has delegated authority within the constitution to agree commercial terms for leases for less than 21 years, the Heads Of Terms will therefore be progressed using the usual constitutional process, with both sides having legal representation in addition to full consultation with West Northamptonshire Council (WNC) S.151 Officer.
- c) Noted that the Acting Director of Economy and Assets will consult the Director of Housing and Wellbeing, the Chief Finance Officer, the Borough Secretary, the Cabinet Member for Regeneration and Enterprise and the Cabinet Member for Housing and Wellbeing, before exercising the delegation referred to in recommendation b above.
- d) Noted that if the lease cannot be concluded by the 1<sup>st</sup> April 2021 then this work will need to be concluded by the new West Northamptonshire Council through their governance processes.
- e) Agreed to receive further reports in connection with the use of the Newton Building as part of a regular Capital Project Management updates.

## **9. PROPOSED MAKING OF A PUBLIC SPACES PROTECTION ORDER - ALLEYWAY BETWEEN DUNSTER STREET AND ST. MICHAELS ROAD**

In the absence of Councillor King, the Leader presented the report. The PSPO provided a flexible power to implement restrictions for a period of three years before being renewed. This had gone out to consultation and there was clear support to renew the PSPO.

Councillor Stone paid tribute to residents, Councillors and officers for working together to achieve this outcome. Residents had undertaken leafleting and social media publicity. They had also reported anti-social behaviour and fly tipping. Councillors had installed planters, which were being maintained by residents.

Councillor Hallam noted that the build-outs were a hot spot for fly tipping and suggested the unitary council should be petitioned for their removal.

**RESOLVED:**

- 2.1. Cabinet resolved to make a PSPO which restricts public access to the alleyway linking Dunster Street and St Michaels Road (“the PSPO”), as shown on the plan attached to the draft PSPO at **Appendix 1** and which is part of the public highway, for a period of three years, in accordance with section 59 of the Act.
- 2.2. Cabinet authorised the Chief Executive to install and maintain gates at each end of the alleyway linking Dunster Street and St Michaels Road in order to restrict public access to that highway, in accordance with section 64 (7) and (8) of the Act, and to obtain planning permission for that installation.
- 2.3. Cabinet authorised the Chief Executive to authorise persons and Northamptonshire Police Constables to enforce the PSPO and issue Fixed Penalty Notices (“FPNs”) of £100 for any breaches of it, in accordance with section 68 (1) of the Act.
- 2.4. Authorised the Borough Secretary to complete all of the statutory processes required to make the Order as set out in section 72 of the Act and regulation 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of PSPOs) Regulations 2014.

## **10. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the public and Press be excluded from the next part of the meeting on the grounds that there was 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.

The exempt Appendix B to item 8 was to be considered in private session, but following this, Cabinet would reconvene so that the decision relating to this could be made in public.

The Motion was Carried.

The meeting concluded at 7:05 pm

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<b>Report Title</b>	<b>Proposed redevelopment of the former Avenue Campus to provide affordable housing</b>
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## CABINET REPORT

**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	<b>17 February 2021</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Within Policy:</b>	<b>Yes</b>
<b>Policy Document:</b>	<b>No</b>
<b>Service Area:</b>	<b>Housing and Wellbeing</b>
<b>Accountable Cabinet Member:</b>	<b>Councillor Stephen Hibbert</b>
<b>Ward(s):</b>	<b>Kingsley</b>

### 1. Purpose

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1.1 The purpose of this report is to ask Cabinet to approve, 'in principle', the proposed redevelopment of the Avenue Campus site for affordable housing within the Housing Revenue Account.

### 2. Recommendations

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2.1 It is **recommended** that Cabinet:

- a) Approves, 'in principle', the redevelopment of the Avenue Campus site (within the Housing Revenue Account) to provide up to 170 affordable homes, subject to satisfactory due diligence and planning approval of the reserved matters application for 112 homes;
- b) Delegates to the Director of Housing and Wellbeing, in consultation with the Chief Finance Officer, the Borough Secretary, the Cabinet Member for Housing and Wellbeing and the Cabinet Member for Finance, the authority to approve the new affordable housing scheme, subject to planning

approval and due diligence and following the outcome of the Council's application for funding from Homes England;

- c) Delegates to the Director of Housing and Wellbeing, in consultation with the Chief Finance Officer and the Cabinet Member for Housing and Wellbeing, the authority to determine the rent levels and services charges for the new affordable homes; and
- d) Delegates to the Director of Housing and Wellbeing, in consultation with the Cabinet Member for Housing and Wellbeing and Northampton Partnership Homes, the authority to develop and approve a Local Lettings Policy that determines how the homes are allocated; and
- e) Notes that, if this development and approval of this affordable housing scheme cannot be concluded by 1 April 2021, this work will need to be concluded by the new West Northamptonshire Council through its governance processes and relevant Officers.

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

#### **3.1 Report Background**

- 3.1.1 The Avenue Campus is located on St George's Avenue, opposite The Racecourse public park as shown in the aerial photo below.



- 3.1.2 As the University has now relocated most of its functions to its new Waterside Campus, the Avenue Campus is surplus to its requirements and, following a marketing campaign, the University has agreed to sell the Avenue Campus (including the Newton Building) to the Council.
- 3.1.3 On 16 December 2020, Cabinet approved the purchase of The Avenue Campus (subject to satisfactory due diligence) through the Housing Revenue Account in order to increase the supply of affordable housing.
- 3.1.4 The respective legal teams appointed by the Council and the University of Northampton are working to conclude the conveyance of the Avenue Campus with an agreed completion date (subject to satisfactory due diligence) of no later than 31 March 2021.
- 3.1.5 When Cabinet considered the purchase on 16 December 2020, it was agreed that Cabinet would receive further reports that set out proposals for the future



use of the Newton Building (a Grade II listed building) and the redevelopment of the Avenue Campus site to provide affordable housing.

