



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 21 October 2015

The Jeffrey Room, St. Giles Square, Northampton,
NN1 1DE.

6:00 pm

Members of the Cabinet:

Councillor: Mary Markham (Leader of the Council)

Councillor: Mike Hallam (Deputy Leader)

Councillors: Alan Bottwood, Tim Hadland, Stephen Hibbert, Brandon Eldred and Anna King.

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PORTFOLIOS OF CABINET MEMBERS

CABINET MEMBER	TITLE
Councillor M Markham	Leader
Councillor M Hallam	Deputy Leader Finance
Councillor A Bottwood	Environment
Councillor B Eldred	Community Engagement
Councillor T Hadland	Regeneration, Enterprise and Planning
Councillor S Hibbert	Housing
Councillor A King	Community Safety

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 838729)

In writing: Democratic Services Manager
The Guildhall, St Giles Square, Northampton NN1 1DE
For the attention of the Democratic Services Officer

By e-mail to democraticservices@northampton.gov.uk

Only thirty minutes in total will be allowed for addresses, so that if speakers each take three minutes no more than ten speakers will be heard. Each speaker will be allowed to speak for a maximum of three minutes at each meeting. Speakers will normally be heard in the order in which they registered to speak. However, the Chair of Cabinet may decide to depart from that order in the interest of hearing a greater diversity of views on an item, or hearing views on a greater number of items. The Chair of Cabinet may also decide to allow a greater number of addresses and a greater time slot subject still to the maximum three minutes per address for such addresses for items of special public interest.

Members who wish to address Cabinet shall notify the Chair prior to the commencement of the meeting and may speak on any item on that meeting's agenda. A maximum of thirty minutes in total will be allowed for addresses by Members unless the Chair exercises discretion to allow longer. The time these addresses take will not count towards the thirty minute period referred to above so as to prejudice any other persons who have registered their wish to speak.

KEY DECISIONS

 denotes the issue is a 'Key' decision:

- Any decision in relation to the Executive function* which results in the Council incurring expenditure which is, or the making of saving which are significant having regard to the Council's budget for the service or function to which the decision relates. For these purpose the minimum financial threshold will be £250,000;
- Where decisions are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions; and
- For the purpose of interpretation a decision, which is ancillary or incidental to a Key decision, which had been previously taken by or on behalf of the Council shall not of itself be further deemed to be significant for the purpose of the definition.





NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Wednesday, 21 October 2015
at 6:00 pm.

D Kennedy
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. CABINET RESPONSE TO SCRUTINY PANEL - POVERTY IN THE TOWN**
Report of Director of Customers and Communities (Copy herewith).
- 8. CABINET RESPONSE TO SCRUTINY PANEL - IMPACT OF THE WELFARE REFORM ACT**
Report of Director of Customers and Communities (Copy herewith)
- 9. SITES IN THE ENTERPRISE ZONE**
 Report of Director of Regeneration, Enterprise and Planning (Copy herewith)
- 10. PUBLIC SPACES PROTECTION ORDERS FOR THE BOROUGH OF NORTHAMPTON**
 Report of Director of Customers and Communities (Copy herewith)
- 11. ESTABLISHMENT OF A SOCIAL LETTING AGENCY**
 Report of the Chief Executive (Copy herewith)
- 12. DELAPRE ABBEY RESTORATION PROJECT**
 Report of Director of Regeneration, Enterprise and Planning (Copy herewith)

13. NORTHAMPTONSHIRE COUNTY CRICKET CLUB

🔗 Report of Director of Chief Executive (Copy herewith)

14. 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:-**

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 9 September 2015

PRESENT: Councillor Markham (Chair); Councillor (Deputy Chair); Councillors Bottwood, Eldred, Hadland, Hallam, Hibbert and King

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on the 15th July were agreed and signed by the Leader.

3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There were no items to be heard in private.

4. DEPUTATIONS/PUBLIC ADDRESSES

Ms Jessica D'aulerio spoke on Item 9 – Northampton Town Centre Business Improvement District (BID). She commented that the proposal to renew the BID was an exciting opportunity and that she looked forward to multi agency working and continued work with the Council.

5. DECLARATIONS OF INTEREST

Councillor Hadland declared a personal non pecuniary interest in Item 9 – as a Member of the Town Centre BID Board.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

6.A RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - PARKING

Councillor Ashraf thanked the Scrutiny Panel for looking at issues with regards to parking, specifically match day parking that impacted in the St James' Ward. She urged Cabinet to adopt the recommendations and noted that parking issues still remained in St James and that long term commitment could help to resolve the problems being faced.

Councillor Lane, as the Chair of Overview and Scrutiny submitted a report and thanked the Panel and Scrutiny Officer for their work. He commented that a number of the recommendations directly requested that provision of extra parking, specifically at Claret car park and Chalk Lane.

The Leader thanked members of the panel and commented that before reporting back, Cabinet needed to consider the recommendations liaise with other agencies.

RESOLVED:

That the report be noted.

6.B RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - TREE MAINTENANCE

Councillor Haque urged Cabinet to adopt the recommendations as overgrown trees were an ongoing issue and action needed to be taken and dealt with expediently.

Councillor Lane, as the Chair of Overview and Scrutiny submitted a report and thanked Members of the panel and the Scrutiny Officer. He referred to recommendations 2.1.5 and asked that Cabinet look at adopting a policy of thinning out trees in Parks and Open Spaces.

Councillor Bottwood, as the Cabinet Member for Environment, welcomed the report and commented that he would look at requesting the planning department to assist with tree maintenance and that future work would be undertaken, specifically in the Eastern District and with the Ward Councillors.

The Leader thanked the Scrutiny Panel for their work and commented that they acknowledged the problem relating to tree maintenance and that the Cabinet Member would look at addressing issues.

RESOLVED:

That the report be noted.

7. NORTHAMPTON LOCAL PLAN PART 2 - TIMETABLE AND COMMENCEMENT

Councillor McCutcheon commented that he had some concerns about the amount of activity on the timetable in the next 3 months, and emphasised the need to ensure that it was not owner and developer lead but that the Council be involved too.

Councillor Hadland, as the relevant Cabinet Member, submitted a report and commented that the Local Plan currently sat under the Joint Core Strategy and therefore a 'Part 2' plan was necessary. He commented that it was recommended that a Cabinet Advisory Group be established comprising 5 Members.

RESOLVED:

1. That the scope of the Local Plan Part 2 as set out in Paragraphs 3.1.14 – 3.1.17 of the report be agreed;
2. That the timetable for the preparation of the Northampton Local Plan Part 2 as set out in Paragraph 3.1.30 of the report be agreed.
3. That the Northampton Borough Local Development Scheme be brought into with immediate effect, i.e. from the 9th September 2015 be approved.
4. That a review of the Northampton Statement of Community Involvement to include six weeks consultation and delegates adoption of the revised SCI to the Cabinet Member for Regeneration and Enterprise be agreed.
5. That the Scope of the Plan consultation documentation, the Call for Sites documentation and the proposed consultation details be delegated to the Director of Regeneration, Enterprise and Planning in consultation with the Cabinet Member for Regeneration and Enterprise.

6. That the establishment of a Cabinet Advisory Group to advise and liaise with officers during the preparation of the Local Plan be approved. The Cabinet Member for Regeneration and Enterprise to Chair the Group which will comprise 5 Members as set out in Paragraph 3.1.40 of the Report.

8. CIL EXAMINATION REPORT

Councillor McCutcheon commented that he welcomed the report and noted that it was a positive step to have CIL funding a range of infrastructure that would be needed which would run alongside Section 106 agreements to ensure a proper return into local communities. He further commented that it should be recognised that this would not generate a vast amount of capital but that it would at least be a contribution.

Councillor Hadland, as the relevant Cabinet Member submitted a report and elaborated thereon. He explained that Appendix 2 of the report expanded on where the infrastructure levy would go, including Parish Councils. He further noted that there was a ceiling on the amount of Section 106 money and the CIL would provide extra funding.

RESOLVED:

1. Cabinet recommended to Council:
2. That the CIL Charging Schedule be approved in accordance with Regulation 25 of the CIL Regulations 2010 (as amended) to take effect from 1st April 2016,
3. That the CIL Regulation 123 List attached at Appendix 2 of the report be approved
4. That in exceptional circumstances relief be not applied to Northampton Borough
5. That the CIL policy on payments in kind and the Instalment Policy attached at Appendix 3 of the report be approved
6. That the Interpretative Note to the CIL Charging Schedule attached at Appendix 4 of the report be approved
7. That authority be delegated to the Council's Monitoring Officer to amend the Constitution to allocate requirements outlined in the report to resource the operational functions to facilitate the implementation of CIL

9. NORTHAMPTON TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT

Councillor Haque addressed Cabinet and expressed his hope for a successful ballot and noted that the Town Centre BID had achieved what it had been set up to do.

Councillor Hadland, as the relevant Cabinet Member, submitted a report and commented that the BID board had undertaken a huge amount of work including researching views from across the board.

The Leader thanked the Cabinet Members and the BID board for their hard work and noted that people had would could to witness the benefits in the Town Centre.

RESOLVED:

1. That the Ballot Holder (the Local Returning Officer) to be instructed 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. That it be delegated to the Cabinet Member for Regeneration, Councillor Hadland, and the authority to exercise the Council's rights to vote in the ballot on behalf of the Borough Council.

10. CLIMATE CHANGE STRATEGY

Councillor Stone addressed Cabinet and commented that the Labour Group welcomed the report and noted that whilst there had been a reduction in the number of emissions, there needed to be a continued and collective move to further reductions. She emphasised the need to increase the amount of recycling and to educate future generations about the importance of recycling and other environmental considerations such as reducing traffic and pollution.

Councillor Bottwood, as the relevant Cabinet Member, introduced the report and noted that any initiative to decrease the amount of emissions was positive.

