

# NORTHAMPTON BOROUGH COUNCIL



## COUNCIL

Monday, 25 January 2016

**YOU ARE SUMMONED TO ATTEND A MEETING OF NORTHAMPTON BOROUGH COUNCIL, WHICH WILL BE HELD AT THE GUILDHALL NORTHAMPTON ON MONDAY, 25 JANUARY 2016 AT 6:30 PM WHEN THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED**

**1. DECLARATIONS OF INTEREST**

**2. MINUTES.**

To approve the minutes of the proceedings of the Meeting of the Council held on 14<sup>th</sup> December 2015.

**3. APOLOGIES.**

**4. MAYOR'S ANNOUNCEMENTS.**

**5. PUBLIC COMMENTS AND PETITIONS**

**6. MEMBER AND PUBLIC QUESTION TIME**

(Copy herewith)

**7. CABINET MEMBER PRESENTATIONS**

(Copy herewith)

**8. OPPOSITION GROUP BUSINESS**

Councillor Birch to make a statement on "Helping our communities in the face of even

more spending cuts”

**9. STATEMENT OF LICENSING POLICY**

(Copy herewith)

**10. COUNCIL TAX REDUCTION SCHEME**

**11. COUNCIL TAXBASE**

**12. CHANGES TO OUTSIDE BODIES AND CONSULTATION APPOINTMENTS**

(Copy herewith)

**13. APPOINTMENTS OF NOMINATIVE TRUSTEE - THE CHARITY OF HERVEY AND ELIZABETH ELKINS**

(Copy herewith)

**14. APPOINTMENTS OF TRUSTEE - SIR THOMAS WHITE'S NORTHAMPTON CHARITY AND HENRY AND ELIZABETH LINEHAM FUND**

(Copy herewith)

**15. REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN**

(Copy herewith)

**16. NOTICES OF MOTION**

i) Councillor Beardsworth to propose and Councillor Meredith to second:

“This Council notes the ongoing problems regarding traffic and capacity at the new bus station and on the Drapery.

Council further recognises the fundamental importance of effective transport links within the town centre.

Council therefore requires a full report on Northampton’s capacity to manage bus and coach services, including expectations of growth over the next 10 years, before any building plans are considered on the Greyfriars site”.

ii) Councillor Meredith to propose and Councillor Beardsworth to second:

“Council recognises the importance of open spaces to the health and wellbeing of residents.

Council further recognises that the Southfields Sports Field has served this purpose well in its community.

Council therefore recognises Southfields Sports Fields as a park, and will treat it on an equal basis to other parks from this point forward.”

iii) Councillor Davenport to propose and Councillor McCutcheon to second:

“This Council notes that Northamptonshire County Council is responsible for the adoption

of roads in the town.

The problem of roads not being adopted is a real problem for some of our residents. They have to put up with roads in very poor condition.

This Council asks the Administration to do whatever they can to get the County council to adopt all roads in the town.

When the Administration does discuss these matters with Northamptonshire County Council they advocate a Section 38 agreement which is supported by a bond or cash deposit. This bond or cash deposit can be called upon if the developer goes into liquidation or otherwise defaults on their responsibilities”.

iv) Councillor Ashraf to propose and Councillor Russell to second:

“This Council believes that residents should not be expected to use their living rooms as bedrooms.

This Council also believes overcrowding is a serious problem in some households in our town. Living in overcrowded houses impacts on personal welfare and is particularly detrimental to a child’s education.

This Council further believes the statutory definition of overcrowding is too low and so we need much stronger criteria. This Council notes that the Administration has been looking into this.

This Council resolves to do what it can to help alleviate overcrowding in homes by going beyond our statutory duties. This Council further resolves to fundamentally review the Allocations Policy to ensure residents are not living in overcrowded conditions”.

## **17. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED.**

The Guildhall  
Northampton

D. Kennedy Chief Executive

### **Public Participation**

#### **1. Comments and Petitions**

- 1.1 A member of the public (or an accredited representative of a business ratepayer of the Borough) may make a comment or present a petition on any matter in relation to which the Council has powers. A comment or presentation of a petition shall be for no more than three minutes. No notice of the nature of the comment to be made or of the petition is required except for the need to register to speak by 12 noon on the day of the meeting.

(Public comments and petitions will not be taken and the Annual Council Meeting or other civic or ceremonial meetings.)

#### NOTES

- i. *Comments may be on one or more subjects but each person has no longer than three minutes to have their say.*
- ii. *The same person may make a comment and present a petition on different subjects. In such instances that person will have three minutes to make their comment and a separate three minutes to present a petition.*

## 2. Member and Public Questions

2.1 A member of the public (or business ratepayer of the Borough) may ask a maximum of two written questions at each meeting, each limited to a maximum of 50 words, on any matter in relation to which the Council has powers. Each question shall:

- be submitted in writing and delivered, faxed or e-mailed to Democratic Services no later than 10.00am seven calendar days before the day of the meeting; and
- include the name and address of the questioner and the name of the Cabinet member/Committee Chair to whom the question is put.

2.2 At the meeting, copies of all questions and the responses to them from the public and Members will be made available to the public and press. The Mayor may allow one supplementary question, without notice, that arises directly from the original question or response.

(Questions will not be taken at the Annual Council Meeting or at civic or ceremonial meetings or meetings called to deal with specific items of business.)

#### NOTES

*In respect of paragraph 2.1 above, questions may be rejected on certain grounds that are set out on page 4-12 of the Council's Constitution and which may be viewed at [www.northampton.gov.uk/site/scripts/download\\_info.php?fileID=1919](http://www.northampton.gov.uk/site/scripts/download_info.php?fileID=1919) or by seeking advice using the contact details below.*

## 3. Motions

3.1 A member of the public may register to speak to a motion under the 'Notices of Motion' item on the agenda. Registration to speak must be made to Democratic Services by 12 noon on the day to the meeting. Speaking to a motion is restricted to three minutes per person.

(The 'Notices of Motion' item will not be taken at the Annual Council meeting or meetings called for civic or ceremonial purposes.)

## 4. General

A member of the public may make a comment, present a petition, ask a question or speak to a motion at the same meeting subject to the restrictions set out above.

## 5. Contacts

Democratic Services: e-mail [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk)

Tel 01604 837722

Mail Democratic Services  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton NN1 1DE

## MINUTES

OF THE PROCEEDINGS OF A MEETING OF NORTHAMPTON BOROUGH COUNCIL HELD AT THE GUILDHALL, NORTHAMPTON, ON Monday, 14 December 2015 AT SIX THIRTY O’CLOCK IN THE EVENING

**PRESENT:** HER WORSHIP THE MAYOR Councillor Flavell (in the Chair).

**COUNCILLORS:** Ansell, Ashraf, Aziz, Beardsworth, Birch, Bottwood, Cali, Chunga, Davenport, G Eales, T Eales, Eldred, Golby, Gowen, Hadland, Hallam, Haque, Hibbert, Hill, Hill, Kilbride, King, Lane, Larratt, Malpas, Markham, Marriott, McCutcheon, Meredith, Nunn, Oldham, Parekh, Patel, Russell, Sargeant, Shaw, Smith, Stone and Walker

### 1. DECLARATIONS OF INTEREST

Councillor Eldred declared a personal non pecuniary interest in Item 7 – Cabinet Member presentations, as a Parish Councillor for East Hunsbury.

### 2. MINUTES.

The minutes of the proceedings of the Extraordinary Meeting of Council held on the 2<sup>nd</sup> November 2015 and the Ordinary meeting of Council also held on the 2<sup>nd</sup> November 2015 were agreed and signed by the Mayor

### 3. APOLOGIES.

Apologies were received from Councillors Culbard, Choudary, Duffy, Lynch, Oldham and Caswell.

### 4. MAYOR'S ANNOUNCEMENTS.

The Mayor informed Council that former Councillor John Bigley, who was a councillor in the 1960s and 1970s, had died and noted that the Mayor would be attending his funeral to be held at the Crematorium on the 15<sup>th</sup> December 2015 at 12.30pm.

She updated Members that the Mayor’s Gala Ball had been a huge success and thanked those Members who attended. On the evening just over £2,000 was raised from the raffle and auction in aid of the Mayor’s Charity. The Mayor had and would continue to do Christmas visits to the local hospices. On the 20<sup>th</sup> December 2015 a service is being held with carols led by the choir of Malcolm Arnold Academy at 6pm at All Saints church and welcomed members to attend.

Members were informed that Councillor Ansell has used his empowerment funding to produce 200 calendars for the Northampton Hope Centre, with the artwork being hand painted by one of their clients. It was noted that there were not many left but they would be available after the meeting and if anyone wished to purchase one they would need to speak to Councillor Ansell.

The Mayor noted that a carol service had been held at Christ Church, where a total of £500 was raised for her charity. The Mayor invited everyone down to the Mayor's Parlour for Christmas drinks after the meeting.

## **5. PUBLIC COMMENTS AND PETITIONS**

Mr Andrew Stretton addressed Council and commented that they had wanted to have the Close that they loved in to be adopted, but that this had yet to happen and urged the Council to put into place a process to protect those with unadopted roads who are affected by developers going into liquidation and subsequently having not had the roads adopted.

Mr Arthur Newbury commented that the growth rate of Northampton was tremendous and the influx of people into Northampton was affecting local services including schools and infrastructure and there was a need for Northampton to be the number one Town.

Mr Norman Adams commented that an Ombudsman report on a complaint related to Planning had highlighted the fact that it was possible that members of the public addressing Planning Committee were more knowledgeable than the committee and officers on some matters.

Mr David Huffadine-Smith questioned if the cold weather protocol was implemented in November when conditions were below zero on a number of days. He also asked what the futures of the maisonettes were on Little Cross Street which had become derelict. He further questioned whether the Council could make any correlations between the increases of buy-to-let properties and HMOs and gang masters, people smuggling and people in servitude. He also asked for clarification as to who would be liable for the costs of re-running the Upton and Duston Parish Council elections.

## **6. MEMBER AND PUBLIC QUESTION TIME**

The Mayor advised that 24 questions had been received from Councillors and members of the public and that the answers had been tabled in accordance with the Constitution.

Questions and answers given were as tabled (included in an updated agenda on the website) unless states, supplementary questioned were asked – detailed below:

In response to a supplementary question asked relating to question 4, Councillor Hibbert confirmed that whilst there had been no prosecutions of rogue landlords had taken place in 2 years, a new team of staff were being trained and that they would “take no prisoners” once established.

In response to a supplementary question asked relating to question 5, Councillor Markham explained that she did not have a specific number of refugees to be received into Northampton but once she had a specific figure she would update Council.

In response to a supplementary question asked relating to question 8, Councillor

Eldred confirmed that the list would be referred back to officers for further clarification.

In response to a supplementary question asked relating to question 9, Councillor Hibbert confirmed that information relating and detailing overcrowding and legal minimum bedroom sizes were available on the Authorities' website.

In response to a supplementary question asked relating to question 11, Councillor Hadland confirmed that whilst there were no restrictions in national planning policy on the location of fast food outlets near schools, this could be considered as part of the preparation of the next Local Plan. An early step in the preparation of the Plan is the preparation of a wide-ranging issues and options paper which the opposition would have full involvement with.

In response to a supplementary question asked to question 12, Councillor Markham explained that there were on going monthly meetings with SEMLEP and NEP partners.

In response to a supplementary question asked relating to question 14, Councillor Bottwood confirmed that whilst the section 46 notices had not resulted in fines, there was a 3 stage process in place but none that had reached stage 2 were suitable for further action.

In response to a supplementary question asked relating to question 16, Councillor Hallam commented that he was not going to cover old ground and that capital would be received through Section 106 monies.

In response to a supplementary question asked relating to question 17, Councillor Hallam commented that the draft budget would be released on 16<sup>th</sup> December 2015 and was not in a position to comment on budget matters until after the release of the papers.

In response to a supplementary question asked relating to question 18, Councillor Hadland commented that work was underway with regards to the progress of the Conservation Area for Kingsthorpe.

In response to a supplementary question asked relating to question 21, Councillor Hibbert commented that since 2014/2015 706 garages had been repaired at a cost of £75,000 and a study was being undertaken.

In response to a supplementary question asked relating to question 22, Councillor Hadland commented that developers could not be compelled to adopt roads and the best advice was to not purchase a property without a bond in place. He stated that there was no mechanism for a refund of Council Tax but suggested that residents consider applying to the Valuation Office to have their properties re-banded for the purposes of Council Tax.

In response to a supplementary question asked relating to question 23, Councillor Markham commented that future discussions would be had in relation to the Avenue Campus of the University of Northampton.



## **7. CABINET MEMBER PRESENTATIONS**

Councillor Markham, as the Leader of the Council submitted her Cabinet Member report and elaborated thereon. She welcomed the new Chairman of Northampton Town Football Club (NTFC), Mr Kelvin Thomas, and congratulated the football club on their current position at the top of League Two. On the 11<sup>th</sup> December 2015 the Memorandum of Understanding was accepted and the administration petition was withdrawn. Councillor Markham noted that the Police, External Auditors and the Audit Committee, supported by Internal Auditors, were going to examine where the funds had gone and what had happened. She confirmed that the budget was being compiled and would be available later in the week and commented that she was delighted to see that St Giles Street had won the city category of the Great British High Street competition. She further reported that she had attended the first AGM of NPH and noted that it would be a year since they had been established on the 5<sup>th</sup> January..

In response to questions asked, Councillor Markham explained she would gather information from NPH about the movement of staff and report back. She further answered that there would be a full and robust investigation into the money loaned to NTFC. In response to another question it was explained that there was a number of private hire vehicle operators who had not renewed their operator licenses but that there were various reasons for this and not all of those who had not renewed were uninsured as they may not have been actively working as taxi drivers and continued to thank the Licensing department for their work.

Councillor Hallam submitted his Cabinet Member report and noted that the Chancellor had set out the Government's spending plans which would see a continued reduction in public sector spending. He reported that the draft Budget for 2016/17 and the Medium Term Financial Plan 2016-21 for both the General Fund and the Housing Revenue Account would be presented to Cabinet on the 16<sup>th</sup> December 2015 and thanked officers for their hard work.

In response to questions asked, Councillor Hallam commented that there were no plans to look at referring the decision to enter into a contract with LGSS, as the contract had so far reduced spending by £4 million with another £2 million anticipated to be saved in the next two years.

Councillor King submitted her Cabinet Member report and elaborated thereon. It was noted that there had been a vast amount of work undertaken by the Forums and they included a week of Action on Hate Crime supported by an event being held on the All Saints Piazza. It was further noted that an event had been held in the Guildhall to commemorate 50 years of the Race Relations Act.

In response to questions asked, Councillor King confirmed that whilst there was no longer a Hate Crime Unit, there was still a Hate Crime officer who was responsible for the recording of Hate Crime incidents. In response to a question asked about uninsured private hire vehicles carrying passengers, she explained that the authority were responsible for sending out renewal letters to operators, but that it was hoped that this could be expanded to a 5 year programme and enquiries were being made into accessing a new IT system which would generate automatic reminders.

Responding to further questions, Councillor King explained that there had been an increase in the number of recorded instances of violence against the person as people were reporting more and some crimes could be recorded, such as those carried out through social media. She also mentioned that she worked closely with Women's Aid and worked closely alongside them.

Councillor Hadland submitted his Cabinet Member report and elaborated thereon. He stated that the St Giles Street award achievement was very much welcomed and noted that there was a report on the agenda to adopt the Duston Neighbourhood Plan.

In response to questions asked, it was explained that car parks were inspected daily and noted that the new pay on foot parking machines were hugely successful; the cost of which had been provided through the capital programme. Responding to questions relating to the recent Ombudsman report in relation to Planning, he commented that there was no criticism of the decision that had been made, but of the processes. He further commented that the Greyfriars scheme had gone through a vast array of consultation exercises and that there had been several expressions of interest.

Councillor Eldred submitted his Cabinet Member report and explained that there had been a total of 134 grant payments made to the Councillor Community fund since April 2015. He urged Councillors to consider applying for grant payments as there was still some money left over for small grant applications. He further noted that the Fireworks display on the Racecourse had attracted in the region of 18,000 visitors. Councillor Eldred proceeded to congratulate the Customer Services team who had been awarded the Customer Excellence Accreditation and a 'Compliance +' rating, the highest score that can be received.

In response to questions asked, Councillor Eldred explained that members were not formally invited to floor walks with the Customer Services team, but offered to arrange for any member to pay a visit at an allotted time. Responding to questions with regards to the expansion of the Museum, Councillor Eldred stated that they were currently waiting for the contractors to get back to them before they progressed. He also stated that with regards to Blackymoore Community Centre, it was anticipated that once the freehold had been signed, they would be able to transfer the land.

At this point, the allocated time had been met.

## **8. OPPOSITION GROUP BUSINESS**

Councillor Ashraf stated that the quality of housing impacted on people's lives and one issue that needed to be highlighted was the problem of people living in overcrowded conditions. She noted that Northampton had some good landlords but emphasised the need to tackle rogue landlords and commented that there was a need for work to be undertaken by both landlords and tenants to help try and keep people in their homes. She went on to suggest that the Administration should consider establishing a private renting forum. With regards to Houses in Multiple Occupancy (HMOs) she stated that they had contributed to the ever decreasing supply of family homes. She commented that there were 12,000 council properties

and still people were being pushed into properties owned by rogue landlords. She noted that there was a need for more affordable homes to be built and the accused the government of failing people by pricing them out of buying homes.

Councillor Hibbert responded by stating that affordable homes were being built and commented that twice as many council houses had been built in the last 2 years than at any time under the Labour government. He also reported that there were 100 new homes being built and a sheltered housing complex. He also noted that a new Social Lettings Agency was being established.

Councillor Ashraf, in response, stated that the underlying issue was a lack of homes being built and there was an urgent need for more affordable housing.

## **9. TREASURY MANAGEMENT MID-YEAR REPORT 2015-16**

Councillor Hallam proposed a report to note the treasury management activities and performance for the period 1<sup>st</sup> April to 30<sup>th</sup> September 2015.

Councillor Patel seconded the report.

Councillor Gowen expressed concern about the amount of borrowing and asked for reassurance that it would be paid back.

Councillor Beardsworth expressed concern that the correct procedures may not be in place and that the effect of that may have a knock on impact on front line services and may result the sale of assets.

### **RESOLVED:**

That Council notes the treasury management activities and performance for the period 1 April to 30 September 2015.

## **10. NOMINATION OF MAYOR AS PRESIDENT OF NORTHAMPTON SEA CADETS**

Councillor Markham submitted a report which sought Councils approval to consider an invitation that the Mayor of the Borough of Northampton should become, ex officio, President of Northampton Sea Cadets.

Councillor Hallam seconded the proposal.

Councillor Marriott offered support from the Labour Group for the report.

### **RESOLVED:**

That the Council accepted the invitation from Northampton Sea Cadets that the Mayor of the Borough of Northampton become, ex-officio, President of Northampton Sea Cadets.

## **11. DUSTON NEIGHBOURHOOD PLAN**

Councillor Hadland submitted a report that sought to make the Duston Neighbourhood Plan, following the referendum held on the 5<sup>th</sup> November r 2015.

Councillor Golby seconded the report and congratulated the Parish Council on their hard work.

Councillor Stone voiced her concerns about the turnout figures.

### **RESOLVED:**

1. That Council 'makes' the Duston Neighbourhood Plan, in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
2. That the Duston Neighbourhood Plan and the Decision Statement (Appendix 1) be published on the Council's website and paper copies be provided in locations where people who live, work and carry on business in the area can view them.
3. That the Decision Statement and details on how to view the Duston Neighbourhood Plan be sent to the qualifying body (Duston Parish Council) and any person who asked to be notified of the Council's decision.
4. That Duston Parish Council be congratulated on the successful outcome of the referendum and the making of the Duston Neighbourhood Plan.

## **12. CHANGE TO COMMITTEE PLACES**

Councillor Patel submitted a report which sought ratification to changes to the membership of the Licensing Committee.

Councillor Nunn seconded the report.

### **RESOLVED:**

That Councillor Stone replaces Councillor Culbard on the Licensing Committee.

## **13. EXTENSION OF THE 6 MONTHS RULE FOR NON-ATTENDANCE**

Councillor Patel submitted a report which sought Councils approval for the reason for non-attendance at meetings of the authority.

Councillor Nunn seconded the report.

### **RESOLVED:**

That Councillor Vicky Culbard's reason of ill-health, as a reason for non-attendance at meetings of the authority, pursuant to section 85(1) of the Local Government Act 1972, in order that if six consecutive months elapse from Councillor Culbard's last attendance at a meeting of the authority, she will not cease to be a member of the authority through failure to attend, be approved.

#### **14. POLLING DISTRICTS AND POLLING PLACES REVIEW**

Councillor Patel submitted a report which explained the decisions taken by the General Purposes Committee on the 17<sup>th</sup> November 2015, relating to the review of Polling Districts and Polling Places and requested that these decisions be published and implemented.

Councillor Kilbride seconded the report.

#### **RESOLVED:**

That the decision taken by General Purposes Committee on behalf of the Council following the recommendations from the Local Returning Officer be noted.

That authorisation for the publication and implementation of the revised arrangements following the decision of General Purposes Committee be agreed.

#### **15. PARISH COUNCIL ELECTIONS**

Councillor Hallam submitted a report that present the final recommendations from the Local Returning Officer relating to the Review of the Polling Districts and Polling Places. He noted that the cost of the election of £42,000 would be costed to the Council and not the Parish Councils.

Councillor Patel seconded the report.

Councillor Stone questioned whether it would be easier and cheaper for it to be undertaken during the PCC elections and was informed that this would not be possible as there were time constraints that influenced when the elections could be held.

Councillor Beardsworth questioned where the money would come from within the budget and Councillor Meredith expressed disappointment that the election would be an extra cost incurred by the Council.

#### **RESOLVED:**

1. That the final representation of the Local Returning Officer be approved.
2. That the amendments to be included in the register due to be published on the 1st December 2015 be approved.

#### **16. NOTICES OF MOTION**

- i) Councillor Birch proposed and Councillor Marriott seconded:

“This Council recognises the ongoing problem of HIMO’s in many parts of the town.

It is further recognised that in recent times this Council has taken action (with cross party support) in tackling this ongoing problem.

This Council asks the relevant Cabinet members and the appropriate senior officers to investigate the possibility of having no more than 10 per cent of HIMOS in 50 metres in the Article 4 area and 10% of 100 metres for the rest of the borough”.

Councillor Hibbert proposed and Councillor J Hill seconded an amendment;

Amendment to read:

“This Council recognises the ongoing problems that are being caused by a minority of landlords of HIMOs in the town.

It is further recognised that this Council is taking robust action to tackle the problem by identifying substandard and unlicensed HIMOs and adopting a ‘zero tolerance’ approach to criminal, rogue and irresponsible landlords. The Administration has received, and welcomes, cross party support for this approach.

This Council notes that a review of local policy is planned in relation to HIMOs and this will complement the work on Northampton’s new overarching housing strategy. To this end, the relevant Cabinet members and the appropriate Senior Officers will explore all legal options”.

Members discussed both the substantive motion and the amended motion.

Following a debate, both the substantive motion and amended motions were withdrawn by the proposers.

Mr Norman Adams spoke in favour of Motion ii) and stated that he had concerns that the Government were forcing high value council homes to be sold on the open market whilst there was a decrease in the number of social houses being built and suggested that it was a sabotage of social housing.

ii) Councillor Stone proposed and Councillor Ashraf seconded:

“This council notes:

That the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:

- forcing 'high-value' council homes to be sold on the open market
- extending the right-to-buy to housing association tenants
- undermining section 106 requirements on private developers to provide affordable homes.