- 3.1.6 On 20 January 2021, Cabinet noted Northampton Partnership Homes' intention to relocate from the Westbridge Depot site to the Newton Building, subject to agreement with the Council on the terms of the lease.

## **3.2 Issues**

### Funding the development of affordable housing

- 3.2.1 Although the University secured a resolution to grant planning permission (subject to satisfactory completion of a s.106 agreement) for a development of up to 170 homes on the Avenue Campus site, its application did not include provision for any affordable housing due to viability.
- 3.2.2 In order to increase Northampton's supply of affordable housing and help to meet the housing needs of applicants on the Housing Register – including homeless households living in temporary accommodation – it is proposed that the whole of the Avenue Campus is developed as affordable rented housing.
- 3.2.3 The provision of affordable housing can be achieved by securing grant funding from Homes England, by using Right to Buy receipts from the sale of council homes or by developing a scheme with a mixture of affordable tenures.
- 3.2.4 The Council's Finance Team and Northampton Partnership Homes (NPH) have worked closely to complete a joint assessment of the cost of developing 170 affordable homes on the Avenue Campus site and the amount of subsidy that will be needed in order to make the proposed development viable.
- 3.2.5 The feasibility of delivering 170 units on the site (and in particular the 112 units to be delivered under the outline permission) is to be reviewed as part of the due diligence to be carried out in accordance with the terms of the delegation granted for the purchase of Avenue Campus (set out at decision 2.1(d) to item 20 of the 16<sup>th</sup> December 2020 Cabinet meeting). It is noted that if the site was unable to deliver 170 units under the detailed and outline permission, this may have an impact on funding.
- 3.2.6 If Cabinet approves, 'in principle', the redevelopment of the Avenue Campus site (within the Housing Revenue Account) for affordable housing, the Council will submit an application to Homes England for a grant that will be sufficient to ensure the viability of the development of 170 affordable rented homes.
- 3.2.7 If Homes England will not award the amount of funding that is required, the Council's Finance Team and NPH will review the relative merits of four other subsidy options in order to determine which of them is most favourable in terms of viability and the Council's strategic housing objectives:
- The use of capital receipts from former council homes that have been sold under the Right to Buy;
  - The use of market rental properties to subsidise the development of affordable rented homes in a mixed tenure scheme;
  - The use of market rental properties and Homes England grant to subsidise the development of affordable rented homes in a mixed tenure scheme; or

- The use of market rental properties and capital receipts from the sale of former council homes to subsidise the development of affordable rented homes in a mixed tenure scheme.

#### Proposed development of the Avenue Campus

3.2.7 In November 2020, the Council's Planning Committee made a resolution to grant planning (subject to satisfactory completion of a s.106 agreement) in respect of the the University of Northampton's hybrid planning application for up to 170 new homes, including:

- Full planning consent for the part demolition, conversion and extension of the Maidwell Building to provide 58 new homes; and
- Outline planning consent for the demolition and conversion of the remaining buildings on the site (excluding the Newton Building which was not part of the application) and the erection of new buildings to provide residential accommodation of up to 112 homes.

3.2.8 It is noted that until such time as this (or an alternative permission for residential development) is granted, the Avenue Campus site does not benefit from a planning permission for residential development.

3.2.9 It is now proposed that, on behalf of the Council, NPH will progress the development of the Avenue Campus site as follows:

- NPH will appoint a heritage and conservation consultant to provide specialist advice in relation to the design and phasing of the part demolition, conversion and extension of the Maidwell Building in order to provide 58 new homes; and
- NPH will submit a reserved matters application for the remaining 112 homes which will include the following:
  - Conversion of the Basset Lowke halls of residence into an apartment scheme of 48 family homes;
  - Conversion of the Quinton Building into a family home;
  - Construction of 63 new family homes; and
  - Site-wide landscaping and infrastructure.

#### Development of the Maidwell Building (58 homes)

3.2.9 Although it is proposed that most of the Maidwell Building (pictured below) will be demolished, the two pavilions (highlighted in yellow) which front onto St George's Avenue will be retained and converted into 26 apartments.



3.2.10 The detailed planning consent for the Maidwell Building comprises part demolition and new build, and part conversion and refurbishment of the two pavilions, in order to allow for the development of a total of 58 apartments.



Photo: One of the Maidwell Building's two pavilions that are to be retained



Artist Impression: Front elevation of the Maidwell Building, showing retained and new build elements

3.2.11 NPH will appoint a heritage and conservation consultant to provide it with the specialist advice it requires in relation to design and phasing of the scheme.

3.2.12 This is critical to ensuring that the replacement central core of the Maidwell Building (the infill terraces) provides a high quality new addition that enhances not just the locally listed elements that are being retained but also the Kingsley Conservation Area, especially when viewed from The Racecourse.

3.2.13 NPH will also appoint a fire consultant to ensure compliance with all regulations, including all of the recommendations from the Hackett Review that was undertaken in the aftermath of the Grenfell tragedy. This will include provision for a fire sprinkler system due to the height of the building.

- 3.2.14 Detailed design on the site will also be accompanied by a comprehensive landscaping scheme which will further reinforce the design and setting.
- 3.2.15 Initial reviews by NPH on the application and designs submitted by the University suggest that there are concerns with the practical feasibility of the scheme currently submitted. Once further design work is carried out, NPH may need to submit a non-material amendment or section 73 application to the Local Planning Authority (LPA), to amend the conditions (in particular the approved plans) to the detailed application.
- 3.2.16 Any such application will be subject to the normal planning procedure and the LPA will need to be satisfied that the amendments accord with planning policy and in particular continue to be sensitive to the heritage elements of the Maidwell Building.

