



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 7 December 2016

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

6:00 pm

Members of the Cabinet:

Councillor: Jonathan Nunn (Leader of the Council)

Councillor: Phil Larratt (Deputy Leader)

Councillors: Mike Hallam, Tim Hadland, Stephen Hibbert, Brandon Eldred and Anna King.

Chief Executive David Kennedy

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

PORTFOLIOS OF CABINET MEMBERS

CABINET MEMBER	TITLE
Councillor J Nunn	Leader
Councillor P Larratt	Deputy Leader
Councillor M Hallam	Environment
Councillor B Eldred	Finance
Councillor T Hadland	Regeneration, Enterprise and Planning
Councillor S Hibbert	Housing and Wellbeing
Councillor A King	Community Engagement and Safety

SPEAKING AT CABINET MEETINGS

Persons (other than Members) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting and may speak on any item on that meeting's agenda.

Registration can be by:

Telephone: (01604) 837722
(Fax 01604 838729)

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

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

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

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

KEY DECISIONS

B denotes the issue is a 'Key' decision:

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

NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Wednesday, 7 December 2016
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
- 3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE**
- 4. DEPUTATIONS/PUBLIC ADDRESSES**
- 5. DECLARATIONS OF INTEREST**
- 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**

None

(A) RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - ON THE CALL-IN OF CABINET DECISION OF 16 NOVEMBER - ITEM 11 - RE-PROVISION OF THE ENVIRONMENTAL SERVICES CONTRACT.

(Copy herewith)

- 7. CABINET RESPONSE TO THE RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - ON THE CALL-IN OF CABINET DECISION OF 16 NOVEMBER - ITEM 11 - RE-PROVISION OF THE ENVIRONMENTAL SERVICES CONTRACT.**

Report of Director of Customer and Communities (Copy to follow)

- 8. DELAPRE ABBEY**

B Report of Chief Executive (Copy herewith)

- 9. DELIVERY OF NEW SOCIAL HOUSING**

B Report of Chief Executive (Copy herewith)

- 10. REVENUES AND BENEFITS DELIVERY OPTIONS**

B Report of Director of Customers and Communities (Copy herewith)

- 11. GROWING TOGETHER NEIGHBOURHOOD PLAN (GTNP) EXAMINERS REPORT AND REFERENDUM**

B Report of Chief Executive (Copy herewith)

12. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 16 November 2016

PRESENT: Councillor Nunn (Chair); Councillor Larratt (Deputy Chair); Councillors Eldred, Hadland, Hallam and King

1. APOLOGIES

Apologies were received from Councillor Hibbert.

2. MINUTES

The minutes of the meeting held on the 19th October 2016 were agreed and signed by the Leader.

3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There were no items to be heard in private.

4. DEPUTATIONS/PUBLIC ADDRESSES

Mr Toby Birch addressed Cabinet on Item 9 – 'New Community Centre and sports pitches at St Crispins - Lease approval' and noted that Community Spaces Northampton (CSN) had successfully taken on the management of 8 Community Centres and had delivered numerous workshops and invested many hours in planning and devising a sound business plan to manage the new community centre and sports pitches and welcomed the recommendations within the report and thanked the former Cabinet Member for Environment, Councillor Bottwood and the Cabinet Member for Community Engagement and Safety.

Mr David Huffadine-Smith addressed Cabinet on Item 13 - Parish Council asset transfer discussions' and commented that he considered the proposal to be fraught with errors and questioned who would be responsible for the various maintenance works. He also questioned whether the long lease tenure of 25 years was sufficient and championed the work of Parish Councils.

Mr Daniel McCullah addressed Cabinet on Item 10 – Public Spaces Protection Order (PSPO) and voiced his concerns that the Order could disproportionately affect the poor and vulnerable in society. He reported that to impose fines on such people would only exacerbate the problem; welfare reforms and economic imbalance already having placed people in financial hardship. He suggested that a way forward would be to fund projects to help those most vulnerable and to not impose the PSPO.

5. DECLARATIONS OF INTEREST

Councillor Eldred declared a personal non pecuniary interest in Item 9 as a Trustee of Football in the Community.

Councillor Nunn declared a personal non pecuniary interest in Item 13 as a Parish Councillor.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were none.

7. CABINET'S RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE PRE-DECISION SCRUTINY REPORT - MUSEUM TRUST

Councillor King, as the relevant Cabinet Member submitted a report and thanked the work of the Overview and Scrutiny Committee and noted that a further report, along with a business case, would be provided at Cabinet in February 2017 for consideration to determine if Cabinet wish to proceed with the development of a full business plan.

The Leader echoed the thanks given by the Cabinet Member.

RESOLVED:

- 2.1 That careful consideration to Overview and Scrutiny Committee's pre-decision scrutiny report of 7th September 2016 on the proposal to establish a museum trust be given
- 2.2 That it be noted that the Overview and Scrutiny Committee was satisfied that further investigation into the establishment of a museum trust, including a full options appraisal, would ensure the best outcome for the future of the Museum Service and Cultural Quarter.
- 2.3 That, in response to Overview and Scrutiny Committee's recommendation a museum trust business plan be commissioned, instruct that a business case is first developed and brought back to Cabinet in February 2017 for its further consideration and thereafter it is determined whether Cabinet wish to proceed with the development of a full business plan.
- 2.4 Cabinet thanked Overview and Scrutiny Committee be thanked for its detailed and robust report

8. PARTNERSHIP GRANT ALLOCATION PROCESS 2017-18

Councillor Birch commented that as a member of CEFAP, she endorsed the recommendations especially during periods of Government and County Council cuts and welcomed the prospect of organisations being able to coordinate long-term financial planning.

Councillor King, as the relevant Cabinet Member, submitted a report and thanked the Councillor Birch for the work that she had undertaken on CEFAP. She noted that a Service Level Agreement (SLA) between each of the funded organisations and NBC had been established, to which 6 and 12 monthly monitoring was expected.

RESOLVED:

1. That funding (subject to approval each year by Full Council of the relevant budget) for a period of three years may be granted to community and voluntary organisations, through the partnership grant allocation process.
2. That Full Council make the necessary changes to the Council's Constitution, as advised by the Borough Secretary, to give authority to the Chief Executive to award funding for a period of three years, in accordance with recommendation above.

9. NEW COMMUNITY CENTRE AND SPORTS PITCHES AT ST CRISPINS - LEASE APPROVAL

Councillor King, as the relevant Cabinet Member submitted a report and thanked Mr Toby Birch for his comments. She reported that Community Spaces Northampton (CSN) had a very good proven track record of managing other facilities.

RESOLVED:

- 2.1 That the grant of a 30 year lease for the new St Crispins Community Centre and sports pitches, the location of which was shown on the attached plan at Appendix 1 of the report, to Community Spaces Northampton (CSN), at a notional rent for the life of the lease be approved in principle.
- 2.2 That, subject to the Director of Regeneration and Enterprise first being satisfied that any issues of undervalue arising from s123 of the Local Government Act 1972 being satisfactorily addressed in accordance with paragraph 3.2.5 of the report, delegated authority to the Chief Finance Officer to approve the final terms of the lease and to the Director of Customers & Communities to approve the final terms of the management agreement in accordance with the Framework (Appendix 2 of the report) on the Council's behalf.

10. PUBLIC SPACES PROTECTION ORDER

Councillor Birch commented that she had a number of concerns about the Public Spaces Protection Order (PSPO) with regards to issue relating to resources and funding.

Councillor Smith voiced her concerns that she did not want the most vulnerable to be disproportionately affected but she recognised that street drinking had become a problem in several areas and stated that residents wanted a swift response and resolution and wanted assurance that the order would not be ignored.

Councillor King as the relevant Cabinet Member submitted a report and explained they had removed an item relating to amplified music and busking and that £12,000 would be spent on signage to reinforce the order. It was explained that many of the street drinkers were not homeless and that they congregated in specific areas to meet friends and it was this behaviour that the Order would prevent.

The Leader commented that the Order was an important framework and that the Council already had a homeless strategy in place and worked with multiple agencies to help the most vulnerable people.

The Deputy Leader clarified that by-laws would not be affected by the Order.

RESOLVED:

1. That the Public Spaces Protection Order as detailed in Annex 2 of the report be approved after considering the consultation responses at Annex 3 of the report
2. That the draft PSPO in Annex 1 of the report, which was the subject of consultation contained restrictions on street entertainment (aka busking) that have not been included in the final PSPO recommended for adoption in Annex 2 of the report following the results of public consultation be noted
3. That it be approved that the Public Spaces Protection Order comes into force once all

necessary signage has been put in place as per Annex 2 of the report.

4. That a one-off supplementary estimate of £12k for the provision of signage, to be funded by a drawdown from the Community Safety Partnership reserve be approved.
5. That once implemented, it be agreed that the PSPO is monitored for 6 months and a report on its impact be brought back with recommendations on any amendments or additions if required

11. RE-PROVISION OF ENVIRONMENTAL SERVICES

Councillor Beardsworth commented that Northampton had more parks in the Town than any other in the Country and questioned whether the waste management company would have any experience of ground maintenance work. She commented that there had been communication problems with the current contractors and urged Cabinet to consider allowing NBC to carry out ground maintenance work.

In response to Councillor Beardsworth comments, the Leader noted that local services were sometimes delivered better and this had been demonstrated by examining ways to get more involvement with Parish Councils through transfer Council assets and through Northampton Partnership Homes.

Councillor Haque commented that the Labour Group had grave concerns about the contracting out of services. He explained that the current contract had failed since it began and reported that Councillors had received a high number of complaints from residents about the contractors. He reported that there had been confusion and chaos with missed bins over an extended period and that the performance of the contractors had diminished. He urged Cabinet to reconsider the use of an external provider and requested that it be bought back in house and noted that should Cabinet agree to the recommendations, the Labour group would consider using Calling In the report.

Councillor Hallam, as the relevant Cabinet Member, submitted a report and stated that it was the most comprehensive report that he had presented to the Committee. He noted that there had been cross party involvement and noted that a Cabinet Advisory Group had been established by the Leader to oversee the environmental services re-provision. He further reported that the Council's internal Auditors (PwC) had also completed an options review process to ensure robustness and assurance.

The Deputy Leader stated that it was a sound and detailed report which demonstrated that the Council were proceeding in the right direction.

The Leader commented that there had been a need to take expert advice which had been fed into the report and appendices and noted that the information provided showed a clear continual commitment to providing a sound service that was best for the Council and for residents.

RESOLVED:

- 2.1 That with effect from the 6th June 2018 it be agreed, to Contract Out Environmental Services to an external provider selected through an OJEU procurement process.
- 2.2 That authority be delegated to the Director of Customers and Communities to carry out the OJEU procurement process in consultation with the Cabinet Member for Environment.

- 2.3 That a supplementary estimate to create a budget for the OJEU procurement process of up to £400,000, to be funded from the 'Delivering the Efficiency Plan' reserve, in accordance with paragraph 4.2.8 of the report be approved.
- 2.4 That a quarterly update reports on progress against the programme be received.

12. ARMED FORCES COMMUNITY COVENANT

Councillor King, as the relevant Cabinet Member, submitted a report and elaborated thereon advising Cabinet of the progress on the actions arising FROM the Northampton Armed Forces Community Covenant Action Plan and proposed future actions to be delivered.

RESOLVED:

That Cabinet affirmed its continuing support for the Northampton Armed Forces Community Covenant and noted progress to date and proposed future actions.

13. PARISH COUNCIL ASSET TRANSFER DISCUSSIONS

Councillor Hadland, as the relevant Cabinet Member, submitted a report and explained that a number of Parish Councils had expressed an interest in taking ownership of some of the areas of open space in order to manage and maintain them locally.

RESOLVED:

1. That approval be given to commence negotiations with Parish Councils for the disposal of assets by way of long leases in the outline form set out in Appendix 1 of the report.
2. That approval be given to the Chief Executive in conjunction with the Chief Finance Officer and the Borough Secretary to agree the terms of any asset transfer to Parish Councils as appropriate, in consultation with the Cabinet Member for Regeneration Enterprise and Planning.
3. That on any proposed transfer of land or property to a Parish Council, Officers be instructed to formally consult the Ward Councillor/s for the area in which any such land or property falls be agreed.
4. That should terms be agreed for the proposed transfer of any assets to Parish Councils, that Cabinet would be asked to make the final decision in all cases.

14. FINANCE REPORT TO 30TH SEPTEMBER 2016

Councillor Eldred, as the relevant Cabinet Member submitted a report and explained that there was forecasts underspend on Corporate Debt Financing due to lower interest on borrowing and lower Minimum Revenue Provision (MRP). It was also noted that there was a forecast underspend position on the Housing Revenue Account (HRA) of £306k, mainly due to staff vacancy savings within Northampton Partnership Homes (NPH) and lower expenditure on the maintenance of communal gas heating systems.

RESOLVED:

- 2.1 That the contents of the report and appendices be noted
- 2.2 That the supplementary estimates funded by reserves transfers for the 2016-17 General Fund Revenue Budget as detailed in Appendix 1 of the report be noted.