That there is no commitment in the Bill that affordable homes will be replaced like-for-

like in the local area.

That whilst measures to help first-time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country; will not preserve the taxpayer investment; and will be built at the expense of genuinely-affordable homes to rent and buy.

That the Bill undermines localism by taking 32 new wide and open-ended powers for the secretary over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.

That the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11m private renters – including one in four families with children - and does nothing to help arrest the recent rise in homelessness.

This council resolves:

To analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes. Such a report should be presented to a Cabinet meeting.

To analyse and report on any further likely impacts of the Bill on the local area.

To use this information to:

1. Support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill.
2. Set up an urgent meeting between the Leader of the Council, Leaders of the Labour and Lib Dem Groups and the Chief Executive with the local members of Parliament to raise our concerns.
3. Make public our concerns, including by publishing the above information on the council's website and promoting through the local press”.

Council debated the motion.

Upon a vote, the motion was lost.

iii) Councillor Davenport proposed and Councillor G Eales seconded:

“This Council believes that all houses with gardens should have wheelie bins. Providing there is suitable access for both the wheelie bin to be brought to the front of the property and a refuse lorry.

This Council further believes it is more economical to have wheelie bins than pay for

a truck following the contractor to collect the 'unofficial bags' and we now have a big problem with rats.

This Council also believes that Section 46 notices are important tool in tackling the problem of putting out too many sacks. However, the effectiveness is limited as usually people do not leave evidence and there are not the resources to police it.

This Council asks the Cabinet to cost how much it would be to ensure all houses with gardens (providing there is suitable access) have wheelie bins. Once this is done the Cabinet will seek to ensure this will happen once the present contract comes to an end and/or is renewed at the latest”.

Council debated the motion.

Upon a vote, the motion was lost.

iv) Councillor Beardsworth proposed and Councillor Meredith seconded:

“The Conservative party reportedly received £36,000 in donations on the run up to the 2015 General Election from individuals connected to the Cobblers loan. Given that this loan money has currently gone missing, it is essential we retrieve as much as possible of the £10.25m, and that we avoid any perception of impropriety beyond what cannot be avoided.

Therefore, this Council resolves to formally request the return of all and any donations linked to anyone that could have financially benefitted from this loan to this Council from the Conservative Party, to be accounted against the NTFC loan”.

Council debated the motion.

Upon a requisition for a recorded vote;

There voted for the Motion: Councillors Ashraf, Beardsworth, Birch, Cali, Chunga, Davenport, G Eales, T Eales, Gowen, Haque, Marriot, McCutcheon, Meredith, Russell, Smith and Stone.

There voted against the Motion: Councillors Ansell, Aziz, Bottwood, Eldred, Golby, Hadland, Hallam, Hibbert, J Hill, M Hill, Kilbride, King, Lane, Larratt, Malpas, Markham, Nunn, Parekh, Patel, Sargeant, Shaw an Walker

There abstained the Mayor.

The Motion was lost.

v) Councillor Beardsworth proposed and Councillor Meredith seconded:

“Project Angel, the County Council’s new offices are expected to be complete by this time next year, Despite bringing thousands of extra workers into the town centre the project officers little new parking provision



At this moment in time, it is understood that NCC is in discussions with NBC regarding staff parking,

However, over the last several years we have seen a substantial reduction in parking capacity in the town centre, particularly in the South. At the same time, developments on these former parking sites increase pressure on the service

This Council therefore resolves to undertake a full audit of car parking capacity within the town centre, to ensure that future provision is adequate, to be presented to Council within 3 months”.

Council debated the motion.

Upon a vote, the motion was lost.

**17. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE MAYOR IS OF THE OPINION SHOULD BE CONSIDERED.**

There were none.

The meeting concluded at 9.58pm

**Question for Full Council Monday 25<sup>th</sup> January, 2016**

**Question 1**

**Question to Councillor Stephen Hibbert from Mr Norman Adams**

[i]Currently 167 properties are subject to an additional 50% council tax due to being empty for over 2 years, of that number 39 are the councils own housing stock.

Council housing is less than 13% of the total properties in the borough but accounts for 23% of the property being empty for such a long period.

Are you content with this?

***Response***

I can confirm that 17 of the council homes managed by Northampton Partnership Homes have been empty for two years or more.

9 of these homes are in Little Cross Street (which is going to be redeveloped to provide new council homes) and 5 are in Eleonore House (which will soon benefit from extensive remodelling work that will substantially improve the scheme's facilities and accommodation). In both of these situations, the work is dependent on vacant possession being obtained.

I am content with the reasons why the 17 council homes are empty and the action that Northampton Partnership Homes is taking to redevelop them or bring them back into use

Councillor Hibbert  
**Cabinet Member for Housing**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 2**

#### **Question to Councillor Stephen Hibbert from Mr Norman Adams**

In December NBC published 'A proposed new sheltered housing scheme on a site at Lakeview in Churchill Avenue is taking a step forward' recent developments due to come into effect April 2018 will restrict HB to LHA rate for all tenures and all tenants.

Question: Is this scheme still viable at a rent of £100.05 or less (Northampton 1 bed LHA rate) a week?

#### ***Response***

Northampton Partnership Homes is working closely with the Council to develop options and designs for a new build scheme on the Lakeview House site. All of these design options will be subject to detailed discussions, consultation with local residents, full financial appraisal and viability modelling and, of course, planning permission.

Based on the information currently available in relation to the proposed Housing Benefit changes, and subject to agreement on the right density and number of homes, Northampton Partnership Homes is of the view that a new build scheme is still viable.

Councillor Hibbert  
**Cabinet Member for Housing**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 3**

#### **Question to Councillor Alan Bottwood from Councillor Julie Davenport**

Local authorities in Kettering, Wellingborough, Bedford & Luton manage to recycle all hard plastic, please can Northampton Borough Council consider doing the same in the future?

#### ***Response***

Yes, I am happy to give full consideration to the inclusion of the collection of hard plastic when I develop the specification for the new waste contract which will go live in 2018. There will of course be technical and financial considerations to be taken account of but I am happy to fully explore your suggestion and take it forward if viable to so do

Councillor Bottwood  
**Cabinet Member for Environment**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 4**

#### **Question to Councillor Tim Hadland from Councillor Julie Davenport**

We understand the Council will no longer adopt green spaces on new developments. What guarantees are being sought by the planning department that they will be maintained in 10, 20, or 50 years?

#### ***Response***

The decision on whether the Council will adopt an area of green space will depend on the scale, nature and location of the development. In cases where the Council adopts the green space, a financial contribution will be secured to fund ongoing maintenance. This contribution will be agreed in advance in consultation with the Customers and Communities Directorate. In instances where the Council will not adopt the green space, the Planning Legal Agreement will include an obligation that requires the green space to be made available for public use in perpetuity and for a maintenance regime to be submitted to and approved by the Council prior to the occupation of any new residential development.

Councillor Hadland  
**Cabinet Member for Regeneration, Enterprise & Planning**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 5**

#### **Question to Councillor Brandon Eldred from Councillor Julie Davenport**

Many Delapre residents feel 'Delapre Alive' enhanced the towns reputation for entertainment and helped local businesses by the increased trade it brought to the town. Would the Cabinet Member agree?

#### ***Response***

In accordance with its commitment, this administration delivered the event for three years and I consider it had a positive impact on the Delapre area and the town as a whole. It is good to hear that local people share that view. Myself, and my cabinet colleagues continue to consider a number of other event options. These proposals will be communicated to you and other colleagues once they are firmed up. In the meantime, thank you for sharing with me the positive feedback you have received.

Councillor Eldred  
**Cabinet Member for Community Engagement**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 6**

#### **Question to Councillor Tim Hadland from Councillor Arthur McCutcheon**

There is a new development on the very fringe of Northampton in Wootton Fields on Newport Pagnell Road. It will be approximately 270 dwellings when completed. How much section 106 money will come to Northampton or will it be kept entirely by South Northamptonshire District Council? Details of the section 106 money are vague at the moment for this development.

#### ***Response***

At the time when the Borough was consulted on the fringe planning application, we requested that SNC should involve NBC when negotiating any related S106 agreement. Planning permission has since been granted by SNC following finalisation of a S106 agreement but NBC was not invited to get involved in the negotiation of the S106.

However, the S106 agreement does include obligations such as primary and secondary contributions, health care, off-site sports pitches and on-site play equipment, strategic leisure contributions. No affordable housing provision is included.

Councillor Hadland  
**Cabinet Member for Regeneration, Enterprise & Planning**

## Question for Full Council Monday 25<sup>th</sup> January, 2016

### Question 7

#### Question to Councillor Stephen Hibbert from Mr Neil Clarke

Northampton Borough Council's Cabinet discussed proposed changes to the Housing Allocations Policy and the Tenancy Strategy in December 2012

94% of respondents to the Tenancy Strategy agreed with the proposal to give older people a lifetime tenancy.

Question: Would you agree that now the Government as dictated that ALL tenancies MUST be for 2 years to 5 years flies in the face of Localism?

#### *Response*

The Government's proposal to phase out lifetime tenancies (set out in an amendment to the Housing and Planning Bill 2015) will not affect existing council tenants. Their security of tenure will not change, even if they decide to transfer to another council home.

Although I prefer the current arrangements – where the Council is able to make its own decisions on tenants' security of tenure, and set these out in its local Tenancy Strategy – we will obviously comply with any new legislation that is introduced.

It is my understanding that, at the end of the fixed term tenancy – which will normally be for 5 years, rather than the minimum of 2 years – the Council will be free to decide (in accordance with its Tenancy Strategy and Housing Allocations Policy) on whether or not to grant a new tenancy. Assuming this is the case, we will do everything we can to continue providing council tenants with accommodation for as long as they need it.

Councillor Hibbert  
**Cabinet Member for Housing**



## Question for Full Council Monday 25<sup>th</sup> January, 2016

### Question 8

#### Question to Councillor Alan Bottwood from Cllr Sally Beardsworth

1. Can you confirm that there are no postcodes for allotments?

After an ambulance drove straight past an emergency it was called to at Welford Road Allotments, and given that many older people have allotments, will the portfolio holder instruct his officers to put together an emergency protocol for the town's allotments to ensure they are easily and quickly found by emergency services ?

#### **Response**

Thank you for raising this matter with me. I am happy to liaise with the emergency services to see how the council can best assist them with locating and accessing our allotments.

Councillor Bottwood  
Cabinet Member for Environment

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 9**

**Question to Councillor Stephen Hibbert from Mr Neil Clarke**

Question for Council meeting Monday, 25 January 2016

To Councillor Hibbert Cabinet Member for Housing

Having read a article by local Housing campaigners that states that Northampton Borough Council sells properties at under £50k and buys them back at over £98k

Question: Could you confirm or otherwise, as NBC spent £1,392,840 on the purchase of 14 dwellings?

### **Response**

Yes, I can confirm that the Council spent this money on the purchase of privately owned homes to help meet the housing needs of applicants on Northampton's Housing Register.

Unless the applicant is living in sheltered housing or other housing that is particularly suitable for elderly or disabled people, the Council is required (under the Right to Buy legislation) to sell its homes to qualifying tenants at a discount of up to £77,900. The valuation and purchase price will disregard any improvements that the tenant has made to their home at their own expense.

If a tenant buys their home from the Council under the Right to Buy and then sells it within 10 years, they must ask the Council if it wants to buy their home back at market value. If they sell their property within 5 years, they will normally have to repay all or part of their discount.

The Council's purchase of privately owned homes is partly funded by the use of the money that it receives from Right to Buy sales. As well as increasing the supply of social rented housing, these purchases provide the Council with the opportunity to acquire suitable, reasonably priced properties to meet local demand. The acquisition of these homes may also help us improve neighbourhoods and tackle anti-social behaviour and empty or badly managed housing.

Councillor Hibbert  
**Cabinet Member for Housing**

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 10**

**Question to Councillor Mike Hallam from Cllr Danielle Stone**

How many agency staff does the Borough Council have and at what cost?

#### ***Response***

The Council has employed 36 agency staff during the current financial year (upto end of December 2015) at a cost of £74,705.85.

Councillor Hallam  
Cabinet Member for Finance

## **Question for Full Council Monday 25<sup>th</sup> January, 2016**

### **Question 11**

**Question to Councillor Alan Bottwood from Cllr Gareth Eales**

How is the tree strategy being implanted and how quickly?

#### ***Response***

In accordance with the cabinet report of 9 December 2015, Tree maintenance – Response to Overview and Scrutiny, a revised tree strategy is currently being developed and that work will be completed over the next few months. Implementation of the revised tree strategy will begin in April 2016, subject to spending approval from full council next month as part of the budget setting process.

Councillor Bottwood  
**Cabinet Member for Finance**



# Agenda Item 7

## Report of the Leader of the Council

### Northampton Borough Council

Monday 25<sup>th</sup> January, 2016



#### **LOCAL GOVERNMENT SETTLEMENT**

The Secretary of State for Communities and Local Government announced the draft Local Government Settlement for consultation on the 18th December. The draft Settlement follows the Autumn Statement made by the Chancellor of the Exchequer and is the key document to implement the latest Comprehensive Spending Review and the Chancellor's statement.

The draft Settlement reduces the spending power of the Borough Council over the next four years by approximately 10%. The draft Settlement and in due course the final Settlement, will be considered by Cabinet in formulating the budget to be proposed to Cabinet on the 22<sup>nd</sup> February.

#### **BUDGET**

The Council's draft budget was agreed for consultation by the Cabinet on the 17<sup>th</sup> December. I look forward to hearing the views of the public on our proposals. The draft budget contains new investment in key services to deliver the commitments of the Administration to respond to changes in demand alongside savings to ensure that the Council continues to manage its finances prudently. The draft budget also shows the forward position, and the extent of the financial challenge facing the Council in the future years.

The County Council has also published its draft budget which contains significant reductions. The implications of these proposals are being assessed by officers as far as is possible and any financial implications that we are aware of will be included in the budget brought to Council in February.

#### **COMBINED AUTHORITIES**

The County Council has proposed making savings in their budget through closer working between authorities in the form of a combined authority arrangement. They state that such an arrangement would achieve savings of £4 million to the County Council in 2016/17.

This Council believes that Councils and other public bodies should work together to deliver services in the most effective and value for money manner. The Borough Council has a range of service partnerships with other Boroughs and Districts and with the County Council. We have also proposed further areas in which we could work in partnership with the County Council or where we could provide services on behalf of the County Council. Should they wish to further these discussions we are always open to proposals to do so.

The County Council has not provided any detail as to what they would propose in terms of a combined authority arrangement. The seven Borough and District Councils are working closely together on this matter and I am meeting regularly with my fellow Leaders.

#### **US AMBASSADOR VISIT**

I was pleased to meet the US Ambassador to the United Kingdom, Matthew Barzun, when he visited the Guildhall on the 8<sup>th</sup> January. Mr Barzun was given a short tour of the Guildhall and had tea with the Mayor. He met a small number of key business people and was presented with a gift on behalf of the Borough Council, kindly donated by Church's shoes.

## **SIXFIELDS**

The Audit Committee, on the 18<sup>th</sup> January, were discussing the review that the Council has required of the processes and procedures involved in loaning funds to Northampton Town Football Club. Discussions are also taking place with the Council's external auditors in relation to their independent review and with the Police in relation to their enquiries responding to the Council's complaint.

A project group has been established to drive the development of the land to produce a return to the Council and work is underway to pursue claims related to the funds loaned and the liquidation or both County Developments (Northampton) Limited and 1<sup>st</sup> Land Limited.

## **BIG SLEEP-OUT**

On the 29<sup>th</sup> January I will be taking part in the Big Sleep-Out alongside many other volunteers. The sponsored event is organised annually by the Northampton Hope Centre, of which I am a Trustee, and is the charity's biggest fundraiser of the year. The event this year will be held at the County Ground.

This is the fourth year I have taken part in the Big Sleep-Out and although it can be tough I feel honoured to be a part of it. Experiencing a little of what it means to be homeless and spending the night talking to people who were either homeless or have been homeless is a real eye-opener. Homelessness can affect any one of us and so it is important to keep raising awareness and taking part in events like this.

I would encourage members to sponsor me or anyone else taking part.

**CLLR MARY MARKHAM  
LEADER OF THE COUNCIL**



## Cabinet Member Report for Finance

### Northampton Borough Council

Monday 25 January 2016

#### **Finance**

The Council has issued for consultation its draft Budget 2016/17 and Medium Term Financial Plan 2016-21. At the time of writing the consultation is well underway with feedback being received on our proposals. This will be analysed, considered and feedback into our final budget plans where appropriate.

Since we issued our draft budget and medium term financial plans the Government has published the draft Local Government Finance Settlement. The key themes in the settlement were continued reductions in government funding, a shift in resources towards councils with social care responsibilities, changes to the methodology for distributing monies to councils, reduced resources for new homes bonus and a commitment for councils to keep all business rates growth locally.

The impact of the settlement, as expected, was not good for districts and borough councils. In broad terms it was in line with our projections. The change to 2016-17 will have minimal effect on our budget plans. However, over the medium term the reduction in resources, in particular new homes bonus, will mean the less funding for the Council than it would have previously received.

As mentioned previously the Council has been planning ahead for these changes and this good financial management places the Council in positive position to deal with the funding reductions. For example the Council has chosen not to use all its new homes bonus to fund its on-going costs, instead it chose to use a significant proportion of these to fund one off expenditure in capital projects and forward funding the Waterside Enterprise Zone. These decisions have meant the Council is able to manage the potential 50% reduction in new homes bonus funding without the need for additional savings on its budget. Having said this, and as reported before, the Council still faces the prospect of having to reduce its General Fund budget by around £8m per annum over the next 5 years. The good news is we have a positive base from which to manage this.

#### **Revenues and Benefits**

The service have supported a consultation on how changes to the 2016-17 Council Tax Reduction Scheme may affect them. The Council Tax Reduction scheme provides financial support for people on low incomes to help with their Council Tax bill. In Northampton the scheme helps around 16,000 people. The Council looked at three options, which will support those who need it most, help people get back into work and protect the Council's finances. Each option looked at how much support should be offered to pay a proportion of the total Council Tax bill.

1. Reduce the maximum amount of support from 79% to 69%,
2. Do not change the level of support, currently 79%,
3. Or reduce the maximum amount of support over the next two years from 79% to 63%.



After considering feedback from the consultation and taking account of the Councils financial position, the recommended scheme will allow support of up to 71%. The recommendation will be made to the full Council meeting in January 2016.

The team are also currently concluding the first phase of a two year Countywide Single Person Discount review and are nearing the end of the first set of cancellations from those who are not eligible to receive the 25% discount from their charge. In Northampton the review has resulted in an additional £700k of collectable Council Tax being raised and this figure is expected to increase upon further phases of the project.

**Councillor Mike Hallam**  
**Cabinet Member for Finance**



## Cabinet Member Report for Regeneration, Enterprise & Planning

Northampton Borough Council

Monday 25 January 2016

### Town Centre

Northampton Town Centre was much busier in December 2015 than the same month the previous year.

Footfall was up more than 22 per cent, from 1,249,511 visitors in December 2014 to 1,526,974, with a full calendar year increase of 2.6 per cent, from 14,476,969 to 14,859,519.

And free parking has continued to have a positive effect, with a December increase from 229,813 to 247,986 – up 7.9 per cent.

This has helped provide a 10.7 per cent increase between April and December – 1,788,434 up to 1,980,823 – not taking into account the surface car parks, for which parking figures are not recorded.

The new pay on foot parking operations in St Michaels & St Johns MSCP's have been well received by customers and have enhanced the Council's service provisions with credit / debit card usage growing month on month.

The refurbishment works to the lift L7 in the Grosvenor Centre car park was placed on hold during the Christmas period to support the shoppers using the car park but works have recommenced and will be complete in early March.

The replacement programme of 20 surface car park payment machines has commenced and will be complete by early March. 15 new machines will offer customers credit / debit card payment options which will enhance the customer offer.

### Planning

N/2013/1035 and N/2013/1063 – Northampton South SUE (Collingtree) – The public inquiry for the appeals took place between 1st and 18th of December, a decision will be due by early summer.

N/2015/0333 – A planning application for a new Aldi store together with residential development on the former Chronicle and Echo site was approved in principle by the Planning Committee on 17th December, subject to a S106 agreement to secure necessary planning obligations.

N/2015/1454 – A full planning application for the redevelopment of the former St Crispin's hospital buildings for 235 new houses and apartments has just been received by the Council.

N/2015/1474 – A planning application for the extension of the existing BMW unit (14,000 m2 floor space) at Pineham has just been received by the Council.

N/2015/0738 – A planning application for the conversion of Newspaper House at Derngate for 64 apartments was approved by the Planning Committee on 17th December.

Duston Neighbourhood Plan – the Neighbourhood Plan was made at Council on 14 December 2015. It now forms part of the Development Plan, meaning that it is a material consideration when deciding planning applications.

## **Regeneration**

The purchase of the Guildhall Road County Hall block has been completed

The former NBC premises in Fish Street have been marketed, and a sale agreed

Lake View site – the site has now been acquired and will be used for sheltered housing accommodation. An application for the demolition of the existing buildings has recently been submitted.

Greyfriars – 3 bidders have been shortlisted. The successful parties will submit final proposals by the end of March. Public Consultation will then be undertaken before Cabinet make a final decision.

Sixfields Development Site– Work is continuing re surveying the land for potential development; predominantly surrounding the level of remediation required to bring forward development.

St Giles St – We are working towards a start on site in February. Full consultation with businesses has been undertaken and a Liaison Group has been formed with them. It met for the first time on 11th January and will meet fortnightly throughout the works. In addition an officer will be keeping in daily contact with those affected.

We are keen to ensure all the town's main shopping areas are improved and following on the success of St. Giles Street, a meeting is being held with owners of buildings in Gold Street to look at the potential of using the Business Incentive Scheme to improve the appearance of some of the buildings in this important gateway to the Town Centre.

We have recently written to the owners of St. Edmund's Hospital site outlining their responsibility for making some of the buildings more secure.

**Councillor Tim Hadland**  
**Cabinet Member for Regeneration, Enterprise & Planning**



## Cabinet Member Report for Housing

### Northampton Borough Council

25<sup>th</sup> January 2016

#### **Tackling, Preventing and Reducing Rough Sleeping**

As I have previously explained, the increase in the number of people sleeping rough requires a fresh and innovative, multi agency approach to what is a very complex problem.

A multi agency project team has now been established to prepare for, and co-ordinate, a comprehensive rough sleepers count in February 2016. The count will cover the whole of the Borough and efforts will be made to engage every rough sleeper who is found on that night.

The rough sleepers count will inform the development of Northampton's 3 year multi agency Rough Sleepers Strategy which is being kick-started at a half day workshop on Friday 5<sup>th</sup> February 2016. .

Organised by the Council's Housing & Wellbeing Service and Community Safety Team, the Rough Sleepers Strategy workshop will be attended by a broad range of local organisations, including charities, faith groups, health professionals, advice and support providers and the Police. During the workshop, participants will share ideas and information and will be asked to consider, and sign up to, a fresh approach that will ensure that every organisation is doing everything it can to tackle, prevent and reduce rough sleeping in the borough.

#### **Improving and Enforcing Standards in Private Housing**

In order to support the Council's efforts to improve standards in Northampton's private rented sector and tackle criminal, rogue and irresponsible landlords, Officers have developed a new Private Sector Housing Enforcement Policy and undertaken a review of the fees and charges relating to HMO licensing and the Private Sector Housing Team's enforcement activity.

Cabinet will consider the new Enforcement Policy and Fees & Charges Policy on 10<sup>th</sup> February.