#### Conversion of the Basset Lowke Building (48 homes)

- 3.2.17 Subject to planning approval of the reserved matters application, it is proposed that the Basset Lowke Building is retained and converted into apartments.
- 3.2.18 The Basset Lowke Building (pictured below) was constructed, as a student hall of residence, in the late 1990s. The building extends over four floors and comprises 248 ensuite student bedrooms and communal space.



- 3.2.19 Although consideration was given to demolition and new build, early feasibility work has indicated that it is possible to convert the Basset Lowke Building into 48 family apartments at the Nationally Described Space Standard (NDSS).
- 3.2.20 Conversion of the Basset Lowke Building into 8 two-bedroom apartments and 40 three-bedroom apartments offers the following advantages:

- It is more environmentally sustainable to retain and reconfigure the building than demolish it and build new homes;
- It is less expensive (in this instance) than demolition and new build;
- It helps to retain the existing character of the site;
- It enables the continued use of existing parking provision where possible;
- It is less disruptive to local residents; and
- It will deliver the new homes earlier than if the building is demolished and new homes built. (This is especially important, given the urgent need to reduce the number of families living in temporary accommodation).

3.2.21 The proposed conversion of the Basset Lowke Building can benefit from the learning that the Council and NPH gained from the conversion of Overslade House into Centenary House (a family apartment scheme) in 2019.

3.2.22 Learning points from Centenary House (pictured below) include the value of:

- A balcony for each apartment (to provide private external amenity space);
- Safe play space for younger children;
- Good quality, family-friendly specification, including acoustics; and
- Secure bicycle storage.



3.2.23 As with the Maidwell Building, NPH will appoint a fire consultant to ensure compliance with all regulations, including all of the recommendations from the Hackett Review undertaken in the aftermath of the Grenfell tragedy. This will include provision for a fire sprinkler system due to the height of the building.

3.2.24 It is noted that the outline application did not include plans to retain the Bassett Lowke Building. Whilst the committee report to the hybrid application

does reference the potential for '*sensitively sited and designed taller buildings to come forward at reserved matters stage*', any plans to retain the Bassett Lowke Building will need to be submitted as part of reserved matters applications. These are subject to approval by the LPA in accordance with normal planning procedure and retention of the Bassett Lowke Building as part of the current hybrid application cannot be guaranteed at this stage.

### Conversion of the Quinton Building into a family home

3.2.25 The Quinton Building (pictured below) was originally a family home, but has since been used as a site office for many years.



3.2.26 Although it is likely that the Quinton Building will continue to be used as a site office during the redevelopment of the Avenue Campus – due to its location near to the front of the site – it is envisaged that the building will be converted back into a family home towards the end of the development.

### Construction of 63 new family homes

3.2.27 It is proposed that, in addition to the 107 homes that are to be delivered through the development and conversion of the Maidwell Building, the Bassett Lowke Building and the Quinton Building, NPH will build 63 new homes.

3.2.28 In order to deliver a balanced wider development and subject to approval of the reserved matters planning application, it is proposed that the 63 new homes will be a mixture of terraced and semi-detached family-sized houses.

3.2.29 This arrangement will ensure that the development of the Avenue Campus does not exceed the 170 homes that were approved in the outline consent.

### Site-wide place-making

3.2.30 Subject to planning approval, it is proposed to adapt the site plan slightly from the outline application. Although the vehicle and pedestrian entrance points

and main scheme roads will be retained, it is proposed that the internal site road layout will be adjusted slightly to allow for the retention of the Bassett Lowke and Quinton Buildings and the construction of 63 new build homes.

3.2.31 The core principles of the outline application will still stand:

- A strong understanding of the important heritage legacy of the site which reinforces the connectedness of the new and old buildings;
- A housing development with a strong sense of place that is safe and attractive;
- Crime prevention principles (including active frontages, natural surveillance, appropriate lighting, durable materials that discourage graffiti);
- Inclusive design (including lift access within apartment buildings, accessible parking strategy);
- High quality landscaping;
- Retention of protected trees;
- Incorporation of wildlife (including the wildlife reserve area) managed for biodiversity enhancement;
- Provision for play;
- Creation and promotion of new strategic pedestrian and cycle links; and
- Integration of drainage attenuation/sustainable urban drainage system.

#### Design development and construction

3.2.32 Once the site acquisition is complete, the redevelopment will be delivered by NPH on behalf of the Council as the Council's Development Agent.

3.2.33 NPH has delivered more than 200 new council homes to date and is currently in contract for 220 new council homes in construction with over 300 homes with planning consent that are due to start on site during 2021.

3.2.34 NPH has an in-house team of quantity surveyors, building surveyors, clerk of works and project managers and a supply chain for design and construction.

3.2.35 NPH will appoint a design team to develop the technical design including specialist consultants for heritage and fire safety.

3.2.36 NPH will undertake a number of follow-up site investigations, including ground investigations. Although the University undertook a number of surveys to support its outline application, it is important that further surveys are undertaken to inform the final design and mitigate unnecessary additional costs that can be avoided by considering challenges and constraints.

3.2.37 NPH will seek pre-application advice from the Council's Planning Service and other key statutory consultees such as Highways, Northamptonshire Police and Environmental Health.

3.2.38 During design development, NPH will develop (with its design team and supply chain) a logistics and construction programme which takes into account:

- The time frames for planning consent;
- The completion and earliest possible occupation of Basset Lowke to deliver homes and bring a rental income stream into the scheme as soon as achievable;
- Health and safety: safety of contractors, visitors, NPH staff and future occupants as phases of the scheme complete. NPH will appoint an independent principal designer with responsibility for health and safety and how it is managed throughout the programme; and
- Feasible phasing of the works across the site including demolition.