RESOLVED:

1. That the Northamptonshire Climate Change Strategy 2014-2017 including the target of reducing carbon dioxide emission by 4.5% over the period of the strategy be adopted
2. That it be agreed to sign up to the Climate Local Commitment

11. FINANCE AND PERFORMANCE REPORT TO 31ST JULY 2015

Councillor Gowen addressed Cabinet and commented that the figures contained within the Finance and Performance Report were not altogether encouraging, specifically those recorded as homeless or sleeping rough. She noted that there was three times the number of missed bins and that not enough recycling was being carried out. Councillor Eldred asked Councillor Gowen what she was doing in her own ward to promote recycling and the commented that she informed people how to recycle.

Councillor Hallam, as the relevant Cabinet Member, submitted his report and commented that he took the homeless strategy extremely seriously.

The Leader commented that the figures relating to homelessness and rough sleepers were not always accurate as people who were not legal to reside in the Country and had no status were included in the figures and further commented that Officers and Members worked extremely hard in their out-reach work. With regards to recycling, the Leader stated that every Councillor had a responsibility to participate and promote recycling in their Wards.

RESOLVED:

1. That the contents of the report and appendices of the report be noted.
2. That the changes to the 2015-16 General Fund Capital Programme as detailed in

Appendix 3 of the report be noted.

3. That the purchase of a Strategic Acquisition within the Enterprise Zone reported in paragraph 3.5.2 of the report be approved.
4. That the re-phasing of capital budgets for the Dallington New Build scheme in the HRA Capital Programme be approved.

12. TREASURY MANAGEMENT OUTTURN 2014-15

Councillor Hallam as the relevant Cabinet Member submitted a report and elaborated thereon. He thanked the officers for their hard work and congratulated them on the work they had completed.

RESOLVED:

That it be recommended to Council that they note the Council's treasury management performance for 2014-15 (outturn), and updated treasury management data for quarter 1 of 2015-16.

The meeting concluded at 6.36pm

Appendices:

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NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Cabinet Response to Scrutiny Panel – Poverty in Northampton
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	21 October 2015
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Customers and Communities
Accountable Cabinet Member:	Cllr Alan Bottwood
Ward(s)	All

1. Purpose

- 1.1 The purpose of this report is to respond to the recommendations set out in the Overview and Scrutiny document constructed between May 2014 and March 2015 presented to cabinet in March 2015.

2.0 Recommendations

- 2.1 That the recommendations included in the Overview and Scrutiny report “Impact of the Welfare Reform Act” are accepted.
- 2.1.2 That the Scrutiny Panel are formally congratulated for their commitment to evaluating and mitigating the impact of the Welfare Reform Act on the public and council employees, their commitment to improving the customer experience and the high quality and comprehensive report produced and thanked for the time and effort given to produce it.
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3. Issues and Choices

3.1 Report Background

The Review took place between May 2014 and March 2015, and the Panel received evidence both written and spoken, from a variety of expert advisors

The Purpose of the Scrutiny Panel was to review poverty in the town to ascertain whether it is a serious issue.

- Whether it is growing and, more generally, what are the trends (including migration)
- What are the causes of poverty locally?
- What can public services do in this time of austerity?
- What can other groups/individuals do to help?
- What the impact is, if any, is there on the economy, crime, health and education

3.2 Response to Overview and Scrutiny Recommendations

3.2.1 All 13 recommendations included in the report have been considered by Customer Services, LGSS Revenues and Benefits and Housing (including Northampton Partnership Homes) and the representatives from the voluntary sector.

Cabinet's response to the 13 recommendations in the Overview and Scrutiny report are as follows:

- (1) The definition of poverty, as devised by the Scrutiny Panel (Poverty in the Town), is used by Northampton Borough Council:
- Have nothing set aside for emergencies
 - Cannot replace broken goods or furniture
 - Can't afford their children's school uniforms, or the cost of school trips
 - Have no spare money for holidays, hobbies or leisure activities
 - Can't afford to keep their homes warm
 - Can't afford to participate in social activities and customs of their community

Response:

This recommendation is accepted

- (2) Northampton Borough Council actively promotes the work of Voluntary Sector organisations such as Charity Link, Citizens Advice Bureau and Community Law via the Council's website, within the One Stop Shop, as part of outreach activities, such as tenants' conferences and by having a regular information stand on the town's market.

Response:

This recommendation is accepted, the customer service team work closely with voluntary sector organisations including charity link, CAB, Community Law and Credit Union to offer face to face, telephone and on-line support. Barclays Digital Eagles offer digital training and support and have floor walkers in the One Stop Shop to assist customers with making claims and applying for assistance. Market stalls are offered free of charge to registered charities and voluntary sector organisations to promote awareness and support.

- (3) Northampton Borough Council works with the Director of Health, Northamptonshire County Council, in the promotion of national health awareness campaigns in Council facilities such as the One Stop Shop and through links available on the Council's website.

Response:

This recommendation is accepted. Partnership working arrangements are in place to support public health promotions within the one stop shop and on the council's website.

- (4) Northampton Borough Council works with the Voluntary and Community Sector regarding the introduction of a strong referral network amongst Agencies.

Response:

This recommendation is accepted. A review is underway to analyse referrals for information and advice between NBC and the voluntary and community sector agencies. The outcome of the review is focussed on reducing duplication and increasing support to customers most in need.

- (5) Northampton Borough Council allotment holders are informed of the Restore Northampton Project and provided with details of how they can provide assistance to the Project.

Response:

This recommendation is accepted. The Committee of Northampton Allotment Network have provided members with details of the project.

- (6) Northampton Borough Council and Voluntary Impact Northampton work together to inform people of, and promote both the smaller charities and the high profile charities.

Response:

This recommendation is accepted.

- (7) Northampton Borough Council promotes the work of smaller scale charities in the Council's One Stop Shop, through links on the Council's website and considers how it can link businesses with smaller charities.

Response:

This recommendation is accepted. Charities are promoted wherever possible within the One Stop Shop and via support and advice given to customers on-line and by telephone.

- (8) Northampton Borough Council promotes the work of Northamptonshire Credit Union to encourage people to use it as an alternative to payday loans.

Response:

This recommendation is accepted. Northamptonshire Credit Union are now based within the One Stop Shop and have regular sessions with customers referred from customer services, Housing and Revenues and Benefits. Since the Credit Union have been based in the One Stop Shop referrals have increased significantly.

- (9) Northampton Partnership Homes is asked to provide budget management training and money advice for its tenants; ahead of the introduction of Universal Credit.

Response:

This recommendation is accepted. Northampton Borough Council housing money advice team offer financial inclusion and advice and the review of referrals for information and advice as mentioned in (4) above will include an analysis of tenants support and training required to support customers with Universal Credit claims.

- (10) Northampton Partnership Homes is asked to promote the work of Northamptonshire Credit Union to its tenants.

Response:

This recommendation is accepted. Northampton Borough Council Customer Services on behalf of Northampton Partnership Homes promote the Credit Union to tenants by ongoing referrals as appropriate.

Overview and Scrutiny Committee

- (11) A copy of the final report is sent to the Environment, Development and Transport Scrutiny Committee, Northamptonshire County Council.

Response:

This recommendation is accepted

- (12) The Overview and Scrutiny Committee considers commissioning a Scrutiny review on equalities between estates and wards within the Borough of Northampton.

Response:

This recommendation is accepted. A review on equalities between estates and wards within the Borough of Northampton will be suggested as a future Scrutiny Review.

- (13) The Overview and Scrutiny Committee, as part of its monitoring regime, reviews the impact of this report in six months' time.

Response:

This recommendation is accepted

3. Implications (including financial implications)

4.1 Policy

- 4.1.1 There are none specifically

4.2 Resources and Risk

- 4.2.1 There are no financial implications at this stage, from the adoption of these recommendations.

4.3 Legal

- 4.3.1 None specifically.

4.4 Equality

- 4.4.1 There are no specific new equality implications in adopting these recommendations.

4.5 Consultees (Internal and External)

- 4.5.1 The Panel took evidence from a wide range of Stakeholders, Councillors from Northampton Borough Council;

- Cabinet Member for Housing, Northampton Borough Council
- Cabinet Member for Finance, Northampton Borough Council
- Cabinet Member for Enterprise, Regeneration and Planning, Northampton Borough Council

- Head of Revenues and Benefits, LGSS
- Chair, Community Safety Partnership
- Director of Regeneration, Enterprise and Planning, Northampton Borough Council
- Community Law
- Central and East Northants Citizens' Advice Bureau
- Community and Voluntary Sector - Voluntary Impact Northampton
- University of Northampton

- Nationwide Building Society
- Director of Public Health, Northamptonshire County Council
- Chair, Northampton Inter Faith Forum
- Dr Matthew Callender
- Father Tim Curtis
- Community Groups
- Nationwide Building Society
- Growing Together

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 NBC Corporate Plan – creating empowered communities and responding to your needs.

4.7 Other Implications

None

5. Background Papers

O & S Scrutiny Report to Cabinet March 2015

Marion Goodman
Head of Customer and Cultural Services
01604 838273

Appendices: 0



CABINET REPORT

Report Title	Cabinet Response to Scrutiny Panel – Impact of the Welfare Reform Act
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	15 th July 2015
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Customers and Communities
Accountable Cabinet Member:	Cllr Alan Bottwood
Ward(s)	All

1. Purpose

- 1.1 The purpose of this report is to respond to the recommendations set out in the Overview and Scrutiny document constructed between January 2014 and July 2014 presented to cabinet 12th November 2014.

2. Recommendations

- 2.1 That the recommendations included in the Overview and Scrutiny report “Impact of the Welfare Reform Act” are accepted.
- 2.1.2 That the Scrutiny Panel are formally congratulated for their commitment to evaluating and mitigating the impact of the Welfare Reform Act on the public and council employees, their commitment to improving the customer experience and the high quality and comprehensive report produced and thanked for the time and effort given to produce it.

3. Issues and Choices

3.1 Report Background

- 3.1.1 It was highlighted in the original report that the Review took place between January 2014 and July 2014, and the Panel received evidence both written and spoken, from a variety of expert advisors.