One of the primary aims of the new Private Sector Housing Enforcement Policy is to improve housing standards and protect the health and safety of occupants by changing the behaviour of owners, landlords and managing agents. As well as prosecuting those who flout the law, we want to make it a lot more difficult for owners and landlords to profit from their non-compliance.

The new Fees and Charges Policy will ensure that criminal, rogue and irresponsible landlords bear the full cost of any enforcement action and, if they fail to license their HMOs on time, they will be granted a one or two-year licence rather than a five-year licence. 'Early bird' discounts will be given to landlords who apply for an HMO licence (or renew their HMO licence) on time.

In December 2015, the Council hosted 4 focus groups to obtain the views of a wide range of stakeholders, including HMO landlords, student landlords, letting agents, a landlord accreditation scheme, the National Landlords Association, ARLA and Trading Standards.

Everyone who attended the focus groups was very positive about the Council's new approach and were especially supportive of the idea of making perpetrators pay, reducing the financial

burden on responsible businesses and providing Officers with the skills, confidence and training that they require in order to tackle poor standards of housing and management.

### **Licensing Houses in Multiple Occupation**

Although HMOs play a vital role in helping to meet Northampton's housing needs, it is essential that they are well managed, are maintained in a good state of repair and, where appropriate, they have the necessary licence and/or planning permission.

The new Private Sector Housing Enforcement Policy and Fees & Charges Policy will encourage owners and landlords to license their HMOs in a timely manner, and new facilities will be put in place to make it easier for tenants, residents and businesses to inform the Council of any properties they suspect are operating as an HMO without a licence and/or planning permission.

In order to support and improve the licensing of HMOs, the Housing & Wellbeing Service is planning to introduce an online licence application process that includes the requirement for owners and landlords to pay the licence fee online at the point of application. This will substantially reduce the amount of time that Officers spend administering the process.

On 9<sup>th</sup> February 2016, Officers from the Housing and Planning teams will provide members of the Planning Committee with training on the action they will be taking to identify, and deal more robustly with, HMOs that are operating without planning permission in the Article 4 areas.

### **Review of the Housing Allocations Policy**

The Housing and Wellbeing Service and Northampton Partnership Homes are currently reviewing the Housing Allocations Policy to ensure that it is fit for purpose and meets the Council's strategic objectives in relation to the allocation of affordable housing.

Although the review has only just started, consideration is being given to the ways in which the Housing Allocations Policy can be amended to support everyone's efforts to prevent homelessness, tackle severe overcrowding, safeguard children and vulnerable adults, facilitate move-on from hospital and supported housing, and the future growth of Northampton.

### **Celebrating NPH's First Anniversary**

This time last year, I was a Director of Northampton Partnership Homes.

I have had to forego that pleasure but, one year on, it was a delight to attend the 1<sup>st</sup> Anniversary event in the Great Hall and to witness the fantastic progress made by the ALMO.

With the team now coming together and the continued involvement and support of the tenants and leaseholders, I believe that we can be really positive about the future of our housing stock.

**Councillor Stephen Hibbert**  
**Cabinet Member for Housing**



## Cabinet Member Report for Environment

Northampton Borough Council

Monday 25 January 2016

### **Environmental Health**

The Food and Safety team participated in the Food Standards Agency's Christmas Food Safety campaign giving advice to residents and businesses about eating safely over the Christmas period.

### **Environmental Services**

The winter maintenance program is now in operation and the shrubs and hedges will be getting their winter prune.

### **Environmental Services (Direct Services)**

#### *Town Centre Warden Patrols*

The twice a day town centre warden patrols are continuing to have an impact on the small amount of Anti-Social Behaviour that takes place. They are regularly moving on rough sleepers, beggars and drinkers and have also assisted in a few arrests for shoplifting and a seller of dodgy mobile phones. They are continuing to build close relationships with the local businesses and are giving advice to them on how best to manage their trade waste, which can be a problem in the town centre at times.

#### *Fish Stocks at Abington Park Main Lake*

Abington Angling Club in partnership with the Council has been successful in restocking the main lake with 3000 F1 Carp (small fish). This was achieved through our joint application to the Environment Agency.

As you will be aware it is the 90th Birthday of Her Majesty the Queen on 21st April. In the lead up to this all the country's litter charities have come together to organise a campaign to inspire a million people to take action and enjoy a few hours litter-picking to make the places where we live more beautiful. Northampton Borough Council is supporting this initiative and I want encourage all members to get involved themselves and to encourage residents and community groups to participate. The main focus of the event is a monumental litter clean up over the weekend 4th – 6th March. Neighbourhood Wardens and Park Rangers will support members in coordinating events. There are already a number of events organised and we are aware that many community organisations are keen to get involved. The One Stop Shop at The Guildhall will be a collection hub where people who have registered to take part in Clean for the Queen can collect supplies of the litter picking sacks for the event.

**Councillor Alan Bottwood**  
**Cabinet Member for Environment**



## Cabinet Member Report for Community Safety

Northampton Borough Council

Monday 25 January 2016

### Community Safety

Overall crime has increased by 4.2% (+794 crimes) since April 2015. Serious Acquisitive Crime is showing a reduction of 2.6% (-66 crimes). The primary performance issue remains theft of motor vehicles, and more specifically motorcycles, which has risen by 28.8% (+80 crimes) since March 2015. Violence against the person has increased by 22.2% (+1033 crimes). Anti-Social Behaviour continues to show a good reduction, decreasing by 13.0% (-1727 incidents) since April 2015 with personal Anti-Social Behaviour incidents reducing by 11.9% (-537 incidents), nuisance by 10.8% (-748 incidents) and environmental by 23.9% (-442 incidents).

Consultation for the Public Spaces Protection Orders concludes on 27th December. Proposals see the re-draft of the Designated Public Places Order for drinking in the street and Dog Control orders, also proposals to manage busking, street begging, flyposting, urinating in the street and the illegal sale of cars on public land.

Pre-Christmas 'Keep Yourself Free from Crime' events held at Market Street Community Rooms, St Johns Accommodation, Kings Heath Hub and Spring Boroughs Hub. Cyclops event in the Grosvenor Centre was supported by carrying out security bike marking.

The first Restorative Justice conference for NBC is due to be held on 16th December. Two more facilitators have been trained and we have been working closely with Groundworks who oversee Restorative Practices across the county.

Bridge Street closures were put in place for Christmas Eve, Boxing night, New Year's Eve and New Year's Day from 11pm until 4.30am.

### Forums

December was again a busy month for the forums supporting a range of events. World AIDS day ceremony was delivered on the 1 December in the Guildhall Courtyard.

A market place event was held in the One Stop Shop for International Day for People with Disabilities on 3 December 2015. This was the first time such an event was held by the forum and was a great success. Around 16 organisations took part – organisations included Health Watch, NAB, Guide Dogs for the Blind, Northamptonshire Police, Autism Concern, Alzheimers Society, Northamptonshire Carers, Call Care, Local Offer, Northamptonshire Sport and the Northamptonshire Polio Fellowship, amongst others. Workshops were also delivered – NREC offered a workshop on Hate Crime Awareness, and Deafhub offered a workshop on Deaf Awareness and sign language. Feedback from the event was very positive; participants commented that such joined up awareness rising and public engagement was a positive step forward. As a result, there has been a rise in interest and attendance figures at the forum. The Disabled Peoples Forum, supported by the Partnerships and Communities Team now plans to deliver this event annually, but may need to look at alternative locations due to the number of organisations who have requested to take part.

Holocaust Memorial Day is being delivered on Thursday 27 January, which will include a ceremony at 12 noon in the Courtyard, and also an evening event to mark the day. Various schools and community groups will be taking part.

Plans are now being progressed for future forum events, including International Women's Day in March, International Day Against Homophobia, Transphobia and Biphobia in May, and a Health and Wellbeing Day in the beginning of June.

**Councillor Anna King**  
**Cabinet Member for Community Safety**





## Cabinet Member Report for Community Engagement

Northampton Borough Council

Monday 25 January 2016

### **Councillor Community Fund**

A total of 145 grant payments have been made from the Councillor Community Fund since April 2015. The total amount of funding awarded at the end of November is £52,119.35, providing support to a wide range of local voluntary organisations and local projects.

### **Partnership Support**

Since the grant year beginning July 2015, 9 Small grant payments have been made, totalling £23,600.86 from the £50,000.00 pot. The Small Grants panel continue to meet on a quarterly basis to discuss and consider all applications.

The Partnership Grant is open to applications once again at the end of this month. An event was held today (Monday 25th January) in the Guildhall for the opening of the grant, showcasing organisations that were successful in 2015/16, and informing other organisations of the process and what the CEFAP panel look for in applications.

### **Community Centres**

The Our Place project continues to progress. Meetings have been held with all community centres involved and their action plans are being delivered. The Partnerships and Communities Team are currently working on the development of a partnership bid to fund further youth work. In addition to this, various projects for the community centres are being supported, such as a community consultation programme in Bellinge, and planning for various open days and days of action around the centres.

### **Events**

It has been a quiet few weeks since the Christmas German Market finished on the 20 December and the Christmas trees and lights were taken down in early January.

The council is currently looking at plans for 2016 incorporating Council and Partner events.

The new pay on foot parking operations in St Michaels & St Johns MSCP's have been well received by customers and have enhanced the council's service provisions with credit / debit card usage growing month on month.

The refurbishment works to the lift L7 in the Grosvenor Centre car park was placed on hold during the Christmas period to support the shoppers using the car park but works have recommenced and will be complete in early March.

The replacement programme of 20 surface car park payment machines has commenced and will be complete by early March, 15 new machines will offer customers credit / debit card payment options which will enhance the customer offer.

The free Saturday parking offer over the Christmas period again proved very popular with many of our car parks including two of our MSCP's being full at various times throughout the day. This was a factor which contributed to very good footfall figures throughout December as well.

### **Culture & Heritage**

A Christmas craft workshop held at Northampton Museum & Art Gallery in December was well attended. The Over 60s series of lectures recommence in January and with the introduction of a £2.50 charge per head.

A collections volunteer event was held during December to celebrate the achievements of our volunteers during 2015 (including the successful store move) and looking forward to working in the new temporary Guildhall stores in 2016.

A donation was received in December of a large Northampton Crest which is associated with Nationwide Anglia Building Society in Northampton.

Northampton Museum & Art Gallery was the venue for a book launch in December of a book on the 1460 Battle of Northampton written by medieval historian Mike Ingram and illustrated by renowned historical illustrator Matthew Ryan.

An event was held in December at Northampton Museum & Art Gallery to update local businesses on the progress made with the Cultural Quarter redevelopments.

During December Northampton Museum & Art Gallery saw several corporate hire events by Senate Chambers, the Voluntary Impact Services and ACAM Music School.

### **Customer Services**

Through regular liaison and reviewing the reasons for repeat calls, Customer Services and Responsive Repairs have agreed additional resource of a Responsive Repairs Team Leader being based within the Contact Centre. This has proven successful reducing avoidable contact and complaints whilst providing agents with technical advice and support.

Customer Services are pleased to introduce a new partner into the OSS, The Northamptonshire Centre for Independent Living (NCIL) will be having weekly surgeries providing support for disabled and older people across Northampton promoting independence in own communities.

**Councillor Brandon Eldred**  
**Cabinet Member for Community Engagement**

**Appendices:**  
**A - Draft Policy.**  
**B- Table of Changes**  
**C- Consultation responses**



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status:** Public

**Directorate:** Customers and Communities

<b>Report Title</b>	<b>STATEMENT OF LICENSING POLICY 2016 - 2021</b>
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**1. Purpose**

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1.1 The purpose of this report is to seek adoption of the attached Statement of Licensing Policy following the five yearly review required by the Licensing Act 2003

**2. Recommendations**

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2.1 That the Policy attached to this report be approved for publication as the Council's Statement of Licensing Policy under Section 5 of the Licensing Act 2003 for the five year period commencing 1<sup>st</sup> February 2016

**3. Issues and Choices**

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**3.1 Report Background**

3.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. The Policy was last adopted by Council on 17<sup>th</sup> January 2011. The Policy must be reviewed every five years, or sooner should it be required

3.2 A review of the Policy Statement has now taken place and a Table of Changes is attached as Appendix B

3.3 The Act requires the following persons to be consulted regarding the review of the Policy Statement:

- The Chief Officer of Police
  - The fire authority for the area
  - Persons/bodies representative of local holders of premises licenses
  - Persons/bodies representative of local holders of club premises certificates
  - Persons/bodies representative of local holders of personal licenses
- 3.4 The Council consulted with all the above by letter where practicable between October and December last year. The consultation was also available on the Northampton Borough Council website during that period.
- 3.5 Comments were received from 7 persons/organisations but only four of these were relevant. They are attached at Appendix C. Amendments have been made within the draft policy based on those comments. Not all have been included as the Statement of Licensing Policy should not be utilized to control issues covered by their own legislative framework.
- 3.6 Of note is the representation regarding the Sex Establishment Policy (SEV). Whilst relevant to this Policy, it is legislated under the Local Government (Miscellaneous Provisions) Act 1982 and any review of this Authority's Sex Establishment Policy should be considered under that legislation. As part of the consultation, the locality of an SEV was deemed to be inappropriate by a consultee. The locality of the SEV was determined at a committee hearing previously where it was decided that the area was satisfactory because it was located in an area of mixed use and was not homogenous in character.
- 3.7 The draft Policy Statement with consultation responses was considered by the Licensing Committee on 6 January 2016 and recommended for approval to full Council. (Attached at Appendix A is the statement as considered by the Licensing Committee.)
- 3.8 The completed Policy Statement will need to be published by the deadline of 1st February 2016.

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

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##### **4.1 Policy**

- 4.1.1 This policy replaces the existing Statement of Licensing Policy adopted in February 2011

##### **4.2 Resources and Risk**

- 4.2.1 If the Licensing Policy is not adopted by 1<sup>st</sup> February 2016 the Authority will be in breach of its duty under Section 5 Licensing Act 2003

##### **4.3 Legal**

- 4.3.1 A Statement of Licensing Policy provides the framework in which the Licensing function is administered and the Council's adherence to the Licensing Act 2003.

- 4.3.2 The Licensing Act as amended requires a statutory review of the Statement of Licensing Policy every 5 years. A review can be carried out before this period if necessary.
- 4.3.3 The Licensing Authority must have regard to the statutory guidance issued under Section 182 Licensing Act 2003 when drafting the policy and the latest version of the said guidance has been considered during the drafting of the Licensing Policy
- 4.3.4 The consultation responses have been incorporated within the Statement of Licensing Policy where deemed relevant and not subject to alternative legislation.

#### **4.4 Equality**

- 4.4.1 The purpose of this policy is to ensure that the four licensing objectives of The Prevention of Crime and Disorder, Public Nuisance, Public Safety and the Protection of Children from Harm are upheld and promoted through the licensing framework and each application and decision is taken on its own merits with these objectives as their basis. As a result, no detrimental equality issues have been identified or envisaged.

### **5. Other Implications**

#### **5.1 Crime and Disorder Issues**

- 5.1.1 In promoting the Licensing objectives the Council will be complying with its duty under Section 17 Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in its locality.

### **6. Background Papers**

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Draft Statement of Licensing Policy  
Licensing Act 2003  
Guidance to the Licensing Act 2003  
Consultation Information (Licensing internal file)

**Report Author**     **Bill Edwards**  
                              **Senior Licensing Officer**  
                              **8986**



# **Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy 2016-21**

**DRAFT**

NORTHAMPTON Licensing Act 2003  
**DRAFT** Statement of Licensing Policy for  
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol 2015 - 20

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## **1. Executive Summary**

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint. The next subsequent period of 5 years will commence on 1<sup>st</sup> January 2020.
- 1.3 This document sets out the Licensing Authorities policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each license application will be considered separately on its individual merits.
- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment

premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.

- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.8 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

## **2. Purpose and Scope of the Licensing Policy**

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and
  - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 2.7 Licensing is about regulating the provision of licensable activities on premises with a premises licence, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area



concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and regulated entertainment and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.11 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors, and is a source of employment.
- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

### 3. Northampton Borough and its People

- 3.1 Northampton is a distinctive market town strategically situated at the centre of England, spread over an area of 80.51 sq. km.
- 3.2 Northampton has a population of 219,500<sup>1</sup>, making it one of the largest towns and the largest district in the country. By 2025 the population of Northampton is projected to increase to 243,300 and by 2035, to 260,300
- 3.3 Deprivation is lower than the national average with 1 in 5 residents living in the twenty percent most deprived areas nationally (ranking 127 out of 326<sup>2</sup> local authorities) and although historically the area suffered as shoe manufacturing closed, now it has become a warehousing/distribution hub because of its excellent road and rail links.
- 3.4 Northampton has a larger proportion of the working age population compared to Great Britain. Around 80% of residents in age groups 16 to 74 are classified as being economically active with around 3% claiming JSA.
- 3.5 In Northampton, the proportion of the population aged 65+ reached nearly 14.5%. In contrast, the population of under 16s is just over 20%. It is projected that by 2025 there will be an additional 16,000 people aged 65 and over, including an extra 1,700 aged over 90. By 2035 it is projected that those aged 65 and over will account for 23% of the total population.
- 3.6 Northampton is the most ethnically diverse district in the county. Ethnic minorities make up 15.5 per cent of the population. Nearly 5,000 people living in Northampton said that their main language was not English and they could not speak English well or at all. Polish is the most common language after English. All major faiths co-exist in Northampton.
- 3.7 A successful vibrant town centre economy is an essential part of prompting growth and prosperity. The council's focus is on regenerating the town and raising its national profile. Northampton is one of the UK's most enterprising places and operating costs are low in relation to other parts of the country. The town is also making the UK's fastest economic recovery.
- 3.8 The Council recognises it cannot achieve this alone. It is actively working with others to keep the town clean, safe, attract new investment, visitors and jobs, whilst enhancing the town's heritage and cultural opportunities.
- 3.9 Having access to a wide variety of cultural, leisure and sport activities and events is also a key part of having a vibrant and successful town. We will also work with partners to improve access to cultural opportunities such as our museums, cultural events programme and through our support to the local theatres.
- 3.12 The challenge for the Council is to ensure that growth takes place in the right place and at the right time to bring vibrancy to the town centre, whilst protecting and enhancing the aspects that mean a lot to our citizens like our jobs, the choices we have in terms of shopping and leisure, and our history and heritage.

#### 3.2 Alcohol Harm Northampton

- 3.2.1 **Months of life lost due to alcohol** (2011-2013)- this is higher for Northampton compared to Northamptonshire as a whole, to the East Midlands and to England. The Northampton rates are **14.72 months** for males and **6.47 months** for females.
- 3.2.2 **Claimants of benefits due to alcoholism** (2014)- This relates to **180** people in Northampton. No significant difference was found when comparing Northampton to England and the East Midlands. Within Northamptonshire, however, the Northampton rate was **higher**.

- 3.2.3 **Alcohol specific mortality** (2011-2013)- There were **80** deaths in Northampton from alcohol specific conditions. No significant difference was found when comparing Northampton to Northamptonshire and England. Compared to the East Midlands though, Northampton has a **higher** rate.
- 3.2.4 **Broad alcohol related hospital admissions** (2013/14)- There were an estimated **2299** people admitted to hospital for alcohol related conditions in Northampton. No significant difference was seen when compared to England, but Northampton was **higher** than the East Midlands and Northamptonshire.
- 3.2.5 **Treatment** Between October 2014 and October 2015 **504** people from Northampton started substance misuse treatment at either S2S (structured treatment provider) or Bridge (recovery support provider) and listed alcohol as one of their problem substances. **398** had alcohol as their primary problem substance.
- 3.2.6 **Children** Between July 2013 and December 2014, social care initial assessments were completed on **537** children in Northampton where an adult member of the household had alcohol flagged as an issue. This accounts for **42.3%** of all such assessments in the county.
- 3.2.7 **Violence and Assaults** **674** assaults took place in Northampton that either involved alcohol or could be linked to a licensed premise, which resulted in a person attending Accident and Emergency between April 2014 and October 2015.

## 4. Duplication

- 4.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is practicable.
- 4.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 4.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

## 5. Strategies

- 5.1 In order to achieve its goals for the future of Northampton, this Licensing Authority will make decisions which support those goals. The granting of licenses and imposing of conditions where necessary will be made to compliment and support the aims of the Northampton Central Area Action Plan, Corporate Plan and the Business Improvement District.
- 5.2 This authority also recognises the long term implications on public health of alcohol misuse and therefore supports the wider Northamptonshire Health and Well Being Strategy and the local alcohol harm reduction strategy
- 5.2 In and outside of the Northampton Town Centre Area the Authority supports and endorses the local PubWatch schemes that exist for those providing premises for the supply and consumption of alcohol at those premises. It also encourages licensees and managers of "off-licences" to participate in schemes such as Community Alcohol Partnerships designed to encourage messages about sensible drinking and access to alcohol by those under 18 years of age.
- 5.3 The Authority supports good management practice in licensed venues and appreciates that pubs/clubs can provide well run opportunities for consumption of alcohol which is supervised. This has the potential for being a far more constructive environment than the consumption of

alcohol that is unsupervised in private or public spaces. To this end the Council has supported the development of a local Best Bar None scheme to raise and promote good practice in the local “on-licensed” trade.

- 5.4 Where relevant representations are received, this Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally through Crime and Disorder Partnerships.
- 5.5 This Licensing Authority takes the view that the requirement for evidential basis means no more than that the decision must be based on material which enables an inference to be drawn against future risk and that it is not necessary that there be evidence, as understood by a criminal court, that a particular harm on balance would occur.
- 5.6 It therefore utilises rationality and fairness that the applicant be given a chance to answer a case against them. Evidence might therefore include local knowledge such as general experience of Town Centre problems, as long as any intention to rely on it is disclosed to the applicant.
- 5.7 Hearsay evidence can also be considered, including petitions, but this evidence will be given less weight if it cannot be tested by cross examination.
- 5.8 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

## **6. Live Music Act**

- 6.1 The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of ‘live’ music.
- 6.2 Where licensable activities continue to take place on premises any licence conditions relating to ‘live’ music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes ‘the provision of regulated entertainment’ each case will be treated on its own merits.

## **7. Objectives**

### **7.1 Prevention of crime and disorder**

- 7.1.1 The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee’s direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.
- 7.1.2 There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.
- 7.1.3 Various ‘PubWatch’ schemes operate in Northamptonshire which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. However this authority does not consider it appropriate to make it a condition of license to be a member of PubWatch.

## **7.2. Public safety**

- 7.2.1 The public safety objective is concerned with the physical safety, including fire safety of the people using the relevant premises. Public safety includes the safety of performers appearing at any premises. The Authority has noted that from 1<sup>st</sup> October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.
- 7.2.3 The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

## **7.3 The Prevention of Public Nuisance**

- 7.3.1 The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.
- 7.3.2 The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.
- 7.3.3 Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.
- 7.3.4 This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour, Crime and Policing Act 2014. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 48 hours.

## **7.4 The protection of children from harm**

- 7.4.1 In line with the Licensing Objective of Protecting Children from Harm, this Licensing Authority will ensure that licensed premises are aware of the issues surrounding Child Sexual Exploitation. Further to this, the Licensing Authority will endeavour to ensure that best practice in relation to safeguarding vulnerable young people will be adhered to at all times.
- 7.4.2 The Act has tightened up on the controls relating to the sale and supply of alcohol to children with new and further principle offences contained within the Act itself. However the intention of the Act is to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. This would include the protection of children from too early an exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided
- 7.4.3 When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.
- 7.4.4 Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.4.5 It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

7.4.6 Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:

- Limitations on hours when children may be present;
- Limitations of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of the premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

7.4.7 This Licensing Authority, Northamptonshire County Council Trading Standards Service and the Northamptonshire Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

7.4.8 The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards Service has over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place.