3.2.39 Following design development and feedback from statutory consultees and subject to the hybrid application being granted by the LPA, NPH (on behalf of the Council) will:

- Submit a reserved matters application for the 112 homes in the outline planning consent;
- Address the planning conditions that are in place for the detailed consent for the Maidwell Building and the outline planning consent. This will include submitting any non-material amendment or section 73 applications that may be required to amend conditions to the detailed consent; and
- Liaise with the Council's Building Control Team in relation to the technical design development.

3.2.40 COVID-19 has increased programme and cost risk in construction. This is managed through the contract to ensure a fair approach for both contractor and NPH / the Council. The contract will allow for reasonable delays (for example if there is another lockdown or materials are restricted) but not for additional exposure to an increase in cost. This contractual provision is becoming common in many construction contracts due to COVID-19.

3.2.41 NPH will procure and enter into contract with the contractors to undertake the works and, after appointing a main contractor to undertake the works, it will manage the construction contract, oversee the works and manage the cost, programme and quality.

3.2.42 Throughout the construction, NPH will monitor the programme and the quality of work before making staged payments to the value of the works completed, but with a 2.5% retention of the final contract sum being held at the end of construction for a 12-months defect period.



3.2.43 During this 12-months defect period, regular site visits will be carried out jointly by NPH and the contractor (to deal with any defects that arise) and the final contract sum will be retained by the Council.

3.2.44 Works will be covered by a 10-year NHBC (or similar) warranty. Certain products (e.g. roofs) may have longer warranties which the Council can also benefit from should the need arise.

3.2.45 At the end of the defect period, NPH's Maintenance Team will take on the responsibility for all repairs and maintenance of the completed homes.

#### Housing lettings and management

3.2.46 The new homes will be developed, let and managed by NPH in accordance with the Management Agreement.

3.2.47 Once completed, the homes will be let as permanent affordable rented accommodation as part of a wider initiative to maximise the supply of affordable housing and reduce the use and cost of temporary accommodation.

3.2.48 The proposed scheme has a useful mixture of one, two, three- and four-bedroom houses and apartments and is in a good location due to its proximity to local services, employment and public transport.

3.2.49 To help establish a mixed and sustainable community it is proposed that a Local Lettings Policy is introduced to determine the way in which the homes are allocated.

3.2.50 Modelled on other housing schemes (such as Centenary House) the Local Lettings Policy will aim to strike the right balance between existing council tenants, homeless households and other applicants on the Housing Register.

3.2.51 In common with other applicants, new tenants will be provided with Introductory Tenancies for the first year and, as long as they comply with their tenancy conditions, their tenancies will then be converted into secure tenancies.

3.2.52 It is proposed that the homes will be let at affordable rents (up to 80% of the market rent) but 'capped' at Local Housing Allowance (LHA) rates.

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

#### Option 1 (recommended)

3.3.1 Cabinet can choose to redevelop the Avenue Campus for affordable housing.

3.3.2 This option is recommended because the Avenue Campus offers the Council and NPH an excellent opportunity to increase Northampton's supply of affordable rented accommodation – in a sustainable location and within a relatively short timescale – and help to reduce, directly and indirectly, the use and cost of temporary accommodation.

#### Option 2 (not recommended)

3.3.3 Cabinet can choose to do nothing.

3.3.4 This option is not recommended because, if the Avenue Campus is not redeveloped, it will not help to increase the supply of affordable housing or meet the housing needs of residents and, as no rental income is generated, the cost of the borrowing incurred in purchasing the site will have an adverse effect on the Housing revenue Account.

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

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### **4.1 Policy**

4.1.1 The redevelopment of Avenue Campus as affordable rented housing for households on the Housing Register will help the Council to meet its policy objectives of maximising the supply of affordable housing and reducing, directly and indirectly the use and cost of temporary accommodation.

4.1.2 The proposal supports the Council's three strategic priorities as set out in the 2018 – 2020 Corporate Plan:

- A stronger economy;
- Resilient Communities; and
- Exceptional services to be proud of.

### **4.2 Resources and Risk**

4.2.1 The financial viability of the development of Avenue Campus for affordable housing has been appraised by NPH and the Council's Finance Team using the ALMO Appraisal Model, which takes the following into account:

- The total scheme costs
- Subsidy provided by one of the following:
  - Grant from Homes England
  - Capital receipts from former council homes that have been sold under the Right to Buy;
- Interest on borrowing
- Management and maintenance costs; and
- Rent levels

4.2.2 The financial appraisal (see Exempt Appendix B) has shown the scheme has:

- A Net Present Value (NPV) of £5,330,790 over 40 years;
- An Internal Rate of Return (IRR) of 4.53%; and
- A payback period of 20 years.

- As set out at paragraph 3.2.5 above, the financial appraisal is based upon delivering 170 units on the site. The feasibility of delivering this number is to be reviewed as part of the due diligence for the purchase of the site (to be carried out in accordance with the delegation given under decision 2.1(d) to item 20 of the 16th December 2020 Cabinet meeting).
- It is noted that if the site was unable to deliver this number of units, this may have an impact on the current financial appraisal.