The meeting concluded at 6.51pm



**OVERVIEW AND SCRUTINY VIEWS AND RECOMMENDATIONS TO
Cabinet – 7 December 2016**

Report Title	<p>RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE – ON THE CALL- IN OF CABINET DECISION OF 16 NOVEMBER 2016</p> <p>ITEM 11 – RE-PROVISION OF THE ENVIRONMENTAL SERVICES CONTRACT</p>
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Agenda Status: PUBLIC

1. Purpose

- 1.1 To submit a report to Cabinet detailing the Overview and Scrutiny Committee’s findings following the Call-In Hearing that took place on Tuesday, 29 November 2016.

Recommendations

- 2.1 That Cabinet be formally notified of the Overview and Scrutiny Committee’s findings following the Call-In Hearing of 29 November 2016: -
 - (1) That after all the evidence had been heard the Call-In be accepted on the grounds that:
 - (i) there is the need for wider consultation;
 - (ii) the recommendations were ill-informed, based on assumptions regarding costs, before quality;
 - (iii) the areas of methodology used were flawed;
 - (iv) the contracting out option had been based on a failing contract.
 - (2) That there is Overview and Scrutiny involvement in the relevant stages of the process.

3. Background and Issues

- 3.1 The Cabinet decision: -
 - i) Cabinet agreed that with effect from the 6th June 2018, to Contract Out Environmental Services to an external provider selected through an OJEU procurement process.

- ii) Cabinet delegated authority to carry out the OJEU procurement process to the Director of Customers and Communities, in consultation with the Cabinet Member for Environment.
- iii) Cabinet approved a supplementary estimate to create a budget for the OJEU procurement process of up to £400,000, to be funded from the 'Delivering the Efficiency Plan' reserve, in accordance with paragraph 4.2.8 of the report.
- iv) Cabinet agreed to receive quarterly update reports on progress against the programme.

was called-in for Scrutiny by Councillors Danielle Stone and Anamul Haque for the following reasons: -

1. The reports failed to provide sufficient information to support the Cabinet decision.

A. *"Cabinet agreed that with effect from the 6th June 2018, to Contract Out Environmental Services to an external provider selected through an OJEU procurement process."*

The current contract is £6.9 million. It is assumed the next contract will be higher but there is no indication of what will go into the contract. There are questions to be answered on -

Costs

- i. What will be the added profit margin for the contracted out service?*
- ii. What are the pension costs?*
- iii. Will we lose recycling credits?*

Service

- iv. We need to know what the performance standards are?*
- v. What is in and what is not in the service design?*
- vi. Will we be implementing the living wage as according to the Living Wage Foundation?*

B. *"Cabinet approved a supplementary estimate to create a budget for the OJEU procurement process of up to £400,000, to be funded from the 'Delivering the Efficiency Plan' reserve, in accordance with paragraph 4.2.8 of the report."*

There is insufficient explanation about costs for

- i. Expert consultancy support*
- ii. OJEU procurement process*

We need clarification on

- iii. What "both internal and external support will be required". What does that mean?*

C. *Cabinet has expressed a preference for Contract Out. Why? We need to have more details on the three options (in-house, local authority company and private sector provider) regarding their costs and expected service performance.*

Councillors Stone and Haque expanded upon their reasons for Call-In: -

Key points:-

- Details of an assessment of the three models was not contained within the report that went to Cabinet
- The report does not refer to an assessment of the need for flexibility within the contract, and did not make reference to social, economic, growth, expansion and the changes in technology landscape
- The Service Scope is not clear
- There is a need to know the expected outcomes around:
 - Excellent service
 - Value for money
 - Good employment conditions
 - Living Foundation Living Wage
 - Minimised risk
- A fourth option should have been included in the report – A Shared Service Model
- There was no in-house bid team
- The decision appeared to have been made in haste and creates a risk
- The decision should not have been made without the cost of transformation for each model
- There is not enough information available for a sound judgement to be made
- There is a need for community involvement, including tenants. There is a need for a thorough public consultation
- The options appraisal needs full Scrutiny
- Pre-decision Scrutiny should have taken place
- This is one of the biggest decisions to be taken by this Council and it needs to be right
- The Council needs to be in control of its services
- The report of PWC, the Council's internal Auditors, makes reference to problems with the report regarding the re-provision of the Environmental Services contract: -
 - The modelling and lack of challenge to the modelling
 - Assessments based on the present contract
 - Flexibility and transformation not part of the assessments.

4

4.1 Evidence

The Committee received one address from a member of the public: -

- Mr Graham Croucher, St James Residents' Association

Comments made included:

- Resident Associations, such as St James Residents' Association, did not appear to have been involved in the consultation process

- There is a need for full consultation with organisations and stakeholders
- It seemed that the decision had already been taken
- None of the three options are significantly better
- Scrutiny involvement is needed in this process

4.2

The Committee heard from Councillor Brian Markham. Key points:

- There is a need for Overview and Scrutiny involvement in this process
- There is a need to ensure that we get services, such as waste management, maintenance of parks, street cleaning etc. right
- All three of the options are finely balanced; none significantly better than any of the others
- The Council should consider different options for waste and grounds maintenance

4.3

The Committee heard from Councillor Gareth Eales. Key points:

- The importance of Scrutiny consideration of the Call-In was highlighted
- There had been a lack of consultation; it is important to gather the views of the public
- The decision was made, then there was consultation
- It is important that the decision about the contract is right
- It is not right to base the success criteria provided by the current Service Provider

4.4

The Committee heard from Councillor Clement Chunga. Key points:

- Concerns were raised about how the decision was taken
- Limited consultation has taken place thereby causing missed opportunity for achieving Value for money (VFM) which is one of key concepts of accountability the other than lowest price and judgement (Reference from the Council's Procurement Guidance)
- There are more than three options available and unfortunately only three were considered
- The Environmental Services contract is key to the Council being placed into in a top quartile of all Councils and therefore every opportunity should be evaluated properly and informed decision taken. In this way, management can have confidence in answering any subsequent questions on the entire decision making process and provide full justification for the decision taken. The bedrock or Policy for this Council is to use best VFM which is the optimum combination of whole life cost and quality to meet the customer's requirement

4.5

The Committee heard from Councillor Jane Birch. Key points:

- Concerns were raised regarding the way that the statistics had been presented and interpreted for the next stage of the process
- Concerns were raised that the financial modelling had been built upon the current service
- Concerns were raised regarding the statistics provided by the consultation
- A number of Local Authorities have brought their Environmental Services contract back in-house, including Bristol, Middlesborough, Hounslow and Newcastle under Lyme. Liverpool has not renewed its contract with Enterprise
- A private company, such as Enterprise, is bound by its duty to shareholders to make a profit

5 Internal Witnesses

- Councillor Jonathan Nunn Leader of the Council
- Councillor Mike Hallam Cabinet Member for Environment
- Julie Seddon Director of Customers and Communities
- David Pietropaoli Expert Advisor, Eunomia

5.1 Councillor Jonathan Nunn, Leader of the Council, provided evidence. Key points: -

- A Cross Party Cabinet Advisory Group had been set up and was consulted upon at the various stages of the process. The Cabinet Advisory Group will continue throughout the process.
- All Councillors were given the opportunity to obtain a copy of the full report; no Councillors requested a copy
- An enormous amount of work has taken place on the process to date. The approach taken must be thorough. Expert advisors in this field of work were engaged to undertake the project.
- Contracting out is the best option based on professional expert advice.
- There is a need to ensure best value for the Tax Payers.
- A report will be presented to Cabinet on a quarterly basis.
- Consultation has taken place to date. Further full consultation will take place at the next stage of the process.

5.2 Councillor Mike Hallam, Cabinet Member for Environment, provided evidence. Key points: -

- This process started approximately 12 months ago.
- The cross party Cabinet Advisory Group was set up at the request of the then Leader of the Council.
- Multi-level consultation will take place at the next stage of the process.
- Ipsos MORI undertook interviews with a sample of 1,000 residents across the borough of Northampton.
- The external expert advisors provided excellent advice and support.

5.3 David Pietropaoli, Expert Advisor, Eunomia, provided evidence: Key points:

- The Cabinet report had been made available to all Councillors
- The full report had not been published as it contained commercially sensitive information.
- The Cabinet Advisory Group had supported the process taken
- Officers introduced a robust governance and control framework to support the delivery of the Environmental Services Re-provision Project. The Council's internal auditors, PwC, undertook a review of the project's governance arrangements and concluded that these were robust for the relevant stage of the project.
- The Council's current service provider had provided performance data
- The full report contains details regarding the profit margin

- Assumptions had been made for the three options regarding pension costs. Officers from HR, Financial Services and Pensions had been fully engaged in the process and had validated and refined the assumptions around pension costs, in particular contribution rates, pension fund deficit payments etc., as it was recognised that the pension costs drive a considerable proportion of the cost difference between the commissioning options. .
- Performance standards had been modelled and benchmarking took place – this process will carry forward to stage two of the process
- The living wage had not been considered as part of the Scope. However, it will be factored into each commissioning option.
- Internal support means officer time and LGSS support functions
- External support means the support that the Council may need to procure to enable successful delivery of the project and in particular during the OJEU procurement process for the provision of: technical and procurement support, legal support, HR and pension support, finance support. Officers will develop the Business Case for the next stage of the project, subject to the approval of the recommendation in the Cabinet report to implement the Contracting out commissioning option. The Business Case will also determine, through the people resource plan, where the Council will need access to specialist external skills.
- An estimated budget of £120,000 may be required to deliver high level consultation and communication with stakeholders.
- Eunomia assessed the three commissioning options against the following two criteria:
 - quality and risk
 - cost
- The Cabinet Advisory Group met in June 2016 and considered quality and risk, identifying the key areas of risk. Quality will be looked at as the process goes forward.
- The assessment of the risks followed a robust approach and various stages of refinement.
- Eunomia undertook the cost modelling by creating a bottom-up financial model to reflect the current commission as accurately as possible and a financial model for each commissioning option. Eunomia worked closely with the current contractor to make an assessment regarding profit margins etc. to compare each of the three options.

6

Legal Advice

6.1

The Borough Secretary and Monitoring Officer provided legal advice to the Call-In Hearing. The Call-In had, at Officer level, been deemed valid, meeting the criteria for call-in as set out in the Council's constitution.

7

Findings and Conclusions

7.1

During the deliberation session, the Overview and Committee concluded that there was a need for wider consultation, the recommendations were ill-informed, based on assumptions regarding costs, before quality; the areas of methodology used were flawed; and the contracting out option had been based on a failing contract. The Committee further concluded that there was a need for Overview and Scrutiny involvement at the relevant stages of the process.

7.2

Following the submission of all the evidence, it was proposed and seconded that the Overview and Scrutiny Committee upheld the Call-In.

7.3 The Call-In was upheld and the Committee asks Cabinet to reconsider its decision. Upon a vote, it was: -

Resolved:

(1) That after all the evidence had been heard that the Call-In be accepted on the grounds that:

- (i) there is the need for wider consultation;
- (ii) the recommendations were ill-informed, based on assumptions regarding costs, before quality;
- (iii) the areas of methodology used were flawed;
- (iv) the contracting out option had been based on a failing contract.

(2) That there is Overview and Scrutiny involvement in the relevant stages of the process.

8 Implications (including financial implications)

8.1 Policy

8.1.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme.

8.2 Legal

8.2.1 The duties to undertake Overview and Scrutiny are set out in the Local Government Act 2000.

8.2.2 The Monitoring Officer advised the Call-In Hearing as set out in paragraph 6.

8.3 Equality

8.3.1 Effective Overview and Scrutiny is to the benefit of the citizens of Northampton.

8.4 Resources and Risk

8.4.1 The decision cannot be implemented until Cabinet has resolved and made a decision upon the Overview and Scrutiny Committee's report on the result of the Call-In Hearing.

9. Consultees (Internal and External)

9.1 The Overview and Scrutiny Committee held the Call-In Hearing.

9.2 Internal witnesses as detailed at paragraph 5.

9.3 The Call-In Authors, Councillors Danielle Stone and Anamul Haque, attended the Call-In Hearing to respond to the Committees questions.

9.4 The Call-In Hearing was published through the Council's usual channels and was attended by one member of the public, who addressed the Committee.

9.5 Six ward Councillors attended the Call-In Hearing, of which four addressed the Committee.

10 Background Papers

10.1 The key papers are:-

- Cabinet report of 16 November 2016 – Item 11 – Re-Provision of the Environmental Services Contract
- Decision notice – Cabinet of 16 November 2016 – Item 11 – Re-Provision of the Environmental Services Contract

Report Author and Title: Tracy Tiff, Scrutiny Officer, on behalf of Councillor Jamie Lane Chair, Overview and Scrutiny Committee

Telephone and Email: 0300 300 7000, email: ttiff@northampton.gov.uk

Appendices 0



CABINET REPORT

Report Title	DELAPRE ABBEY RESTORATION PROJECT
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	7 December 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise and Planning
Accountable Cabinet Member:	Cllr Tim Hadland
Ward(s)	Delapre

1. Purpose

- 1.1 To consider and note financial variances to the restoration project which are as a result of delayed completion of the restoration works.