7.4.9 The Licensing Authority will maintain close contact with the police, young offender's team and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate

## **8. The Licensing Authority as a responsible authority**

8.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.

8.2 This Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.

8.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and

disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.

- 8.4 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority consider it appropriate without having to wait for representations from other responsible authorities.
- 8.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 8.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

## **9. Health as a responsible authority**

- 9.1 Northamptonshire County Council Director of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 9.3 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 9.4 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.
- 9.5 The role of the DPH is to help promote the health and wellbeing of the local populations they serve. This is an expansive remit that influences a wide range of circumstances, including local licensing arrangements. Similarly the licensing regime is concerned with the promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live, and work in the vicinity of licensed premises and those who socialise in licensed premises This focus on the wellbeing of the wider community via licensing is an important addition to public health teams' existing work to promote the wellbeing in their localities.
- 9.6 As a responsible authority, DPH may, where they have appropriate evidence:
- make relevant representations on the likely effects of the grant or variation of a premises licence or club premises certificate on one or more of the licensing objectives
  - make relevant representations on the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate
  - issue an application for the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate.
  - contribute to the development and review of the statement of licensing policy and have a key role in identifying and interpreting health data and evidence.

## 10. The Responsible Authorities

Northamptonshire Police  
Licensing Officer  
Campbell Square Police Station  
The Mounts  
Northampton  
NN1 3EL

TEL: 03000 111222 Ext 8634  
FAX: 01604 838496  
EMAIL  
[liquorlicensing@northants.pnn.police.uk](mailto:liquorlicensing@northants.pnn.police.uk)

Northamptonshire Fire and Rescue Service:

The Inspection Team Manager  
Northamptonshire Fire & Rescue Service  
Fire Service Headquarters  
Moulton Way  
Northampton  
NN3 6XJ  
TEL: 01604 797000

Child Protection:

Head of Services  
Safeguarding Children & Family Service  
Northamptonshire County Council  
County Hall  
Guildhall Road  
Northampton NN1 1AN  
TEL: 0300 126 1000

Trading Standards:

Wootton Hall Park  
Northampton  
NN4 0GB  
TEL: 01604 368100  
[licensing@northamptonshire.gov.uk](mailto:licensing@northamptonshire.gov.uk)

Local Health Authority:

Susan Mishko  
Public Health and Wellbeing  
Directorate  
Northamptonshire County Council  
Guildhall Road  
Northampton  
NN1 1DN

Northampton Borough Council  
Building Control Department  
Building Control Division  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

Tel: 01604 838920

Planning Department  
Northampton Borough Council;  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE  
Tel: 01604 837574

e-mail [planning@northampton.gov.uk](mailto:planning@northampton.gov.uk)

Environmental Health Department  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

e-mail [ehealthadmin@northampton.gov.uk](mailto:ehealthadmin@northampton.gov.uk)

Director of Public Health  
Northamptonshire County Council  
County Hall  
Guildhall Rd  
Northampton  
NN1 1ED

Licensing Authority contact details are detailed in Annex 2 of this statement.



## **11. Planning**

- 11.1 This Licensing Authority acknowledges that there must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee.
- 11.2 The Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 11.3 The planning authority also has a duty to consider matters of crime and disorder at this stage. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 11.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. There is no legal basis for this Licensing Authority to refuse a licence application because it does not have planning permission,
- 11.5 The strength of planning policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.

## **12. Licensing Hours**

- 12.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 12.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.
- 12.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 12.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
- 12.5 In general terms, this Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

## 13. Temporary Event Notices

- 13.1 The system involves the notification of an event to the Licensing Authority, Environmental Health and Northamptonshire Police, subject to fulfilling certain conditions.
- 13.2 Following the Introduction of the Deregulation Act 2015 applicants can no hold up to 15 temporary events at the same premises per year.
- 13.3 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 13.4 Northamptonshire Licensing Authorities recommend that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Northamptonshire Police objecting.
- 13.5 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:
- the sale of alcohol to minors,
  - the sale of alcohol to a person who is drunk,
- 13.6 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 13.7 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Northamptonshire Police Licensing Officers as early as possible about their proposed event(s).

## 14. Sexual Entertainment

- 14.1 The control of adult entertainment venues in the Borough of Northampton is under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Such venues are classified as Sexual Entertainment Venues. The Authority has a policy for the regulation of Sexual Entertainment Venues and that policy should be referred to in respect of those venues. However, premises where relevant entertainment is provided on an infrequent basis are exempt from the requirement for licensing under the 1982 Act referred to. The infrequent basis is defined as:
- no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
  - no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
  - no such occasion has lasted longer than 24 hours.
- 14.2 Accordingly, lap dancing, strip tease and other forms of adult entertainment may still be provided and authorised by the Licensing Act 2003 provided that they remain exempt in accordance with the above criteria.
- 14.3 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required do not also require a premises licence or club premises certificate under the Licensing Act 2003. However, in practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence and a premises licence or club premises certificate for the sale of alcohol and other types of entertainment.

- 14.4 When a licensing application is received in respect of premises for adult entertainment such as lap dancing or pole dancing where there are reasons under the Act which are relevant to licensing, namely: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, the Authority may have regard to where the premises are located and in particular if they are located near to, for instance, the entrance to any location for children's activities: such as schools, youth clubs or nurseries. Each application will be considered and determined on its own particular facts.
- 14.5 For any premises with any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- 14.6 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 14.7 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

## **15. Cumulative Impact and Special Policies**

- 15.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 15.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where this Licensing Authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances this Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.
- 15.3 However this Licensing Authority will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas, either formally or informally.
- 15.4 However, it may be necessary for this Licensing Authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 15.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
- a) Identification of serious and chronic concern about crime and disorder or public nuisance;
  - b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
  - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.

- 15.6 Where this process identifies such a need, this Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 15.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 15.8 This Licensing Authority has duties under Section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent crime and disorder in its locality and to promote the licensing objectives in the Licensing Act 2003.
- 15.9 In considering representations relating to a particular application, this Licensing Authority will have regard to the impact on the promotion of the licensing objectives in the area. In any representations, the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 15.10 Any special policy adopted by this Licensing Authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 15.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with existing licensed premises. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 15.12 This authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 15.13 This authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:
- a) planning controls;
  - b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
  - c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
  - e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
  - f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - g) the confiscation of alcohol from adults and children in designated areas;
  - h) Police and local authority powers to close down instantly for up to 48 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
  - i) the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.
- 15.14 This Licensing Authority and Northamptonshire Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

## 16. Early Morning Restriction Orders

- 16.1 The power for this licensing authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31<sup>st</sup> October 2012.
- 16.2 This Licensing Authority will have reference to the guidance that has been introduced which relates to:
- the EMRO process
  - the evidence base
  - introducing an EMRO
  - advertising an EMRO
  - dealing with representations
  - hearings
  - implementation
  - limitations
  - enforcement
- 16.3 The legislation provides this licensing authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority will be satisfied that such an order would be appropriate to promote the licensing objectives.
- 16.4 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 16.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.
- 16.6 This Licensing Authority determined not to implement an EMRO in 2013 based on the evidence submitted at that time.

## 17. Children

- 17.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). This Licensing Authority also considers the need to protect children from sexual exploitation when undertaking licensing functions.
- 17.2 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises.
- 17.3 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 17.4 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:

- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- b) with a known association with drug taking or dealing;
- c) where there is a strong element of gambling on the premises;
- d) where entertainment or services of an adult or sexual nature are commonly provided;
- e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

17.5 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:

- a) Limitations on the hours when children may be present;
- b) Age limitations (below 18);
- c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
- d) Requirements for an accompanying adult;
- e) Full exclusion of people under 18 from the premises when any licensable activities are taking place

17.6 This authority will not impose conditions requiring that children must be admitted to any premises. Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.

17.7 Northamptonshire Police and Northamptonshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.

17.8 With regard to children in premises giving film exhibitions, this authority will impose conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.

17.9 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at [www.portman-group.org.uk](http://www.portman-group.org.uk).

17.9.1 In the case of premises giving film exhibitions, this Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body which has been so designated) or by the licensing authority itself. This Licensing Authority will expect Licensees to

demonstrate the controls they have in place for the showing of recordings which have no age classification.

17.9.2 Licensees can apply to this Local Authority to request a lower classification.

## 18. Conditions

18.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

18.2 This Licensing Authority agrees that any condition imposed must be:

- clear;
- enforceable;
- evidenced;
- proportionate;
- relevant; and be expressed in plain language capable of being understood

18.3 This authority will therefore avoid the general application of standardised conditions to licences and certificates.

18.4 However to ensure consistency, when it is necessary to apply conditions, this authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-

- Crime and disorder
- Public safety
- Public nuisance
- Protection of children from harm

## 19. Reviews

19.1 The Licensing Act 2003 makes provision for the Review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

19.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request this Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

19.3 A review of a premises licence will follow any action by Northamptonshire Police or Northampton Licensing Authority exercising powers to close licensed premises under the ASB, Crime and Policing Act 2014 on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

19.4 In all cases, the representation must relate to a particular premises for which a licence is in force and must be relevant to the promotion of the licensing objectives.

19.5 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

- 19.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 19.7 A repetitious complaint is one that is identical or substantially similar to:
- a) a ground for review made in respect of the same premises licence which has already been determined; or
  - b) representations considered by the Licensing Authority when the premises licence was granted; or
  - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
  - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 19.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 19.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 19.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 19.11 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
  - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
  - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
  - d) excluding a licensable activity from the licence;
  - e) remove the designated premises supervisor,
  - f) suspend the licence for a period of three months;
  - g) to revoke the licence.
- 19.12 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

## **20. Minor Variations**

- 20.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that do not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.



- 20.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.
- 20.3 This Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party. Relevant representations must be about the **likely effect** of the grant of the application on the promotion of the licensing objectives. This Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.
- 20.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:
- extend the period for which a premises licence has effect;
  - to vary substantially the premises to which a premises licence/club premises certificate relates;
  - to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
  - to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
  - to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.
- 20.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the Authority must return the application fee.
- 20.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
  - small adjustments to licensing hours;
  - the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
  - the addition of certain licensable activities.

## 21 Enforcement

- 21.1 This Licensing Authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.
- 21.2 In particular, these protocols will provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary.
- 21.3 The Licensing Act 2003 does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

## 22. Licence Suspensions

- 22.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. This Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

## 23. Administration, Exercise and Delegation of Functions

- 23.1 The Powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 23.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 23.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.
- 23.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 23.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 23.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 23.7 Where applications are non contentious, (for example, no representations to the grant of a premises licence) these applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

## 24 Advice and Guidance

- 24.1 Advice can be obtained from the Licensing section and we will assist people in advising them on the types of licences they will need to apply for. However, the service cannot assist in the completion of applications and therefore specialist Licensing consultancy is advised for those purposes. The service can be contacted in the following ways:-

Website [www.northampton.gov.uk](http://www.northampton.gov.uk)  
Email : [Licensing@northampton.gov.uk](mailto:Licensing@northampton.gov.uk)

Licensing Service,  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

## 25. Equal Opportunities

- 25.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow. However it is expected that licence holders will comply with the legal requirements to promote good relationships between all groups, to challenge discrimination and report hate incidents.
- 25.2 [The Equality Act 2010](#) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 25.3 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

## 26. Review of the Policy

- 26.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review **during** each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 26.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 26.3 This Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

## 25. Late night levy

- 27.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31<sup>st</sup> October 2012.
- 27.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

- 27.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.

- 27.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes i.e. Best Bar None.
- 27.5 Any revenue from a levy will be split between this licensing authority and Northamptonshire Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.
- 25.6 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.
- 25.7 In June 2012, following its consideration this Licensing Authority decided not to implement the Late Night Levy at that time due to factors including the current Business Improvement District. The Authority may reconsider this in the future.

DRAFT

## Annex 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-

## Annex 2 – Northampton Licensing Authority Contacts

Ruth Austen  
Environmental health and Licensing Manager  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

Tel: (01604) 837794  
Out of Hours: 0300 330 7000  
E-mail : [rausten@northampton.gov.uk](mailto:rausten@northampton.gov.uk)

## Annex 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

### (i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equalities Act 2010
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012
- Deregulation Bill 2015
- Anti Social Behaviour, Crime and Policing Act 2014

*Note: These and other relevant pieces of legislation can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk)*

### (ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy

Licensing Act 2003 Statement of Licensing Policy 2016 - 2020

- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#).
- Purple Flag (ATCM)
- Safer Socialising

### (iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing](#)
- [The Event Safety Guide](#)
- [Licensing large scale events \(music festivals etc\)](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts\(national BIDS advisory service\)](#)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

### (iv) Relevant case law regarding policy statements

- Limits of licensing policy:  
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)
- "Strict" licensing policies and exceptions to policy:  
[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)
- Cumulative impact policies and hours  
[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)
- Duplication and conditions:  
[R \(on the application of Bristol Council\) v Bristol Magistrates' Court \[2009\] EWHC 625 \(Admin\)](#)
- Extra-statutory notification by the licensing authority:  
[R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)](#)
- The prevention of crime and disorder: ambit of the objective  
[Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#)
- Crime and disorder: sanctions on review: deterrence  
[Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]](#)

**Note: This list is not exhaustive**

## Appendix B

### Table of Changes Statement of Licensing Policy 2016

The key content changes are as follows including amendments following consultation:

Section 3 page 5.	Inclusion of Northampton section and alcohol harm data
Section 5.2 page 6	Inclusion of well being strategy and alcohol harm strategy
Section 6 page 7	Inclusion of Live Music Act 2012 (Deregulation)
Section 7 page 8	Inclusion of CSE (7.4.1)
Page 9	Inclusion of Local Authority as a Responsible Body
Page 10	Health as a Responsible Body
Page 13	Temporary Event Notice reworded
Section 9/10 page11	Update of Public Health details
Section 16 page 16	Inclusion of EMRO section
Section 24 page 21	Rewording of 24.1
Section 25 Equal Opps, page 22	Rewording of 25.1
Page 22/23	Inclusion of Late Night levy Section
Page 25 Strategies and policies	Inclusion of Deregulation Bill 2015, Live Music Act 2012, ASB Crime & policing Act 2014



## Appendix C

I would like the Sex Entertainment Venue licensing policy to be reviewed. In particular I would urge the council to adopt a nil policy in respect of SEVs. It is very important that Northampton makes a stand against having the sex industry on our high street. Other towns and cities around the UK have been rejecting sexual entertainment venues as they have been identified as having a number of detrimental effects including creating no-go areas for women, increasing prostitution and increasing violent and sexual crime against women in the areas in which they exist. Places such as Wellingborough, Hackney and Cambridge have all adopted a nil policy with regard to strip clubs. Under the Gender Equality Duty Northampton Borough Council has a legal requirement to counter gender stereotypes and to promote equality between women and men. Lap Dancing clubs have a clear negative impact on women's equality and women's safety in the wider community so it would therefore be inconsistent for the Council to grant any licences for SEVs and a nil policy should be adopted. If a nil policy were adopted any existing sex entertainment venues would not have to close down as they could continue to operate as a licensed premises but without the element of lap dancing. This would not result in the loss of any jobs, as SEVs do not employ any lap dancers, but charge the women a fee before they are permitted to dance in the club, and then charges them a percentage for every private dance they perform. The existing women employees could then be offered secure jobs outside of the sex industry which would have the advantage of giving them contracts of employment, access to sick pay and holiday pay and union representation all of which are advantages that they cannot access at the moment. I would urge the council to consult with relevant organisations such as Rape Crisis and Women's Aid in order to make the correct decision and to implement a nil cap

10/21/2015 6:04 PM

Yes. 1. In talking about Northampton you cite the local population and describe the community in respects of age in 3.5 you mention ethnicity in 3.6 but there is no mention of sexuality or the number of LGBT people in the area. Could you please include details of this diverse community in the document. 2. In section 7.3 - Public nuisance, could you please include something about homophobic incidents. 3. In Equal Opportunities can you please include an expectation that all licence holders will comply with the legal requirements to promote good relationships between all groups. Challenge discrimination and report hate incidents 4. Could you also please include an explicit expectation that in not challenging homophobia and racism in licence premises may result in licences being withdrawn

10/8/2015 2:50 PM

CSE is a serious concern and licenses should be dependant on the licensee having had the CSE training. This should be mandatory for taxi drivers, hotel managers and fast food outlets selling alcohol. It is outrageous that Wellingborough Road near to the town centre hosts 3 sex venues. This is a densely built residential area with shops aimed at families and at children around these outlets. I consider this to be harmful to children. They should not be exposed to this in their own high street. Late night and early morning sales of cheap alcohol are having a detrimental effect on residential neighbourhoods with an increase in anti-social behaviours, noise and litter. It makes these areas unsafe for shift workers going and returning home from work. We need to limit the sales to reasonable and social hours and put more enforcement in to stop sales to underage children.

10/8/2015 2:42 PM

**Northamptonshire County Council Specialist Public Health Team response to Northampton Borough Council consultation on Draft Statement of Licensing Policy 2016 – 2021.**

23<sup>rd</sup> December 2015.

**Context:**

The sale and consumption of alcohol has a major impact on the health and wider wellbeing of communities. While those impacts can be positive, for example in relation to creating jobs and enabling social and community interaction, there can also be significant negative impacts on health and wellbeing due to alcohol consumption. For this reason, Public Health England has identified 'Reducing harmful drinking' as one of its priorities. Information about the impacts of alcohol in Northampton Borough is available from a variety of sources including [www.lape.org.uk](http://www.lape.org.uk) or by contacting NCC's Public Health / Business Intelligence and Performance Improvement team. A brief summary of information about alcohol harms in Northampton is attached as appendix 1.

**Comments:**

**Chapter 3**

Chapter 3 of the draft Statement of Licensing Policy describes the Borough of Northampton and its people. However there is no reference to the health of the population of the Borough, nor specifically the impact of alcohol on the health and wellbeing of its population.

This chapter describes Northampton Borough Council's aspirations in relation to economic growth and prosperity as well as its activities to enhance cultural and heritage opportunities but makes no reference to any ambitions to improve the health and wider wellbeing of its communities. This is despite the fact that 'Promoting Health and Wellbeing' is identified as one of NBC's eight priorities in the 'Northampton Borough Council – Corporate Plan Update 2015. <http://www.northampton.gov.uk/CorporatePlan> In addition the chapter does not recognise the negative economic impact that alcohol can have due for example to costs incurred by health and policing services as well as through lost productivity.

**Chapter 5**

Chapter 5 is entitled 'Strategies' and is presumably intended to identify local strategies that are relevant to the sale / provision of alcohol.

However there is no reference to the **Northamptonshire Health and Wellbeing Strategy**. The current Northamptonshire Health and Wellbeing Strategy makes explicit reference to the significant impacts of alcohol use in the county and includes a strategic priority of '**tackling alcohol and drugs issues to protect communities and improve lives**'

Chapter 5 also doesn't mention the **Northamptonshire Alcohol Harm Reduction Strategy**. This strategy considers a wide range of issues relating to alcohol and the impact it has on communities in the county, including Northampton Borough. Nor does chapter 5 make reference to the Northamptonshire Police and Crime Plan, which again addresses the significant impact of alcohol on crime in the county.

These strategies and the evidence base that supports them are an important part of the context in which the Borough Council's Statement of Licensing Policy will operate. They therefore should be identified and the policy should be implemented in a way that contributes to their achievement.

### **Health and Wellbeing in Statements of Licensing Policy**

There are a number of examples of Statements of Licensing Policy which include significant reference to health and wellbeing. For example, Warrington and Middlesbrough.

While it is recognised that public health is not one of the 4 licensing objectives within the licensing legislation, NCC's Public Health team feels that the Statement of Licensing Policy could much better identify and reflect the health and wellbeing aspects of alcohol consumption and the alcohol licensing process.

This would act as a sound basis for NBC as the licensing authority to work together with the Director of Public Health and his team to ensure that the licensing regime effectively supports the achievement of shared health and wellbeing objectives in Northampton Borough (within the framework provided by the licensing act 2003).

### **Chapter 7**

While it is acknowledged that relevant licensing guidance states that the 'public safety' licensing objective relates to the physical safety of the people using the licensed premises, it is felt that the wording of paragraph 7.2.1 gives the strong impression that public health is not at all relevant to the SOLP and licensing practice. We would therefore request that this is re-worded.

### **Chapter 9**

Paragraph 9.1 states:

*9.1 Northamptonshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.*

There is in fact only one Director of Public Health.

### **Chapter 10**

In section 10 - The Responsible Authorities, the Director of Public health should be identified as:

Director of Public Health  
Northamptonshire County Council  
County Hall  
Guildhall Road  
Northampton  
NN1 1ED

### **General**

The SOLP does not identify any baseline evidence / data in relation to the four licensing objectives in Northampton Borough – e.g. crime levels, data relating to harm to children etc. It is therefore not possible to determine from the SOLP what the current position is in Northampton Borough in relation to the four licensing objectives and thus the scale / nature of the issues that the licensing process needs to contribute to. While it is acknowledged that this data will change over time, it would help provide context to the proposed SOLP to identify the current data.

Appendices 4



**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status: Public**

**Directorate: Revenues & Benefits**  
(LGSS)

<b>Report Title</b>	<b>Local Council Tax Support Scheme – 2016/17</b>
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**1. Purpose**

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1.1 That Council approve the proposed amendment to the local Council Tax reduction scheme from an 21% reduction in support in 2015/16 to a 29% reduction in 2016/17

**2. Recommendations**

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2.1 That Council endorse the recommendation contained in the Cabinet report attached no later than the 31<sup>st</sup> January 2016.

**3. Issues and Choices**

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**3.1 Report Background**

3.1.1 See Cabinet Report attached

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

---

**4.1 Policy**

4.1.1 See Cabinet Report attached

**4.2 Resources and Risk**

4.2.1 See Cabinet Report attached

### **4.3 Legal**

4.3.1 See Cabinet Report attached

### **4.4 Equality**

4.4.1 See Cabinet Report attached

### **4.5 Other Implications**

4.5.1 See Cabinet Report attached

## **5. Background Papers**

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5.1 See Cabinet Report attached

**Robin Bates, LGSS Head of Revenues & Benefits (ext. 7119)  
Glen Hammons, Section 151 Officer, Northampton Borough Council**

Appendices:  
3



## CABINET REPORT

<b>Report Title</b>	<b>LOCAL COUNCIL TAX REDUCTION SCHEME</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	16 <sup>th</sup> December 2015
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Finance
<b>Accountable Cabinet Member:</b>	Mike Hallam
<b>Ward(s)</b>	All

### 1. Purpose

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- 1.1 This report recommends the Council Tax Reduction Scheme for 2016/17, including amendments.
- 1.2 The report follows a period of consultation and provides the recommended scheme for approval at Council.

### 2. Recommendations

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- 2.1 That Cabinet approve the proposed amendment to the scheme from a 21% reduction in Council Tax Reduction Scheme (CTRS) in 2015/16 to a 29% reduction in 2016/17.
- 2.2 That Cabinet recommends the CTRS amendment for approval at Council on the 25<sup>th</sup> January 2016.