### **5.3 Legal**

- 5.3.1 It is noted at paragraph 3.2.6 above that grant funding from Homes England to support the re-development scheme as envisaged above is still to be applied for by the Council. It is understood in the event of either (a) grant funding is not secured or (b) the grant funding sum received from Homes England generates a financial shortfall for the Council, that in either circumstance the Council will consider a number of alternative subsidy options in order to determine which alternative subsidy option, may be the best placed to support the re-development scheme. It is to be recommended however that Cabinet as part of its decision-making process connected with Cabinet's approval of the proposed re-development scheme must be able to consider a comprehensive business case on each of the proposed subsidy options identified above, so that Cabinet can properly and appropriately exercise its discretion in this matter.
- 5.3.2 It is noted above that there are a number of planning related steps to be undertaken by NPH on behalf of the Council, in order to secure the delivery of the re-development scheme as outlined above.
- 5.3.3 This includes the grant of planning permission itself which, at this time, is not secured. There will also be a judicial review period of 6 weeks following the grant of permission in which challenges may be brought against the LPAs decision to grant permission.
- 5.3.4 A review of the risks of judicial review in relation to the hybrid application is to be dealt with as part of the due diligence to be carried out in accordance with the delegation given under decision 2.1(d) to item 20 of the 16th December 2020 Cabinet meeting.
- 5.3.5 At paragraph 3.2.8 it is noted with respect to the Basset Lowke Building, Quinton Building, and the proposed construction of 63 homes, that progress and redevelopment of same will be subject to a reserved matters planning application. A reserved matters planning application deals with some or all of the outstanding details of the outline application proposal. The reserved matters planning application must be in line with the outline approval including any conditions attached to the permission and approval of reserved matters must be obtained from the Council in its capacity as the LPA before work can commence. As set out at paragraph 3.2.22 above, the retention of Bassett Lowke Building did not form part of the outline application and so whilst there is scope for the LPA to approve this, there is no guarantee that it will.

- 5.3.6 It is noted at paragraph 3.2.34 above that NPH will engage with the Council, in its capacity as the LPA in seeking pre-application advice, but Cabinet are advised that this process for the LPA is non-binding, merely indicative and will not determine how a future decision may be taken. The Council through NPH will need to rely upon its own endeavours and own advisors on the merits of application for planning permission.
- 5.3.7 It is noted at paragraph 3.2.36 above that with respect to the Maidwell Building that NPH plan on behalf of the Council to address with the LPA the planning conditions imposed on the development of the Maidwell Building. Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with previously imposed planning conditions. Due to potential design issues with the detailed scheme, NPH may need to make such an application to amend the current approved plans. The Council in its capacity as the LPA can grant permission unconditionally, or subject to different conditions, or can refuse the application if the LPA decides the original conditions should be kept. As the proposed re-development scheme is at an early stage in the planning process, it is recommended that Cabinet or the successor authority, West Northamptonshire Council, is provided with regular and further reports on the progress of the re-development scheme as part of the decision making process.
- 5.3.8 Cabinet is advised that further detailed planning due diligence which forms part of the due diligence exercise to be undertaken by the Council in advance of acquisition is still pending at the time of this report, and that Cabinet will receive further reports with respect to the planning issues highlighted above and other planning and property matters in due course.
- 5.3.9 It is understood that additional existing fixtures and fittings are under consideration by the Council at present , as part of the overall transaction to acquire Avenue Campus. Cabinet or the successor authority, West Northants Council, will receive further report with respect to same in due course.
- 5.3.10 Cabinet as part of the decision-making process has a duty to consider and co-operate with the West Northamptonshire Unitary Council. West Northamptonshire Council will also require further updates on this project through its governance structure.

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

- 4.4.1 The action proposed in this report will help to improve the housing conditions and life chances of people with protected characteristics including people with disabilities and families with children. This proposal will therefore have a positive impact on Equality and Diversity.
- 4.4.2 Maximising the supply of new homes is part of the Council's commitment to improving communities and our town as a place to live.
- 4.4.3 When developing the Local Lettings Policy, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and help to create a fairer society.

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

4.5.1 The Senior Management Teams of the Council and NPH have worked collaboratively on the proposed redevelopment of Avenue Campus.

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

4.6.1 The action proposed in this report will help meet five of the priorities in the Council's corporate plan:

- More Homes, Better Homes
- Shaping place and driving growth
- Creating a thriving and vibrant town
- Spending our money wisely
- Putting the customer first

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

4.7.1 As part of the design development, NPH will endeavour to minimise the environmental impact of the scheme in construction and through the choice of materials and a waste and recycling plan with the contractor.

4.7.2 The scheme design will seek to ensure the homes are affordable to heat and contribute to carbon reduction. This will focus on a 'fabric first' approach (high quality insulation, roofing, windows and doors) with the use of renewable energy where appropriate.

4.7.3 Although parking spaces are available in the proposed scheme, the site's town centre location is likely to reduce the need for car use and electrical vehicle charging points will be included.

4.7.4 Secure bicycle storage is to be included in the proposed scheme.

4.7.5 NPH will work with the contractor to produce a 'new home' pack which will include energy saving tips for new residents and to encourage recycling in the recycling provision which will be included as part of the scheme's waste management policy.

#### **4.8 Other Implications**

4.8.1 There are no other implications

### **5. Background Papers**

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Corporate Plan 2018 – 2020

Cabinet Report 'Purchase of the University's Avenue Campus, including the Newton Building', 16 December 2020

## 6. Appendices

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Appendix A: Site Plan of the Avenue Campus (edged in red)

Appendix B: Exempt Appendix (Financial Information and Appraisal)

## 7. Next Steps

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7.1 The following table provides an indicative summary of the next steps if Cabinet approval to proceed is granted:

DATE	ACTIVITY
February – March 2021	Conclusion of freehold acquisition of site Submission of Homes England application
March – May 2021	Additional site surveys Submission of reserved matters application Outcome of Homes England application.
May – August 2021	Design development of Maidwell Building Outcome of reserved matters application Site-wide demolition programme
August – December 2021	Procurement of main contractor
January 2022	Phased construction commences

**Phil Harris**  
**Director of Housing and Wellbeing**

Appendices

2



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>24 Guildhall Road – Contractor procurement and NN Contemporary Arts relocation</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	17th February 2021
<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

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1.1 For cabinet to delegate authority to appoint a contractor following a compliant procurement process for the works specified in the report including the refurbishment of the lower ground, upper ground and 1st floor of 24 Guildhall Road and essential repairs to the roof, façade and windows. The report also provides an update on the progress of the lease negotiations between NBC and Northampton Arts Collective Limited.