3.2 Response to the Overview & Scrutiny Recommendations

- 3.2.1 All 22 recommendations in the Overview & Scrutiny report have been considered by LGSS Revenues & Benefits, Customer Services and Housing (including Northampton Partnership Homes) and the representatives from the Voluntary Sector.

- 3.2.2 Cabinet's response to the 22 recommendations in the Overview & Scrutiny report are as follows:

- (1) Raising awareness of the ongoing reforms, the impact and support available from partners, the Voluntary Sector and various community groups and organisations is continued.

Response:

This recommendation is accepted. The Revenues and Benefits Partnership and Development Officer will meet with landlords, voluntary organisations including Community Law and Citizens Advice and update them on Welfare Reform impacts. The Money Advice and Customer Service teams will give support and advice to customers including external support where appropriate.

- (2) Revenues and Benefits, LGSS, together with Officers from NBC continue to provide briefings in relation to the emerging reforms and their impact.

Response:

This recommendation is accepted and in addition to the briefings for staff, the voluntary sector and community groups this will also include briefings and updates to councillors. The officer welfare reform steering group will lead on this.

- (3) In recognising the timescales for relevant processes and procedures in relation to Welfare Reform, Revenues and Benefits, LGSS, works closely with Housing Services, NBC, in order that these processes and procedures are speeded up.

Response:

This recommendation is accepted. Housing services work closely with Customer services and revenues to ensure that where possible new tenants have their claims processed in one

day. Housing Services have a regular presence in the One Stop Shop to ensure that co-ordination between the relevant services is as streamlined as possible.

- (4) A dedicated resource for benefits advice, financial inclusion and digital inclusion is established.

Response:

This recommendation is accepted although the resource will be a mixture of officers and external support. Officers within the housing money advice team offer financial inclusion and advice, customer service and revenues and benefits officers offer face to face and telephone financial and benefit advice. The Credit Union are based in the one stop shop and regular referrals take place. We work closely with Barclays Digital Eagles who offer digital training and support and have floor walkers within the One Stop Shop who assist customers with making claims and will be trained to support customers with universal credit claims.

- (5) Claimants are continued to be advised of the availability of Discretionary Housing Payments (DHP) and awarded payment as necessary.

Response:

This recommendation is accepted. Promotion takes place when customers claim either on the phone or face to face and LGSS Revenues and Benefits work closely with Northampton Partnership Homes and the Housing Options service to maintain tenancies and provide time and support to organise moves to more affordable accommodation.

- (6) A financial Risk Assessment is undertaken and published.

Response:

This recommendation is accepted whereby monthly reports are produced which monitor the amount of DHP awarded and the remaining balance within the fund for future applications. Each case is considered on its own merit and a customer financial risk assessment is undertaken as part of the application process.

- (7) A project is undertaken to establish the roles and responsibilities in relation to Welfare Reform, in particular Implementation, Transition and Post-Transition

Response: Revenues and Benefits have started a project looking at the specific impacts and actions required in line with the transition to Universal credit later in the year, this will outline the key personal required at each stage. There will be continuing discussions with NPH through the steering group on their activities.

This recommendation is accepted

- (8) Staff from the relevant service areas - Customer Services, Housing Services, NBC, and Revenues and Benefits, LGSS, are trained and skilled so that they can support individuals through Welfare Reform.

Response:

This recommendation is accepted. Staff are trained to understand the issues and support will be available from all service areas and voluntary sector organisations as appropriate.

- (9) Links with the Department of Work and Pensions (DWP) are actively explored, including the possibility of benefits advice, in particular the application of sanction, and support presence within the one Stop Shop.

Response:

The provision of benefit advice from the DWP has been discussed and they do not provide this service. The DWP themselves provide benefit Advice at their benefit advice centres (via phone & email) and the Job Centres focus on into work activities. We have colocation for regular surgeries in the One Stop Shop for Job Search Advice but will not be able to get direct advice and will continue to assist customers where possible or signpost them to get this support.

- (10) Links with ATOS (or relevant organisation) regarding the impact of the delays in assessing the entitlement of PIPs and the delays with appeal are actively explored.

Response:

This recommendation is not accepted in so far as we cannot influence the process although we can make representations through our links to the relevant organisations for an improvement in assessment and appeals timescales.

- (11) The Sustainable Independent Living (SIL) Scheme Toolkit - Northamptonshire County Council Social Fund 2014/2015, as attached at appendix J of the Overview and Scrutiny Report constructed between January 2014 and July 2014, is disseminated to all Councillors and staff. A workshop for all Councillors is scheduled explaining the work of the Sustainable Independent Living Scheme and Charity Link and the application process.

Response:

This recommendation is no longer applicable due to the cessation of the SIL fund.

- (12) Consideration is given to the development of viable alternatives to pay day loans, for example, facilities are introduced to assist clients to set up direct debits from the Northamptonshire Credit Union to pay bills such as rent (Council and private sector), Council Tax and utilities.

Response:

This recommendation is accepted and customers for whom it would be appropriate are referred to the Credit Unit who offer an account “Budget Plus” which provides a means to ensure bills are paid first and only the balance of the income is transferred to a current account with the CU or high street bank. The cost is £1 per week.

- (13) Consideration is given to Northampton Borough Council joining the East Midlands Credit Union Initiative where rent would be paid directly to the Council, as the social landlord, rather than directly to the tenant.

Response:

During the past year, a variety of initiatives have been introduced by social landlords to improve tenants' budgeting skills and mitigate any negative impact that welfare reform has on rent collection rates. Consideration is being given to the relative merits of all of these initiatives (including the East Midlands Credit Union Initiative) but, at present, rent collection rates are still good.

- (14) The work of Northamptonshire Credit Union is promoted to encourage people to use it as an alternative to pay day loans.

Response:

This recommendation is accepted and ongoing promotion and partnership with the Credit Union includes a presence in the One Stop Shop. Since the Credit Union have been based in the One Stop Shop referrals have increased significantly.

- (15) Close links into and between the Voluntary Sector and Northampton Borough Council are promoted.

Response:

This recommendation is accepted and awards continue to be made annually to the voluntary sector both through Partnership Grants and Community Foundation grants.

Community Law Service and the Citizens Advice Bureau both hold regular surgeries in the One Stop Shop.

- (16) Active promotion of the work of Voluntary Sector organisations, such as (Charity Link, Citizens Advice Bureau and Community Las) takes place on the Council's website, within the One Stop Shop and as part of outreach activities such as tenants' conferences.

Response:

This recommendation is accepted.

- (17) Service Level Agreements with Voluntary Sector organisations are explicit in relation to the necessity to provide support and advice to customers facing sanction.

Response:

This recommendation is accepted and Service Level Agreements have been updated for 15/16 in relation to Information and Advice and include outcomes in relation to the number of customers supported.

- (18) Northampton Borough Council supports the development of Food Hubs.

Response:

This recommendation is accepted and Food Hubs continue to be promoted to those customers for whom this is beneficial.

- (19) Monitoring of the accumulative impact of Welfare Reform as changes are implemented and embedded continues, to inform the development of appropriate support and, in particular, to help prepare for the implementation of Universal Credit.

Response:

This recommendation is accepted and through the Officer Welfare Reform steering group will continue to be monitored.

- (20) Relevant key findings from this Scrutiny Review are presented to an evidence gathering meeting of the Scrutiny Panel that is investigating Poverty in the Town to inform its evidence base.

Response:

This recommendation is accepted and the key findings have been presented.

- (21) The Overview and Scrutiny considers commissioning a Scrutiny review on the impact of Universal Credit after it has been in operation in Northampton for 12 months.

Response:

This recommendation is accepted and will be considered through the Overview and Scrutiny Planning process.

- (22) The Overview and Scrutiny Committee, as part of its monitoring regime, reviews the impact of this report in six months' time.

Response:

This recommendation is accepted

3. Implications (including financial implications)

3.1 Policy

3.1.1 There are none specifically

3.2 Resources and Risk

3.2.1 There are no financial implications at this stage, from the adoption of these recommendations.

3.2 Legal

3.3.1 None specifically.

3.3 Equality and Health

3.3.1 There are no specific new equality implications in adopting these recommendations.

3.5 Consultees (Internal and External)

3.5.1 The Panel took evidence from a wide range of Stakeholders, Councillors from Northampton Borough Council;

- Cabinet Member for Housing, Northampton Borough Council
- Cabinet Member for Finance, Northampton Borough Council
- Head of Revenues and Benefits, LGSS
- Chair, Community Safety Partnership
- Director of Regeneration, Enterprise and Planning, Northampton Borough Council
- Community Law
- Central and East Northants Citizens' Advice Bureau
- Community and Voluntary Sector - Voluntary Impact Northampton
- University of Northampton
- Nationwide Building Society
- Director of Public Health, Northamptonshire County Council
- Northampton Inter Faith Forum
- Community Groups

3.6 How the Proposals deliver Priority Outcomes

3.6.1 NBC Corporate Plan – creating empowered communities and responding to your needs.

3.7 Other Implications

None

4. Background Papers

O & S Scrutiny Report to Cabinet 12th November 2014

Appendices



CABINET REPORT

Report Title	Sites in the Northampton Waterside Enterprise Zone
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	21 October 2015
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise and Planning
Accountable Cabinet Member:	Cllr Tim Hadland
Ward(s)	Castle Ward

1. Purpose

- 1.1 To update Cabinet on progress made to date in the Northampton Waterside Enterprise Zone and to take forward the development of Four Waterside.

2. Recommendations

- 2.1 Cabinet notes the progress made to date.
- 2.2 Cabinet approves the Council to take a lease of up to 30,000 sq ft of space at Four Waterside on terms to be agreed by the Director of Regeneration in consultation with the Chief Finance Officer and the Cabinet Member for Regeneration, Enterprise and Planning and Cabinet Member for Finance.
- 2.3 Cabinet to delegate authority for the delivery of Four Waterside to the Director of Regeneration and Chief Finance Officer in consultation with the Cabinet Member for Regeneration, Enterprise and Planning and Cabinet Member for Finance.