2. Recommendations

That Cabinet:

- 2.1 Notes a delay in the completion of the restoration project due to the delayed connection of utilities into the Abbey.
- 2.2 Recognises that the delay in completion of the project has led to increased costs that will represent an overspend against the approved capital budget.
- 2.3 Agrees that a detailed financial assessment of the project including resultant implications of the delay will need to be completed.
- 2.4 Notes an increase to the capital budget of £65,000 authorised by the Chief Executive to enable the urgent procurement of a servery for the café/restaurant area of the Abbey by the way of a virement of available funds within the existing capital programme.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Delapre Abbey is one of the most important historic buildings in Northamptonshire and the restoration of the Grade II* listed building is the key heritage project for the Council. Completion of the restoration will see the Abbey opened to the public for the first time in its 900 year history.
- 3.1.2 The opening of the Abbey will offer educational spaces, a shop, exhibition space, a cafe/restaurant as well as offering a specific exhibition around the Battle of Northampton as part of the Wars of the Roses which was fought at Delapre Park in 1460.
- 3.1.3 The project will also enhance the public park, increasing the public usage, whilst attracting regional and national visitors to Northampton. The park improvements will include improved public convenience facilities.
- 3.1.4 There will be close working links between the Trust who will operate the Abbey and the Museum's service to ensure compatibility across the town's key heritage assets.
- 3.1.5 Cabinet will be aware that the Council was awarded £3.6m of Heritage Lottery Funding (HLF) towards the overall project costs of £6.3m for the restoration works and activity costs.
- 3.1.6 Phase 1 restoration works commenced March 2015 and works were due to complete in June 2016.
- 3.1.7 Cabinet previously considered and approved reports in October 2015 and April 2016 regarding project progress.
- 3.1.8 A revised completion date of the 10th November was agreed, primarily based upon the need to accommodate additional works to the South Range Victorian Rooms.

3.2 Issues

Capital Scheme

- 3.2.1 The existing agreed completion date of the 10th November 2016 has not been met due to delays in the connection of utilities which is outside of the control of the Council or main contractor.
- 3.2.2 A revised completion date of early 2017 is now being worked to and the previous utility delays are now being worked through. We have concluded the electricity delay. The gas main to the park is still to be reinforced to achieve the necessary gas pressure to the Abbey.
- 3.2.3 The delay in completion is having a direct impact upon the construction costs and these will continue to accrue until the project completes. These are still being quantified.

- 3.2.4 A variance has been identified within the external financial reporting of the project by the Quantity Surveyor and this is currently being assessed. This will be reported to Cabinet in due course.
- 3.2.5 The review by DAPT of the catering operation identified a requirement for a servery in the café/restaurant area to enable the successful operation of the catering offer and this needed to be authorised to avoid further delay.

Revenue Implications - DAPT

- 3.2.6 The delay in completing the restoration works will have an impact upon the revenue position of the Trust and this will be reported to Cabinet in due course.

3.3 Choices (Options)

- 3.3.1 Cabinet needs to accept that the delays to the completion of the restoration works will have a direct impact upon the costs of the project.
- 3.3.2 The Cabinet realistically has no other options if the project is to be delivered and the excellent facilities at Delapre made ready for public opening.

4. Implications (including financial implications)

4.1 Policy

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

4.2 Resources and Risk

Risks

- 4.2.1 The recommendations within this report will see the project conclude and the Abbey open to the public for the first time in its 900 year history.
- 4.2.2 The Council needs to drive forwards to complete the necessary works and support the Trust to ensure that grant conditions are met and the project opens on time and in good order.
- 4.2.3 Should the Council fail to ensure this, there would be risks to the financial and business position of the Abbey, DAPT and NBC.

Resources

Capital

- 4.2.4 The capital budget has been increased by £65,000 to allow for the procurement of a servery for the café/restaurant area of the Abbey. This has been approved under delegated powers given the urgency and is funded from an underspend elsewhere within the capital programme. A full consolidated position will be reported to Cabinet in due course.

4.3 Legal

4.3.1 The £65,000 has been appointed under delegated virement powers in the financial regulations in the constitution. There are no other specific legal implications.

4.3.2 Legal advice is being sought in relation to the contractual obligations of the various parties involved.

4.4 Equality and Health

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

4.5 Consultees (Internal and External)

4.5.1 Council officers, the DAPT Director and LGSS Finance have all been involved within the review of the additional capital works required.

4.6 How the Proposals deliver Priority Outcomes

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

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 Cabinet Report dated the May 2013, October 2015 and April 2016.

John Dale, Head of Economic Development and Regeneration, 01604 837078

Appendices



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	DELIVERY OF NEW SOCIAL HOUSING
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AGENDA STATUS: PRIVATE

Cabinet Meeting Date:	7 th December 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	NO
Directorate:	Housing
Accountable Cabinet Member:	Cllr Stephen J Hibbert
Ward(s)	Various

1. Purpose

- 1.1 The Cabinet have previously approved a strategy to develop 100 new affordable homes on Council land at Dallington. This is funded primarily through an extension to the Housing Revenue Account (HRA) debt cap as a result of a successful bid to the “Local Growth Fund scheme” (LGF) for £8.6 million. Additional funding was planned to come from Section 106 agreements and a proposed land transfer from the General Fund to the HRA.
- 1.2 The LGF scheme’s successful bid required the expenditure to be completed by March 2017. The Department of Communities and Local Government (DCLG) have agreed to roll forward the completion date of the project until March 2018. However, due to the pace at which the Dallington development is proceeding, it is unlikely that the delivery of the houses will be within that timescale.
- 1.3 The purpose of this report is to seek the authority of Cabinet to substitute the funding allocated for the 100 homes at Dallington to alternative sites, subject to the Council receiving DCLG and treasury approval. Advice has been sought from DCLG on the possibility of substitution and in principle the Council have been advised that this will be favourably considered, subject to a revised

submission. Detailed proposals will be submitted for cabinet approval for each site once full terms have been agreed.

2. Recommendations

- 2.1 Cabinet is requested, subject to DCLG consent, and the successful conclusion of negotiations with developers and owners, to approve the reallocation of the funding allocated for the 100 homes at Dallington to alternative sites
- 2.2 That Cabinet delegates to the Chief Executive Director of Enterprise Regeneration and Planning and Chief Finance Officer in consultation with the Cabinet Member for Housing and Wellbeing the authority to negotiate terms and conditions for that reallocation with DCLG and Treasury subject to the submission of the proposed reallocation to Cabinet for approval.
- 2.4 That Cabinet delegates to the Chief Executive, Director of Enterprise Regeneration and Planning and Chief Finance Officer the authority to negotiate the detail for each scheme including contractual agreements for construction and any consequential legal agreements necessary to bring each scheme forward. This is subject in each case to the scheme remaining within approved budgets and the submission of individual schemes to cabinet for approval once full terms are confirmed
- 2.5 Cabinet authorises the acquisition by the Council of the leasehold interest in the Tanners public house in Thorplands in accordance with paragraph 3.4 of this report.
- 2.6 That Cabinet approves in principle the transfer of the Tanners public house site from the General Fund into the Housing Revenue Fund at market value for housing development land.

3. Issues and Choices

3.1 Report Background

- 3.1.1 At the Cabinet meeting held on 16th October 2006 the Cabinet approved the principle of exploring the strategic option to work with landowners and option-holders on developing land at Dallington.
- 3.1.2 The Dallington site is identified as a key site for delivering between 3,000 and 3,500 homes, with additional employment uses, new schools and provision of public open space.
- 3.1.3 A key aspect of the scheme is to work in partnership through contributing the Councils' land. This element of control will ensure a well-integrated development and the best financial result for the Council will be achieved.
- 3.1.4 A key part of the scheme is the construction on the Councils' land of 100 homes for affordable housing. To fund this application was made to DCLG

under the “Local Growth Fund” (LGF) scheme to secure an increase to the HRA “debt Cap” of £8.6m.

- 3.1.5 There are strict LGF rules forming the agreement, one of which is the requirement to deliver the scheme and associated spend by 31st March 2017. The pace of the Dallington Development means that this initial deadline will not be met. An application was made to DCLG in May 2016 to extend the deadline date. This extension however required Treasury approval.

Treasury approval was subsequently confirmed in October 2016 extending the deadline for completion to 31st March 2018. However, it remains unlikely that the Dallington development will have reached a significantly advanced stage as to be able to bring that site forward in this revised timescale.

3.2 Issues

- 3.2.1 This report seeks to highlight the issues and provide the Cabinet with options moving forward which have the potential to safeguard the LGF increase in available borrowing.
- 3.2.2 There is no guarantee that the substitute scheme/s will be approved by DCLG and members should note that even if approval is forthcoming delivery is still going to require the overcoming of a number of hurdles. This proposal however places the Council in the strongest position to secure the additional borrowing capability and deliver the houses.

3.3 Choices (Options)

- 3.3.1 The Council has 3 options

1. Not to accept the extension to the timescale to March 2018 for the LGF additional borrowing permission and withdraw from the LGF scheme. Effectively recognising that the scheme cannot be achieved within the timescale and the opportunity to fund via the HRA is therefore lost, unless there are significant concessions to the delivery timeframe of the Northampton Standard and/ or re-phasing of necessary capital works on existing stock.

There is no money to be repaid but the £8.6m increase to the HRA borrowing cap is removed.

The opportunity to build 100 new homes via the HRA is lost in the short term.

2. Accept the borrowing extended timescale and still seek to have the 100 homes built at Dallington. This will either be secured by the current development consortium or by the Council itself. This is unlikely to succeed given current progress of the overall Dallington Grange scheme and the lead-in timescale required.

The development consortium have advised that they plan to commence the main site development from the North and they would not look to

develop this part of the site until the later stages of work in around 5 years' time. It would therefore be necessary to bring infrastructure and services to the site significantly earlier than the Consortium's development programme envisages.

Given the timescale deadline for completing the development of March 2018, there is insufficient time for the Council to develop a scheme; to bring infrastructure to the site; obtain planning consent; tender and let a contract; and build the site out within the deadline.

3. Accept the borrowing extended timescale and substitute Dallington with alternative sites.

DCLG have previously indicated that they would consider substituting the Dallington site with an alternative site(s). DCLG however require Treasury approval to agree to this.

For DCLG to approve a substitution, the Council will have to provide evidence that all 100 homes are deliverable and that they could be built out on alternative sites at no additional borrowing cost within the revised timescale.

This is the recommended option for the required outcome.

- 3.3.2 Of the 3 options, the simplest and the one with least risk is option1. This will not however deliver much needed additional affordable housing. Option 3 is the most viable delivery option and therefore is the recommended option.

- 3.3.3 It should be recognised that each option carries with it significant risks to manage. In agreeing to a particular course of action there is a risk that project delivery still cannot be guaranteed.

3.3 **Acquisition of Tanners PH**

- 3.4.1 In order to deliver 13 of the homes detailed in this report for the Tanners Public House, the Council will need to gain control of the site.

- 3.4.2 The freehold is held by the Council but the site is currently let to The Pub Estate Company trading as Trust Inns on a ground lease ending in 2074 at £5,000 per annum.

- 3.4.3 The property which formally traded as a public House is unoccupied and is being marketed for sale and the Council are seeking to buy the leasehold interest from the tenant to gain control of the site for redevelopment.

- 3.4.4 Agreement has been reached to purchase this leasehold and a valuation from an independent chartered surveyor has been obtained which supports an acquisition at the agreed price.

- 3.4.5 It is recommended therefore that Cabinet approve the acquisition of this property and subsequent transfer of the asset into the Housing Revenue Account at market value.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The proposed development of these schemes in the locations identified would be consistent with the advanced draft Joint Core Strategy for West Northamptonshire and with the 1997 Northampton Local Plan (saved policies).

4.2 Resources and Risk

Whilst early indicative costings would indicate that alternative schemes would be deliverable it should be noted that it is assumed that the 141 capital receipt part of the funding will be allowable under the LGF scheme. If it is not then the scheme total schemes will be unaffordable unless there is a redirection of existing capital programme priorities. There will be a need for a smaller transfer of assets at market value for development land between the General fund and HRA for the Tanners Public House which is a General Fund asset.

- 4.2.1 Right to Buy 141 Capital Receipts – one of the funding streams envisaged for the investment in new council houses on this project is the use of Right to Buy capital receipts. This will ensure there is a clear and transparent link between the proceeds of sales from the Council’s existing housing stock and re-investment in new council houses in the Borough. It must be noted that under the current LGF bud rules these 141 receipts are not allowed and that the Council will be discussing their inclusion with DCLG on submission of the revised programme. Other Councils have been successful in negotiating the inclusion of s141 Right to Buy receipts in their bids but this is not guaranteed.

- 4.2.2 **Revenue** –. The creation of new homes would generate additional council tax income and under current financial mechanisms additional “New Homes Bonus” payments from Central Government. The development of new Council owned homes to rent would generate a new revenue income stream, which could service some of the costs of their construction, as well as provide a return on investment to the HRA.

The income of £5,000 from the ground lease on the Tanners public house site currently received by the general Fund will be extinguished on the acquisition of the ground leasehold interest and will be a cost to the General Fund.

4.3 Legal

- 4.3.1 Reallocating funding to bring forward affordable housing on sites other than Dallington does not breach any obligation contained in the Council’s current option agreement with the development consortium of that site. Discussion will be needed in due course about the future of the land which might otherwise have been allocated to affordable housing.