### 3. Issues and Choices

---

#### 3.1 Report Background

- 3.1.1 Local Authorities are required to set up their own CTRS from the general funding allocation. This allocation is reducing annually at a forecasted rate of approximately 10% per annum until at least 2018, possibly longer.
- 3.1.2 Reduced funding means the Council is required to consider how to meet its commitment to the CTRS.
- 3.1.3 Central Government suggested that Local Authorities could meet the funding deficit by implementing other changes, to ensure that Local Authorities maximise their opportunities to be financially efficient with the current budgetary pressures. As part of the implementation of the CTRS from 1<sup>st</sup> April 2013 we have already:
- Reconfigured funding, in particular its transfer of services to LGSS.
  - Used the new flexibility over Council Tax to remove the reliefs in respect of second homes and some empty properties; and other reforms of the council tax system, including the use of an electronic leaflet and removal of expensive printing costs traditionally associated with the annual billing process.
- 3.1.4 Under management from the Department for Communities and Local Government (DCLG), using devolved power under the Local Government Finance Act 1992 (as amended); Northampton Borough Council has been operating a means tested local reduction. This saw a 21% reduction in the support available to working age customers in 2015/16.
- 3.1.5 Local Authorities are expected to ensure their CTRS is suitable for its local community and promotes the Governments position on Welfare Reform, by protecting the vulnerable and encouraging work for those of working age.
- 3.1.6 Pensioners will not be affected by the proposed changes to our CTRS and will remain fully protected. This means that NBC will continue to administer protection for year 2016/17 for approximately 6,455 pensioners.
- 3.1.7 Claimant's aged between 18 and 62 are classed as working age (not of pensionable age) and are subject to the CTRS. Approximately 10,425 customers fall into this group and will be affected for collection and financial purposes by a reduction of their existing award. The reduction is applied by a reduction in benefit after all calculations have been made.
- 3.1.8 A full income disregard of War Widows Pension and War Disablement Pension will continue. This was originally adopted as part of the 2013/14 CTRS in Northampton. Protection for working age customers in receipt of these benefits will also continue.
- 3.1.9 Additional protection will continue for those in receipt of disablement benefits and **Appendix A** provides the groups afforded additional support under the scheme. The scheme will also continue to support people back into work through a 4-week run on period of support.
- 3.1.10 As part of the 2014/15 consultation The Council confirmed that they would need to increase the maximum discount to 36%. People told us that they felt that such a change would probably cause hardship for some people.

### **3.2 Issues**

- 3.2.1 The options for amending the CTRS, as detailed in 3.3 below, were consulted upon. These would reduce or mitigate the impact of the reduced funding for the CTRS.
- 3.2.2 Positive responses from the consultation centred on the concept of 'fairness' and everyone having to contribute.
- 3.2.3 Negative responses included concerns about being able to afford increasing contributions toward Council Tax bills, in addition to already increasing priority bills and static incomes.
- 3.2.4 Questions were raised about how those already on a low income being able to afford additional money and the impact on their ability to afford necessities such as food, fuel, travel or clothing for children.
- 3.2.5 It was also raised that the proposed percentages were too high and that any increase be kept to a minimum to support those most vulnerable
- 3.2.6 Suggestions were made on other areas that funding could be found such as the recent parking permit scheme, stopping non-essential work within the borough or restructuring within the authority.
- 3.2.7 It was highlighted that these changes could impact vulnerable people and low income families.
- 3.2.8 Awareness was demonstrated of the impact of non-payment and subsequent increase on recovery costs.

### **3.3 Local Council Tax Reduction options for 2016/17**

#### **3.3.1 Option 1: Reduce the Maximum amount of CTRS from 79% to 69%**

This means that the claimants would pay more and the council would not be required to provide additional funding support for the scheme in 2016/17

#### **3.3.2 Option 2: No change**

This would mean that CTRS is calculated the same as in 2015/16. However due to reduced funding for CTRS the Council would need to find additional funding.

#### **3.3.3 Option 3: Reduce the Maximum amount of CTRS from 79% to 63% (two years)**

This is where the Council continues with the existing policy to increase the % that each taxpayer has to pay in line with national changes. This would result in the recipients of a reduction needing to pay more Council Tax, but this reduction would be held for two years and there would not be any additional cost to the Council.

### **3.4 Choices – Northampton Local Council Tax Reduction Scheme**

#### **3.4.1 Reduce the Maximum amount of CTRS from 79% to 69%**

Decreasing the maximum amount by 1% would reduce the cost of the local scheme to the Council by £12,322.



This means that working age CTR recipients would need to pay more Council tax. When the Council consulted for 2014/15 it stated that for 2015/16 it would need to reduce the maximum discount to 64%. People told the Council that they felt that such a change would probably cause hardship for some people. The Council were also clear however that the scheme must continue to be paid for by the funding available and not through impacting the wider community in Northampton.

There is a concern that increasing the amount payable to 36% would cause considerable difficulties for both individuals and the council in terms of collecting the shortfall in support. Therefore for 15/16 the Council settled on 21% as the amount payable for working age recipients of CTR.

Increasing the contribution rate is likely to lead to increased administration costs in recovering the Council Tax owed.

#### **3.4.2 No change – remain at 21%**

The current scheme has worked well and provides additional protection and support for the most vulnerable in the community, alongside supporting incentives to those starting work. Funding for the existing scheme will reduce again in 2016/17 and therefore the Council would be left to find £125,749 from other sources to protect the existing level of support afforded through CTRS.

#### **3.4.3 Reduce the Maximum discount from 79% to 63% (two years)**

Decreasing the maximum amount by 1% would reduce the cost of the local scheme to the Council by £12,322.

This means that working age CTR recipients would need to pay more Council tax. When the Council consulted for 2014/15 it stated that for 2015/16 it would need to reduce the maximum discount to 64%. People told the Council that they felt that such a change would probably cause hardship for some people. The Council were also clear however that the scheme must continue to be paid for by the funding available and not through impacting the wider community in Northampton.

There is a concern that increasing the amount payable to 36% would cause considerable difficulties for both individuals and the council in terms of collecting the shortfall in support. Therefore for 15/16 the Council settled on 21% as the amount payable for working age recipients of CTR.

This option allows the Council to keep the level of reduction for the next two years to 37% with no additional cost to the Council.

Increasing the contribution rate is likely to lead to increased administration costs in recovering the Council Tax owed

### **3.5 Recommended Option (Chosen CTR Scheme)**

- 3.5.1 A reduction of 29% in CTRS from working age recipients from 1st April 2016. This option balances the financial position in 2016/17. This is a slightly lower amount than consulted upon, however the financial modelling since the consultation has improved due to a reduction in the CTRS caseload.

- 3.5.2 Protection as set out in Appendix A will be continue to be afforded to ensure the Council protects disabled and vulnerable citizens, whilst ensuring there remains an incentive to work.
- 3.5.3 Alongside this the Council will continue to provide protection for recipients of war widows and war disablement pension. Therefore income and capital disregards for this group will be retained.
- 3.5.4 A four–week period of extended payments will continue to be provided for customers moving into work. This period will mean that benefit rates are retained for 4 weeks before any reduction is made.
- 3.5.5 The Council will review carefully any proposed increase in 2016/17. Alongside this it will ensure its policies and procedures to support those in hardship meet the needs of our citizens in providing or referring for financial advice.

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

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### **4.1 Policy**

- 4.1.1 The report outlines options for our CTRS, which if chosen, will set policy.

### **4.2 Resources and Risk**

- 4.2.1 There are significant financial implications to the Council and the two other major precepting authorities as a result of the requirement to run a local council tax scheme with a reduction in funding, whilst protecting pensioners.
- 4.2.2 If the Council maintains the existing scheme there would be a funding gap across the Council, County and Police Authority.
- 4.2.3 The current financial modelling undertaken on the recommended CTRS for 2016/17 is based on the latest intelligence around collection rates and government funding forecasts and is considered to be self-funding. However, the position would need to be closely monitored during the financial year and the position re-assessed for 2017/18
- 4.2.4 Increased recovery and associated court costs could see increased resource requirements within the revenues team. The impact of other welfare reforms could also contribute to reduced collection on Council Tax and wider corporate debts. The Council has taken full account of pressures across corporate income and debt in calculating the impact of the recommended CTRS.
- 4.2.5 If the Council fails to agree and implement an amended scheme by 31st January 2016 we will need to retain our current scheme. As a result the Council's budget would need to be balanced by other means.

### **4.3 Legal**

- 4.3.1 As part of the process of amending the CTRS, legal advice will be obtained in order to ensure that processes and procedures that underpin the CTRS are compliant.

### **4.4 Equality**

- 4.4.1 A full equality impact assessment has been completed - this can be found at **Appendix C.**

**4.4.2** The equality impact assessment recognises that the amendment to the CTRS will place an additional financial burden on working age customers in 2016/17. Included within this group will be individuals and families with vulnerable characteristics.

**4.4.3** In order to mitigate against the impact on this group and in particular those vulnerable citizens the Council has continued to afford protection within the more generous means-tested element of the CTRS. This can be found at **Appendix A**. Alongside this the Council will continue to consider fair debt collection principles and provide or refer those under financial pressure for debt advice.

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

**4.5.1** Local Authorities are obligated to carry out a thorough consultation in-line with the Governments Consultation Principles July 2012, in order to reduce the opportunity for the scheme not to reflect the needs of the local population. The methodology and results of the consultation is attached at **Appendix B**.

**4.5.2** Consideration required that any consultation that occurred be proportional to the needs of the community and time barred in line with good practice

**4.5.3** Care must be given to ensure that all members of the community have access to this consultation to ensure that everyone is given a right to be heard on CTRS.

**4.5.4** The Council's methodology and approach included the following:

- On-line survey
- News release(s)
- Social media (Facebook, Twitter, etc.)
- Northampton Borough Council's internet pages
- All e-mail communication from the Benefit, Council Tax and Customer Services mailboxes included an invitation link to take-part in the consultation
- Display screens in the One Stop Shop
- Details of the consultation were emailed to the Multi Agency Forum and our welfare partners, including registered social landlords.
- Invitations to participate was sent to key stakeholders, including Precepting Authorities, parishes, local Councillors and Members of Parliament
- Engagement with housing associations and voluntary and community sectors via their various networks
- Northampton Borough Council's Community Forum members were invited to take part
- 2,317 email invitations were issued to email addresses held on the Benefit and Council Tax database

**4.5.5** Consultation results:

- The website was viewed 303 times during the consultation period. This demonstrates that media coverage of the consultation was active, however members of the public, did not complete the form to air their views.
- A total of 42 people completed the on-line survey.
- 20 people expressed an interest in attending the drop-in information sessions.

- 35 individual comments were received in response to the consultation questions.
- 5 people emailed for further information

4.5.6 Nationally, the response to Local Authority engagement on local Council Tax schemes has been low. Benchmarking with other Local Authorities has established that this is the case.

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

4.6.1 The CTRS is a statutory requirement as a result of national austerity measures and wider reforms of the benefit system.

#### **4.7 Other Implications**

None

### **5. Background Papers**

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- 5.1 Appendix A – Specific Protection
- 5.2 Appendix B – Consultation
- 5.3 Appendix C – Equalities Impact Assessment

**Glenn Hammons, Section 151 Officer, Northampton Borough Council**  
**Robin Bates, LGSS Head of Revenues & Benefits**

## **Northampton Borough Council's Council Tax Reduction Scheme**

Northampton Borough Council's current Council Tax Reduction Scheme (CTRS) provides for a means-tested reduction. This reduction takes the form of a discount and reduces the amount of Council Tax the person remains liable to pay.

This document provides an explanation of how the means-testing process incorporates specific protection for working age customers who may be considered vulnerable.

### **Applicable Amounts:**

The means-testing process for our CTRS begins with an applicable amount, which specifies the amount of income that someone needs to have before their discount decreases – prior to the application of any reduction. An applicable amount is made up of a personal allowance with additional premiums and is individual to the applicant and their family. Applicable amounts are more generous for disabled people, carers and couples or lone parents with children, in order to recognise the additional costs incurred with raising children, managing a disability or health problem.

### **Dependants' Allowance**

A customer's applicable amount is increased by a dependant's allowance for each dependent child. This ensures that the applicable amount reflects the additional costs of raising children.

### **Family Premium**

This is awarded in the applicable amount if the applicant or their partner has at least one dependent child or young person.

### **Disability Premium**

This premium is awarded in the applicable amount if the applicant or their partner is in receipt of either:

- Attendance Allowance
- Disability Living Allowance
- Personal Independence Payment
- The disability element or the severe disability element of working tax credit,
- Incapacity Benefit

### **Severe Disability Premium**

This is awarded in the applicable amount if the applicant or their partner has no non-dependents aged 18 or over and no-one receives Carer's Allowance for looking after them. Either the applicant and/or the partner also have to be in receipt of either:

- Attendance Allowance
- Disability Living Allowance - care component at the middle or higher rate
- Personal Independence Payment – daily living component

### **Enhanced Disability Premium**

This premium is awarded in the applicable amount if the applicant, partner or dependent child is receiving:

- Disability Living Allowance - care component at the highest rate
- Personal Independence Payments – daily living component at the enhanced rate.

### **Disabled Child Premium**

This premium is awarded in the applicable amount for each dependent child receiving:

- Disability Living Allowance
- Personal Independence Payments
- Or is registered blind.
- 

### **Carer premium**

This premium is awarded in the applicable amount where the applicant or his partner is entitled to Carer's Allowance.

### **Council Tax Reduction Scheme – Weekly Applicable Amount Rates**

These are based on the 2015/16 figures, although the Department of Work and Pensions may increase these figures in-line with the Housing Benefit annual up-rating due by the end of January 2016. We also expect the applicable amounts for pensioners to be increased by the Department of Communities and Local Government.

<b>Applicable Amount Rates (Working Age)</b>	<b>April 2015 Rates</b>
<b>Personal Allowances</b>	
<b>Single</b>	
16 to 24	£57.90
25 or over	£73.10
Any age – entitled to main phase Employment & Support Allowance	£73.10
<b>Lone Parent</b>	
Under 18	£57.90
18 or over	£73.10
Any age – entitled to main phase Employment & Support Allowance	£73.10
<b>Couple</b>	
Both under 18	£87.50
One or both over 18	£114.85
Any age – entitled to main phase Employment & Support Allowance	£114.85
Dependent Children (for each child)	£66.90
<b>Premiums</b>	
Family Premium	£17.45
<b>Disability Premium</b>	
Single	£32.25
Couple	£45.95
<b>Severe Disability Premium</b>	
Single Rate	£61.85
Couple Rate – One member qualifies	£61.85
Couple Rate – Both members qualify	£123.70
<b>Enhanced Disability Premium</b>	
Single Rate	£15.75
Disabled Child Rate	£24.43
Couple Rate	£22.60
Disabled Child Premium	£60.06
Carer Premium	£34.60

## **Treatment of Income:**

### **Increased Earnings Disregards**

Net income from part-time or full-time work is taken into account when CTRS discount is calculated. However, a small amount of earned income is then disregarded, which helps incentivise people to move into work.

A higher earnings disregard applies for those who qualify for the disability premium or severe disability premium (or either component of the Employment and Support Allowance) in the CTRS. This means that less of the disabled customer's net earnings are taken into account when calculating the amount of discount they receive. This is also the case for lone parents and carers.

<b>Earnings Disregards</b>	<b>April 2015 Weekly Rates</b>
Single person	£5.00
Couple	£10.00
Disability or Severe Disability Premium	£20.00
Carer Premium	£20.00
Lone parent	£25.00

A further £17.10 a week is also disregarded for:

- Lone parents working 16 hours or more a week; or
- Couples where either/or member are working 24 hours a week, with at least one member working at least 16 hours a week
- Their applicable amount includes a disability premium and they work 16 hours or more a week.

### **Disregard of Disability Benefits**

The following income is ignored in the means-test of the CTRS:

- Disability Living Allowance
- Personal Independence Payments
- Attendance Allowance
- Severe Disablement Allowance
- War Disablement Pension
- War Widows Payment



### **Non-Dependant Deductions:**

For certain disabled customers non-dependant deductions are not applied to the means test of their discount, regardless of the number of non-dependants that they may be living with them. This applies if the applicant or their partner is registered blind or if either of them are receiving:

- Attendance Allowance; or
- Disability Living Allowance – care component; or
- Personal Independence Payments – daily living component

<b>Non-Dependent Deductions</b>	<b>April 2015 Weekly Rates</b>
In receipt of state Pension Credit or in receipt of IS, JSA(IB), or ESA(IR)	Nil
Aged 18 or over and in remunerative work	
-gross income greater than £406.00	£11.36
-gross income not less than £328.00 but less than £407.99	£9.49
-gross income not less than £189.00 but less than £327.99	£7.52
-gross income less than £189.00	£3.74
Others aged 18 or over	£3.74

### **Childcare:**

The cost of eligible childcare (for a child up to the age of 15, or 16 (if they are disabled) can be disregarded up to £175 a week for one child or £300 a week for two or more children. This is providing that the applicant and/or their partner are:

- A lone parent working 16 hours or more a week ; or
- A couple where both of them are working 16 hours or more a week; or
- A couple where one of them is working 16 hours or more and the other is incapacitated

This provision is also aimed at incentivising people to move into work.



## **Council Tax Reduction Scheme Consultation (CTRS)**

Author           Kirsty Tomlinson  
Version         1.1  
Status           Report

## INTRODUCTION:

The Council Tax Reduction Scheme replaced Council Tax Benefits (CTB) in April 2013, when local authorities were required to set up their own discount.

Northampton's scheme for 2015/16 is based on the former Council Tax Benefit Scheme with the exception that all working age claimants could only claim a discount for 79% of the amount they would have received under the old CTB scheme. The council has to carry out an annual review of its CTRS scheme.

The findings from this consultation will help inform any changes that may be required. The scheme for 2016/17 must be agreed by the 31st January 2016.

This consultation took place from 26 October 2015 to 22 November 2015.

## METHODOLOGY

Our approach included the following:

- [On-line survey](#)
- [News release\(s\)](#)
- Social media ([Facebook](#), [Twitter](#), etc.)
- Northampton Borough Council's [internet](#) pages
- All e-mail communication from the Benefit, Council Tax and Customer Services mailboxes included an invitation link to take-part in the consultation
- Display screens in the One Stop Shop
- Details of the consultation were emailed to the Multi Agency Forum and our welfare partners, including registered social landlords.
- Invitations to participate was sent to key stakeholders, including Precepting Authorities, parishes, local Councillors and Members of Parliament
- Engagement with housing associations and voluntary and community sectors via their various networks
- Northampton Borough Council's Community Forum members were invited to take part
- 2,317 email invitations were issued to email addresses held on the Benefit and Council Tax database

The following companion documents were made available:

- **CTRS Option being considered** giving details of options considered and recommended
- **A Brief Guide to CTB**
- **Overview for finance of the proposed changes**
- **How much the proposed changes will cost the council**
- **Breakdown of Collection Rates for CTRS cases**
- **Equality impact assessment**
- **Examples of the effect of the proposed changes on Banding Charges**
- **Examples of the effect of the proposed changes**

To help support the public the following were made available and advertised in-line with the above:

- Dedicated email address for enquiries
- Our Customer Service teams were made available to help the public complete the on-line form to mitigate any accessibility issues.
- Four drop in-sessions were made available to provide a personal illustration on what the proposed changes would mean – to enable people to provide a fully informed response. Sessions were offered as follows:
  - ✓ Tuesday 27 October 2015 (5pm to 7pm)
  - ✓ Wednesday 28 October 2015 (1pm to 4pm)
  - ✓ Tuesday 3 November 2015 (1pm to 5pm)
  - ✓ Tuesday 10 November 2015 (9am to 12pm)
  - ✓ Those who could not attend were invited to contact us to discuss their situation and how the potential proposals might affect them.

#### **RESULTS:**

The website was viewed 303 times during the consultation period. This demonstrates that media coverage of the consultation was active, however members of the public, did not complete the form to air their views.

A total of 42 people completed the on-line survey.

20 people expressed an interest in attending the drop-in information sessions.

35 individual comments were received in response to the consultation questions.

5 people emailed for further information

#### **SUMMARY OF FINDINGS:**

Due to the type of questions asked in the on-line survey, and in-line with the number of responses received, the results are mainly qualitative. The data has provided an in-depth look at what the proposed changes mean to the respondents and how it will impact them.

## KEY RESULTS:

**Question 1** focused on collecting personal data and will therefore not be included in this report.

**Question 2** established whether the respondent was currently receiving a CTRS discount and whether they were responding on behalf of an organization.

- 30 respondents are currently receiving a CTRS discount
- 2 respondents responded on behalf of an organization:
  - Deafconnect
  - Resident group

The remaining questions focused on the 3 specific options being considered. To each question the customer was asked to what extent they did or did not support the proposal and given the option of 5 responses with the option to add further comments. These were:

- Strongly support
- Support
- Do not support
- Strongly do not support
- Don't know

### Question 3:

*Proposal 1 would see working age council taxpayers liable to pay approximately 31% of their council tax bill subject to other support changes.*

*Currently those working age council taxpayers eligible for CTR pay at least 21% of their council tax charge, receiving a discount of up to 79%.*

*This option proposes a lower level of financial support of approximately 69% from April 2016, therefore claimants would become liable for the payment of a higher percentage of their council tax charge (31%). The existing additional income disregard afforded to recipients of War Disablement Pension will continue as part of the 2016-17 CTR Scheme. In addition disability premiums, which increase the level of support for individuals in this claim group will continue, alongside a four week run on period for those moving into work.*

*This change is expected to generate additional council tax income of around £50K per annum, which would be offset against the shortfall in grant funding expected for 16/17.*

*Under this proposal, a working age claimant or family on income support has a council tax liability on a band A, unparished, property a net increase of £1.90 per week and for a Band D, unparished, a net increase of £2.85 per week.*

*To see further details of how this might affect you, please check our Website*

*To what extent do you support this proposal?*

42 responses were made and no respondents skipped the question.

The key comments received were as follows:

- 11 respondents felt that the new proposals would cause additional hardship
- 1 respondent commented that the proposed increase was too high and suggested a lower weekly figure
- 2 respondents suggested alternative ways of funding the shortfall by reviewing Council spending in other projects.
- 1 respondent indicated that this was the best option in favor of the claimant.
- 2 respondents felt that the recovery costs would increase at a cost to the council.

### **Question 3:**

*Proposal 2 would be not to make any changes and keep the scheme as it was during 2015/16. This would mean that the council would need to raise £125,000 from other sources.*

*Previously the Council has decided to adopt CTR schemes that have sought to balance the significant cuts to the council's resource for CTR and, the council's wider budget challenges, but also needing to support the most vulnerable members of our community. Any decision to keep the scheme at current levels will result in difficult decisions having to be taken elsewhere.*

*To see further details of how this might affect you, please check our website*

*To what extent do you support this proposal?*

42 responses were made and no respondents skipped the question.

The key comments received were as follows:

- 2 respondents confirmed that they preferred this option
- 1 respondent commented that those in receipt of CTR have frozen incomes with all other expenses increasing.
- 10 respondents suggested alternative ways of funding the shortfall by reviewing Council spending in other projects, restructuring management, use funds from the new parking permit scheme, fully utilize resources available.
- 1 respondent indicated that this was the best option in favour of the claimant.

#### **Question 4**

*Proposal 3 would see working age council taxpayers liable to pay approximately 37% of their council tax bill subject to other support changes and it is expected to continue the same scheme in 17/18 as well, without further reductions in awards.*

*Currently those working age council taxpayers eligible for CTR pay at least 21% of their council tax charge, receiving a discount of up to 79%.*

*This option proposes a lower level of financial support of approximately 63% from April 2016, therefore claimants would become liable for the payment of a higher percentage of their council tax charge (37%) unless their discount is protected. Individuals with protected discount would be those in receipt of war widows pension, war disablement pension, disability premium and the four week extended payment to incentivise work*

*This change is expected to generate additional council tax income of around £200K which would aim to be offset against the shortfalls in 16/17 and 17/18 and would aim to maintain the same CTRS in 17/18 as in 16/17.*

*Under this proposal, a working age claimant or family on income support has a council tax liability on a band A, unparished, property a net increase of £3.04 per week and for a Band D, unparished, a net increase of £4.56 per week.*

*To see further details of how this might affect you, please check our website*

*To what extent do you support this proposal?*

42 responses were made and no respondents skipped the question.