- 2.4 Cabinet note the funding source for the lease, if required, is Business Rates Uplift from the Waterside Enterprise Zone.
- 2.5 Cabinet to agree that New Home Bonus monies, if required, can be used to forward fund the development in advance of receiving the Business Rates Uplift through the Waterside Enterprise Zone.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Members will be aware that the Council was awarded Enterprise Zone status by the Government in October 2011, with provisions starting in April 2012. We are one of only 24 in the country. The EZ runs along the River Nene from Sixfields in the West over to Avon Nunn Mills in the East. It comprises 120 hectares of land which has the potential to create over 420,000 square metres of high quality commercial and industrial floor space.
- 3.1.2 The EZ has a 25 year masterplan agreed with Government, with set targets on the creation of new jobs and business investment. The initial target agreed with Central Government was for the Enterprise Zone to create at least 908 new jobs by 31 March 2015.
- 3.1.3 The EZ has an established Governance structure, key to managing the implementation of the sites and co-ordination of approvals process. The South East Midlands Local Enterprise Partnership (SEMLEP) EZ Board are responsible for the strategic delivery of the Enterprise Zone.
- 3.1.4 The EZ Board has overall responsibility for the delivery of the EZ and includes representatives from Northampton Borough Council (NBC), Northamptonshire County Council (NCC), Department of Communities and Local Government (DCLG), SEMLEP, Northamptonshire Enterprise Partnership (NEP), HCA, University of Northampton and the private sector. The EZ Board reports to the SEMLEP Board and DCLG for monitoring purposes.

3.2 Progress to Date

- 3.2.1 By March 2015 the following outputs have been achieved:-
- 1,118 jobs created or brought into the EZ
 - £152m private sector investment levered into the EZ
 - 25,000 sq m new floor space created
 - Northampton Waterside EZ now in the top quartile for performance (DCLG).
- 3.2.2 Whilst there have been many successes within the EZ between 2011 and 2015, there are some challenges which need to be addressed. There has been a lack of quality office development in Northampton with the majority of speculative modern office development being based on out of town business

parks. Four Waterside will provide the perfect opportunity to develop new quality office space within the town centre as part of the EZ.

3.3 FOUR WATERSIDE

- 3.3.1 Four Waterside comprises 225,000 sq ft of commercial space within the heart of Northampton town centre and forms a key part of the EZ. The scheme will provide flexible spaces and high quality design. Importantly, it would be the first commercial development in the town centre for 20 years and as such has been designated an EZ priority. The land has been cleared, is ready for development and is in the ownership of the Borough Council.
- 3.3.2 West Northamptonshire Development Corporation WNDC entered into a contract with Kier to develop the site in 2014 and this included no requirement for speculative development. This agreement was novated to NBC following the demise of WNDC. The rights and obligations of WNDC under this agreement were transferred to NBC following the operational closure of WNDC.
- 3.3.3 In order to bring the site forward in a timely way, NBC have been in discussions with Keir to take a lease on the first 30,000sq ft, with Kier developing out the remaining 30,000 sq ft. Draft proposals include the Council taking a 15 year lease at a gross rent of approximately £650,000 per annum. The council is proactively marketing the site to potential users and there have been a number of enquiries for new large office space within the town centre over the last few months. Furthermore, this development along with Project Angel, will attract more people to the town centre.
- 3.3.4 The SEMLEP Board agreed on 15 September to use Business Rate Uplift (BRU) to deliver Four Waterside. Through the EZ, SEMLEP agreed the use of BRU for the Council to underwrite a lease on up to the first 35,000 sq ft to enable the development of the site, however current discussions involve a total lettable area of 30,000 sq ft.
- 3.3.5 The Business Rates Uplift is a key income stream from the Enterprise Zone, and is defined as the difference between the combined rateable values of the businesses within the Enterprise Zone on any given date compared to the business rates baseline for the Enterprise Zone agreed with Government. In years when business rates exceed the baseline, the increase/growth in business rates over and above the baseline is classed as uplift and can be used to help fund the EZ and be available to SEMLEP to be used to meet their local economic priorities. This uplift can only be achieved through the continued development of the EZ.
- 3.3.6 It is anticipated that the Four Waterside development could generate a rateable value of approximately £500,000. This in turn could generate up to

£222,000 of BRU per annum delivering approximately £6m of BRU over the lifetime of the EZ. The likelihood of BRU use is needed only as a precautionary measure. This approach is outlined in the table below (based on 35,000 sq ft) which estimates the high level best, mid and worst case scenarios utilising current Net present Value calculations across the 15 year lease period.

Four Waterside

	Scenario		
	Best	Mid	Worst
	<i>£m</i>	<i>£m</i>	<i>£m</i>
Net BRU over 25 yr. EZ life	30.5	30.5	30.5
Use of BRU	0.0	(4.1)	(16.2)
Remaining Net BRU	30.5	26.4	14.3

Scenarios

Best - Tenant found at required rate, no BRU requirement

Mid - Subsidy required to secure tenant and take into account local market rents for 15 years

Worst - No tenant is found, NBC liable for all cost for 15 years

3.3.7 Discussions are ongoing with Kier to agree the precise heads of terms and it is proposed that these negotiations are delegated to the Director of Regeneration, Enterprise and Planning in consultation with the Cabinet Member. It is anticipated that a planning application for the development will be submitted in January 2016 and the building completed for occupation sometime during 2017.

4. Choices (Options)

4.1 Do Not Approve lease of Four Waterside:

This would have the immediate impact of NBC and partners being unable to bring forward the development of Four Waterside as Kier developments will not build speculatively, thus not meeting future DCLG job targets and NBC's own economic aspirations. It would also have a major negative effect on the forecast BRU uplift for the whole of the EZ. This is not recommended.

4.2 Approve Lease of Four Waterside:

This will allow this project to be delivered promptly. The development agreement requires Kier to develop out and seek to lease the remainder of the first phase thus bringing in new investment and creating more jobs. Recommended option.

5. Implications (including Financial Implications)

5.1 Policy

This report is within policy, as the EZ is both an NBC Corporate and a SEMLEP priority.

5.2 Resources and Risk

5.2.1 Although SEMLEP have approved the use of Business Rates Uplift in the event of the worst or mid scenarios, BRU is not guaranteed. BRU has been estimated based on a number of assumptions (business rates achievable, completion dates of developments, inflation assumptions etc.). As such, the value and timing of BRU being received is uncertain. If BRU is not achieved as forecasted, NBC would be liable under the lease agreement for all costs. The BRU forecast model is regularly reviewed and at present does show sufficient BRU to cover the cost of the lease over the 15 year period.

5.2.2 The potential costs of the 15 year lease both under the mid and worst cases have been modelled at a high level based on the most up to date data. There is a risk that these costs estimated could be higher.

5.2.3 It is unlikely the BRU will be available immediately to fund any shortfall in leasing costs. This is due to timing factors or BRU arising from the Four Waterside development and existing commitments against BRU in the Enterprise Zone. Therefore, the Council maybe required to forward fund the lease until BRU is available. In accordance with existing practice for forward funding of certain Enterprise Zone costs it is suggested New Homes Bonus (NHB) monies are used to finance any shortfall. The NHB monies will be replenished from BRU one it is available.

5.2.4 As the timing of BRU is uncertain, NBC may need to use its NHB monies for longer than anticipated. This could have wider cash flow implications for NBC.

5.3 Legal

5.3.1 This recommendation is in line with NBC's Memorandum of Understanding with SEMLEP.

5.3.2 The implementation of this reports recommendations will require the preparation and completion of formal legal documentation.

5.4 Equality and Health

5.4.1 Successful delivery of the EZ will improve the economic health of Northampton and will provide long term sustained job prospects for residents.

5.5 Consultees

5.5.1 Responsible Cabinet Member and senior officers

5.6 How the Proposals Deliver Priority Outcomes

5.6.1 Delivers against Corporate Plan priority Northampton Alive – A Vibrant Town.

5.7 Other Implications

5.7.1 None

6. Background Papers

6.1 None

Steven Boyes
Director of Regeneration, Enterprise & Planning

Appendices
1



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Public Spaces Protection Orders
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	21 October 2015
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Customers & Communities
Accountable Cabinet Member:	Cllrs Anna King
Ward(s)	All

1. Purpose

- 1.1 To seek Cabinet authorisation to commence a consultation process regarding the introduction of Public Spaces Protection Orders (PSPOs) within the Borough of Northampton, pursuant to provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

2. Recommendations

- 2.1 Cabinet are recommended to:
- 2.1.1 authorise the undertaking of consultation on the introduction of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014, as detailed in **Appendix 1**; and
 - 2.1.2 delegate authority to the Chief Executive and the Director of Customers and Communities to take all actions necessary to undertake the consultation.