- 4.3.2 Substitute sites carry with them the requirement for the completion of appropriate legal procedures. Legal advice will be sought on each at the appropriate stage.

4.4 Equality and Health

4.4.1 There are no adverse impacts at this stage but will be considered in accordance with the Council policy when appropriate.

4.5 Consultees (Internal and External)

4.5.1 This report has been discussed with LGSS Legal, LGSS Finance and NPH.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The promotion of planned extensions to the town is important in increasing the supply of different types of homes in Northampton. The creation of new Council owned homes for rent, at an early date, would help to meet a key corporate priority.

4.7 Other Implications

There are none specifically.

5. Background Papers

5.1 Cabinet Reports:

October 16th 2006 – Asset Disposal Plan: Dallington Heath

February 5th 2007 – Dallington Grange: Progress of Potential Agreement

April 3rd 2007 – Disposal of land at Dallington Grange

July 30th 2007 – Dallington Grange

March 12th 2014 – Disposal of Land at Dallington Grange

**Report Author: J Dale/D Kennedy
Head of Economic Development/Chief Executive
Ext. No's: 7078/8725**

Appendices:
4



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Revenues and Benefits Future Delivery Options
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	7 th December 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Customer & Communities
Accountable Cabinet Member:	Cllr Brandon Eldred
Ward(s)	All

1. Purpose

- 1.1 To recommend an option in relation to the delivery of the Revenues and Benefits Service post June 2018 when the existing Partnership and Delegation agreement (PDA) with Local Government Shared Services (LGSS) ends.

2. Recommendations

- 2.1 That the Council pursue Option 4 to enter into a new 5 year Partnership and Delegation Agreement (PDA) with LGSS (to include a wider partnership with Milton Keynes Council) and delegate authority to the Chief Executive in consultation with the Leader of the Council, to agree the terms of and complete the new agreement.
- 2.2 That a further report is brought back to Cabinet outlining the exact terms agreed.

3. Issues and Choices

3.1 Report Background

3.1.1 The current Agreement with LGSS for the delivery of Revenues and Benefits under the Partnership and Delegation Agreement (PDA) comes to an end in June 2018. A high level options appraisal has been undertaken to examine the viable options for future delivery of the service. The Council has clear objectives for the future delivery of the service and the selected option must deliver on the following key drivers:

- Efficiency savings
- Performance improvements across a range of key indicators
- A flexible service that is responsive to known and future changes in both welfare reform and other legislative changes; and
- The rationalisation of IT systems and a corresponding reduction in ICT support costs.

3.1.2 The service has performed well in terms of achieving targets set by key performance indicators (KPIs) summarised below (and in Appendix C) . In terms of financial savings the service has achieved savings of £2.6 million over the 5 year partnership to date and a reduction in ongoing baseline costs in the region of £410k.

3.1.3 The following table sets out the performance of the revenues and benefits service against KPIs from 2012/13 with the projected outturn for the current financial year.

		2012/13	2013/14	2014/15	2015/16	2016/17 (projected outturn)
REV01	Speed of processing benefit claims.	9.9 days	10.0 days	9.1 days	10.2 days	8.2 days
REV04	Percentage of LA error in determining benefit claims	0.29%	0.30%	0.39%	0.35%	0.29%
REV06	Percentage of calls answered in the contact centre	N/A	N/A	83.20%	79.90%	86%
REV08	Percentage of Council Tax collected in-year	97.15%	96.30%	96.17%	96.04%	95.80%
REV09	Percentage of Business Rates collected in-year	99.06%	99.24%	99.41%	98.43%	98.00%
REV10	Percentage of inactive debt	4.40%	3.93%	3.42%	6.23%	2.70%
REV11	Percentage of claims for Discretionary Housing Benefit reviewed within 14 days	N/A	N/A	N/A	98.96%	98%

The options considered are set out below:

3.2. Option 1- Bring Service back in-house as a stand-alone service

3.2.1 This option would see the service returned in-house and managed and administered by staff directly employed by NBC. The main advantages to this option are that there would be continuity in service delivery which would continue to be delivered by experienced processing and administrative staff who have local knowledge and strong working relationships with stakeholders in the service over many years and the Council has direct control over service delivery.

3.2.2 The risks are that specialist knowledge and experience at management level and amongst support staff could be lost; it is likely that a number of senior managers would not transfer back to NBC under TUPE, due to their duties being split across the partner authorities. This poses a key risk to the service and would have a negative impact on performance, certainly in the short term.

3.2.3 Any in house team is likely to have less flexibility to respond to rapidly changing situations and would therefore be vulnerable at peak times, particularly around annual billing (March to June) and would most likely need to buy in support during these periods to maintain performance levels.

3.2.4 The current known baseline costs of returning the service in house:

Staffing (2016/17 budget)	£3,152.112
Supplies and services	£292.000
Software Systems Licences and Maintenance	£221,967
Transfer of business rates from Capita to Northgate software system	£111,000
Total	£3,777.079

3.2.5 The in-house option would require future contributions to savings to be identified from service reviews, but would leave little opportunity to generate savings from further service transformation and would not enhance career opportunities and resilience.

3.3. Option 2 - Enter into a partnership or commercial agreement with an alternative provider.

3.3.1 Benefits to the Council could be delivered in terms of reduced costs and resilience from larger delivery teams and access to expertise that may not be available in house.

3.3.2 The challenge for district councils to successfully outsource services to the private sector is one of scaling. Whilst NBC in terms of size and caseload would be attractive to a commercial provider, the re-engineering of the service that has already taken place and more particularly the savings that have been driven out of the baseline costs may make the service less attractive.

3.3.3 The outsourcing of revenues and benefits can deliver savings of between 20 to 30% against in-house delivery, potentially £700,000 for NBC. However, these figures assume that there has been no re-engineering or restructuring of the service. LGSS in partnership with NBC have, since 2013, made extensive changes to the way the service is delivered and have already reduced baseline costs in the region of £410,000.

3.3.4 A desktop benchmarking exercise undertaken for the council earlier this year concluded that if the revenue and benefits service were to be outsourced a more realistic assumption of gross savings would be in the region of 5 to 6% i.e. £175,000 to £200,000 per annum. The table below sets out the assumed benefits over 5 years taking into account that it would be likely that Business Rates would need to be transferred to the Northgate platform.

Revenues and Benefits – Representative Potential Benefits of Outsourced Service over 5 Years		
	Assuming 5% savings	Assuming 6% savings
Annual base charge reduction	-£175,000	-£200,000
Providing a cost benefit to NBC over 5 years	-£875,000	-£1,000,000
Transfer of business rates from Capita to Northgate software system	£111,000	£111,000
Project set up costs (year 1)	£90,000	£90,000
Net Cost Benefit to NBC over 5 years	-£674,000	-£799,000

3.3.5 Without entering into a formal procurement process, it is not possible to attain a fully costed model to enable a detailed comparison of cost and quality against other options available. However, in order to gain further evidence from the market a 'soft marketing' exercise is underway and 6 selected providers have been sent a questionnaire (for return by 1st November) in order to gain an understanding of what they could potentially offer the Council and the benefits that could accrue to the Council both financially and in terms of service provided to the public.

3.3.6. Four responses have been received to date. Two suppliers have completed the questionnaire and agreed to participate in a planned workshop session. Although initially expressing an interest Capita decided not to participate. The Anglian Revenues Partnership concluded that they lack the capacity to consider providing services for Northampton Borough.

3.3.7 Neither of the two responses received have detailed any innovative ideas in terms of service delivery and only one of the two companies has given any indication of savings achieved elsewhere 'ranging from 8%'.

3.3.8 To date meetings have taken place with two of the providers and have proved to be revealing. Whilst on the surface the marketing approach may be very different there are many similarities in their approach to service delivery.

3.3.9 Commercial providers require an 'immature' service in order to make the headline savings figures often quoted in their marketing literature. One supplier stated in their response, that, 'where a service is already very efficient and the savings available are less than the council would wish to receive, it may be possible to identify opportunities for additional revenue generation which the supplier would be prepared to guarantee', i.e. income generation through increased collection rates, single person discount reviews (on a gain share basis).

3.3.10 Commercial providers define the maturity of a service by the extent to which the service has adopted on-line and digital services, automating processes wherever possible.

3.3.11 Since the inception of the PDA, LGSS in partnership with NBC, have introduced a raft of digital solutions to automate processes, these include;

- E-bens New Claims Form and continued design
- E-Citizens accounts and continued development / uptake of.
- Webcapture – Revenues automation
- Gandlake – Revenues online forms and development
- CTRS online notifications through E- Citizens
- QPREDICT – Resource modelling tool to support Welfare reform
- I3 – Shared Service resource profiling
- Ferris – Fraud and error reduction target reviews
- ETD / ATlast automation – Benefits
- Shared telephony across sites tested and available

Work is also underway to introduce the following developments in the coming months.

- Risk Based Verification
- E-change of circumstances
- Auto indexing of emails
- Webcapture phase 2
- I3 – future development / working models
- Single view of debtors (corporate debt management)

The above are all digital solutions that a commercial provider would be looking to introduce into an immature service environment to make the savings typically alluded to. That they have already been deployed removes opportunities to deliver savings by remodelling the service.

3.3.12 Suppliers ordinarily are looking for commitment to longer term contracts typically 7 to 10 years (possibly with a break clause after 5 years) in order to recoup their costs and deliver savings. Other than examples of potential income generation (on a gain share basis) through improved collection rates there were no examples given on how income could be generated for NBC through the provision of services to other local authorities (resilience teams).

3.3.13 The model used by most companies is to move processing off site to a number of ‘virtual’ specialist processing locations, i.e. business rates may be delivered from a different location to council tax and benefits from a different location again.

3.3.14 There was no consensus on a preferred route to market that suppliers would like to see, with views ranging from a 2 stage competitive dialogue to potentially using pre-existing procurement frameworks.

However, suppliers were in agreement on the scope of services that should be included in a contract, seeing benefit in a wider package of services maybe a mix from several transactional services including, customer services, ICT, finance, HR, payroll, etc.

3.3.15 None of the providers met with so far have expressed an active interest in working with the council to develop a shared service, searching out and introducing potential partners at a later date.

3.4. Option 3 - Create a special delivery vehicle to deliver the service.

3.4.1 There are a number of different delivery models that the Council could pursue which lend themselves to sharing services with other Authorities and the potential for setting up ‘trading arms’. For NBC finding the right partner would be critical to success. Given that considerable savings have been made in baseline costs a partnering authority of similar size or larger would be required to provide the opportunity to generate savings from economies of scale.

3.4.2 Partnering with a small district would most probably not generate the savings or economies of scale required and lead to the situation where as the larger partner NBC provided resilience to the smaller authority with none given in return.

3.4.3 Ideally a partner authority could be found from a relatively close geographic location, in terms of practicalities of arranging meetings, staff management etc. it may be impracticable to partner with an authority in a remote location.

3.4.4 The table below sets out the savings forecast by the Anglian Revenues Partnership (ARP), over a 4 year period from 2014, giving an indication of the scale of savings achievable in a partnership of small to moderately sized districts and an example of the potential savings that could be realised from a district council shared services partnership. The model adopted by the ARP included the setup of a bailiff service that could be used by the member authorities and also available to other authorities through the ARP trading arm.

The savings figures below therefore include an element for ‘trading income’ although this was not shown separately.

	Year 1	Year 2	Year 3	Year 4
Costs	£274,993	£174,997	£174,997	£174,997
Savings	£389,997	£514,997	£564,988	£565,088

Net Savings across partnership	£115,004	£340,020	£390,011	£390,111
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3.4.5 Annual net savings are split proportionally between the 6 partners (based on the number of council tax properties and benefits caseload) with the largest authority partner forecast to benefit from a net saving of £80,000 in year 4 and the smallest authority partner £39,000.

3.4.6 Although they did not provide a written response to the soft market testing exercise, ARP did participate in a telephone conference and reinforced the following points regarding the argument in favour of partnerships versus outsourcing. Firstly a local authority can retain control over the service in a partnership arrangement as opposed to an outsourced contract; secondly, they have found from experience that ICT projects and improvements can often be delivered at a lower cost in a partnership, due to bulk purchasing power and sharing of costs between partners.

3.4.7 In terms of finding a suitable partner authority and entering into a full shared service partnership, ARP felt that it is extremely difficult to predict how long the process could take. There is a high risk that a potential partner could pull out of the process at a late stage of negotiations.

3.4.8 The timescales involved potentially rule out this option as it is unlikely that a suitable partner could be found and agreement reached on a model before the deadline for NBC to confirm with LGSS their intention to leave in June 2018 or enter into a new 5 year partnership.

3.5. Option 4 – End the current PDA with LGSS and enter into a new separate PDA for Revenues and Benefits only, to include the wider partnership with Milton Keynes Council. (minimum 5 years).

3.5.1 As part of this arrangement NBC and MKC would share the benefits of savings made in the Northampton and Milton Keynes operations, with LGSS providing business support services to the new shared service via an agreed Service Level Agreement.