### 2. Recommendations

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It is recommended that:

2.1 Cabinet delegates authority to the Acting Director of Economy and Assets, in consultation with the Borough Secretary, Chief Finance Officer and Cabinet Member for Regeneration and Enterprise to appoint and enter into a Contract with the successful contractor for the refurbishment of the lower ground, upper ground and first floor together with essential repairs to the roof, façade and windows following completion of the tender process.

### 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 greater due to the lockdowns that have been implemented as a result of the pandemic. Culture and Heritage assets in our town will have a key role to play in encouraging people back into our town centre.
- 3.1.3 The Northampton Town Centre Masterplan was approved by Cabinet in October 2019, sets the principles and the approach that will be taken to deliver the transformational change that is required to once again make the town an attractive destination.
- 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 Art

- 3.1.5 Northampton Arts Collective Limited trading as NN Contemporary Art (NN) is a company limited by guarantee and a registered charity providing a not-for-profit contemporary art space in the centre of Northampton. Opened in 2003 and registered as a company in 2009, 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 NBC 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.

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

- 3.1.9 24 Guildhall Rd was purchased by NBC from Northamptonshire County Council (NCC) as part of the building was required to enable the New Museum and Art Gallery (NMAG) project. Due to budgetary constraints on the NMAG project the refurbishment of 24 Guildhall Road for the purposes of the NMAG project was not possible.

- 3.1.10 24 Guildhall Road consists of five floors including the lower ground floor (basement), upper ground floor, first floor, second floor and third floor (**Appendix 1 – existing 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 contingency has been allowed in the capital allocation should further defects be found upon removing the damaged roof coverings. These works will be included within the final tender pack with the principal contractor then to be responsible for its implementation.

- 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 contingency has been allowed in the capital allocation should further defects be revealed at commencement of the contracted repairs. These works will be included within the final tender pack and the procured principal contractor will be responsible for management and implementation.

- 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 Regulations and requires 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.

3.1.16 The current entrance and lobby area off Guildhall Rd needs to be upgraded to higher specification with automated doors to provide a suitable access controlled main entrance to the whole building and comply with building regulations.

3.1.17 The interfaces with the NMAG and 24 Guildhall Road need alterations to provide the further functionality suitable for both buildings and meet requirements for building regulations/fire protection.

### **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 was allocated £27.3 million from the Getting Building Fund (GBF). 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 the relocation of NN 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 subject to due diligence checks.

3.1.22 In order to meet the due diligence requirements and establish a clear scope of works, master programme and cost plan for the refurbishment project, NBC employed a Design Team consisting of: CS2 Chartered Surveyors as Project Manager/cost consultant/contract administrator, Peter Haddon Partners (PHP) as the Principal Designer/architect and The Engineering Practice (TEP) as the Mechanical and Electrical consultant.

3.1.23 As part of the due diligence process the scope of works, master programme and cost plan were submitted to SEMLEP with further clarifications on outputs and this was approved by the GBF Board on the 25<sup>th</sup> November 2020 subject to achieving all design milestones to RIBA 4, clarifying the State Aid position and procuring a contractor by the end of Quarter 4 2020/21. A funding agreement will be issued in April/May 2021 for the implementation of the refurbishment works.

3.1.24 A Project Board has been established including representatives from NN, NBC and SEMLEP to oversee the milestones in Quarter 4 leading to the final funding agreement and to oversee the project to completion.

3.1.25 The Design Team continues to work on the detailed designs and are on course to achieve all the milestones leading to a funding agreement in April/May 2021.

### **NBC Match funding**

3.1.26 The NBC match funding of £385,000 obtained through capital receipts, borrowing and/or grants was approved by cabinet at its meeting on the 9<sup>th</sup> September 2020.

3.1.27 The match funding has been made available for the detailed design work to RIBA 3 and 4 in order to achieve the milestones in Quarter 4 2020/21 required by GBF.

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

3.1.28 The project will make the lower ground, upper ground and first floor 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.

3.1.29 The project will 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

3.1.30 Refurbish the upper ground floor and first floor for use by cultural groups, organisations and individuals.

3.1.31 Work closely with the NBC on the future use of the rear Courtyard for programmed events.

3.1.32 The project will transform 24 Guildhall Rd 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.

3.1.33 The project will compliment the Vulcan Works Creative Hub targeting a different market in terms of businesses and organisations to take up space. The businesses targeted through the 24 Guildhall Road project will be cultural

businesses that require a different type of space to the Vulcan Works with the space at 24 Guildhall Road being less sophisticated in nature.

3.1.34 The refurbishment works and essential repairs will start in April 2021, will achieve practical completion by October 2021 and financial completion by December 2021 (**Master Programme – Appendix 2**).

### **Procurement of a principal contractor**

3.1.35 RIBA design stage 3 and 4 are currently underway and is achieving the milestones required by the GBF.

3.1.36 The detailed design proposals to RIBA 4 and schedule of works will be finalised for Project Board approval in February 2021. It is expected that a tender pack including the design work will be tendered in March 2021 with contractor appointment scheduled to take place on April 2021 (subject to approval).

3.1.37 It is proposed that the OJEU compliant PAGABO medium works framework will be used to procure the works through a mini competition. Given the challenging timeframes to commencement of the works in April 2021, this Framework ensures value for money but also reduces lead times and enables early engagement with contractors.

3.1.38 The contract terms offered by the PAGABO medium works framework are flexible and Terms and Conditions will be developed in consultation with NBC Legal Services.

3.1.39 To ensure that the Council are achieving Value for Money the Council will be undertaking a mini competition between the potential contractors on the framework. The contractors will be evaluated against Cost and Quality criteria, with Cost making up 60% of the marks and Quality making up 40%.

### **Partnership and lease agreement between NBC and NN Contemporary**

3.1.40 NN currently occupy the Upper Ground Floor of 24 Guildhall Road on a Tenancy At Will. NBC is the freehold owner of the building.