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 20th October 2014 the Government implemented the Anti-Social Behaviour, Crime and Policing Act 2014. The purpose of the Act is to give local authorities and the Police more effective powers to tackle anti-social behaviour (ASB), providing better protection for victims.
- 3.1.2 Amongst these new tools and powers are Public Spaces Protection Orders (PSPOs), which are designed to stop individuals or groups of people committing anti-social behaviour in a public space. It is for each individual Council to determine what behaviour(s) they want to make the subject of a Public Spaces Protection Order however the overarching consideration when considering a Public Spaces Protection Order is whether the activity will have detrimental effect on the quality of life of those in the locality
- 3.1.3 There is a requirement to undertake a public consultation exercise. The statutory requirement is to consult with the chief officer of police, and the local policing body, for the area that includes the restricted area, whatever community representatives the local authority thinks it appropriate to consult and the owner or occupier of land within the restricted area.
- 3.1.4 PSPOs will 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 Restrictions and requirements can be placed on an area where activities have, or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements, or can be targeted against certain behaviours by certain groups at certain times.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality OR
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature OR
- Is, or is likely to be, such as to make the activities unreasonable

- 3.1.6 The Guidance is not specific on what can be included in a PSPO. The potential for their use is broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit or promote such activities as the drinking of alcohol and keeping dogs on a lead. The PSPO can cover any publicly accessible space within the Council's area, including areas in private ownership to which the public have access.
- 3.1.7 Any prohibition or requirement must be reasonable in order to prevent the detrimental effect from occurring or reoccurring, or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.
- 3.1.8 It is important that PSPOs 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.
- 3.1.9 A prohibition or requirement may be framed so that it applies to all persons, persons fitting specified criteria, or to all persons except those in specified categories. It can be applicable at all times, or only at specified times, or at all times except those specified.
- 3.1.10 A PSPO replaces existing provisions such as Designated Public Place Orders (DPPOs), which give powers to stop the drinking of alcohol in public places, and Dog Control Orders. Under the new Act, if not reviewed earlier, these will continue to be valid for a period of three years from the commencement of the new provisions.
- 3.1.11 A Public Spaces Protection Order can be made for a maximum of three years. The legislation provides they can 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 but further consultation must take place for varying or discharging orders.
- 3.1.12 Enforcement will be shared between the Council and the police. Breach of a requirement to desist in a particular activity 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, Police and other designated groups, including officers under the Community Safety Accreditation Scheme.
- 3.1.13 The opportunity to utilise the powers of a PSPO to tackle a number of anti-social behaviours has been discussed with the police and within the wider Community Safety Partnership (CSP). It is proposed that the first PSPOs be created in order to tackle existing ASB issues and before the Council's existing DPPO and its Borough-wide Dog Control Order expire in 2017 (see Appendix 1).

- 3.1.14 In selecting restrictions, consideration has been given to enforceability and the geographical concentration of anti-social behaviour. The area is as large as it is possible to be without compromising enforceability and it may need to be reviewed should the policing presence change significantly before 2017.
- 3.1.15 Consideration of a Public Spaces Protection Order will take place where there is material evidence of anti-social behaviour.
- 3.1.16 Before making the order the local authority must notify potentially affected people of the proposed order, inform those persons of how they can see a copy of the proposed order, notify them of how long they have to make representation, and consider any representations made.

3.2 Choices (Options)

- 3.2.1 Do nothing – continue to enforce anti-social street drinking under the Designated Public Places Order and Dog Control Orders under the existing powers. These powers are time limited and can only be enforced under the powers they were agreed under
- 3.2.2 Commence a consultation on the introduction of PSPOs as set out in Appendix 1. The proposed PSPOs would provide officers with broader powers to deal with a wide range of anti-social issues in a more effective manner.

4. Implications (including financial implications)

4.1 Policy

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

4.2 Resources and Risk

- 4.2.1 A PSPO can be enforced by both the Police and Council. The Council will be the agency to process the Fixed Penalty Notices (FPN's), regardless of which agency issues them. The approach to this will be agreed with the Police.
- 4.2.2 There is a financial implication in that the PSPO areas will require signage to allow enforcement to take place - cost is estimated at £12k at this stage.
- 4.2.3 Any income generated by payment of FPN's must be directed back into management of the PSPO process.
- 4.2.4 Any additional costs will be met from existing community safety budgets already in place for activity of this nature.

4.3 Legal

- 4.3.1 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. A challenge can be made on the basis that the Council

does not have the power to make the order, or that the particular prohibitions or requirements are unnecessary or that procedurally the order is defective.

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

4.3.3 The authority will need to have due regard to the results of public consultation exercises in considering whether the Public Spaces Protection Orders prohibiting the anti-social behaviour as detailed in **Appendix 1** are made .

4.3.4 The text of the Order if made must be published

4.3.5 The Order must be notified to

(a) The parish council or community council (if any) for the area that includes the restricted area

(b) In the case of a Public Spaces Protection Order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area

4.4 Equality

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

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

4.5 Consultees (Internal and External)

Director of Customers & Communities, NBC

Legal Services, LGSS

Finance, LGSS

Environmental Health & Licensing Manager, NBC

Northants Police

Cabinet Member for Community Safety, NBC

Town Centre Manager, NBC

Highways, KIER WSP

4.6 How the Proposals deliver Priority Outcomes

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

4.7 Other Implications

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

5. Background Papers

5.1.1 Anti-Social Crime & Policing Act 2014

5.1.2 Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers statutory guidance for frontline professionals

Julie Seddon
Director of Customers and Communities
0300 330 8000

Public Spaces Protection Order Proposals

Anti-Social Behaviour activity to be addressed	Why?	Why is it deemed detrimental as per Section 59	Class of persons affected	Timings	Location
<p>Consumption of alcohol and other intoxicating substances. If someone is drinking or consuming intoxicating substances and/or carrying open vessel of alcohol and designated person (Police Officer, PCSO, Council worker) feel this drinking will lead to ASB, the designated person can confiscate the intoxicating substance and dispose of it.</p>	<p>To replace the existing Designated Public Places Order (DPPO) across the Borough, but also include the use of other intoxicating substances such as Psychoactive Substances (aka 'legal highs'). There is a misconception that legal highs are safe as they are legal - this is far from true. As the substances are legal it is very hard to police.</p> <p>Consideration to also be given to a complete ban in specific hotspot locations.</p>	<p>Drinking or taking intoxicating substances is likely to have a detrimental effect on those in the locality and be unreasonable</p>	<p>All Persons</p>	<p>All times</p>	<p>Borough wide, as per existing DPPO</p> <p>No consumption of alcohol or other intoxicating substance at the following locations:</p>

Anti-Social Behaviour activity to be addressed	Why?	Why is it deemed detrimental as per Section 59	Class of persons affected	Timings	Location
					Fountain area on Market Square; Holy Sepulchre churchyard; St Giles churchyard; St Katherine's Garden of Rest
Urinating/defecating in public place	Indecent behaviour likely to cause offence. More prominent in the town centre, but there are reports from across the town	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All Persons	All times	Borough wide
Begging	Begging is an ongoing issue in the town centre and along the Wellingborough Road. There are currently 5 persistent beggars.	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All Beggars	All times	Town centre tennis racquet (inner ring-road and Wellingborough Road up to Christchurch Road/Manfield Road junction) Kingsley Park Shopping front
Busking	Buskers to sign up to protocol and only busk in designated areas. Restrictions on amplified music/singing.	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All Buskers	All Times	Town Centre tennis racquet (inner ring-road and Wellingborough Road up to Christchurch Road/Manfield Road junction)
Dog fouling	Offence to not clean up after dog has fouled	The activity is likely to to have a detrimental effect on	All owners of dogs or those in charge of	All times	Borough wide

Anti-Social Behaviour activity to be addressed	Why?	Why is it deemed detrimental as per Section 59	Class of persons affected	Timings	Location
		those in the locality and be unreasonable	a dog		
Dogs on leads	All dogs to be under control and on leads in designated areas	The activity unless directed by an order will be carried out in a public place and be of a persistent or continuing nature	All owners of dogs or those in charge of a dog	All Times	Town Centre tennis racquet (inner ring-road and Wellingborough Road up to Christchurch Road/Manfield Road junction) All children's play areas, cemeteries.
Illegal Car Sales	To prevent the many cars that are parked and advertised for sale on public land/highway around the town.	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All Persons	All times	Borough wide - Any Public Highway or Council land (inc Northamptonshire County Council land)
Fly posting (responsibility placed on promoter and venue for event)	Many posters and banners are put up around the town advertising events without permission. Will underpin and support the 'signage de-cluttering' exercise being undertaken countywide.	The activity is likely to have a detrimental effect on those in the locality and be unreasonable	All Persons	All times	Borough wide

Appendices

1



CABINET REPORT

Report Title

Establishing a Social Lettings Agency

AGENDA STATUS:

PUBLIC

Cabinet Meeting Date:	21 October 2015
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Chief Executive's
Accountable Cabinet Member:	Councillor Stephen Hibbert
Ward(s)	Not applicable

1. Purpose

- 1.1 The purpose of this report is to seek Cabinet's agreement to the principle of the Council establishing an in-house, not-for-profit social lettings agency that will let and manage private rented accommodation in Northampton, on behalf of owners, in return for a management fee.
- 1.2 The social lettings agency will help the Council to improve standards in the borough's private rented sector and make it easier for people who are living and working in the borough to access affordable private rented housing that is of a good standard and is well managed.

2. Recommendations

- 2.1 That Cabinet approves the principle of establishing a social lettings agency.
- 2.2 That Cabinet delegates to the Chief Executive the authority, in consultation with the Cabinet Member for Housing, to establish a social lettings agency that will operate as part of the Housing and Wellbeing Service, subject to due diligence and the production of a detailed business case that has been signed-off by the Section 151 Officer.

3. Issues and Choices

3.1 Report Background

- 3.1.1 In Northampton, the private rented sector has doubled in size during the past ten years and now amounts to almost 16,000 (18%) of the homes in the borough. For the first time in decades, there are now more people living in Northampton's private rented sector than are living in social rented housing.
- 3.1.2 As well as having a growing university population, the town is attracting more people through the creation of extra jobs by the Northampton Alive projects and Enterprise Zone. Together with the difficulty that many people are experiencing in buying a home of their own, this is leading to more people wanting to rent accommodation in Northampton.
- 3.1.3 Unfortunately, the high demand for private rented accommodation has led to a sharp increase in rents, putting all but the poorest quality housing beyond the reach of many households (especially families with children) that are living on a low income and reliant on Housing Benefit.
- 3.1.4 With so many prospective tenants to choose from – and charging rents that are much higher than the Local Housing Allowance rates used to calculate Housing Benefit – none of the town's rental agents will now let to people who are reliant on Housing Benefit even if the Council offers a financial incentive.
- 3.1.5 Compared to a couple of years ago, it is now a lot more difficult for people to access the private rented sector in Northampton, and this is having a significant impact on the Council's ability to prevent homelessness. This has resulted in an increase in homelessness acceptances and the Council's growing reliance on expensive Bed and Breakfast accommodation.
- 3.1.6 Although the private rented sector plays a vital role in helping to meet the demand for housing in Northampton, the Council is committed to improving housing standards in the private rented sector and to making it easier for people to access good quality, well managed housing at rents they can afford.
- 3.1.7 In November 2014, the Council introduced an Additional HMO Licensing Scheme and Article 4 Directive to help regulate and manage the growing number of Houses in Multiple Occupation in parts of the town. Next year, it will consult with landlords, residents and other stakeholders on the proposed introduction of a star rating system that will enable prospective tenants to make an informed choice when they are looking for private rented housing.
- 3.1.8 One of the ways in which the Council can improve housing standards, support its enforcement activity, bring more empty homes back into use, reduce homelessness and make it easier for people to access good quality, well managed housing at rents they can afford is by establishing a not-for-profit social lettings agency that will let and manage private rented accommodation, on behalf of owners, in return for a management fee.
- 3.1.9 The social lettings agency would invite landlords to hand over responsibility for their properties to the Council, which will then rent them out. In return, the Council will guarantee the rent (even if the property is empty) and ensure that the property is well-managed throughout the tenancy.