A key part of LGSS business support services would be to support the growth of the partnership, in order to maximise the performance of the service and to continue to provide additional cost savings to the partners of the new Joint Committee

3.5.2 A good working relationship already exists between the LGSS Revenues and Benefits Service and NBC. Future plans and aspirations for the service are known and being delivered. The shared ambition is to drive down costs, streamline services and invest in technology. NBC have been involved in delivering the efficiencies to date, developing the business case for future delivery and setting how the plans can be achieved.

3.5.3 The LGSS business case for the NBC Revenues and Benefits service over the next five years projects the following financial benefits in terms of cost savings for NBC.

NBC Revenues and Benefits - Base charge reductions benefits and NBC (share of capital investments required over 5 years)					
Year	NBC Annual Base charge £k	Annual NBC Base charge reduction £k	Cumulative NBC Base charge reduction £k	NBC annual Capital Investment required £k	Annual NBC Net cost/benefit to NBC £k
	charge £k	charge reduction £k			
1	3,214	-43	-43	147	104
2	3,090	-124	-167	121	-47
3	2,851	-239	-406	20	-386
4	2,746	-105	-511	20	-491
5	2,620	-126	-637	20	-617
	Totals	-637		328	-1,436

3.5.4 In addition assumptions have been made regarding the growth of the partnership. Whilst nothing can be certain in terms of attracting new partners the assumptions that have been made in terms of growth are prudent and with the now mature relationship between NBC continuing to deliver award winning services, and Milton Keynes joining the partnership, other authorities are likely to perceive less risk in using the partnership as a vehicle for delivery of their services.

NBC - Potential (shared) benefits of New Customers growth i.e. in addition to the NBC Base charge reductions		
Conservative assumption of one Small and one Large new customer within the next 5 years	Small new customer income	Large new customer income
	shared benefits £k pa	shared benefits £k pa
NBC	-58	-137
(Total potential share £k benefits per annum assuming 1 new small customer and 1 new large customer -195k)		

3.5.5 The service will be governed through a Joint Committee Structure, which will have 3 key roles, to set the direction and vision for the shared service; agree the budget (within contributions for individual councils) and agree the annual Service and Business plans. The Council will be a key partner and decision

maker in this process, where service improvements will be agreed by individual business cases. (Appendix D)

- 3.5.6 The committee structure will be as follows; three Councillors one each from NBC, MKC and LGSS. The committee would be chaired by the LGSS representative and to be quorate the meetings will need attendance from one Councillor from each organisation. There will be a minimum of 3 meetings per year and voting at meetings will be by simple majority. Management support will be delivered by LGSS.
- 3.5.7 Option 4 presents the lower risk option, proven ability to deliver a responsive service and with a clear potential to deliver substantial savings against current costs which would provide value for money for NBC. The soft market testing also identified a gap in the market that LGSS fills, particularly with the Anglian Revenues Partnership at capacity.

3.6 Issues

- 3.6.1 There will be a considerable challenge for the Council over the next 5 years as housing benefit begins to migrate into the Government's new, national Universal Credit.
- 3.6.2 Income to the Council for this statutory service from Government administration grant will continue to reduce.
- 3.6.3 Maintaining the level of service whilst at the same time reducing costs is likely to prove challenging, when taking account of the efficiencies already achieved within the service and the baseline cost reductions made to the service to date.
- 3.6.4 Retention of 100% Business Rates will be introduced between 2019 and 2021, the Council will need to mitigate the local risks of moving from a partially grant based funding system to one of relying on what can be a potentially volatile receipt of business rates income.

3.7 Choices (Options)

- 3.7.1 Cabinet could approve the ending of the current PDA with LGSS for Revenues and Benefits and entering into a new PDA with LGSS (and the wider partnership with Milton Keynes Council) for a minimum of 5 years.
- 3.7.2 Cabinet could decide to proceed directly to a formal market test undertaking by way of a full EU procurement exercise.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There are no policy implications arising. The Revenues and Benefits services are both statutory services and will continue to be delivered in compliance with legislative requirements.

4.2 Resources and Risk

4.2.1 The preferred option will deliver cost savings of £1,436k as set out in paragraph 3.5.3. In addition there is potential for further shared growth benefits of £137k per annum as set out in paragraph 3.5.4.

4.2.2 An independent financial review has been undertaken in relation to the preferred option but further due diligence will be carried out prior to entering into the preferred option.

4.2.3 Known risks are set out below:

- That the Council may not achieve value for money
- Savings in Revenues & Benefits may not be delivered in full due to changes in government legislation.
- Failure to deliver growth of the partnership through new partners of users of LGSS services.

A detailed risk assessment for options 1 to 4 is set out in Appendix B

4.3 Legal Current PDA ends and new PDA entered into

4.3.1 If the recommended route is chosen by NBC then the existing PDA will terminate early and NBC will, enter into a new 5 year Partnership and Delegation Agreement (PDA) with LGSS (to include a wider partnership with Milton Keynes Council). Authority will be delegated to the Chief Executive in consultation with the Leader of the Council, to agree the terms of and complete the new agreement.

4.3.2 If option 2 is selected instead, procurement compliant with the Public Contracts Regulations 2015 will be required; one may also be required for option 3 if the selected route does not envisage joint working with another local authority in a similar manner to that currently in place with LGSS. Given the nature of the services being sought it might be that one of the more complex procurement procedures would be required, and as such procurement would need to commence promptly. As noted above there would be TUPE implications for NBC if option 1 were chosen.

4.4 Equality and Health

4.4.1 The Council has an equality strategy which sits under its constitution and is committed to ensure any change process encompasses the Strategy, ensuring that the Council embeds good quality and practice. The impacts on equalities have been reviewed in a separate CIA (Appendix A) and will be updated as the project progresses and as part of any staffing TUPE consultation process.

4.5 Consultees (Internal and External)

4.5.1 A number of meetings have been held with senior managers within the authority who have direct knowledge of the revenues and benefits service including the Section 151 Officer. External meetings have taken place with providers and an independent external financial review undertaken together with support and advice provided by an independent revenues and benefits service specialist.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The proposal contributes to Priority Outcome 4, Making every £ Go Further, by providing a value for money service to for the citizens of the Borough.

4.7 Other Implications

4.7.1 There are no other implications arising from this report.

5. Background Papers

CIPFA Benchmarking Statistics 2014/5 (confidential financial information which includes details relating to other LA's)

CIFFA Benchmarking Statistics 2015/16 (Confidential financial information which includes details relating to other LA's)

Other Benchmarking data: Public Sector Audit Appointments (PSAA)

Local Government Association (LGA) Papers on Shared Services Options

LGSS Performance Reports

Appendices

Appendix A: CIA

Appendix B: Risk Register

Appendix C: Performance Information

Appendix D: Governance Model

[Appendix E: High Level Options Appraisal](#)

Marion Goodman
Head of Customer and Cultural Services
01604 838273

Medium Term Planning and Budget Build proposal

MTP Ref No:

MTP Title: Revenues and Benefits Future Delivery Options

Budget Manager/Head of Service: Julie Seddon

Directorate: Customers & Communities

Service: Customer & Cultural Services

*Dept: Communities and Environment

*if applicable

Financial Impact:

Year	Impact	£
2016/17		
2017/18		
2018/19		
2019/20		
2020/21		

Cost Centre(s):

Links to corporate priorities (please select all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Northampton Alive and economic development | <input checked="" type="checkbox"/> Housing and Wellbeing |
| <input type="checkbox"/> Safer, cleaner neighborhoods | <input checked="" type="checkbox"/> Empowering communities |
| <input type="checkbox"/> Love Northampton inc. Heritage and Culture | <input checked="" type="checkbox"/> Savings and efficiencies |

Brief Description of Proposal:

Future delivery of Revenues and Benefits Service

Key benefits (including measures of success) and impact arising from the proposal:

The partnership agreement with LGSS comes to an end in June 2018, the review of how the service will be delivered after this date will ensure that the option chosen will contribute to the Council achieving the savings required in the medium term financial plan. Both Revenues and Benefits are statutory services and the Council's objectives are for a service that is delivers efficiency savings, continues to deliver improved performance, is flexible to changes, with the ability to respond to continuing welfare reform and other legislative changes and maximises the benefits of cost effective IT systems.

Key consequences/risks of not delivering the proposal:

Inefficient service resulting in a poor service to the public and possible reputational damage. Loss of income from Council Tax and Business Rates affecting the Council's ability to meet its financial targets.

Community Impact Assessment

(Incorporating equality analysis and health considerations)

Name of Matter Assessed:

**Revenues and Benefits Future Delivery
Options**

What is it:

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making. This document can also be used to consider health and narrowing health inequalities (Health and Care Act 2012)

When to assess:

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Due Regard:

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

In relation to health, we need to consider the potential short term and long term implication of for decisions that we take to support the Health and Wellbeing agendas.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics and also need to consider this information before and as decisions are being made. This will help us to reduce or remove unhelpful impacts and inequalities.

For help and guidance on the Public Sector Equality Duty, please refer to :

[Making Fair Financial Decisions \(External Link\)](#)

The public sector equality duty (the equality duty) does not prevent you from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it stop you from making decisions which may affect one group more than another group. The equality duty enables you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups (or protected characteristics under the Equality Act 2010).

Proposal Name:

Revenues and Benefits Future Delivery Options

1. Aims/objectives and purpose of the policy/service

Aims and Objectives:

The Council is considering the options for the future delivery of the Revenues and Benefits services when the current partnership agreement with LGSS comes to an end in June 2018. Both are statutory services and the Council's objectives are for a service that is delivered efficiently, continues to deliver improved performance, is flexible to changes and maximises the benefits of cost effective IT systems.

2. Scope/focus of the Assessment:

Who are the key stakeholders:

Officers i.e. Revenues and Benefits managers and processing/administrative staff. Members of the public, council tax and business rate payers and benefit claimants. Advice agencies, CAB, etc.

3. Relevant data and/or research

Outline the information and research that has informed the decision:

Discussions with Senior managers. KPIs
and CIPFA Benchmarking Statistics for 2014/5 and 2015/16; LGSS Performance Reports.
Other Benchmarking data: Public Sector Audit Appointments (PSAA); V4 Benchmarking Report.
Local Government Association (LGA) Papers on Shared Services Options.
i three analytics report data. Options Appraisal report on future Revenues and Benefits Service Delivery.
Soft Market Testing questionnaire and workshops with potential suppliers

4. Current Service Provision & Impact of Change

What are you doing now; and how will it change:

The revenues and benefits service is currently delivered by LGSS staff under a Partnership agreement entered into in June 2013 and which runs through to June 2018. The various service areas are performing well against the KPIs. The services are statutory and therefore subject to extensive government legislation in terms of how they are administered, in that respect ongoing delivery will not change. However, the councils objectives for the ongoing delivery of the service are that it continues to deliver savings, performance improvements, is flexible and able to respond to future changes in legislation and continues to utilise and streamline processes through investment in new IT software developments.

5. Identification of affected groups

List the groups that may be affected by the proposal along with any expected impacts; Please estimate the number of people affected if known:

The main group affected will be staff and the expected impact could be a TUPE transfer (under the same terms and conditions) to a new employer.

6. Assess and/or undertake Consultation

Has any additional consultation been performed outside of the budget process? If so please give details:

Discussions and workshops as part of a soft market testing exercise with a number of current suppliers in the marketplace.

7. Assessment of impact on staff

Please give details of impact on staff, including staffing profile if/as appropriate:

If the council takes the decision to move to a new service provider staff will be part of a TUPE transfer, under which their employment terms and conditions will be protected.

8. Assessment of impact on wider community

Please give details of any impacts to the community as a whole:

Members of the public should not see any adverse effect from what would be a 'seamless changeover' to delivery of the revenues and benefits service.

9. Assessment of impact by protected characteristics

Please summarise the results of the analysis:

All impacts are positive.