The key comments received were as follows:

- 2 respondents felt this was too much of an increase
- 1 respondent commented that it was unfair for families to suffer increases
- 1 respondent indicated that a new council tax band should be added for properties in excess of £250,000.00.

#### **Question 5**

*We are running a number of drop-in sessions at the One Stop Shop over the next few weeks to give people a chance to discuss the proposed changes and how they may impact on people-particularly for those receiving or likely to receive CTR discount. If you are interested in coming along, please select your preferred option below to give us an idea of numbers:*

- 4 people indicated that they would like to attend
- 16 indicated that they could not attend

## Question 6

*How did you hear about this consultation?*

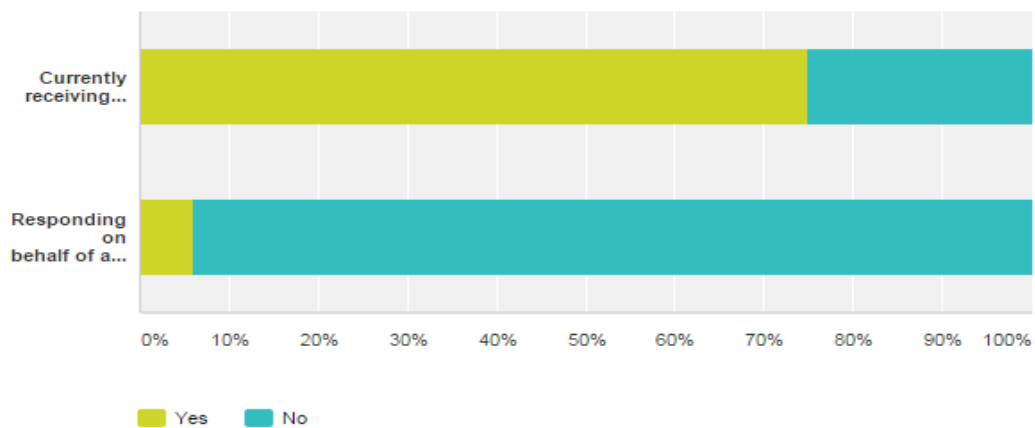
- 7 people heard about the consultation from the website
- 31 people heard about the consultation by email
- 1 person heard about the consultation through the newspaper
- 2 people heard about the consultation from other sources. 1 stated that this was from a friend.

## Full responses

# Council Tax Reduction Scheme Consultation for 2016/17

### Are you?

Answered: 40 Skipped: 2



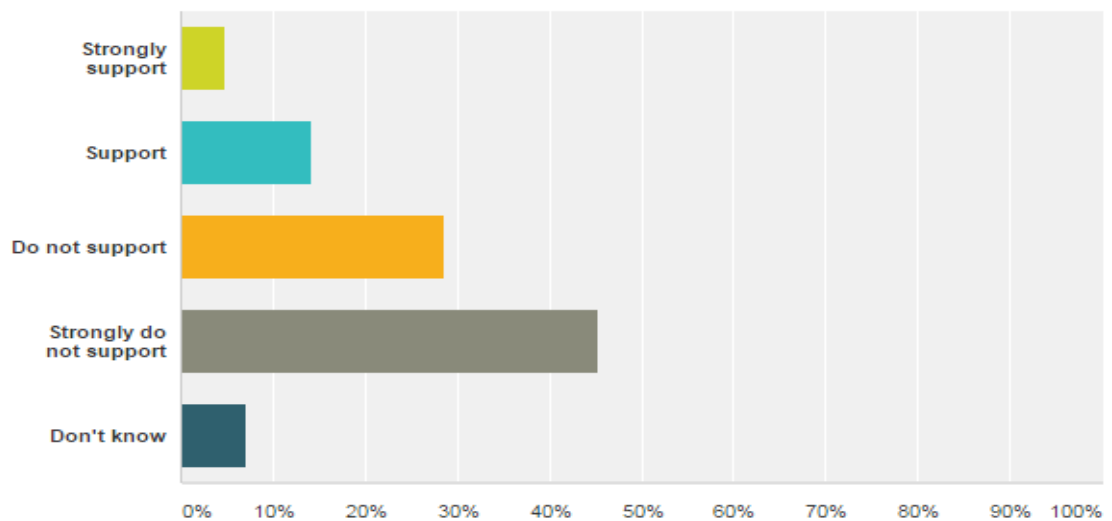
	Yes	No	Total
Currently receiving support through the Council Tax Reduction scheme	75.00% 30	25.00% 10	40
Responding on behalf of a community group or organisation	6.06% 2	93.94% 31	33



## Question

**Proposal 1** would see working age council taxpayers liable to pay approximately 31% of their council tax bill subject to other support changes. Currently those working age council taxpayers eligible for CTR pay at least 21% of their council tax charge, receiving a discount of up to 79%. This option proposes a lower level of financial support of approximately 69% from April 2016; therefore claimants would become liable for the payment of a higher percentage of their council tax charge (31%). The existing additional income disregard afforded to recipients of War Disablement Pension will continue as part of the 2016-17 CTR Scheme. In addition disability premiums, which increase the level of support for individuals in this claim group, will continue, alongside a four week run on period for those moving into work. This change is expected to generate additional council tax income of around £50K per annum, which would be offset against the shortfall in grant funding expected for 16/17. Under this proposal, a working age claimant or family on income support has a council tax liability on a band A, unparished, property a net increase of £1.90 per week and for a Band D, unparished, a net increase of £2.85 per week. To see further details of how this might affect you, please check our Website. To what extent do you support this proposal?

## Answer



Answer Choices	Responses
Strongly support	4.76% 2
Support	14.29% 6
Do not support	28.57% 12
Strongly do not support	45.24% 19
Don't know	7.14% 3
Total	42
<a href="#">Comments (16)</a>	

1. My money is about to be cut and/or receive no increase. I am disabled and unable to return to work. These leave my wife who receives nothing in benefits and is my care person unable to go to work. I have seen massive amounts of money wasted by yourselves wooden knights unwanted road alterations (Abington street) and many other things. You need a panel of people like me to stop you wasting money. You should have to go before a panel of people to have your spending checked before it is approved.
2. I would support this only for the fact that the increase of £1.90 a week would not be too demanding and the council would have extra money for other issues. But if it were to be an extra £5 a week that would be too much money a week to find from the small amount of benefits that we receive.
3. Any increase for those on a limited income would come at the expense of something else e.g. eating
4. I really believe to ask low income people to find more money when there money is being reduced is wrong
5. It would put a vulnerable group in financial hardship
6. My worry would be that if people cannot afford the new cost of council tax then surely the recovery process would cost more than the monies gained
7. Single parents really need this support and could make the difference in them being able to stay in their home or not.
8. I have difficulty paying my current tax bill. If you increase it I shall find it hard to keep up with payments on low income.
9. Families on low incomes cannot afford the current rate, let alone expect them to pay more. The only people who will be affected by this proposal are children. I already live in one of the most deprived areas of town and as a childminder, work with families who are at breaking point. Children are being targeted by the council, over and over again.
10. This seems the best option in favour of a claimant.

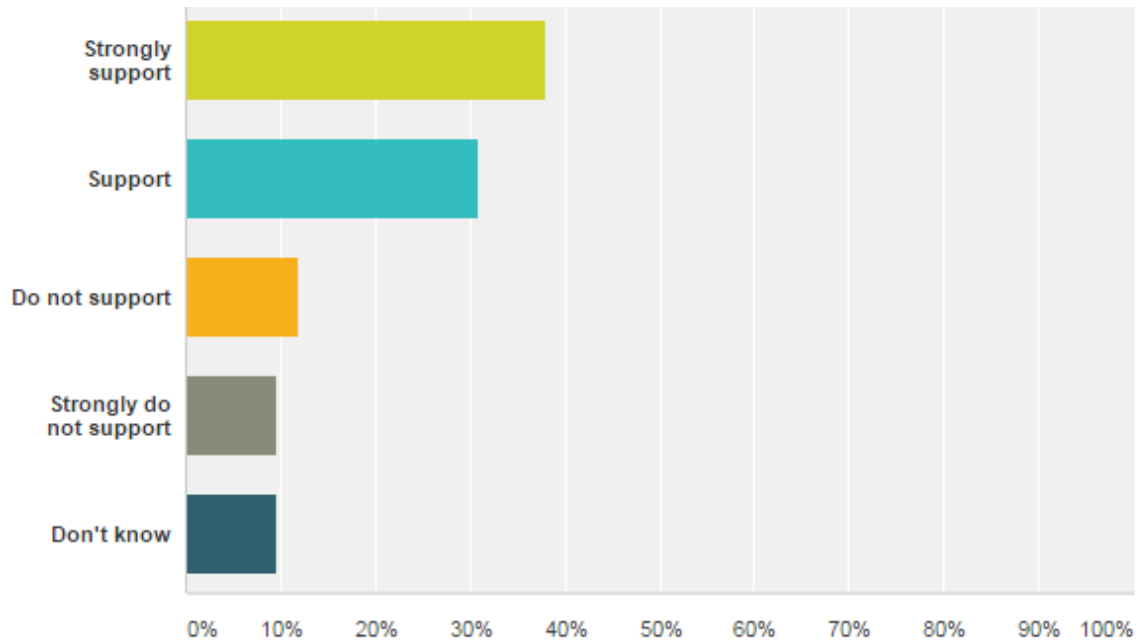
11. The Council should be more effective in the way it manages its finances so as not to make low income families and individuals suffer /pay for its financial ineptitude. Wasting money on useless outdoor sports equipment as an example of stupidity that comes to mind creating a haven and gathering place for drug users and alcoholics.
12. So many people are struggling already I myself being 1 of them, I am a single parent to 2 young children and struggle to keep up with all my bills already if I have to pay more on my council tax as well as pay my water, gas & electric, and keep food on the table for my kids, make sure we all have clothes to wear and have the hygiene products we need not including the house hold cleaning products to make sure my kids have a properly clean home it just won't work if my council tax goes up I then have to sacrifice the things we need in order to keep our home, how does this help anyone.
13. I am struggling to keep afloat financially as it is an increase in what I pay all ready and I would be in trouble with debt etc. . . .
14. With people already struggling to find the current amount and the council making it difficult to make affordable repayment options if you fall into arrears, this is likely to end up costing far more in recovery costs than it will generate in paid revenue
15. A 10% reduction in saving is massive particularly when we do not have an increase in salary or benefits of 10% - where are we supposed to find the extra money?
16. I have to look after my mum full time who suffered from a stroke and other medical issues. This means I cannot go out to work I get carers allowance and income support bringing my monthly income to £370 I have to pay all my bills, food, travel etc. I struggle with any increase in my outgoing, I am grateful with any help I get

### Question

**Proposal 2** would be not to make any changes and keep the scheme as it was during 2015/16. This would mean that the council would need to raise £125,000 from other sources. Previously the Council has decided to adopt CTR schemes that have sought to balance the significant cuts to the council's resource for CTR and, the council's wider budget challenges, but also needing to support the most vulnerable members of our community. Any decision to keep the scheme at current levels will result in difficult decisions having to be taken elsewhere. To see further details of how this might affect you, please check our website to what extent do you support this proposal?

**Answered: 42**

**Answer**



Answer Choices	Responses
Strongly support	38.10% 16
Support	30.95% 13
Do not support	11.90% 5
Strongly do not support	9.52% 4
Don't know	9.52% 4
<b>Total</b>	<b>42</b>

[Comments \(13\)](#)

1. Stop wasting money on things we don't need.
2. £125,000 can be found from other venues quite easily. If you were to cut back on translation fees for our foreign persons that would be a massive saving. Also doing / providing more paid for events may bring in good revenue. Also slim down the Job Centre in Northampton. There is so much space there for so few people. The building is too large for the work that is there. There are probably other council run buildings that are being wasted by the council. That would be a vast saving I'm sure.
3. This would be a better idea as low income families will not be pushed into debt
4. This idea is better. There must be many areas that can be slightly reduced to support.

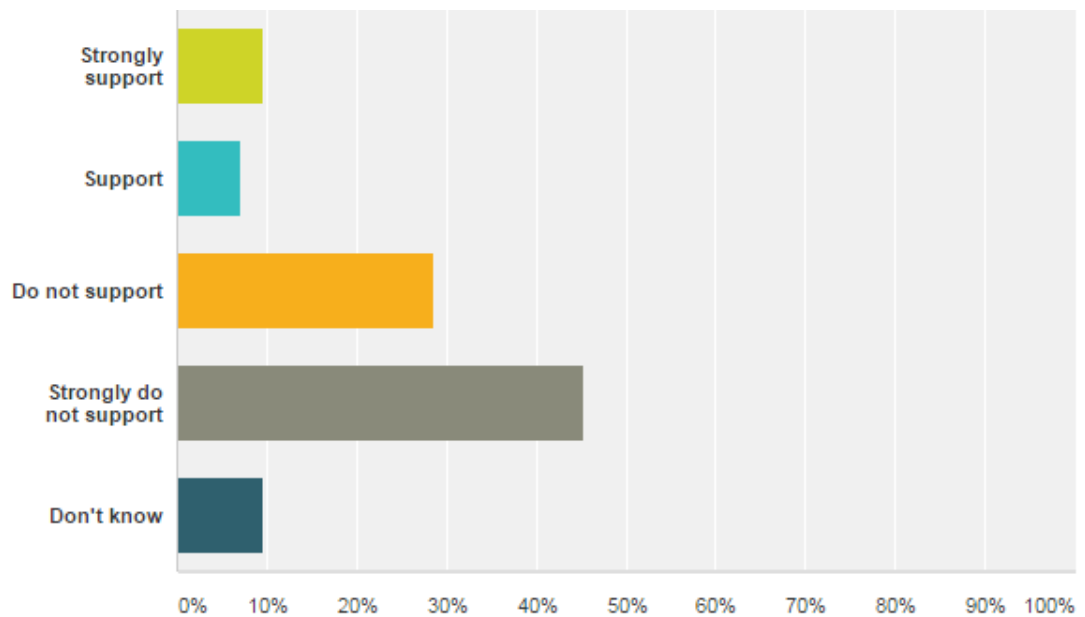
5. Cutting end of year bonuses to compensate the shortfall. Start charging people for fly tipping round the area. I reported someone doing it and NOTHING was done about it
6. The current rate would allow low income families to budget accordingly knowing that their council tax is not going to change for 12 months. The money could be saved by halting all aesthetic work currently being done to the town including St Giles and Abington Street, all of which could save billions. Also the 2 year funding for children hasn't really reached the children it should. Already the parking permit scheme has raised an awful lot of money - families such as myself can no longer afford a visitors permit and my elderly grandmother has also struggled.
7. possible management cuts and integrate jobs to make savings, also use resources the council already has rather than using this money to plan and build new offices and training as well as unnecessary expenses which the money from these activities could be used towards the council tax instead of increasing.
8. We need to accept changes. Benefits are a bonus not something we should expect.
9. Again, the council needs proper financial management using the services of trained financial experts and not rely on making the residents of the borough suffer for mistakes made by a team of amateurs.
10. Keeping it the same yes the rich people miss out on more money into here pocket and the so does the council miss out but maybe not wasting it on silly things and using it for what is needed will also help. Why should the poor suffer more to benefit the rich?
11. Because it became quite a big jump last year in percentage terms that had to be found out of stagnant income and everything else has increased except income including heat and light prices which seem to be out of control. People on fixed income are not in a position to continually cut back or find more money to pay increased costs. I would prefer the Council had not lent money to Northampton Football Club and kept any loans to a minimum, which would effectively cut administration costs and therefore save money.
12. Stop making unnecessary changes to the town. Such as changing the fountain, knocking down the bus station to build a smaller one, making Abington Street open to cars.

## Question

**Proposal 3** would see working age council taxpayers liable to pay approximately 37% of their council tax bill subject to other support changes and it is expected to continue the same scheme in 17/18 as well, without further reductions in awards. Currently those working age council taxpayers eligible for CTR pay at least 21% of their council tax charge, receiving a discount of up to 79%. This option proposes a lower level of financial support of approximately 63% from April 2016; therefore claimants would become liable for the payment of a higher percentage of their council tax charge (37%) unless their discount is protected. Individuals with protected discount would be those in receipt of war widows pension, war disablement pension, disability premium and the four week extended payment to incentivise work This change is expected to generate additional council tax income of around £200K which would aim to be offset against the shortfalls in 16/17 and 17/18 and would aim to maintain the same CTRS in 17/18 as in 16/17. Under this proposal, a working age claimant or family on income support has a council tax liability on a band a, unparished, property a net increase of £3.04 per week and for a Band D, unparished, a net increase of £4.56 per week. To see further details of how this might affect you, please check our website to what extent do you support this proposal?

Answered: 42

## Answer



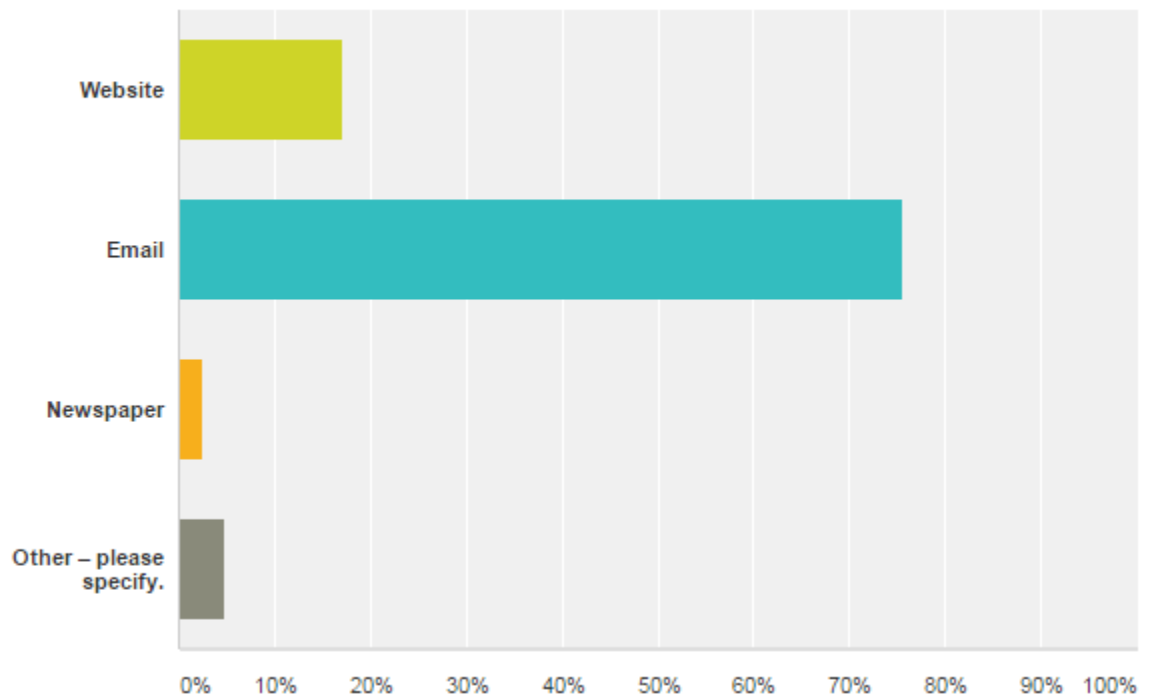
Answer Choices	Responses
Strongly support	9.52% 4
Support	7.14% 3
Do not support	28.57% 12
Strongly do not support	45.24% 19
Don't know	9.52% 4
Total	42

[Comments \(6\)](#)

1. I don't support this idea as it is too much of an increase for people such as me, on benefits and disabled.
2. I think this would be too much of a raise in costs for people claiming this at present all at once
3. Why do now income families always have to suffer increases. ? It not fair. !!
4. Same reasons as option 1
5. You cannot get blood out of a stone - it will just increase stress, worry and more people in debt crisis, perhaps the Council should consider adding another Band to Council Tax for Houses in excess of 1/4 million pounds.
6. If my outgoing a go up anymore, I will have to go to work and get funding for my mum to go into a care home at the cost of a least £1000 per month which is a great deal more than I receive for staying at home to look after her

## How did you hear about this consultation?

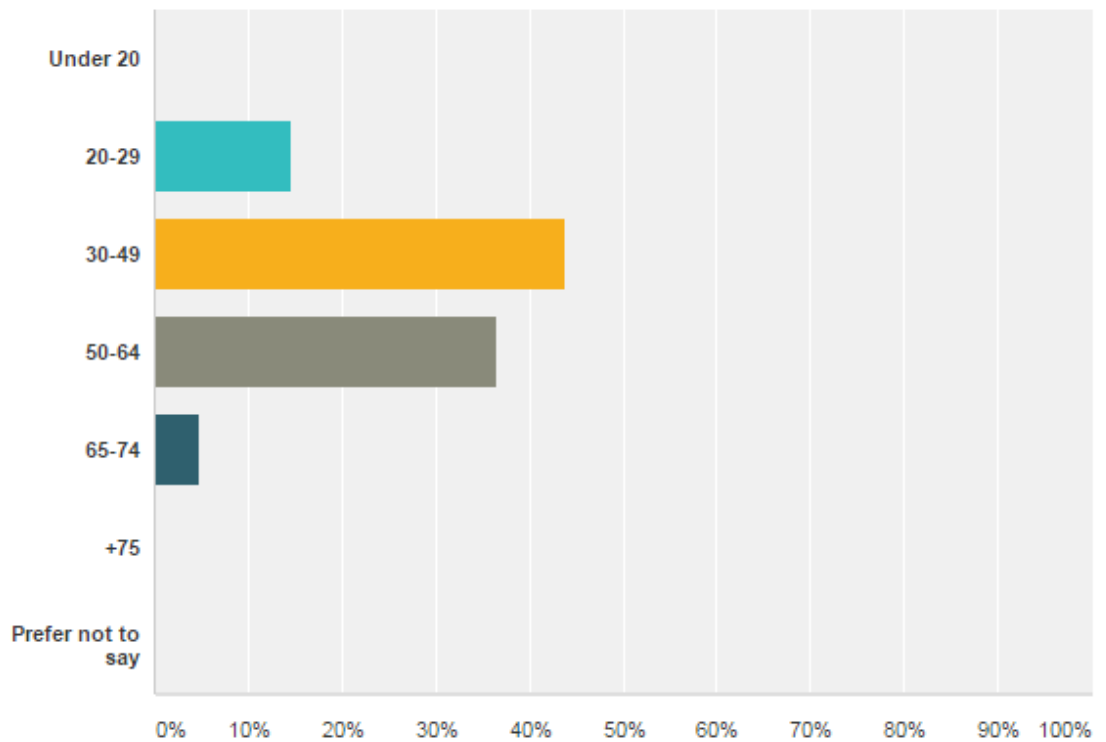
Answered: 41 Skipped: 1



Answer Choices	Responses	
Female	82.93%	34
Male	17.07%	7
Prefer not to say	0.00%	0
Total		41

## How old are you?

Answered: 41 Skipped: 1



## Do you consider yourself to have a disability?

• Answered: 41

• Skipped: 1

Answer Choices	Responses	
Yes	34.15%	14
No	65.85%	27
Total		41



## **EQUALITIES:**

Of the respondents who completed the equalities questions, relating to gender, age, and disability or ethnic origin.

- 82.93% of respondents were female, 17.07% were male.
- In terms of age:
  - 0% were aged under 20
  - 14.63% were aged 20-29
  - 43.9% were aged 30-49
  - 36.59% were aged 50-64
  - 4.88% were aged 65-74
  - 0% were aged over 75
- 34.15% of respondents stated they considered themselves to have a disability.