- 3.1.10 Operating as a distinct business unit within the Council's Private Sector Housing Team, the social lettings agency will afford members of the Private Sector Housing Team the opportunity to offer an immediate solution to private landlords and the owners of empty homes who are unwilling or unable to manage the property themselves. It will also make it easier for the Council to meet its statutory obligations in relation to the management of any properties that are the subject of a Management Order.
- 3.1.11 It is envisaged that the social lettings agency will manage a mixed portfolio of homes (including properties that have been converted from offices or commercial premises, empty homes and properties that are the subject of a Management Order) which will then be let to a broad spectrum of tenants ranging from people who are homeless or at risk of becoming homeless to key workers, people with disabilities and working households without children.
- 3.1.12 In some instances, landlords will only be seeking the nomination of suitable tenants and the provision of a rental deposit; in other instances, the social lettings agency will provide a full housing management service and/or lease the property from the owner for a period of 3-5 years.
- 3.1.13 In order to encourage owners to bring empty homes back into use, the social lettings agency will offer to lease the property from them and, if necessary, to pay for essential repairs on the understanding that the cost of these will be recovered from the owner by deductions from future lease payments.
- 3.1.14 As one of the primary objectives of the social lettings agency is to improve housing standards in the private rented sector, a concerted effort will be made to access external grant funding to pay for improvements to the homes that are being managed by the social lettings agency, as this will benefit the tenants and the owners. Such funding may be available, for example, to enhance home security, improve energy efficiency and install new gas boilers.
- 3.1.15 Unlike local rental agents, the social lettings agency will not charge tenants any agency fees and, by entering into long-term management agreements with landlords, it will be able to offer longer-term lets of 2 years or more. Longer tenancies, fairer pricing and better management will improve tenants' confidence in private rented housing

3.2 Issues

- 3.2.1 The Private Sector Housing Team is planning to deal more robustly with the owners and managers of unlicensed HMOs, criminal and rogue landlords and the owners of problematic empty homes. Better outcomes will be achieved if a social lettings agency is available to take over the management of these properties, especially where tenants are already in occupation.
- 3.2.2 In Northampton, the shortfall between the average market rent and the Local Housing Allowance rate is between £20 and £40 per week. Although some low income households are able and willing to meet the shortfall – and can get help from the Council to pay the deposit / rent-in-advance – there has been a marked shift in the attitude of the town's rental agents (and many landlords) who are now refusing to let to people in receipt of Housing Benefit.

- 3.2.3 Working closely with the Council's Regeneration Team, the Homes and Communities Agency (HCA) is providing financial support to assist the conversion of surplus or redundant office space / commercial premises into affordable housing. Although there are more conversion schemes in the pipeline, the Council is leasing 30 of these homes for a six year term and is currently paying Northampton Partnership Homes (in the absence of the social lettings agency) to let and manage them on the Council's behalf.
- 3.2.4 Many of the households that approach the Council for assistance when they are homeless or are at risk of becoming homeless want to move into the private rented sector, but are unable to do so because the rent charged is more than they can afford, they are living on a low income and are unable to provide the rental agent with a rent guarantor and/or they are in receipt of Housing Benefit. Some are also put off by the lack of security of tenure.
- 3.2.5 Unless the Council acts decisively to overcome the barriers that are currently preventing people from accessing the private rented sector, homelessness will continue to increase and the only realistic housing option available to most low income households will be social rented housing.
- 3.2.6 Despite all of these challenges, now is an excellent time for the Council to establish a social lettings agency because significant progress is being made (through the NBC-led, Northampton Wellbeing Partnership) to develop collaborative, joined-up, wrap-around services that meet people's housing and support needs and improve their physical and mental wellbeing.
- 3.2.7 The Northampton Wellbeing Partnership comprises 50 organisations that are delivering advice, information and support services in the borough. Many of these organisations – especially those providing money advice, tenancy support and help in accessing employment, training and family support – will play a vital role in sustaining tenancies and supporting independence. Early next year, delivery of these wellbeing services will be co-ordinated by a new computer system, shared by all members of the Wellbeing Partnership.
- 3.2.8 Although the Senior Management Team of the Housing and Wellbeing Service has considerable experience of managing successful private sector lettings and leasing schemes in other parts of the country, it wants the social lettings agency to provide first class customer service and to replicate the efficiency, agility and resourcefulness of the best managing agents in the private sector.
- 3.2.9 In order to achieve this, it is envisaged that at least half of the staff that the Council appoints to run its social lettings agency (including the manager) will have extensive private sector experience of delivering a successful, profitable and customer focused housing management and lettings service.

3.3 Choices (Options)

- 3.3.1 Cabinet can choose to establish an in-house social lettings agency.
- 3.3.2 Cabinet can choose to amend Northampton Partnership Homes' Management Agreement and extend the range of housing services that are delivered by NPH (on behalf of the Council) to include the procurement, management and letting of private rented accommodation.

3.3.3 Cabinet can choose to establish a social lettings agency in a different way, such as a social enterprise, joint venture or wholly owned subsidiary, etc.

3.3.4 Cabinet can choose to do nothing.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The establishment of the proposed social lettings agency is in line with Council policy and is contained within its key corporate priorities.

4.2 Resources and Risk

4.2.1 As the social lettings agency is likely to reduce the cost of homelessness, it is expected that its overall financial impact on the Council's budget will be negligible,

4.2.2 Although there will be some initial set-up costs, these are likely to be under £50k. The business case and financial implications will be fully costed.

4.2.3 The Council recognises that there may be financial implications arising from the social lettings agency business case and that these will require approval through the Council's appropriate financial process. If these total more than £250,000, they will need to be brought through Cabinet.

4.2.4 A summary of the key risks, and how they will be mitigated, is attached to this report as Appendix 1.

4.3 Legal

4.3.1 The Council has wide and extensive powers to implement the proposals contained in this report through the General Power of Competence in the Localism Act 2011.

4.3.2 The Homelessness Act 2002 introduced the requirement for housing authorities to take a preventative approach to homelessness.

4.3.3 The Localism Act 2011 Part 7, Chapter 1 contains the provision for a housing authority to discharge its homelessness duty into suitable private sector accommodation.

4.3.4 Although the Council must normally allocate housing accommodation in accordance with its housing allocations scheme, this only applies when it selects a person to be its own secure or introductory tenant, nominates a person to be a secure or introductory tenant elsewhere, or nominates a person to be an assured tenant of a registered provider. As the social lettings agency will only be granting non-secure tenancies (which are not affected by the housing allocations requirements), it may grant such tenancies to people outside of its allocations scheme.

4.3.5 Where the Council enters into a lease to provide temporary accommodation, it is permitted to grant a non-secure tenancy where the situation falls within one or more of the exemptions under schedule 1 of the Housing Act 1985. Paragraph 6 of schedule 1 is applicable, provided that:

- (i) the properties are to be leased to the council with vacant possession for use as temporary accommodation;
- (ii) the terms on which they are to be leased include provision for the lessor to obtain vacant possession from the Council on expiry of a specified period or when required by the lessor;
- (iii) the lessor is not a body which is capable of granting secure tenancies; and
- (iv) the Council will have no interest in the properties other than under the lease in question or as a mortgagee.

4.3.6 When drafting the lease, the Council must ensure that the requirements of Paragraph 6, schedule 1 applies and that the tenancy agreements the Council enters into with the occupiers make it clear they are subject to Paragraph 6, schedule 1 and are therefore excluded from secure tenancy status.

4.3.7 Although the social lettings agency will need to comply with all of the legislation and regulations that apply to the management and letting of private rented accommodation – including the Consumer Rights Act 2015 and, in due course, the landlord obligations proposed in the Immigration Bill 2015 – the Housing and Wellbeing Service is working closely with Legal Services and Trading Standards to ensure the social lettings agency complies with the law.

4.4 Equality

4.4.1 The establishment of a social lettings agency will contribute towards improving housing conditions and life chances of people with protected characteristics including homeless people, people with disabilities and families with children and will therefore, have a positive impact on Equality and Diversity.

4.4.2 The new scheme is part of the Borough Council's commitment to improving communities and our town as a place to live. During all stages of this project, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and contribute to developing a fairer society.

4.5 Consultees (Internal and External)

4.5.1 Council Officers, the National Landlords Association, private landlords, rental agents and members of the Northampton Wellbeing Partnership.