10. Assess the relevance and impact of the decision to people with different protected characteristics

	Please select from the drop-down box	
	Relevance	Impact
Age	Low	Neutral
Disability	Low	Neutral
Gender reassignment	Low	Neutral
Marriage and civil partnership	Low	Neutral
Pregnancy and maternity	Low	Neutral
Race	Low	Neutral
Religion or belief	Low	Neutral
Sex	Low	Neutral
Sexual orientation	Low	Neutral
Other socially excluded groups (include health inequalities)	Low	Neutral

*When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

11. Mitigation of Adverse Impact on staff/service/people

Where any negative impact has been identified, please outline the measures taken to mitigate against it, or why none is possible:

N/A

12. Publication of results

This CIA will be posted on Council's website

13. CONCLUSION

Please state how due regard has been taken to the equality duty, and public health considerations and advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact:

This matter has been screened for relevance in relation to the equality duty and no evidence to suggest an impact on equality risk has been identified so far. Consultation and implementation reviews will be undertaken as appropriate to ensure that unintended impacts are addressed as appropriate

Signed: Julie Seddon

Date: 14/11/16

Appendix B

Initial Risk Assessment			Option 1 - Bring Service Back In-House		
ID	Risk Category	The Risk <i>(there is a risk that)</i>	Risk Cause <i>(as a result of)</i>	Risk Impact <i>(which may result in)</i>	Risk Likelihood (L/M/H)
2	Financial	LA error achievement across operations	Requirement to maintain level of LA Error Pressure in terms of cost vs benefits	Impact on amount of actual subsidy received due to not meeting DWP threshold for error and admin delay when processing claims	H
3	Financial	Maintaining level of collection - Council Tax	Changing economic environment and reduction to income levels through welfare reforms will continue to put pressure on collection	Reduction in council tax collected, resulting in pressure on council budgets	M
5	Service Delivery	Loss of Key personnel / expertise	Risk of losing staff during period of change and transition / uncertainty around impact of Universal Credit on local jobs	Impact on staff morale and performance against agreed KPI's	H
6	Financial	Cultural change process does not achieve a cohesive and highly managed / performing set of operations	Direct impact on savings and performance.		L
8	Financial	Supported Housing localisation	Ring – fenced, frozen budgets localised with growth impacting local economies in terms of enhanced housing management paid as part of Housing Benefit.		L
10	Service Delivery	High dependency on ICT projects	Non alignment of contractual obligations in respect of service delivery and performance targets.	Expected service efficiency and performance benefits not delivered	H
12	Service Delivery	Impact of Welfare reform and in particular Universal Credit	General uncertainty of the future of welfare locally.	could impact growth and investment in the service / impact on the delivery of savings	M
13	Service Delivery	KPI's / Business case savings are not achievable or impacted by changes in local and national economic environment i.e. banking crisis, BREXIT	see above	see above	M

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14	Service Delivery	Resistance to change among staff as change threatens individuals' jobs and career paths. Also anomalies created by differential terms and conditions among staff	Failure to address staffing concerns, redeployment and redundancy issues early on	Reduced service delivery/performance and loss of reputation and confidence in the service	H
16	Customers /citizens	Lack of clarity of existing operational performance pressures	Impact on future service delivery of agreed KPI's	Loss of reputation and confidence in the service	H
17	Service Delivery	Ability to respond adequately to seasonal peaks and troughs in workload.	Cost of building in resilience into staffing structure.	Delays in processing claims and potential reduction in collection rates.	H

Appendix B

Initial Risk Assessment			Option 2 - Alternative Provider		
ID	Risk Category	The Risk <i>(there is a risk that)</i>	Risk Cause <i>(as a result of)</i>	Risk Impact <i>(which may result in)</i>	Risk Likelihood (L/M/H)
2	Financial	LA error achievement across operations	Requirement to maintain level of LA Error recovered at NBC / Pressure in terms of cost vs benefits	Impact on amount of actual subsidy received due to not meeting DWP threshold for error and admin delay when processing claims	M
3	Financial	Maintaining level of collection - Council Tax	Changing economic environment and reduction to income levels through welfare reforms will continue to put pressure on collection	Reduction in council tax collected, resulting in pressure on council budgets	L
4	Service Delivery	Competing KPI's set for the service by operation	Difference in priorities between unitary and districts / Boroughs in terms of priority i.e. collection vs benefits performance	Resource not distributed fairly, affecting performance	M
5	Service Delivery	Loss of Key personnel / expertise	Risk of losing staff during period of change and transition to the shared service / uncertainty around impact of Universal Credit on local jobs	Impact on staff morale and performance against agreed KPI's	H
6	Financial	Cultural change process does not achieve a cohesive and highly managed / performing set of operations	Direct impact on savings and performance.		H
7	Financial	Failure to deliver promised efficiencies/ growth / income generation.	Lack of growth impact longterm continued cost reduction of service		M
8	Financial	Supported Housing localisation	Ring – fenced, frozen budgets localised with growth impacting local economies in terms of enhanced housing management paid as part of Housing Benefit.		L
10	Service Delivery	High dependency on ICT projects	Non alignment of contractual obligations in respect of service delivery and performance targets.	Expected service efficiency and performance benefits not delivered	H
11	Service Delivery	Competing priorities	Change of focus, savings vs performance	Lack of clarity and focus in terms of future development	L

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12	Service Delivery	Impact of Welfare reform and in particular Universal Credit	General uncertainty of the future of welfare locally.	could impact growth and investment in the service / impact on the delivery of savings	M
13	Service Delivery	KPI's / Business case savings are not achievable or impacted by changes in local and national economic environment i.e. banking crisis, BREXIT	see above	see above	L
14	Service Delivery	Resistance to change among staff as change threatens individuals' jobs and career paths. Also anomalies created by differential terms and conditions among staff may make working practices difficult	Failure to address staffing concerns, redeployment and redundancy issues early on	Reduced service delivery/performance and loss of reputation and confidence in the service	H
16	Customers /citizens	Lack of clarity of existing operational performance pressures	Impact on future service delivery of agreed KPI's	Loss of reputation and confidence in the service	M
17	Service Delivery	Possible inability to tailor service delivery to meet local needs.	Standardisation of processes across all contracts now common practice by providers.	Inflexibility in way service delivered to customers.	H

Appendix B

Initial Risk Assessment			Option 3 - Special Delivery Vehicle		
ID	Risk Category	The Risk <i>(there is a risk that)</i>	Risk Cause <i>(as a result of)</i>	Risk Impact <i>(which may result in)</i>	Risk Likelihood (L/M/H)
1	Financial	Lack of financial clarity from separate budget entitles of joining partners leads to budget pressures in partnership.	Built in pressures emerge post commencement of the partnership.	Impact on overall savings agreed for the partnership and or impact on performance	M
2	Financial	LA error achievement across operations	Requirement to maintain level of LA Error recovered at NBC. Pressure in terms of cost vs benefits.	Impact on amount of actual subsidy received due to not meeting DWP threshold for error and admin delay when processing claims	M
3	Financial	Maintaining level of collection - Council Tax	Changing economic environment and reduction to income levels through welfare reforms will continue to put pressure on collection	Reduction in council tax collected, resulting in pressure on council budgets	M
4	Service Delivery	Competing KPI's set for the service by operation	Difference in priorities between unitary and districts / Boroughs in terms of priority i.e. collection vs benefits performance	Resource not distributed fairly across partners, affecting performance	M
5	Service Delivery	Loss of Key personnel / expertise	Risk of losing staff during period of change and transition to the shared service / uncertainty around impact of Universal Credit on local jobs	Impact on staff morale and performance against agreed KPI's	H
6	Financial	Cultural change process does not achieve a cohesive and highly managed / performing set of operations	Direct impact on savings and performance.		L
7	Financial	Failure to deliver growth of the partnership through new partners of services	Lack of growth impact longterm continued cost reduction of service		H
8	Financial	Supported Housing localisation	Ring – fenced, frozen budgets localised with growth impacting local economies in terms of enhanced housing management paid as part of Housing Benefit.		L

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10	Service Delivery	High dependency on ICT projects	Non alignment of contractual obligations in respect of service delivery and performance targets.	Expected service efficiency and performance benefits not delivered	H
11	Service Delivery	Competing priorities from founding partners	Change of focus by founding partners savings vs performance	Lack of clarity and focus for the partnership in terms of future development	L
12	Service Delivery	Impact of Welfare reform and in particular Universal Credit	General uncertainty of the future of welfare locally.	could impact growth and investment in the service / impact on the delivery of savings	M
13	Service Delivery	KPI's / Business case savings are not achievable or impacted by changes in local and national economic environment i.e. banking crisis, BREXIT	see above	see above	M
14	Service Delivery	Resistance to change among staff as change threatens individuals' jobs and career paths. Also anomalies created by differential terms and conditions among staff may make harmonised working practices difficult	Failure to address staffing concerns, redeployment and redundancy issues early on	Reduced service delivery/performance and loss of reputation and confidence in the service	M
16	Customers/citizens	Lack of clarity of existing operational performance pressures	Impact on future service delivery of agreed KPI's	Loss of reputation and confidence in the service	M
17	Service Delivery	Failure to identify a suitable Authority wishing to enter into a partnership agreement with NBC, or, potential partner withdraws during negotiations.	The timescales involved in finding and successfully negotiating a partnership with a potential partner Authority.	Risk to service delivery.	H

Appendix B

Initial Risk Assessment			Option 4 - Continue as LGSS Partner		
ID	Risk Category	The Risk <i>(there is a risk that)</i>	Risk Cause <i>(as a result of)</i>	Risk Impact <i>(which may result in)</i>	Risk Likelihood (L/M/H)
1	Financial	Lack of financial clarity from separate budget entitles of joining partners leads to budget pressures in partnership.	Built in pressures emerge post commencement of the partnership.	Impact on overall savings agreed for the partnership and or impact on performance.	M
2	Financial	LA error achievement across operations	Requirement to maintain level of LA Error recovered at NBC / maximise subsidy at MKC going forward. Pressure in terms of cost vs benefits	Impact on amount of actual subsidy received due to not meeting DWP threshold for error and admin delay when processing claims	M
3	Financial	Maintaining level of collection - Council Tax	Changing economic environment and reduction to income levels through welfare reforms will continue to put pressure on collection	Reduction in council tax collected, resulting in pressure on council budgets	L
4	Service Delivery	Competing KPI's set for the service by operation	Difference in priorities between unitary and districts / Boroughs in terms of priority i.e. collection vs benefits performance	Resource not distributed fairly across partners, affecting performance	M
5	Service Delivery	Loss of Key personnel / expertise	Risk of losing staff during period of change and transition to the shared service / uncertainty around impact of Universal Credit on local jobs	Impact on staff morale and performance against agreed KPI's	M
6	Financial	Cultural change process does not achieve a cohesive and highly managed / performing set of operations	Direct impact on savings and performance.		L
7	Financial	Failure to deliver growth of the partnership through new partners of users of LGSS services	Lack of growth impact longterm continued cost reduction of service		L
8	Financial	Supported Housing localisation	Ring – fenced, frozen budgets localised with growth impacting local economies in terms of enhanced housing management paid as part of Housing Benefit.		L

Appendix B

10	Service Delivery	High dependency on ICT projects	Non alignment of contractual obligations in respect of service delivery and performance targets.	Expected service efficiency and performance benefits not delivered	M
11	Service Delivery	Competing priorities from founding partners	Change of focus by founding partners savings vs performance	Lack of clarity and focus for the partnership in terms of future development	L
12	Service Delivery	Impact of Welfare reform and in particular Universal Credit	General uncertainty of the future of welfare locally.	could impact growth and investment in the service / impact on the delivery of savings	M
13	Service Delivery	KPI's / Business case savings are not achievable or impacted by changes in local and national economic environment i.e. banking crisis, BREXIT	see above	see above	L
14	Service Delivery	Resistance to change among staff as change threatens individuals' jobs and career paths. Also anomalies created by differential terms and conditions among staff may make harmonised working practices difficult.	Failure to address staffing concerns, redeployment and redundancy issues early on.	Reduced service delivery/performance and loss of reputation and confidence in the service.	L
16	Customers/citizens	Lack of clarity of existing operational performance pressures	Impact on future service delivery of agreed KPI's	Loss of reputation and confidence in the service	M

Current performance of LGSS Revenues and Benefits Service

Northampton revenues and benefits service is currently administered by LGSS under the terms of a Partnering and Delegation Agreement (PDA) that has been in force since June 2013.

The revenues and benefits service is monitored against key performance indicators (KPIs) that measure performance against critical service functions;

- REV01: days taken to process benefit claims
- REV04: percentage of local authority error in determining benefit claims
- REV06: percentage of calls in the contact centre answered
- REV08: percentage of Council Tax collected in-year
- REV09: percentage of Business Rates collected in-year
- REV10: managed debt collection
- REV11: percentage of applications for Discretionary Housing Benefit reviewed within 14 days

The table below sets out the performance of the service against the KPIs from 2012/13 (prior to the commencement of the PDA with LGSS) and projected outturn for the current financial year.

		2012/13	2013/14	2014/15	2015/16	2016/17 (projected outturn)
REV01	Speed of processing benefit claims.	9.9 days	10.0 days	9.1 days	10.2 days	8.2 days
REV04	Percentage of LA error in determining benefit claims	0.29%	0.30%	0.39%	0.35%	0.29%
REV06	Percentage of calls answered in the contact centre	N/A	N/A	83.20%	79.90%	86%
REV08	Percentage of Council Tax collected in-year	97.15%	96.30%	96.17%	96.04%	95.80%
REV09	Percentage of Business Rates collected in-year	99.06%	99.24%	99.41%	98.43%	98.00%
REV10	Percentage of inactive debt	4.40%	3.93%	3.42%	6.23%	2.70%
REV11	Percentage of claims for Discretionary Housing Benefit reviewed within 14 days	N/A	N/A	N/A	98.96%	98%

Account has been taken of national developments in setting the annual collection rate targets for council tax, the following commentary sets in context the key issue.

The Council Tax collection rate target was adjusted to 96.5% for the 2013/14 financial year to take account of the 8.5% reduction to Council Tax Support. The target has stayed the same for every year since then but is again under review as the impact of increasing reductions to CTRS and the resulting increase in debt that is uncollectable from these cases is assessed.

The NNDR collection rate was reported by the Borough Council of Wellingborough until April 2016. It is believed that at this point the collection rate from WDC to have been overstated. The collection rate calculated by LGSS reflects the in-year collection rate and they are collecting the same, if not increased levels of business rates in 2016/17. This indicator will need to be adjusted for 2017/18.

The service is also monitored against the achievement of savings and income generation targets agreed at the commencement of the partnership with LGSS and reviewed on an annual basis.