3.1.41 The bid to the GBF was made as a partnership between NBC and NN.

3.1.42 A Partnership Agreement is now being finalised based on agreed Heads of Terms to establish NN's and NBC's duties and responsibilities during the project to refurbish 24 Guildhall Road and to formalise the future relationship beyond completion of the refurbishment project.

3.1.43 The Heads of Terms for a 25-year lease of the lower ground, upper ground and 1<sup>st</sup> floor of 24 Guildhall Road have been drafted and await minor amendments before the long term lease is finalised. This will then need to go to West Northants Executive for a decision in due course.

3.1.44 The partnership agreement and lease is being prepared with external legal advisers in consultation with the NBC Legal and Estates sections.

## **3.2 Issues**

- 3.2.1 If the GBF and NBC funding 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 NBC and NN.
- 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 offer will not be achieved, the building will continue to deteriorate and NN 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, 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 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. This was agreed previously by Cabinet on 9<sup>th</sup> September 2020.

- 4.2.2 The GBF grant of £1.15m must be spent in full by March 2022 (Financial Completion of the project).
- 4.2.3 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.
- 4.2.4 Time constraints around the grant funding are also a risk and we know that a robust and successful partnership with NN will be key to delivering the project on time and within budget. NBC already has an established relationship with NN so should be in a good position to ensure appropriate mitigations are in place to minimise this risk.

### **4.3 Legal**

- 4.3.1 It is important that NBC strictly complies with the requirements and obligations of the grant funder's conditions and that NBC can evidence such compliance in order to avoid challenge on the grounds of procedural impropriety and where there are consequential financial risks for NBC.
- 4.3.2 The works will need to be tendered in accordance with NBC's Contract Procedure Rules and the conditions of the PAGABO Medium Works Framework. External advice should be sought to ensure the Contract addresses all the risks and liabilities NBC could be exposed to and safeguard their interests in a contract of this nature, accordingly collateral warranties must be sought as appropriate.
- 4.3.3 External legal services will be used to prepare and finalise the Partnership agreement with NN and the Lease(s) arising from the project

### **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. A further consultation took place for the Town Investment Plan on October 2020 which identified 24 Guildhall Road as a priority site for the regeneration of the Town Centre.
- 4.5.2 The Northampton Forward Board support this project to refurbish 24 Guildhall Road as it is in line with the Town Centre Masterplan objectives.

- 4.5.3 NBC Planning is in broad support of the project, a formal application has been submitted for a change of use.
- 4.5.4 West Northamptonshire Council senior officers have been consulted on this work and are in broad support of the proposals.

#### **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**

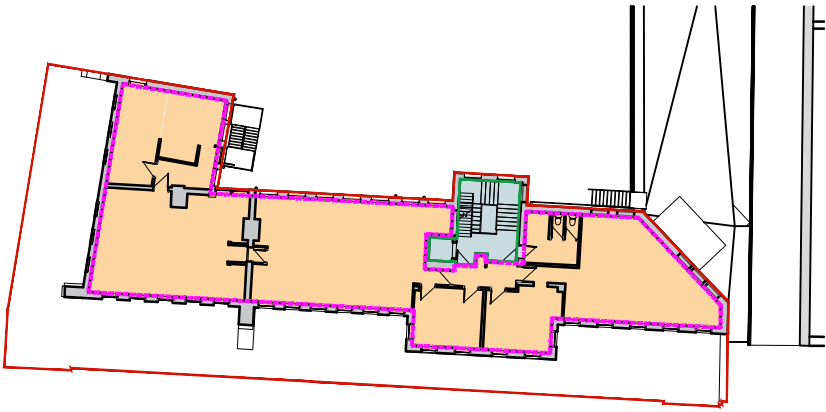
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- 5.1 Northampton Forward Board papers and Terms of Reference can be viewed here:  
<https://www.northampton.gov.uk/info/592/regeneration/2543/northampton-forward-board>




**Contact:** Kevin Langley, Acting Director of Economy and Assets

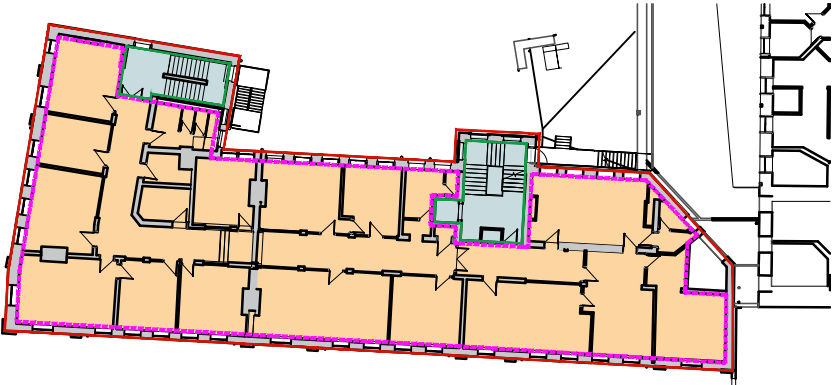
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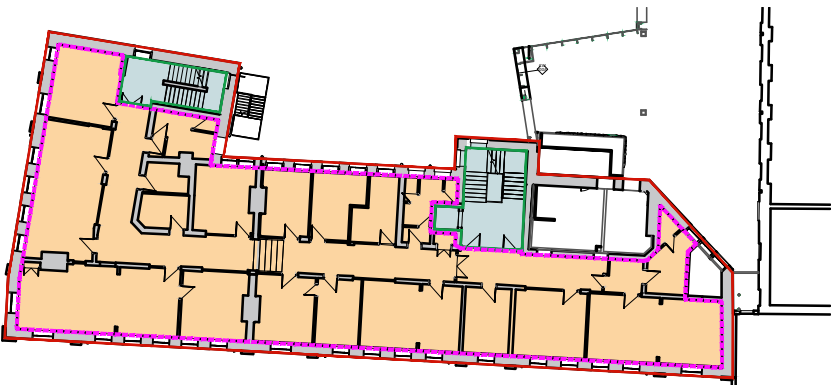
### THIRD FLOOR