4.5.2 Although some landlords have said they are unlikely to use the social lettings agency because they prefer to manage their properties themselves, most consultees have been very positive about the Council's plans to establish a social lettings agency.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 As well as contributing to the delivery of a number of the borough's key strategies and policies (including the Housing Strategy, the Homelessness Strategy, the Empty Homes Strategy and the Housing Allocations Policy), the social lettings agency will help meet four of the priorities in the Corporate Plan:

- **Priority 4 – Making Every £ Go Further:** The social lettings agency will be developed and expanded in the most efficient and cost effective way, working in partnership with a wide range of organisations.
- **Priority 5 – Better Homes for the Future:** The social lettings agency will increase the supply of well managed affordable homes, giving opportunity and variety to those whose choices are normally limited. As well as supporting the Council’s efforts to improve standards in the private rented sector, it will set a good example for local landlords.
- **Priority 6 – Creating Empowered Communities:** The social lettings agency will work proactively with partners, especially those in the voluntary and community sector, to empower local communities.
- **Priority 7 – Promoting Health and Well-being:** The social lettings agency will improve the condition and management of private rented housing and, by providing healthier, safer homes, have a positive impact on people’s lives.

Background Papers

5.1 None

Phil Harris
Head of Housing and Wellbeing
01604 837666

Appendix 1

Risk	Likelihood of risk	Impact of risk	Actions to mitigate risk
Not enough landlords willing to offer their properties to the social lettings agency	Medium	High	<p>Increase publicity</p> <p>Keep payment to landlords as close to Local Housing Allowance as possible</p> <p>Review the size of the management fee</p>
Higher than anticipated level of voids	Low	High	<p>Ensure that re-let times are kept to a minimum by:</p> <ol style="list-style-type: none"> 1) comprehensive register of prospective tenants and 'matching' tenants to suitable properties as quickly as possible 2) prompt repairs and void turnaround 3) effective housing management
Higher than anticipated level of repairs	Medium	High	<p>Ensure that enough support is in place to minimise the risk of damage.</p> <p>Ensure that leases limit the Council's repairing obligations to just tenant damage, voids and handback costs</p>
Lower than anticipated rent income	Low	High	<p>Ensure that there is sufficient focus on rent collection and income maximisation.</p>
Rental income reduces due to the implementation of further benefit reforms or changes in statutory guidance.	Medium	High	<p>If the reduction in rental income puts the social lettings agency at risk, break clauses in the lease agreements will allow the Council to renegotiate or terminate existing agreements in a planned way.</p>
Reputational risk to the Council	Low	Medium	<p>Ensure the development and delivery of an effective project plan and communication plan prior to the launch. Operational activity and performance will be closely monitored to identify potential issues early</p>

Resourcing the scheme	Low	Low	Officers and management support have already been identified for project planning. A detailed business case will be fully costed, ensuring that the social lettings agency is adequately resourced and is sufficiently flexible to deal with any reductions in income. A full complement of staff will be recruited, in a timely manner, in readiness for the lettings agency going 'live'.
Recruitment to the new posts	Low	High	A comprehensive recruitment campaign will be undertaken to ensure that we recruit staff with the skills and experience required.
Accommodation becomes unaffordable for tenant	Low	Low	Ensure that robust move-on plans are in place to help tenants who are no longer able to afford their rent
Change in housing benefit subsidy	Medium	Medium	Maintain close links with DWP to ensure that we understand what changes, if any, will be made and when. Ensure break clauses are in the lease. Understand how the subsidy arrangements will be dealt with following the rollout of Universal Credit
Unmanageable demand on legal services with evictions or legal disputes	Medium	Medium	Additional staffing resources will be brought in if Legal Services is unable to meet the demand.

Appendices 0



CABINET REPORT

Report Title	DELAPRE ABBEY RESTORATION PROJECT
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	21 st October 2015
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise and Planning
Accountable Cabinet Member:	Cllr Tim Hadland
Ward(s)	Delapre

1. Purpose

- 1.1 To consider and approve a proposal for the increase in the Council's capital contribution towards the restoration of Delapre Abbey.
- 1.2 To consider and approve a proposal to support the Delapre Abbey Preservation Trust (DAPT) prior to and then during the early stages of their operational phase.

2. Recommendations

Cabinet are recommended:

- 2.1 To give approval for the Council to increase the capital contribution towards the restoration of Delapre Abbey, and approve the funding sources as identified in table 1. The existing capital contribution during the restoration is £5,650,000. Additional monies are required of £525,000 to ensure that the project is delivered successfully.
- 2.2 To give approval for the provision of capped revenue funding to the sum of £150,000 in the form of a grant required by DAPT prior to their operational phase. This is firstly to be funded from any regeneration underspends in the

current 15/16 budget, then from the Regeneration Directorate revenue reserves if required.

- 2.3 To give approval for the provision of revenue funding to the sum of £100,000 in the form of a capped loan facility required by DAPT to ensure that in-year deficits within their Business Plan are cash-flowed in the initial stages of their operation. This is to be funded from existing NBC resources, which will be replenished by the repayments received from DAPT.
- 2.4 To give approval to cash flow the £812,000 fundraising requirements which form part of the overall Phase 1 works, in the short-medium term which are the responsibility of DAPT to fundraise prior to opening. The monies are to be repaid by DAPT from future operational surpluses.
- 2.5 To delegate authority to the Director of Regeneration, Enterprise and Planning and Chief Finance Officer to agree final terms and conditions regarding monies to be given to DAPT for the pre-opening cash flow requirements and operational support monies (within the capped amounts), and to agree the conditions regarding the cash flowing of £812,000 fundraising requirements, as outlined within this report.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The restoration of the Grade II* Delapre Abbey is a key heritage project of Northampton Borough Council and will see the Abbey opened to the public for the first time in it's 900 year history.
- 3.1.2 The Council were previously successful in being awarded £3.6m of Heritage Lottery Funding (HLF) towards the overall project costs for the restoration works and activity costs. Total project costs are £6.3m and the gap funding is made up of contributions from NBC, additional grant funding from charities and a requirement on DAPT to fundraise a further £812,000.
- 3.1.3 Phase 1 restoration works have been onsite since March 2015 and works are due to complete in July 2016. The project performance indicators are currently being delivered in line with the HLF funding agreement.
- 3.1.4 The original Options Appraisal outlined a number of key deliverables which are outside of the remit of the Phase 1 restoration. With the operational phase of the Abbey fast approaching a number of these deliverables are now seen as key to ensuring a viable sustainable heritage attraction.
- 3.1.5 Following the commencement of phase 1 works it is clear that further additional works are required to be completed to ensure that the Abbey is opened as a sustainable heritage attraction. These works supplement phase 1 operations. They include enhanced car parking and works to the Lodge which forms the entry from London Road.

3.1.6 The enhanced car parking specifically will require planning permission to be granted and prior to an application being submitted thorough and inclusive consultation will be completed with local residents and wider stakeholders.

3.2 Issues

Capital Scheme

3.2.1 The key deliverables from the original Options Appraisal which are outside of the remit of the existing Phase 1 restoration are paramount to the successful operation of the Abbey once opened to the public. These capital requirements can be summarised as follows:

- The provision of additional car parking over and above the existing hardstanding. (£225,000)
- The restoration of the Delapre Cottage which is located on the main Abbey entrance from London Road. (£75,000)
- The fit out of the retail space within the heritage attraction to include the supply and install of retail units and then also the initial costs of procuring and purchasing retail stock. (£50,000)
- The fit out of the education space as included within the HLF application. (£45,000)
- The installation of superfast broadband & IT hardware to the Abbey to enable the operational activities of the trust, including the conference rooms for hire. (£30,000)
- The installation of a commercial kitchen fit out to the Abbey. (£100,000)

3.2.2 In terms of funding the capital scheme, there is currently a risk regarding DAPT's achievement of the £812,000 fundraising target before opening in July 2016, which is part of the original funding in the bid approved by the HLF. Approval is therefore sought for NBC to cash flow up to this value in the case that the fundraising target is not achieved by July 2016, with any values repaid through operating surpluses generated across the life of the business plan. The agreement for this cash flow would involve NBC having oversight and a role in the financial control and monitoring of DAPT's financial performance to ensure this investment is returned to the Council.

Analysis of the overall capital position regarding Delapre Abbey Phase 1 restoration is included in the table below:

TABLE 1

	£000
Capital Expenditure	
Original Capital scheme - HLF Round 2 application	5,650
Additional expenditure identified	525
Total revised capital expenditure	6,175
Capital Funding	
Original Capital scheme - HLF Round 2 application	-5,650
Proposed amendments to funding:	
DAPT Fundraising target - currently part of original capital scheme, identified at risk to be achieved before Abbey opens July 16	812
Secured contributions:	
Variation from within existing capital programme	-100
Section 106 monies identified	-100
Use of project contingency	-40
Unsecured contributions:	
Proposed NBC cashflow of DAPT fundraising target, to be added to NBC capital programme, but to be repaid by DAPT surpluses made once Abbey open	-812
HLF additional contribution - currently under consideration	-128
NBC contribution - to be identified from existing capital programme or NBC reserves	-158
Total revised capital funding	-6,175

3.3 DAPT Support

- 3.3.1 The Council and DAPT are currently reviewing the Business Plan to ensure that a thoroughly inclusive updated plan is available to be submitted to the HLF in January/February of 2016 as required by the funding agreement. LGSS Finance has positively responded to this project and has procured additional expertise to assist and work with Council colleagues and the Director of DAPT and their Trustees.
- 3.3.2 The approved Business Plan which DAPT submitted to the Council and also the HLF focused on operational costs once opened and did not make allowance for initial set up costs
- 3.3.3 The timing of the full Business Plan review confirms that the revenue funding requested via this report for both the grant funding and loan facility at paragraphs 2.2-2.3 are maximum capped values.
- 3.3.4 The previously submitted Business Plan to the HLF of November 2014 identified in year deficits for DAPT prior to suitable levels of cash reserves being generated. The HLF are expectant that the Council will therefore support DAPT to support the sustainable operation of the Abbey

3.3.5 Whilst the previous Business Plan identified a deficit in the 2016/17 financial year of £55,000 the full review of the Business Plan which is now in consideration may alter either the value of the deficit or its profiling within the financial years. The council are working closely with DAPT in terms of their full Business Plan review.