Review of performance is undertaken on a regular basis, through monthly reports detailing current performance against the KPI and regular monthly meetings between the Head of Revenues Services (LGSS) and the Head of Customer and Cultural Services (NBC) to discuss any issues that are of concern and agree on any remedial action. These meetings are conducted on a more informal basis than the formal quarterly review meetings of the Quarterly Review Board, which are attended by both the LGSS Client Services Director and the Council's Chief Executive or his representative.

The Revenues and Benefits Board also meets twice annually and is attended by one Councillor and a senior officer.

The KPIs against which the performance of revenues and benefits service is measured were set initially to reflect the level of service that the council was receiving immediately prior to the commencement of the Partnership and have been reviewed on an annual basis.

Since the commencement of the partnership the service has had to implement many changes in government legislation brought about through the Welfare Reform Act, Localism Act and Business Rates Retention etc whilst maintaining levels of service.

At the point of transfer of the service to LGSS in 2013 the revenues and benefits service was performing well and continues to perform at medium to upper quartile through the development of partnerships, maximising investments in service improvements and achieving significant channel shift through close working with existing NBC staff who support the website development and delivery of face to face services via the council's one stop shop.

There have been no significant issues to be addressed in terms of the processing KPIs (collection rates and days to process benefit claims). Performance against these indicators remains strong with any variation from target being investigated promptly and immediate action taken to ameliorate the position.

There is one area where the service has had to invest resources to improve performance. They have worked closely with NBC over the past year to improve the overall performance of the call centre and its ability to respond to the needs of customers. Following a successful recruitment drive and training programmes the service has improved the percentage of calls answered from 83.57% to 95.19.

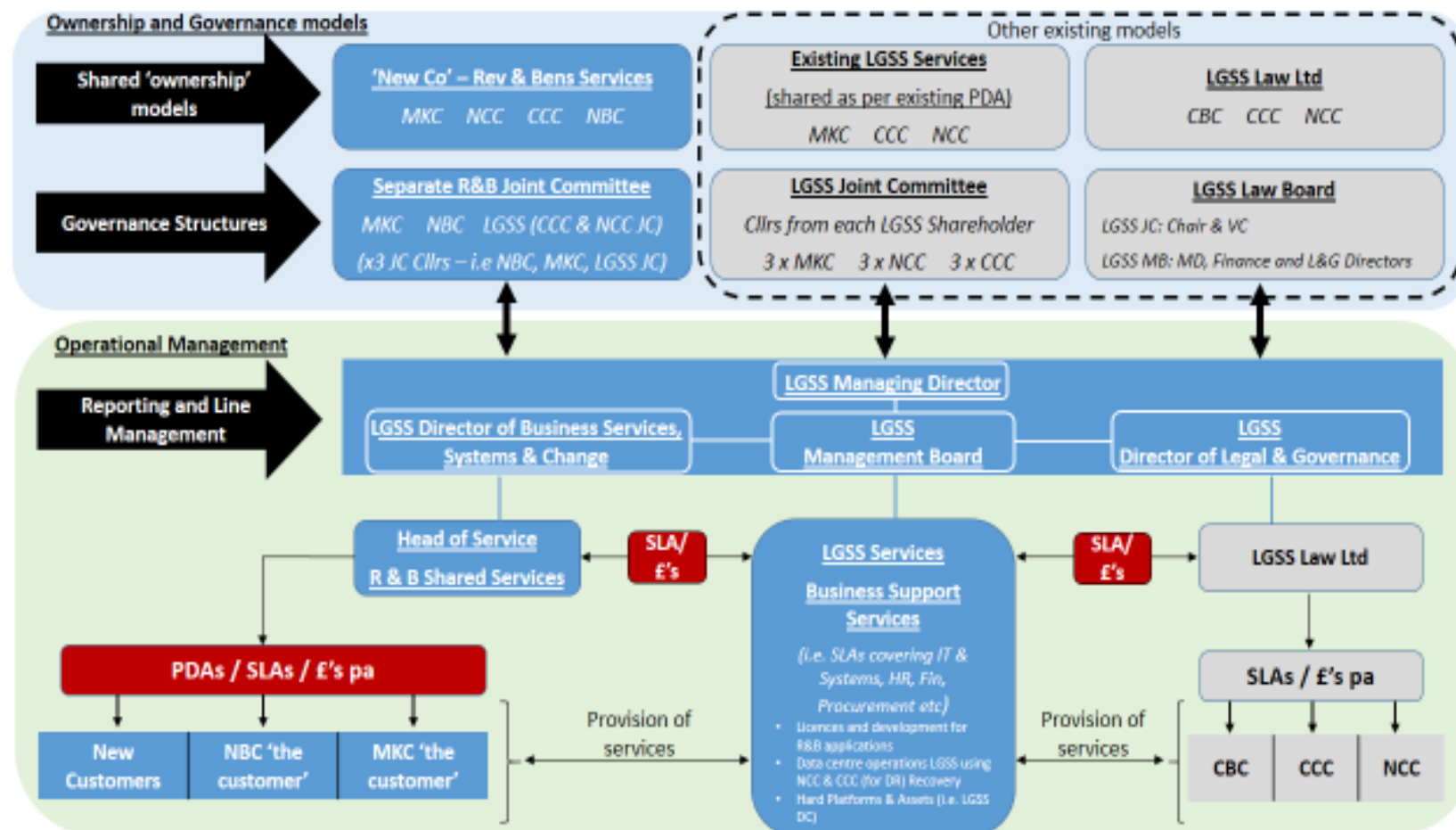
In terms of financial savings the service has achieved savings of £2.6 million over the 5 year partnership to date and a reduction in ongoing baseline costs in the region of £410k.

The service has successfully maximised income and subsidy, over £1million of additional council tax has been identified for collection over the last few years through various initiatives including a single person discount review, and £400k of additional subsidy has been recovered from central Government (against a government programme of annually reducing administration subsidy payments to local authorities nationally).

For the public sector



Revenues and Benefits – Service operations and governance model outline proposals



Appendices
2



CABINET REPORT

Report Title	Growing Together Neighbourhood Plan: Examiners Report and Referendum
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	7 th December 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Regeneration, Enterprise & Planning
Accountable Cabinet Member:	Councillor Tim Hadland
Ward(s)	Talavera, Brookside, Rectory Farm

1. Purpose

- 1.1 For Cabinet to consider the Examiner's Report into the Growing Together Neighbourhood plan, including the proposed modifications to the Plan, and to consider whether the Neighbourhood Plan can proceed to Referendum.

2. Recommendations

- 2.1 That the recommendations set out in the Examiner's Report into the Growing Together Neighbourhood Plan (Appendix 1) are noted and the proposed modifications to the Growing Together Neighbourhood Plan are agreed.
- 2.2 That the Growing Together Neighbourhood Plan Decision Statement (Appendix 2) is agreed and published along with the Examiner's Report in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 That it is agreed that the Growing Together Neighbourhood Plan, as modified, proceed to Referendum on 23 February 2017 in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Growing Together Neighbourhood Plan (the Plan) was prepared by the Growing Together Neighbourhood Forum, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the Growing Together Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Cabinet on 11 September 2013. At the same time, Cabinet also approved the designation of the Growing Together Neighbourhood Forum under Section 61F of the Town and Country Planning Act (as amended) for the purposes of preparing the Neighbourhood Plan. A map of the Neighbourhood Area can be found in the draft Decision Statement (Appendix 2 to this report).
- 3.1.2 Following community engagement between 2012 and 2014, a pre-submission draft Plan was prepared. This pre-submission Plan was published for consultation between 15 June and 27 July 2015. The Plan was revised and updated to reflect the consultation responses received. The Plan and its accompanying documents were then submitted to the Council for publication and examination on 25 July 2016. The submitted Plan was published for public consultation between 28 July and 22 September 2016. Comments received during the consultation period were sent to the appointed Independent Examiner, Mr Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC, for examination.
- 3.1.3 The Examination was conducted through written representations and the Examiner's Report was received by the Council on 9 November 2016 (Appendix 1 of this report). The Examiner concluded that once modified to meet all relevant legal requirements the Plan should proceed to referendum. The Examiner recommended nine modifications, which were aimed at clarifying the policies to ensure that the Plan will meet the Basic Conditions and legal requirements.
- 3.1.4 The Growing Together Neighbourhood Forum have reviewed the Examiner's recommendations and presented to the Council a modified plan that takes on board all of the Examiner's recommendations. It is considered that the modified Plan meets all the relevant legal requirements and can proceed to referendum.
- 3.1.5 The Examiner also considered whether or not the Referendum Area should extend beyond the designated Neighbourhood Area and recommended that the Referendum Area should be based on the Neighbourhood Area designated by the Council on 11 September 2013.
- 3.1.6 Subject to Cabinet's agreement it is proposed that the Neighbourhood Plan Referendum will be held on 23 February 2017 having consulted the Counting Officer.

3.2 Choices (Options)

3.2.1 Option 1: Agree

3.2.1.1 The Growing Together Neighbourhood Plan has been prepared by the Growing Together Neighbourhood Forum, a qualifying body approved by Cabinet on 11 September 2013, and has been found by the independent Examiner to meet the Basic Conditions and other legal requirements subject to the modifications recommended. Once the Neighbourhood Plan has successfully passed all the stages of preparation, including the Examination and Referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

3.2.2 Option 2: Do not agree

3.2.2.1 The Cabinet could defer or decide not to agree the modifications recommended to the Growing Together Neighbourhood Plan or not to agree that the Growing Together Neighbourhood Plan proceed to Referendum. However, as the Growing Together Neighbourhood Plan has been prepared by the Growing Together Neighbourhood Forum, a qualifying body approved by Cabinet on 11 September 2013, and has been found by the independent Examiner to meet the Basic Conditions and other legal requirements subject to the modifications recommended, there is no reason not to agree.

4 Implications (including financial implications)

4.1 Policy

4.1.1 The National Planning Policy Framework sets out that neighbourhood plans must be in general conformity with the strategic policies of the development plan. Neighbourhood plans should reflect these policies, and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than is set out in the Local Plan or undermine its strategic policies. In Northampton the strategic policies are set out in the adopted West Northamptonshire Joint Core Strategy Local Plan (Part 1).

4.1.2 Once a neighbourhood plan has successfully passed all of the stages of preparation, including an examination and referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

4.2 Resources and Risk

4.2.1 The majority of the costs of preparing a neighbourhood plan are the responsibility of the neighbourhood planning group, in this case the Growing Together Neighbourhood Forum. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 place duties on local planning authorities with regards to neighbourhood planning, including the role associated with supporting local neighbourhood forums in preparing their neighbourhood plans. To assist the Department for Communities and Local Government (DCLG) has made available grants to local planning authorities

up to £10,000 for each neighbourhood plan which are paid in stages in accordance with the progress of the Plan. The funding is intended to cover staff time and other costs associated with the Council's statutory duties. However, these DCLG grants are limited by the number of Neighbourhood Areas and Forums that have been designated in a local planning authority's (LPA) area. The Growing Together Neighbourhood Forum received a Front Runner grant from DCLG in 2013 of £20,000 to assist with the progression of the Neighbourhood Plan. In total the Growing Together Neighbourhood Forum has received DCLG grants of £30,000. To date £25,278 has been spent, including the cost of the independent Examiner.

- 4.2.2 £20,000 can be claimed from DCLG by a LPA per Neighbourhood Plan once a date has been set for the referendum following a successful examination. This money can only be used for neighbourhood planning purposes.
- 4.2.3 In addition the Council has a small budget for Neighbourhood Planning to provide additional resources to meet the Council's statutory duties in relation to neighbourhood planning including publicity and administration costs such as referendums.
- 4.2.4 Referendum costs will be met from the grant application to the DCLG for the referendum and from within the existing Neighbourhood Plans budget. Staff resources to manage the referendum process will come from the Council's existing staff, primarily Electoral Services who will be supported by staff within the Regeneration, Enterprise and Planning Directorate.

4.3 Legal

- 4.3.1 Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at local level, as outlined in Section 116 of the Localism Act 2011. The Act and the subsequent Neighbourhood Planning (General) Regulations 2012 (known as the 2012 Regulations) confer specific functions on local planning authorities in relation to neighbourhood planning and sets out the steps that must be followed in relation to neighbourhood planning. The Housing and Planning Act 2016 has introduced additional requirements for neighbourhood planning which have been incorporated into the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2016. These Regulations amend the 2012 Regulations introducing timescales within which the Council must act in relation to the different stages of the neighbourhood planning process.
- 4.3.2 In relation to the Growing Together Neighbourhood Plan the 2012 Regulations as amended require the following:

Decision on Examiner's Recommendations

- 4.3.3 The Council must decide what action to take in response to each recommendation made by the Examiner's report within five weeks of receiving the Examiner's report unless the Council proposes to not accept the Examiner's recommendations or the Council has agreed additional time with

the Neighbourhood Forum. As there is no disagreement with the Examiner's recommendations and no identified benefit to postponing the decision on the Examiner's recommendations it is considered that the Council must decide what action to take in response to each of the recommendations by 15 December 2016.