## **Northampton Borough Council's Council Tax Reduction Scheme**

Northampton Borough Council's current Council Tax Reduction Scheme (CTRS) provides for a means-tested reduction. This reduction takes the form of a discount and reduces the amount of Council Tax the person remains liable to pay.

This document provides an explanation of how the means-testing process incorporates specific protection for working age customers who may be considered vulnerable.

### **Applicable Amounts:**

The means-testing process for our CTRS begins with an applicable amount, which specifies the amount of income that someone needs to have before their discount decreases – prior to the application of any reduction. An applicable amount is made up of a personal allowance with additional premiums and is individual to the applicant and their family. Applicable amounts are more generous for disabled people, carers and couples or lone parents with children, in order to recognise the additional costs incurred with raising children, managing a disability or health problem.

### **Dependants' Allowance**

A customer's applicable amount is increased by a dependant's allowance for each dependent child. This ensures that the applicable amount reflects the additional costs of raising children.

### **Family Premium**

This is awarded in the applicable amount if the applicant or their partner has at least one dependent child or young person.

### **Disability Premium**

This premium is awarded in the applicable amount if the applicant or their partner is in receipt of either:

- Attendance Allowance
- Disability Living Allowance
- Personal Independence Payment
- The disability element or the severe disability element of working tax credit,
- Incapacity Benefit

### **Severe Disability Premium**

This is awarded in the applicable amount if the applicant or their partner has no non-dependents aged 18 or over and no-one receives Carer's Allowance for looking after them. Either the applicant and/or the partner also have to be in receipt of either:

- Attendance Allowance
- Disability Living Allowance - care component at the middle or higher rate
- Personal Independence Payment – daily living component

### **Enhanced Disability Premium**

This premium is awarded in the applicable amount if the applicant, partner or dependent child is receiving:

- Disability Living Allowance - care component at the highest rate
- Personal Independence Payments – daily living component at the enhanced rate.

### **Disabled Child Premium**

This premium is awarded in the applicable amount for each dependent child receiving:

- Disability Living Allowance
- Personal Independence Payments
- Or is registered blind.

### **Carer premium**

This premium is awarded in the applicable amount where the applicant or his partner is entitled to Carer's Allowance.

### **Council Tax Reduction Scheme – Weekly Applicable Amount Rates**

These are based on the 2015/16 figures, although the Department of Work and Pensions may increase these figures in-line with the Housing Benefit annual up-rating due by the end of January 2016. We also expect the applicable amounts for pensioners to be increased by the Department of Communities and Local Government.

<b>Applicable Amount Rates (Working Age)</b>	<b>April 2015 Rates</b>
<b>Personal Allowances</b>	
<b>Single</b>	
16 to 24	£57.90
25 or over	£73.10
Any age – entitled to main phase Employment & Support Allowance	£73.10
<b>Lone Parent</b>	
Under 18	£57.90
18 or over	£73.10
Any age – entitled to main phase Employment & Support Allowance	£73.10
<b>Couple</b>	
Both under 18	£87.50
One or both over 18	£114.85
Any age – entitled to main phase Employment & Support Allowance	£114.85
Dependent Children (for each child)	£66.90
<b>Premiums</b>	
Family Premium	£17.45
Disability Premium	
Single	£32.25
Couple	£45.95
Severe Disability Premium	
Single Rate	£61.85
Couple Rate – One member qualifies	£61.85
Couple Rate – Both members qualify	£123.70
Enhanced Disability Premium	
Single Rate	£15.75
Disabled Child Rate	£24.43
Couple Rate	£22.60
Disabled Child Premium	£60.06
Carer Premium	£34.60

## **Treatment of Income:**

### **Increased Earnings Disregards**

Net income from part-time or full-time work is taken into account when CTRS discount is calculated. However, a small amount of earned income is then disregarded, which helps incentivise people to move into work.

A higher earnings disregard applies for those who qualify for the disability premium or severe disability premium (or either component of the Employment and Support Allowance) in the CTRS. This means that less of the disabled customer's net earnings are taken into account when calculating the amount of discount they receive. This is also the case for lone parents and carers.

<b>Earnings Disregards</b>	<b>April 2015 Weekly Rates</b>
Single person	£5.00
Couple	£10.00
Disability or Severe Disability Premium or special occupations*	£20.00
Carer Premium	£20.00
Lone parent	£25.00

\*Special occupations considered are part-time fire fighter, auxiliary coast guards, part-time life-boat workers, and members of the Territorial Army or similar reserve forces.

A further £17.10 a week is also disregarded for:

- Lone parents working 16 hours or more a week; or
- Couples where either/or member are working 24 hours a week, with at least one member working at least 16 hours a week
- Their applicable amount includes a disability premium and they work 16 hours or more a week.

### **Disregard of Disability Benefits**

The following income is ignored in the means-test of the CTRS:

- Disability Living Allowance
- Personal Independence Payments
- Attendance Allowance
- Severe Disablement Allowance
- War Disablement Pension
- War Widows Payment

### **Non-Dependant Deductions:**

For certain disabled customers non-dependant deductions are not applied to the means test of their discount, regardless of the number of non-dependants that they may be living with them. This applies if the applicant or their partner is registered blind or if either of them are receiving:

- Attendance Allowance; or
- Disability Living Allowance – care component; or
- Personal Independence Payments – daily living component

<b>Non-Dependent Deductions</b>	<b>April 2015 Weekly Rates</b>
In receipt of state Pension Credit or in receipt of IS, JSA(IB), or ESA(IR)	Nil
Aged 18 or over and in remunerative work	
-gross income greater than £406.00	£11.36
-gross income not less than £328.00 but less than £407.99	£9.49
-gross income not less than £189.00 but less than £327.99	£7.52
-gross income less than £189.00	£3.74
Others aged 18 or over	£3.74

### **Childcare:**

The cost of eligible childcare (for a child up to the age of 15, or 16 (if they are disabled) can be disregarded up to £175 a week for one child or £300 a week for two or more children. This is providing that the applicant and/or their partner are:

- A lone parent working 16 hours or more a week ; or
- A couple where both of them are working 16 hours or more a week; or
- A couple where one of them is working 16 hours or more and the other is incapacitated

This provision is also aimed at incentivising people to move into work.

<b>Appendices</b> <b>1</b>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**

## **COUNCIL**

### **25 JANUARY 2016**

**Agenda Status: Public**

**Directorate: Finance & Resources**

<b>Report Title</b>	<b>COUNCIL TAX BASE 2016 -2017</b>
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#### **1. Purpose**

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- 1.1 The report sets out the calculation of Northampton Borough Council's Tax Base for the year 2015/16 under the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) regulations 2003 (SI 2003/3012) and amendments made in the Local Government Act 2012.

#### **2. Recommendations**

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- 2.1 That Council approve the tax base for 2016/17 at 64,357.94 Band D equivalent properties and associated parish tax bases within this report.

	2016/17	2015/16
Billing	2,626.96	2,506.72
Collingtree	513.97	506.88
Duston	5,447.94	5,358.06
Great Houghton	287.50	284.39
Hardingstone	782.38	761.18
Upton	2,617.14	2,181.34
Wootton, Wootton Fields & Simpson Manor	2,927.45	2,889.67
East Hunsbury	3,412.11	3,368.24
West Hunsbury	1,624.70	1,602.17
Hunsbury Meadow	505.36	489.23
Northampton (Unparished)	43,612.52	41,978.93
<b>Total tax base</b>	<b>64,357.94</b>	<b>61,926.81</b>

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

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##### **3.1 Report Background**

3.1.1 A summary of movement in the tax base is summarised below.

<b>15/16</b>		<b>16/17</b>
71,350.36	Tax Base (Band "D" equivalent)	72,013.40
197.84	Growth in tax base (note 1)	347.95
506.94	Planning Assumptions (note 2)	686.16
-41.73	Exemptions & Discounts (note 3)	623.64
-8,302.70	Council Tax Reduction Scheme (note 4)	-7,391.10
-1,783.90	Non-Collection (note 5)	-1,922.12
61,926.81	Tax base for Council Tax	64,357.94

3.1.2 Note 1 - Movement in the tax base in last year

3.1.3 Note 2 - There is an allowance of 50% applied to the estimated new build to allow for part year liability.

3.1.4 Note 3 - Revised figure following review

3.1.5 Note 4 - Includes no increase in caseload

3.1.6 Note 5 - The non-collection rate of council tax has been increased from 2.8% to 2.9% for the 2016/17 tax base setting. This is due to the estimated non-payment of the additional debit raised in respect of changes to the Local Council Tax Reduction Scheme and taking into consideration the current financial climate. The collection rate is reviewed each year as part of the tax base setting process.

3.1.7 There is an estimated surplus to be apportioned on the Collection Fund, as detailed in the draft budget report to the December Cabinet, of £210k for NBC (which would equate to £1,000k for NCC and £188k for NPCC).

## **3.2 Issues**

3.2.1 The report represents the application of a prescribed process.

## **3.3 Choices (Options)**

3.3.1 To not set a tax base would render the authority unable to set a council tax.

3.3.2 The methodology used to calculate the tax base, has taken into account the previous decision by Council in 2013/14 in relation to the level of reductions awarded for Exemptions and Discounts.

3.3.3 The methodology used to calculate the tax base, has taken into account the recommendation to Council with respect to the Local Council Tax Reduction Scheme.

3.3.4 Each of these previous decisions, either individually or as a whole, could be reconsidered by Full Council and the discounts reinstated. Any decision to change the current position would have a negative financial impact on the



budget report and tax base. The value of the removal of discounts is shown as a band D equivalent in appendix 1.

3.3.5 To approve the recommendations in the report

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

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##### **4.1 Policy**

4.1.1 None

##### **4.2 Resources and Risk**

4.2.1 No resource required. The base has to be determined by the 31st January 2016 by Full Council

4.2.2 That the above policy position in respect of the Local Council Tax Reduction Scheme be kept under review in respect of future years

4.2.3 That the above policy position in respect of discretionary discounts and exemptions be kept under review in respect of future years

##### **4.3 Legal**

4.3.1 These are covered within the body of the report.

##### **4.4 Equality**

4.4.1 No direct impact on equality context, however any resulting impact on options/ consultations for budgets will have to be considered individually.

##### **4.5 Other Implications**

4.5.1 None

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

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5.1 None

**Ian Tyrer, Revenues Manager**  
**Extension 7451, [ityrer@northampton.gov.uk](mailto:ityrer@northampton.gov.uk)**

Appendix 1

	<b>15/16</b>		<b>16/17</b>
<b>Northampton</b>			
BAND	Total		Total
Number on list	94,085.00		95,047.00
less exemption	1,993.00		1,911.00
plus disabled from higher band	417.00		406.00
less disabled going into lower band	417.00		406.00
less number of one adult resident household x25%	8,520.88		7,813.50
less number of properties with no residents but not exempt x50%	-15.25	-	20.63
less number of second home properties with no residents but not exempt x10%	168.00		198.00
109 long-term empties x no discount	1,278.00		1,319.00
less CTRS	-11,182.91	-	9,950.22
plus f y e for new properties	539.50		761.50
Total	72,942.97		76,154.40
conversion to band d equivalent band d equivalent	63,710.71		66,280.06
<b>Assume 97.3% collection</b>	<b>61,926.81</b>	<b>Assume 97.1% collection</b>	<b>64,357.94</b>

<b>Duston</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	7221.00	7,269.00
less exemption	79.00	75.00
plus disabled from higher band	39.00	39.00
less disabled going into lower band	39.00	39.00
less number of one adult resident household x25%	579.00	548.75
less number of properties with no residents but not exempt x50%	0.00	0.50
less number of second home properties with no residents but not exempt x10%	9.00	8.00
110 long-term empties x no discount	56.00	59.00
less CTRS	-495.95	- 441.19
plus f y e for new properties	42.50	18.00
Total	6109.55	6,221.56
conversion to band d equivalent band d equivalent	5512.41	5,610.55
<b>Assume 97.3% collection</b>	<b>5,358.06</b>	<b>Assume 97.1% collection</b> <b>5,447.84</b>

<b>Collingtree</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	428.00	429.00
less exemption	4.00	1.00
plus disabled from higher band	5.00	5.00
less disabled going into lower band	5.00	5.00
less number of one adult resident household x25%	21.25	20.38
less number of properties with no residents but not exempt x50%	0.50	- 0.50
less number of second home properties with no residents but not exempt x10%	2.00	1.00
→ long-term empties x no discount	9.00	8.00
→ less CTRS	-13.70	- 11.69
plus f y e for new properties	0.00	-
Total	388.55	396.43
conversion to band d equivalent band d equivalent	521.48	529.32
<b>Assume 97.3% collection</b>	<b>506.88</b>	<b>Assume 97.1% collection 513.97</b>

<b>Billing</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	3,737.00	3,780.00
less exemption	39.00	33.00
plus disabled from higher band	25.00	27.00
less disabled going into lower band	25.00	27.00
less number of one adult resident household x25%	325.50	291.75
less number of properties with no residents but not exempt x50%	0.00	0.50
less number of second home properties with no residents but not exempt x10%	3.00	2.00
11 long-term empties x no discount	38.00	35.00
12 less CTRS	-563.52	- 502.95
plus f y e for new properties	41.00	46.00
Total	2,849.98	2,997.80
conversion to band d equivalent band d equivalent	2,578.93	2,705.42
<b>Assume 97.3% collection</b>	<b>2,506.72</b>	<b>Assume 97.1% collection</b>
		<b>2,626.96</b>

<b>Great Houghton</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	284.00	284.00
less exemption	1.00	2.00
plus disabled from higher band	2.00	-
less disabled going into lower band	2.00	-
less number of one adult resident household x25%	18.50	16.25
less number of properties with no residents but not exempt x50%	-0.50	- 0.50
less number of second home properties with no residents but not exempt x10%	0.00	-
11 long-term empties x no discount	2.00	5.00
13 less CTRS	-12.69	- 11.04
plus f y e for new properties	0.00	-
Total	252.31	255.21
conversion to band d equivalent band d equivalent	292.58	296.09
<b>Assume 97.3% collection</b>	<b>284.39</b>	<b>Assume 97.1% collection 287.50</b>

<b>Hardingstone</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	983.00	993.00
less exemption	15.00	9.00
plus disabled from higher band	10.00	10.00
less disabled going into lower band	10.00	10.00
less number of one adult resident household x25%	79.25	76.50
less number of properties with no residents but not exempt x50%	0.00	-
less number of second home properties with no residents but not exempt x10%	5.00	6.00
11 long-term empties x no discount	9.00	16.00
4 less CTRS	-79.61	- 68.70
plus f y e for new properties	5.00	-
Total	814.14	838.80
conversion to band d equivalent band d equivalent	783.11	805.74
<b>Assume 97.3% collection</b>	<b>761.18</b>	<b>Assume 97.1% collection 782.38</b>

<b>Upton</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	2,489.00	2,865.00
less exemption	30.00	39.00
plus disabled from higher band	15.00	16.00
less disabled going into lower band	15.00	16.00
less number of one adult resident household x25%	230.75	244.50
less number of properties with no residents but not exempt x50%	1.00	1.50
less number of second home properties with no residents but not exempt x10%	8.00	6.00
115 long-term empties x no discount	42.00	34.00
less CTRS	-249.88	- 265.28
plus f y e for new properties	202.00	332.00
Total	2,179.37	2,646.72
conversion to band d equivalent band d equivalent	2,244.17	2,695.30
<b>Assume 97.3% collection</b>	<b>2,181.34</b>	<b>Assume 97.1% collection 2,617.14</b>



<b>Hunsbury Meadow</b>		<b>15/16</b>	<b>16/17</b>
<b>BAND</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>
Number on list	475.00		497.00
less exemption	1.00		2.00
plus disabled from higher band	0.00		2.00
less disabled going into lower band	0.00		2.00
less number of one adult resident household x25%	28.25		26.25
less number of properties with no residents but not exempt x50%	0.00		-
less number of second home properties with no residents but not exempt x10%	1.00		1.00
116 long-term empties x no discount	7.00		7.00
less CTRS	-25.93		- 17.89
plus f y e for new properties	16.50		-
<b>Total</b>	<b>436.32</b>		<b>450.86</b>
conversion to band d equivalent band d equivalent	503.33		520.46
<b>Assume 97.3% collection</b>	<b>489.23</b>	<b>Assume 97.1% collection</b>	<b>505.36</b>

<b>West Hunsbury</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	1,868.00	1,868.00
less exemption	15.00	14.00
plus disabled from higher band	15.00	15.00
less disabled going into lower band	15.00	15.00
less number of one adult resident household x25%	132.88	116.38
less number of properties with no residents but not exempt x50%	-0.50	- 1.00
less number of second home properties with no residents but not exempt x10%	2.00	2.00
↖ ↗ long-term empties x no discount	25.00	19.00
less CTRS	-127.47	- 115.06
plus f y e for new properties	0.00	-
Total	1,593.15	1,623.57
conversion to band d equivalent band d equivalent	1,648.33	1,673.23
<b>Assume 97.3% collection</b>	<b>1,602.17</b>	<b>Assume 97.1% collection 1,624.70</b>

<b>Wootton, Wootton Fields &amp; Simpson Manor</b>	<b>15/16</b>		<b>16/17</b>
BAND	Total		Total
Number on list	3,009.00		3,010.00
less exemption	15.00		15.00
plus disabled from higher band	13.00		13.00
less disabled going into lower band	13.00		13.00
less number of one adult resident household x25%	183.75		165.50
less number of properties with no residents but not exempt x50%	0.50		1.00
less number of second home properties with no residents but not exempt x10%	4.00		4.00
long-term empties x no discount	21.00		23.00
less CTRS	-128.73	-	105.22
plus f y e for new properties	0.00		2.00
Total	2,681.02		2,725.28
conversion to band d equivalent band d equivalent	2,972.91		3,014.88
	<b>2,889.67</b>	<b>Assume 97.1% collection</b>	<b>2,927.45</b>

<b>East Husbury</b>	<b>15/16</b>	<b>16/17</b>
BAND	Total	Total
Number on list	4,129.00	4,132.00
less exemption	33.00	24.00
plus disabled from higher band	19.00	17.00
less disabled going into lower band	19.00	17.00
less number of one adult resident household x25%	324.00	297.75
less number of properties with no residents but not exempt x50%	-0.50	0.50
less number of second home properties with no residents but not exempt x10%	7.00	4.00
119 long-term empties x no discount	41.00	43.00
less CTRS	-189.51	- 171.62
plus f y e for new properties	1.50	1.00
Total	3,584.49	3,639.13
conversion to band d equivalent band d equivalent	3,465.27	3,514.02
	<b>3,368.24</b>	<b>Assume 97.1% collection 3,412.11</b>

<b>Unparished</b>	<b>15/16</b>	<b>16/17</b>
<b>BAND</b>	<b>Total</b>	<b>Total</b>
Number on list	69,462.00	69,920.00
less exemption	1,761.00	1,697.00
plus disabled from higher band	274.00	262.00
less disabled going into lower band	274.00	262.00
less number of one adult resident household x25%	6,597.75	6,009.50
less number of properties with no residents but not exempt x50%	-15.75	- 22.63
less number of second home properties with no residents but not exempt x10%	127.00	164.00
120 long-term empties x no discount	1,028.00	1,070.00
less CTRS	-9,295.91	- 8,239.59
plus f y e for new properties	231.00	362.50
Total	52,054.09	54,359.04
conversion to band d equivalent band d equivalent	43,188.19	44,915.06
<b>Assume 97.3% collection</b>	<b>41,978.93</b>	<b>Assume 97.1% collection 43,612.52</b>

<p><b>Appendices:</b> 0</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Changes to Outside Bodies and Consultation Appointments</b>
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**1. Purpose**

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1.1 To confirm the changes to Outside Bodies and Consultation Appointments.

**2. Recommendations**

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2.1 That the appointments to Outside Bodies and Consultation Appointments set out in the report, be confirmed.

**3. Issues and Choices**

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**3.1 Report Background**

3.1 At the Council meeting on the 21<sup>st</sup> May 2015, Councillor Haque was appointed to the Market Advisory Group alongside Councillors Nunn and Hadland..

3.2 Council are being asked to ratify the following changes to Outside Bodies and Consultation Appointments:

Councillor G Eales to replace Councillor Haque on the Market Advisory Group

3.3 Appointments to all other Committees and Consultation Appointments agreed by Council on the 21<sup>st</sup> May 2015 remain unchanged.

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

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**4.1 Policy**

4.1.1 None

## **4.2 Resources and Risk**

4.2.1 None

## **4.3 Legal**

4.3.1 None

## **4.4 Equality**

4.4.1 None

## **4.5 Other Implications**

4.5.1 None

## **5. Background Papers**

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5.1 None

Francis Fernandes  
**Borough Secretary**  
**0300 330 7000**

<p><b>Appendices:</b> 0</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status: Public**

**Directorate: Chief Executive's**

<b>Report Title</b>	<b>Appointments of Nominative Trustee – The Charity of Hervey and Elizabeth Elkins</b>
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**1. Purpose**

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1.1 To seek Council's approval to the appointment to the Charity of Hervey and Elizabeth Elkins.

**2. Recommendations**

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2.1 That Council appoint a Trustee to the Charity of Hervey and Elizabeth Elkins to replace Mrs Margaret Greenwell as Northampton Borough Council's representative

**3. Issues and Choices**

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**3. Report Background**

3.1 The Charity of Hervey and Elizabeth Elkins has been in existence since the early eighteenth century and exists to provide financial assistance to children and young people in the Borough of Northampton and the Parish of Great Doddington and to promote education (including social and physical training) in accordance with the doctrines of the Church of England. The assistance is primarily towards helping with educational needs in schools, colleges and universities.

3.2 In 2012 the Borough Council re-appointed Mrs Margaret Greenwell as their representative to the Charity of Hervey and Elizabeth Elkins; the term of office being 4 years. Therefore the appointment will expire in February 2016 and Mrs Greenwell having completed 40 years as the representative does not wish to seek re-election.

3.3 Council are therefore asked to appoint a new representative to the Charity



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

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##### **4.1 Policy**

4.1.1 None

##### **4.2 Resources and Risk**

4.2.1 None

##### **4.3 Legal**

4.3.1 None

##### **4.4 Equality**

4.4.1 None

##### **4.5 Other Implications**

4.5.1 None

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

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5.1 None

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**  
**0300 330 7000**

<p><b>Appendices:</b> 0</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status: Public**

**Directorate: Chief Executive's**

<b>Report Title</b>	<b>Appointments of Trustee – Sir Thomas White's Northampton Charity and Henry and Elizabeth Lineham Fund.</b>
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**1. Purpose**

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1.1 To seek Council's approval to the appointment to the Charity Sir Thomas White's Northampton Charity and Henry and Elizabeth Lineham Fund.

**2. Recommendations**

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2.1 That Mr Mike Wilkinson and Councillor Anna King be appointed to the Sir Thomas White's Northampton Charity and Henry and Elizabeth Lineham Fund as Northampton Borough Council's representative.

**3. Issues and Choices**

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**3. Report Background**

3.1 The Charity of Sir Thomas White's Northampton Charity and Henry and Elizabeth Lineham Fund have a vacancy for a Representative Trustee to be appointed to the charity by Northampton Borough Council.

3.2 The Charity has suggested Mr Mike Wilkinson as a suitable appointee and he has confirmed that he is willing to be appointed as a Trustee. Councillor King has been suggested by the Council and she is willing to accept the appointment.

3.3 Mr Wilkinson has recently retired as Clerk to the Governors of Moulton College and his appointment will, if approved, become effective from the 1<sup>st</sup> February 2016 for a period of five years.