3.4 Choices (Options)

3.4.1 Cabinet can choose to approve the additional capital works to ensure the successful future operation of the Abbey.

3.4.2 Cabinet can choose to approve the grant funding to ensure the successful future operation of the Abbey.

3.4.3 Cabinet can choose to approve the loan facility to ensure the successful future operation of the Abbey.

3.4.4 Cabinet can choose to approve the cash flowing arrangement to cover the fundraising target, in the short term, to be recovered from DAPT operating surpluses in the future.

3.4.5 Cabinet can choose to not approve the additional capital contributions and loan facilities/ cash flow arrangements linked to DAPT support and fundraising targets. However, whilst the current Phase 1 restoration will save the Abbey in terms of its physical assets it will not enable the Abbey to run as a sustainable heritage attraction.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The recommendations within this report do not set policy or have implications on existing policies.

4.2 Resources and Risk

Risks

4.2.1 The recommendations within this report does require Cabinet to approve additional funding towards the Delapre Abbey restoration project, both in terms of capital funding towards the works and financial support to DAPT in the form of a grant, a loan facility and a cash flow arrangement.

4.2.2 As with any loan/ cash flow arrangement, there is a risk regarding the failure or inability to repay as per the agreed terms.

4.2.3 There is a risk that variances within DAPT's business plan will reduce operational surpluses to unsustainable levels.

4.2.4 There is a risk that failure to comply with the conditions of the HLF award results in the monies awarded either being frozen or a requirement to refund HLF.

- 4.2.5 Further investment within this project reduces available funds for other NBC priorities.
- 4.2.6 There is a risk that DAPT sign off a business plan which is not supportive or sustainable given requirements to cover loan repayments/ cash flow repayments.

Resources

Capital

- 4.2.7 Additional funding required for the capital elements of this report have been detailed at table 1. This includes the cash-flowing of DAPT's fundraising target (as included in the original capital programme bid and as approved by the HLF), up to £812k, in the event that this is not achieved by the July 2016 opening date. Any amounts cash-flowed by NBC will be repaid through operating surpluses generated across the life of the DAPT business plan. The agreement for this cash flow would involve NBC having oversight and a role in the financial control and monitoring of DAPT's financial performance to ensure this investment is returned to the Council.

Revenue

- 4.2.8 There is a requirement for additional revenue contributions in terms of a grant to DAPT of up to £150k, and a loan facility of up to £100k as per recommendations at paragraphs 2.2 and 2.3.
- 4.2.9 The £150k grant will be funded firstly from any regeneration underspends in the current 15/16 budget, then from the Regeneration Directorate revenue reserves.
- 4.2.10 The £100k loan will be funded from existing NBC reserves, with repayments by DAPT replenishing these reserves directly.

4.3 Legal

- 4.3.1 Specific items within the additional capital works are outside of the current geographical tender linked to the Phase 1 restoration works. It is envisaged that these will be procured via the EMPA framework.
- 4.3.2 Remaining capital works which are within the geographical boundary of the restoration works will be instructed via the contractual mechanisms between the Council and Robert Woodhead Ltd as the main restoration contractor.
- 4.3.3 Formal legal agreements will be required to cover the provision of additional monies as set out in the Recommendations. Where possible terms will be written into the Partnership Agreement and Lease between the Council and DAPT. Where this is not possible DAPT will be asked to enter into separate documents.

4.3.4 Full engagement will take place with LGSS Law to ensure that the Council is protected and minimises its risks.

4.4 Equality and Health

4.4.1 No specific health or equality matters have been raised by these proposals.

4.5 Consultees (Internal and External)

4.5.1 Council officers, DAPT Trustees and their Director, LGSS Finance expert support as well as the appointed Design Team for the restoration have all been involved within the review of the additional capital works required.

4.5.2 Council officers, DAPT Trustees and Director as well as expert LGSS Finance support continue to be involved in the thorough and inclusive review of the DAPT Business Plan.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The successful restoration of the Grade II* listed Delapre Abbey is the key heritage priority for the Council. The additional capital works will assist in the successful conclusion to the Phase 1 works.

4.6.2 The ongoing sustainability of the Abbey will be delivered by DAPT and the thorough and inclusive review of the Business Plan will assure the Council that all known costs are reviewed and confirmed so to inform the business moving forwards.

4.7 Other Implications

4.7.1 The requirement to gain HLF agreement to the revised DAPT Business Plan is paramount and failure to deliver this places at risk the £3.6m funding from them.

5. Background Papers

5.1 The previous Cabinet Report dated the 8th May 2013 is offered in support of this report.

Darowen Jones, Consultant Project Manager, 01604 837719

Appendices



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Executive Approval for loan to Northamptonshire County Cricket Club
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	21 st October 2015
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Chief Executive
Accountable Cabinet Member:	Leader of the Council – Cllr Mary Markham
Ward(s)	N/A

1. Purpose

- 1.1 The purpose of this report is to seek the authority of Cabinet to support Northamptonshire County Cricket Club (“NCCC”), working with the County Council and the England and Wales Cricket Board (“the ECB”), through the provision of a secured loan.
- 1.2 This secured loan would allow NCCC to implement a new financially sustainable business plan.

2. Recommendations

- 2.1 That Cabinet approve the principle of providing a secured loan to NCCC.
- 2.2 That Cabinet delegates to the Chief Executive the authority, in consultation with the Chief Finance Officer and the Leader of the Council, to approve the amounts, up to a maximum of £250,000, and terms of any loan finance arrangements on a basis that takes into full account the matters set out at 3.2 of this report.

3. Issues and Choices

3.1 Report Background

- 3.1.1 This Council wishes to support NCCC. It has sought to work with the club to ensure that it can continue to deliver County Cricket in the town. NCCC have indicated that they would like to take out a secured loan from the Council to allow them to do this.
- 3.1.2 The loan would initially comprise an amount of up to £100,000, but NCCC would have the facility to borrow an additional £150,000 on top of this if required, giving a maximum loan value of £250,000. Interest payments would be factored into the agreement so the cost would be cost neutral for the Council.
- 3.1.3 The Council's secured loan to NCCC would be one element of financial support for the club. Other elements of financial support are to be provided by other parties.
- 3.1.4 NCCC have provided a business plan to demonstrate how they intend to become a financially sustainable business. This business plan shows how NCCC will return to a position where they are able to repay the secured loan to the council within three to five years.

3.2 Issues

- 3.2.1 The Council would need to ensure that it is satisfied, before advancing funding to NCCC, that:
- i. There would be no net initial or later costs to the Council of setting up, administering and servicing any borrowing it in turn makes, whether via the Public Works Loan Board or from any other external source, to in turn provide loan finance to NCCC.
 - ii. There is sufficient tangible security offered by NCCC to the Council from the time of taking loan finance until full repayment is made. This security may be through the Council being granted a legal charge on the County Ground and/or other NCCC property assets.
 - iii. The length of the loan and its repayment are linked to NCCC's business plan. NCCC should be able to generate sufficient income to service the debt and be in a position to be able to fully repay the debt by the end of the loan period.
- 3.2.2 The potential issues associated with "State Aid" within European law would need to be properly considered.

3.3 Choices (Options)

- 3.3.1 This Council could choose not to make loan finance available to NCCC. This would avoid or limit any financial risk being taken by the Council.

3.3.2 This Council could choose to make loan finance available to NCCC on suitable, prudent terms to protect the position of this Council and NCCC.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this report.

4.2 Resources and Risk

4.2.1 *Treasury Strategy:*

4.2.2.1 The Council's Treasury Strategy 2015/16 provides for the Council to make grants or loans to third parties under the Localism Act 2011. The Localism Act 2011 gives local authorities a general power of competence to act in the same manner as any other legal person, except where those powers are specifically limited by statute.

4.2.2.2 Officers will ensure that any loans to or investments in third parties comply with legislative requirements. Loans of this nature must be approved by Cabinet.

4.2.2.3 The primary aims of the Investment Strategy, in order of priority, are the security of its capital, liquidity of its capital and to obtain a return on its capital commensurate with levels of security and liquidity. These aims are crucial in determining whether to proceed with a potential loan to a third party.

4.2.2.4 Recipients of this type of investment are unlikely to be a financial institution and therefore unlikely to be subject to a credit rating. In order to ensure security of the Authority's capital, extensive financial due diligence must be completed prior to any loan or investment being agreed. The Council will use specialist advisors to complete financial checks to ascertain the creditworthiness of the third party. Where it is deemed necessary, additional guarantees will be sought. This may be via security against assets and/or through guarantees from a parent company.

4.2.2.4 In the event that the loan to NCCC is funded by borrowing, this can be accommodated in the Council's existing headroom under its affordable borrowing limit.

4.2.2 **Revenue:** If the Council was to provide loan finance to NCCC it would need to ensure that this was provided in such a way so as to marry with the timing and extent of revenue impacts on the Council, arising from any external borrowing that it needed to make to fund this.

4.2.3 **Risk:** The security provided by NCCC for any loan finance provided to them would need to be sufficient to ensure that the Council was not exposed to the risk of default. Without such security being in place, the consequential ongoing

revenue liabilities of the Council servicing debt as a result could negatively affect delivery of other services to the public.

4.3 Legal

4.3.1 Local authorities have wide powers to provide this type of support under General Powers of Competence under the Localism Act 2011. The making of loans would be permissible, subject to any statutory financial services or similar regulations that may be relevant. The fiduciary duty of the Council to the tax payer would require that there should be sufficiently robust arrangements concerning the repayment of any loans provided and adequate tangible security in place to cover the position in the event of default.

4.3.2 The Council would need to comply with EU law in relation to “State Aid”. Any loan would therefore need to be structured to be fully compliant with the State Aid rules.

4.4 Equality and Health

4.4.1 There are none specifically.

4.5 Consultees (Internal and External)

4.5.1 Internal Departments, LGSS Finance.

4.5.2 Northamptonshire County Cricket Club.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The proposals above would support the stated commitment of the Council to actively support the town’s sports clubs.

4.7 Other Implications

4.7.1 There are none specifically.

5. Background Papers

5.1 NCCC business plan (confidential).

**David Kennedy, Chief Executive
Glenn Hammons, Chief Finance Officer**