-  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






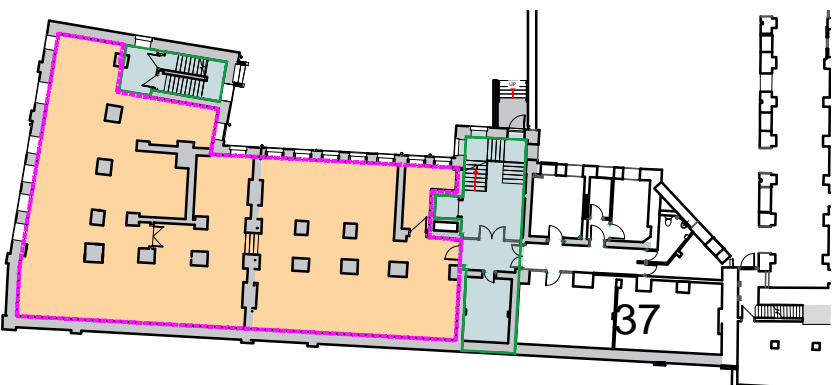
### FIRST FLOOR

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






### UPPER GROUND FLOOR

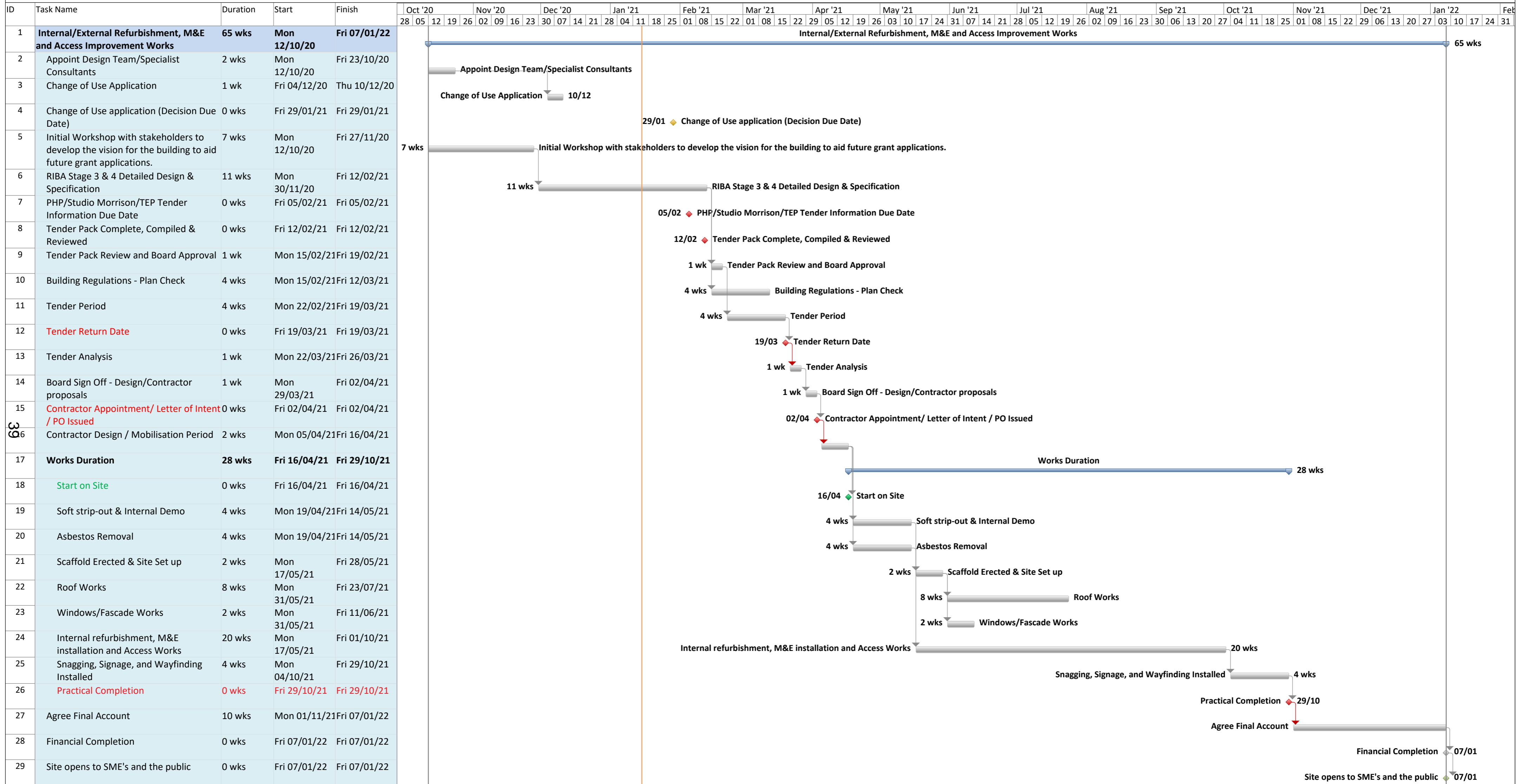
-  Available floor space (GIA) = 375 sqm
-  Existing room layout plan
-  Shared access stairs and lift



### LOWER GROUND FLOOR

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

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Project: 24 Guildhall Rd - Rev D 1  
Date: Fri 15/01/21

Task		Summary		External Milestone		Inactive Summary		Manual Summary Rollup		Finish-only
Split		Project Summary		Inactive Task		Manual Task		Manual Summary		Deadline
Milestone		External Tasks		Inactive Milestone		Duration-only		Start-only		Progress

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