3.4 Councillor King has been suggested for appointment due to her extensive work and involvement and commitment with young people

3.4 Council are therefore asked to appoint a new Mr Mike Wilkinson and Councillor Anna King to the Charity with effect from the above date.

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

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##### **4.1 Policy**

4.1.1 None

##### **4.2 Resources and Risk**

4.2.1 None

##### **4.3 Legal**

4.2.2 None

##### **4.4 Equality**

4.4.1 None

##### **4.5 Other Implications**

4.5.1 None

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

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5.1 None

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**  
**0300 330 7000**

Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

**COUNCIL**  
**25<sup>th</sup> January 2016**

**Agenda Status: Public**

**Directorate: Borough Secretary and  
Monitoring Officer**

<b>Report Title</b>	<b>Report of the Local Government Ombudsman - Heritage Issues</b>
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**1. Purpose**

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- 1.1 To inform Full Council of a finding by the Local Government Ombudsman ('LGO') of fault causing injustice in respect of a complaint made by a member of the public.

**2. Recommendations**

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Full Council is recommended to:

- 2.1 note the LGO's finding of fault on the part of the Council causing injustice, as set out in the Report of LGO at Appendix 1;
- 2.2 note the recommendations of the Local Government Ombudsman as set out in the Report of the LGO at Appendix 1; and
- 2.3 note and approve the action taken to date and the further actions proposed in order to implement the recommendations of the LGO.

**3. Issues and Choices**

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**3.1 Report Background**

- 3.1.1 The complaint was made to the Ombudsman by a member of the public and related to a Planning Committee decision to grant planning permission for the extension of a café in parkland surrounding a Grade 1 listed building within a conservation area. The Complaint is summarised in the appended LGO report.

3.1.3 The LGO conducted an investigation and found fault causing injustice. In summary the investigation found that the Council had:

- failed to maintain a record of pre-planning advice
- validated a planning application without the necessary information (a Heritage Impact Assessment)
- failed to identify and apply the correct law and guidance.
- failed to consult with Historic England

3.1.4 A local planning authority has particular statutory duties when considering planning applications which affect a listed building or conservation area, which have the effect of giving special statutory status to heritage assets. There is also relevant guidance that should be considered when deciding if a planning application affects the setting of a listed building. As stated above, the LGO concluded that the Council failed to identify and apply the correct law (when deciding the question of harm to the setting of the listed building and the conservation area) and failed to apply the correct guidance (when deciding if the planning application affected the setting of a listed building).

3.1.5 The LGO made a number of recommendations. These are set out in the first column of the table below. The actions that the Council are taking or are proposing to take in relation to each recommendation are set out in the second column

<b>LGO Recommendation</b>	<b>Council response/action</b>
<p>a) <i>The Council should apologise to Mr B [the Complainant] for mishandling the planning application and for not treating his reasonable complaints about this properly.</i></p>	<p>A letter of apology was sent to the Complainant by the Council's Chief Executive on 25<sup>th</sup> November 2015.</p>
<p>b) <i>The Council should introduce, as a matter of urgency, conservation training for all its planning officers. Training is available from Historic England: training may be available elsewhere. The Council should confirm to us within three months of the date of this report that this has been done.</i></p>	<p>The Council arranged for a 2.5 hour training session to be provided by Dr Dale Dishon and Dr Ben Robinson of Historic England on 12<sup>th</sup> January 2016. This training session covered the following topics:</p> <ul style="list-style-type: none"> <li>• Constructive Conservation in Practice</li> <li>• The Setting of Heritage Assets</li> </ul> <p>The session was attended by:</p> <ul style="list-style-type: none"> <li>• Planning Officers</li> <li>• Planning Registration staff</li> </ul> <p>Notes from the training session have been made available electronically to all members of the Planning team for future</p>

	reference (and to ensure that any relevant officers who were not able to attend the training can access the materials).
c) <i>The Council should undertake an immediate review of its procedures for dealing with planning applications which affect heritage assets. It should put measures in place to ensure, and to monitor, that all applications affecting heritage assets are referred to its conservation officers and, on their advice, to Historic England. It should confirm to us within three months of the date of this report that this has been done.</i>	<p>The Council has reviewed its procedures for dealing with planning applications which affect heritage assets and the Interim Head of Planning has instructed the managers of the Development Management team to ensure that relevant applications are referred to the Council's conservation officers and when so advised, to Historic England. These procedures will be monitored through regular management team and 1-to-1 meetings. In addition the Planning Department are drafting a Protocol on identifying/dealing with heritage applications for approval by the Council's Monitoring Officer.</p> <p>The Council is taking steps to identify applications that may affect the setting of heritage assets as early as possible both through changes to its IT and GIS systems and through additional training for Registration and support staff. It is anticipated that these arrangements will be in place by April 2016.</p>
d) <i>The Council should maintain a record of all pre-planning advice. The record should be made available to the public when any subsequent planning application is validated. If it considers the advice confidential, a record of the reason for that decision should be placed on the public file.</i>	<p>The Council maintains a record of all pre-planning advice. The Interim Head of Planning has instructed that the relevant pre-planning advice should henceforth be made publicly available when any subsequent planning application is validated, unless there are clear reasons for the advice to be considered as confidential. In that case, a reason for the decision will be placed on the public file.</p>

3.1.6 In summary, Council officers have implemented or are in the process of implementing actions to follow all of the LGO recommendations.

3.1.7 This report has been made to Full Council by the Monitoring Officer because a finding of maladministration by the Local Ombudsman triggers the Monitoring Officer's responsibility under section 5 of the Local Government and Housing Act 1989 to report to the authority.

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

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### **4.1 Policy**

4.1.1 None.

### **4.2 Resources and Risk**

4.2.1 There are no direct resource implications arising from this report, save for the additional officer time required to implement the LGO recommendations and monitor the position going forwards.

4.2.2 Implementing the LGO recommendations effectively in practice, should reduce the risk of any future fault occurring in similar situations and causing injustice.

### **4.3 Legal**

4.3.1 The LGO's report explains that the Ombudsman investigates complaints about 'maladministration' and 'service failure' and that in their report they have used the word 'fault' to refer to these. The LGO did find fault in this case. Part 3 of the Local Government Act 1974 (the "LGA 1974") deals with the Local Government Ombudsman process.

4.3.2 Section 31 of the LGA 1974 applies where the Ombudsman reports that there has been maladministration in connection with the exercise of the authority's administrative functions, or a failure in a service, or a failure to provide a service, which it was the function of the authority to provide. Section 31(2) requires the LGO report to be laid before the authority and makes it a duty of the authority to consider the report and notify the LGO of the action which the authority have taken or propose to take. (This must happen within three months of the date of receipt of the report or such longer period as the LGO may agree). The LGO will therefore be notified of the resolutions of Full Council made in connection with this Report.

4.3.3 As explained in the LGO's report, it cannot force the Council to follow its recommendation, but in practice, Councils usually do. The recommendations made by the LGO are actions that in their opinion, the Council should take to remedy any injustice sustained by the complainant and to prevent injustice being caused in the future by similar maladministration.

4.3.4 In relation to non-executive functions, the Monitoring Officer of a local authority has a duty under section 5 of the Local Government and Housing Act 1989 to prepare a report to the authority with respect to any proposal, decision or omission by the authority that has given rise to any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974. Receipt of the LGO report has therefore triggered this Monitoring Officer duty. (The LGO report in this case concerns determination of planning applications, which is a non-executive function).

4.3.5 The Monitoring Officer is required to consult so far as practicable with the Chief Executive and the Chief Finance Officer in preparing his section 5

report. Both statutory officers have been duly consulted. The authority has a duty to consider the Monitoring Officer's report.

#### **4.4 Equality**

4.4.1 There are no equality and diversity implications arising directly from this report.

#### **4.5 Other Implications**

4.5.1 None

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

5.5.1 None

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**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**



# Report by the Local Government Ombudsman

## **Investigation into a complaint against Northampton Borough Council (reference number: 14 019 741)**

**17 November 2015**

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

# Investigation into complaint number 14 019 741 against Northampton Borough Council

## Contents

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Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

## Key to names used

Mr B - the complainant

Officer X –a planning officer

Officer Y - a senior conservation officer at the Council

## Report summary

### Planning & Development

Mr B complains the Council disregarded its conservation officer's advice and took no account of the effect development would have on the setting of a Grade I listed building in a conservation area. He says the Council has a poor record of consultation with Historic England (formerly English Heritage) and in the case of this application from one of its Members it dispensed with validation requirements and failed to record pre-planning advice as well.

The investigation found the Council had failed to identify and apply the correct law and guidance; it had failed to consult with Historic England; it had failed to record pre-planning advice and validated a planning application without the necessary information.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

The Council should:

- apologise to Mr B for mishandling the planning application and for not treating his complaints about this properly.
- introduce, as a matter of urgency, conservation training for all its planning officers. Training is available from Historic England: training may be available elsewhere. The Council should confirm to us within three months of the date of this report that this has been done.
- undertake an immediate review of its procedures for dealing with planning applications which affect heritage assets. It should put measures in place to ensure, and to monitor, that all applications affecting heritage assets are referred to its conservation officers and, on their advice, to Historic England. It should confirm to us within three months of the date of this report that this has been done.

## Introduction

1. A member of the public, whom I shall call Mr B, complains about the Council's decision to grant planning permission for the extension of a cafe in parkland surrounding a Grade I listed building within a conservation area. Mr B says the applicant, an elected Member, was given confidential advice by officers before making his application and he was not required to produce a Heritage Impact Assessment. Despite cogent objections from the public and professional consultees, the application was allowed.
2. Mr B is a regular visitor to the park whose landscape and tranquility are, he says, valued by the local community. He says there is concern within the local community that this and other heritage applications have not been dealt with properly and, unless this changes,

the poor practices will carry on to the detriment of the Borough's heritage and its reputation.

## Legal and administrative background

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
4. A local planning authority has particular duties when considering planning applications which affect a listed building or a conservation area. The duties are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. We shall refer to this as the Act. Section 66 is concerned with listed buildings. It says: "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...*". Section 72 imposes a parallel duty to pay "*special attention...to the desirability of preserving or enhancing the character or appearance*" of a conservation area.
5. The effect of sections 66 and 72 is to give special statutory status to heritage assets. These sections contrast with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 which entitle a decision-maker to give whatever weight he thinks fit, or no weight at all, to a material planning consideration. If he is dealing with a heritage asset, he has not that breadth of discretion.
6. The distinction was highlighted in a Court of Appeal judgement in 2014 which found (in respect of a wind farm 1.7km from a listed building) "*in order to give effect to the statutory duty under Section 66(1), a decision-maker should accord considerable importance and weight to the 'desirability of preserving...the setting' when weighing this factor in the balance with other material considerations which have not been given this special statutory status*" (*Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG*).
7. The above principle applies equally to a conservation area. The House of Lords has clarified the special duty: "*There is no dispute that the intention of section (72) is that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.*" "*Preserving means doing no harm*"(*South Lakeland Council v Secretary of State for the Environment [1992]*).
8. In addition to its particular statutory duties, the local planning authority must consult or notify Historic England (formerly English Heritage) about all development affecting the

setting of a Grade I or Grade II\* historic building (*Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990, regulation 5A(3) as amended.*)

9. A core principle of the National Planning Policy Framework (NPPF) is the need to “seek to secure a high-quality of design...” The NPPF also reinforces the statutory weight which must be given to heritage assets. Authorities should begin by requiring applicants for planning permission affecting heritage assets “... to describe the significance of any heritage assets affected, including any contribution made by their setting...As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary” (NPPF, para. 128). Authorities usually do this by requiring applicants to produce a Heritage Impact Assessment.
10. The authority should carry out its own assessment “taking account of the available evidence and any necessary expertise” and take both into account “when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal” (NPPF, para 129). “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting” (NPPF, para132). “Harm may be weighed against the public benefits of a proposal where the proposal will lead to less than substantial harm (NPPF, para 134). Where development will lead to substantial harm permission should be refused unless defined circumstances apply” (NPPF, para 133).
11. Planning Practice Guidance defines the ‘setting’ of a heritage asset as: “The surroundings in which (it) is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” The Guidance says: “The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part ... buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.”
12. The Guidance says: “heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. In most cases the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice...”
13. English Heritage’s guidance (since revised) issued to all planning authorities at the time of this application, says: “while consideration of ‘setting’ is necessarily a matter of informed judgement, the guidance emphasises that this should be through a transparent framework and as consistent and clear as possible.”

14. The Local Government Association and Royal Town Planning Institute have published 10 Commitments for effective pre-planning engagement. The 10<sup>th</sup> commitment is that all those involved should maintain an agreed record of information submitted, advice given and, where appropriate, agreements reached. It says this *“helps to provide the transparency that is needed to build public trust in the integrity of these discussions...The agreed notes should normally be made available to the public when the subsequent planning application is validated if not earlier.”*

### **The Council’s policies**

15. The Council has published a list of local documents it requires for a valid planning application. A Heritage Impact Assessment is required for all planning applications affecting heritage assets, including those within a conservation area.
16. The Council says on its website that it *“positively encourages pre-application discussions.”* It lists the benefits of these to developers and says it *“maintains a record of the advice provided on file for the avoidance of doubt and to ensure consistency.”*

### **How we considered this complaint**

17. This report has been produced following the examination of relevant documents and interviews with the complainant and relevant employees of the Council.
18. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

### **Investigation**

#### **The planning application**

19. In October 2014 the developer, an elected councillor, applied to extend his cafe in the grounds of “A” Park. “A” Park is within a conservation area. The cafe is some 60 metres from a Grade I listed building. The land is owned by the Council.
20. Applicants for planning permission must say on their application form if they have received pre-planning advice from the Council. The applicant said on his application that he had taken advice from Council officers before making his application. Mr B says this advice should have been on the record. The Council told us: *“All enquiries for pre-application planning advice received by the Authority are confidential. As such the advice referred to in this instance is not within the public domain.”*
21. A planning officer, whom we refer to as Officer X, publicised the application and some people objected to it. No-one objected to the cafe in principle but its quality of construction, which one objector likened to a cheap industrial building, was considered to let the area down. The *“importance of maintaining the park’s trees”* was described by one as *“well established and right at the very heart of the governance of this town.”*

22. Officer X appraised the application in a report. He did not identify the relevant law but, under a section headed Planning Policy, he said: *“Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise”* He identified the national and local policies he considered relevant with a sentence summarising the gist of each.
23. Because the proposal was in a conservation area, where trees and buildings enjoy protection, Officer X consulted with the Council’s arboriculture officer and its conservation officer.

### **Arboriculture consideration**

24. The arboricultural issues are not part of the complaint so we shall deal with those briefly. The arboriculture officer recommended refusal of the application principally because it would involve removal of *“a fine young mature specimen with a long useful life expectancy located within a conservation area”*.
25. Officer X considered this but explained in his report that he was not minded to recommend refusal because: *“It is considered, on balance, that the improvements to the facilities within the park and the wider public benefits which this would bring would, in this instance, outweigh the desirability of preserving the tree.”*
26. Officer X was entitled to take a different view from the arboricultural officer providing he explained his reasons, which he did.

### **Conservation consideration**

27. A senior conservation officer at the Council, whom we refer to as Officer Y, began her report: *“The site is a modern single storey cafe block located within (“A” Park). The Grade I listed building...is located close to the application site. Any works to the cafe block will impact upon the setting of this Grade I Listed Building. The application site is also located within the (“A” Park) Conservation area.”* She says the “key issue” for her consideration is the *“impact upon the setting of the Grade I Listed building and upon the character and appearance of the...Conservation Area.”*
28. Officer Y explains why she considers *“the existing cafe block is not an attractive development and its appearance and materials of construction do not positively contribute to the setting of the listed buildings or the character and appearance of the conservation area”* She says it is *“a highly prominent and visible structure”* and *“a more lightweight structure would minimise its visual intrusion on the landscape.”* Officer Y suggests the plans are incomplete and why the proposal needs to be considered carefully.
29. Officer Y then concludes with this recommendation: *“In principle, a small extension could be supported by conservation. Matching the style of the extension to the existing structure will help to minimise the impact, however the existing structure is not attractive and by extending it will increase its visibility within the park. Amendments should be made to the design to improve its appearance and reduce the impact upon the setting of the grade I listed building and upon the (“A Park”) conservation area.”*



30. Officer X, in his report to members, summarises Officer Y's response as follows: "*NBC conservation have no objections to the application in principle and are of the view that matching the extension to the existing structure will minimise the impact. There are some concerns regarding extending an existing unattractive structure.*" Officer X omits Officer Y's last sentence where she repeats that the proposal impacts upon the setting of the Grade I listed building.
31. Finding the impact on the conservation area "neutral" Officer X recommended approval of the application.

### **The complaint**

32. When Mr B complained to the Council about the decision, it told him the cafe was not within the setting of the listed building. Mr B did not agree. The Council's response was reviewed by the Service Director who maintained the cafe was not within the setting of the listed building. Mr B complained to the Ombudsman.
33. We interviewed Officer X. We asked him why, when Officer Y raised the setting as a material planning consideration, he did not refer the application to Historic England (then English Heritage.) Officer X said he disagreed with Officer Y. We asked what informed his decision. Officer X said distance: the cafe was about 60 metres from the listed building. (Officer X also said "*because there was already a building there*" but we reminded him this was not relevant to the question of setting.) Officer X said he could not recall if he discussed the matter with Officer Y. Despite their opposing views, he "*didn't consider*" taking the matter up with Officer Y's line manager, the senior conservation officer, or asking Historic England for a preliminary view.
34. We interviewed Officer Y. Officer Y said if you approach the Park through the entrance opposite the Listed Building, you see the cafe in the foreground and the Listed building about 50-60 paces behind. She said: "*There is no way round it. It is in a conservation area and it is within the setting of a listed building.*"
35. We read the Secretary of State's instruction (now superseded) to local planning authorities (Circular 01/01) and Historic England's then guidance. Because we could not see how application of the guidance could lead to any conclusion other than that the application site was within the setting of the listed building, we contacted Historic England for its view.
36. Historic England says:

*"(The Grade I listed building) lies within ("A Park"), designated a conservation area. The Park forms the surroundings in which (the listed building) is experienced. Moving through the parkland towards (the listed building) is a key part of appreciating the significance of (the listed building.) We therefore consider that the Park and any buildings / structures within it (whether they make a positive or negative contribution) form the setting of (the listed building).*

*“We have recently published Good Practice Advice Note 3: The Setting of Heritage Assets (updating our previous guidance The Setting of Heritage Assets.) The Note advises LPAs attempting to identify whether heritage assets are likely to be affected by a development proposal: ‘if the development is capable of affecting the contribution of a heritage asset’s setting to its significance or the appreciation of its significance, it can be considered as falling within the asset’s setting’ (para.13).*

*“It is clear to us that the proposed extension of the cafe is capable of affecting the contribution made by (“A Park”) to the significance of (the listed building) and to the appreciation of its significance. The proposals would therefore affect the setting of a Grade I listed building. Consequently Northampton Borough Council should have consulted Historic England (then English Heritage) on the proposals under the relevant provisions.”*

37. In the course of this investigation we have seen correspondence from Historic England which shows there is another case where the Council should have consulted it and did not; and another where the Council consulted it after it had taken its decision.

## Conclusions

38. There is a difference between the materiality of a planning consideration and its weight. The former is largely a question of law and the latter is largely a matter of planning judgement. This investigation is concerned with proper application of the law. Whether the application would, with proper consideration have been approved, is not the subject of this investigation.

### The setting of the listed building

39. When Officer Y said the application affected the setting of a listed building, she raised a material planning consideration. The Council had a duty to consider it. If Officer X disagreed, he had a duty to explain, with reference to the law and government guidance, why that was the case. In the event his post-decision rationalisation, that the listed building and application site were 60 metres apart, has no foundation in law or guidance whatsoever. We accept there will be circumstances where the relationship between distance and scale may make the question of setting a borderline judgement, but the circumstances here could not be more straightforward. The setting of this listed building is the park which surrounds it. The Council’s failure to have regard to a material planning consideration was fault.

### Impact on setting

40. The next question was whether the development affected the setting. In other words, did it have any impact? This was an extension to a cafe described by Officer Y as a “*highly prominent and visible structure*” and for which a mature tree had to be felled. The application affected the setting. The Council’s failure to consult with Historic England (then English Heritage) was fault.

## **Harm to setting and to conservation area**

41. The final question, whether the development caused unacceptable harm, is largely a matter of planning judgement. But the law affords heritage assets special protection. In exercising that planning judgement, account must be taken (in the case of the setting of a listed building) of section 66 and (in the case of a conservation area) section 70 of the Listed Buildings Act. The Council did not identify the correct legislation; this was fault. Having decided the application was outside the setting, it never considered harm to the setting; this was fault. The application was also in a conservation area. It did not discuss the special characteristics of the conservation area and it did not show how, in deciding the impact was “neutral,” it had given the proper statutory weight to those special characteristics and the desirability of preserving them. This was fault.

## **Heritage Impact Assessment**

42. There are good reasons, explained in the National Planning Policy Framework, why a heritage impact assessment in one form or another should accompany a planning application for development affecting a heritage asset. The Council should, according to its own validation requirements, have required a heritage impact assessment before validating the application. Validation of the planning application, contrary to the Council’s policy, was fault.

## **Pre-planning Advice**

43. The applicant was given pre-planning advice from officers. We are told this advice was “*confidential*” and “*not within the public domain*”. The Council’s policy is to maintain a record on file of pre-planning advice. Unless there are exceptional reasons, pre-planning advice should always be on the record and available to the public for inspection. Failure to maintain a record of the pre-planning advice was fault.

## **Injustice**

44. Mr B visits “A” Park regularly. He does not object to the café, or to its extension. He objects to the Council’s disregard of material planning considerations and its failure to consult with Historic England. He says the café will now be even more prominent and unsightly and a heritage asset harmed.
45. Mr B drew his concerns to the Council’s attention before planning permission was granted. The Council went ahead. Mr B complained. The Council introduced reasons why the application site was not within the setting of the listed building. Mr B was unconvinced so he escalated his complaint. The Council said Historic England knew about the application and raised no concerns.
46. Mr B does not seek compensation but he says it has taken him hours of his time pursuing the complaint. It is important that the public has full confidence in the decisions taken by the Council based on a transparent administrative process. Publication of this report will

go some way towards restoring that trust. All planning applicants, including elected Members, should be treated equally and fairly. This did not happen in this case and has caused injustice to the complainant in terms of outrage and uncertainty that the decision might have been different if due process had been followed.

## Decision

47. The Council failed to identify and apply the correct guidance when deciding if the planning application affected the setting of a listed building; and it failed to identify and apply the correct law when deciding the question of harm. These were faults, more particularly described in paragraphs 39, 40 and 41 above. The Council was at fault for dispensing with the need for a Heritage Impact Assessment; and it was at fault for not keeping a record of pre-planning advice. Both were contrary to national and local policy.

## Recommendations

48. The Council should apologise to Mr B for mishandling the planning application and for not treating his reasonable complaints about this properly.
49. The Council should introduce, as a matter of urgency, conservation training for all its planning officers. Training is available from Historic England: training may be available elsewhere. The Council should confirm to us within three months of the date of this report that this has been done.
50. The Council should undertake an immediate review of its procedures for dealing with planning applications which affect heritage assets. It should put measures in place to ensure, and to monitor, that all applications affecting heritage assets are referred to its conservation officers and, on their advice, to Historic England. It should confirm to us within three months of the date of this report that this has been done.
51. The Council should maintain a record of all pre-planning advice. The record should be made available to the public when any subsequent planning application is validated. If it considers the advice confidential, a record of the reason for that decision should be placed on the public file.