- 4.3.4 As soon as possible after making the decision on the Examiner's recommendations the Council is required to publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:
- The Decision Statement; and
 - Details of where and when the Decision Statement may be inspected; and
 - The Examiner's Report.

Date by which the Referendum must be held

- 4.3.5 The Council must hold the referendum within 56 working days of the date that a decision to hold one has been made unless:
- the referendum can be combined with another poll that is due to be held within three months of the end of the 56 working days; or
 - there are unresolved legal challenges to the Council's decision to hold a referendum; or
 - the Council and the Forum agree a different timetable.
- 4.3.6 As no other poll is expected to take place in the Borough within the specified period and there is no identified reason to agree a different timetable with the Forum it is expected that the referendum will be held within 56 working days of this Cabinet meeting, i.e. by 28 February 2017. If a legal challenge was received to the decision to hold a referendum it is unlikely that the referendum would take place in this timescale.
- 4.3.7 The 2012 Regulations state that if the majority of those who vote in the referendum (more than 50%) do so in favour of the Plan then it must be made (brought into legal effect) by the local planning authority. There is no minimum turnout for the referendum to be valid. The Council will be required to make the Plan within 8 weeks of the result unless there are unresolved legal challenges.

4.4 Equality and Health

- 4.4.1 The Plan contains policies which seek to address a range of equality issues which were identified through the community engagement and evidence gathering stages of the Plan's preparation including: Improving the local environment; Protecting and enhancing key local open spaces; New play areas and recreation facilities; New community facilities and improving and enhancing existing community facilities; New high quality housing and improving the condition, appearance and energy efficiency of existing housing;

Enhancing the existing footpath & cycle network and introducing new links;
and Creating new employment generating uses for the local community.

4.4.2 In addition, the Plan preparation process required the production of a Basic Conditions Statement which includes the need to assess whether the Plan is compatible with the Human Rights Act and other relevant national and European obligations. The independent Examiner to the Growing Together Neighbourhood Plan concluded that the Plan meets the Basic Conditions, as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

4.4.3 In order to meet the Basic Conditions, the making of the Plan must:

- Have due regard to national policies and advice;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the Development Plan for the area; and
- Not breach, and be otherwise compatible with, European Union obligations and the European Convention on Human Rights.

4.5 Consultees (Internal and External)

4.5.1 In accordance with the 2012 Regulations, the Growing Together Neighbourhood Forum has undertaken community engagement and public consultation at every stage of the Plan preparation process. A summary is provided in Section 2 of the Plan - 'How the Plan was Prepared'. Full details are available in the Growing Together Neighbourhood Plan Consultation Statement which is a background paper to this report.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The policies contained in the Plan contribute to the delivery of the following priorities as provided in the Corporate Plan 2016 – 2020: Priority Safer Communities; Priority Housing for Everyone; Priority Protecting our Environment; Priority Love Northampton.

4.6.2 In particular, Priority Love Northampton of the Corporate Plan states:

“Northampton to have a great community spirit, with people actively participating in local democracy, taking pride in Northampton, its environment and its communities.”

4.7 Other Implications

4.7.1 None.

5 Background Papers

5.1 Growing Together Neighbourhood Plan Basic Conditions Statement (Submission Version) (July 2016)

- 5.2 Growing Together Neighbourhood Plan Consultation Statement (Submission Version) (July 2016)
- 5.3 Growing Together Neighbourhood Plan Submission Version (July 2016)

Appendix 1 – Growing Together Neighbourhood Development Plan: A Report of the Independent Examination (November 2016)

Appendix 2 – Draft Growing Together Neighbourhood Plan Decision Statement Regulation 18 (November 2016)

Emma Arklay, Planning Officer, Extension 7636

Growing Together Neighbourhood Forum

Growing Together Neighbourhood Development Plan

A Report to Northampton Borough Council of the Independent
Examination of the Growing Together Neighbourhood
Development Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

9 November 2016

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Overall Finding

This is the report of the Independent Examination of the Growing Together Neighbourhood Development Plan. The plan area is the entire Growing Together Neighbourhood Forum area that includes the communities of Blackthorn, Cherry Lodge, Goldings, Lings, Lumbertubs, and Overstone Lodge. The Plan period ends in 2029. The Neighbourhood Plan includes 10 policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements to proceed to a local referendum within the Neighbourhood Area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Growing Together Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Growing Together Neighbourhood Forum (the Forum), a qualifying body approved by Northampton Borough Council (the Borough Council) on 11 September 2013. I have read the constitution of the Forum. The Forum is able to prepare a neighbourhood plan, in respect of the Growing Together Neighbourhood Forum Neighbourhood Area which was formally designated by the Borough Council on 11 September 2013. Plan preparation has been progressed by the Forum which comprises the Growing Together Community Partnership plus a number of local stakeholders, including local residents, and also individuals from the local voluntary and public sectors.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Forum for submission of the plan and accompanying documents to Northampton Borough Council. The Borough Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the Borough Council including a recommendation as to whether or not the

¹ Paragraph 183 National Planning Policy Framework (2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan should proceed to a local referendum. The Borough Council will decide what action to take in response to the recommendations in this report.

6. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application that relates to land in the neighbourhood area, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the Borough Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently over the plan period be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan³. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted⁴.
8. I have been appointed by the Borough Council with the consent of the Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Forum and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

³ Paragraph 156 Housing and Planning Act 2016

⁴ National Planning Policy Framework paragraph 198 DCLG 2012

9. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁵ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁶
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁷ The Guidance states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”
12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations. In undertaking this Independent Examination, I have visited the various parts of the Plan area.

Basic conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁸ A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,

⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁹

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.¹⁰ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹¹ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the whole of the Growing Together Neighbourhood Forum boundary. That area was designated by the Borough Council as a neighbourhood area on 11 September 2013. A map of the Growing Together Neighbourhood Forum Neighbourhood Plan Area is included as Figure 1 of the Submission Draft Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹² and no other neighbourhood development plan has been made for the neighbourhood area.¹³ All requirements relating to the plan area have been met.

⁹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

¹⁰ The Convention rights has the same meaning as in the Human Rights Act 1998

¹¹ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹² Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹³ Section 38B (2) Planning and Compulsory Purchase Act 2004

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁴ and the Neighbourhood Plan does not include provision about excluded development.¹⁵ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁶ The front cover of the Submission Version Plan states the plan period is 2016 to 2029.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁷ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended

¹⁴ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁵ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁷ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁸

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Growing Together Neighbourhood Plan Submission Version July 2016 [*In this report referred to as the Neighbourhood Plan*]
- Growing Together Neighbourhood Area Map
- Growing Together Neighbourhood Plan Basic Conditions Statement July 2016 [*In this report referred to as the Basic Conditions Statement*]
- Growing Together Neighbourhood Plan Consultation Statement July 2016 [*In this report referred to as the Consultation Statement*]
- Evidence Supporting the Plan Document 1
- Affordable Warmth Strategy 2011-2014 Evidence Document 2
- Stock Condition Survey Final Report August 2010 Evidence Document 3
- Growing Together Neighbourhood Forum Neighbourhood Plan Screening Report for Strategic Environmental Assessment and Habitats Regulation Assessment June 2015 Evidence Document 4
- SEA and HRA Determination Statement Evidence Document 7
- Review of Northampton's Development Plan Evidence Document 5
- Indices of Deprivation 2015 Statistics Evidence Document 6
- Representations received during the Regulation 16 publicity period
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014
- Northampton Local Plan 1997 (Saved Policies)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2016) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015

¹⁸ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended)
[In this report referred to as the Regulations]

Consultation

24. The submitted Neighbourhood Plan includes at Section 2 a summary of community engagement that has been undertaken, and the Consultation Statement and its appendices provide further detail. It is evident consultation has been thorough and undertaken in a way that is appropriate to the neighbourhood area.
25. It is a strength of the plan preparation process that consultation methods have been adopted that are known to be most effective in the plan area. In particular consultation in the summer of 2014 involved staffing of stalls at key local venues at times of high footfall, where possible to coincide with popular local events.
26. Pre-submission consultation on a draft Plan in accordance with Regulation 14 was undertaken in the period 15 June to 27 July 2015. Consultation involved use of websites; production of a summary booklet and questionnaire that was sent to every household in the Plan area; and placing printed copies of the Plan in local community buildings. Provision was made for the option of submitting a questionnaire online. A series of public events were also held at which people could ask questions and submit completed questionnaires. These public events were held at Blackthorn Community Centre, Lings Primary School, Lumbertubs Primary School, and Weston Favell Centre thus achieving good geographical coverage across the Plan area. Statutory consultees and relevant local organisations were consulted by email. This consultation resulted in 56 responses, of which 45 were from local residents, and 11 from statutory consultees. The presentation of analysis of Regulation 14 representations and responses and changes to the Plan is exemplary. Responses resulted in adjustment of the Draft Neighbourhood Plan prior to approval by the Forum and submission to the Borough Council.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 28 July and 22 September 2016. A total of 8 representations were submitted during the publicity period which I have taken into consideration in preparing

this report, even though they may not be referred to in whole, or in part.

28. Northamptonshire Police state they are happy with the Plan, and two individuals offer comments of general support. The Marine Management Organisation confirms no comments. These representations do not necessitate modification of the Neighbourhood Plan to meet the basic conditions. One representation states Southfields should be included in the Plan and another asks why the Plan does not include Thorplands. It is beyond my role to recommend extension of the Plan area.
29. Another representation states the plan should make provision for a traveller's site and asks what is provided for horse owners, for example bridleways. It is beyond my role to recommend inclusion of additional policies in the Neighbourhood Plan. The representations of Anglian Water relate to Policy DEV1 only. I have considered the matters raised in that representation when examining the policy in question later in my report.
30. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) Explains how they were consulted;
 - c) Summarises the main issues and concerns raised by the persons consulted; and
 - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹
31. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met.

The Neighbourhood Plan taken as a whole

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

33. The Basic Conditions Statement, in paragraph 6.7 confirms the Neighbourhood Plan has regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁰ I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

34. The objective of EU Directive 2001/42²¹ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²² as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²³

35. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Forum to submit to the Borough Council either an

²⁰ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²² Defined in Article 2(a) of Directive 2001/42

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

36.A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report (2015) (EVD4) was issued by the Borough Council in June 2015. I have noted consultation with the Consultation Bodies has been undertaken. The Screening Report was followed by the production of a Determination Statement (2016) (EVD7) which concluded that implementation of the Neighbourhood Plan is not likely to result in significant negative effects on the environment and therefore does not require a full SEA.

37.The Screening Report also concludes a full Habitats Regulation Assessment is not required. I have noted the consideration of effect on the Upper Nene Valley Gravel Pits Special Protection Area and the conclusion that the Neighbourhood Plan is not expected to result in likely effects on designated sites in respect of the three vulnerabilities of increased visitor disturbance, altered water levels, and water quality and pollution. I have also noted the necessary statutory consultation has been undertaken.

38.I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met. I also conclude the requirements of the EU Habitats Regulations have been met. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

39.There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

40.I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

41.The Guidance²⁴ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature

²⁴ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

42. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁵ which requires plans to be “*consistent with national policy*”.

43. Lord Goldsmith has provided guidance²⁶ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

44. The Neighbourhood Plan includes a positive Vision seeking to “*encourage development that contributes to making the area a better place in which to live and work for all residents and businesses*” and “*encouraging development which brings forward quality housing that responds to local need, increased employment opportunities, and a wider range of recreation, retail and community facilities.*” The Vision

²⁵ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁶ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

also “*supports development that will enhance the area’s reputation and improve links with the wider community of Northampton and beyond.*”

45. The Vision is supported by seven objectives. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework. The Policies of the Neighbourhood Plan flow from the Vision and identified objectives.
46. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. Section 3 of the Basic Conditions Statement sets out a comprehensive explanation of how the Neighbourhood Plan has regard to national policies and advice contained in Guidance issued by the Secretary of State. In particular, the statement presented refers to those aspects of national policy relating to building a strong, competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change; conserving and enhancing the natural environment; and the making of Neighbourhood Plans. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
47. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
48. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁷ The Guidance states “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its*

²⁷ Paragraph 14 National Planning Policy Framework 2012

plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”²⁸.

49. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
50. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement sets out in Section 4 a clear explanation how the Neighbourhood Plan, and specific policies within it, contribute to sustainable development.
51. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by seeking to establish development principles so that new development appropriate to the social context is encouraged whilst safeguarding aspects of the built and natural environment that are highly valued by residents and people working the area. In particular, I consider the Neighbourhood Plan contributes to the achievement of sustainable development in that it seeks to:
- identify suitable previously developed sites for mixed use redevelopment;
 - support the vitality and viability of local retail and service centres;
 - plan for additional housing to meet local needs;
 - supports local provision of services and facilities;
 - promote improvement and expansion of pedestrian and cycle networks;
 - promotes good design of new development; and

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

- designates Local Green Spaces.

52. I have found the Neighbourhood Plan to be both ambitious in character and grounded in the reality of challenges facing the neighbourhood area. The Plan has been precisely tailored so as to effectively address those key success issues relating to the development and use of land that will contribute to the positive transformation of the area over the Plan period. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be ‘made’ having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

53. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁹ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.³⁰

54. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³¹ In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

²⁹ Paragraph 16 National Planning Policy Framework 2012

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance (ID: 41-04720 140306)

55. The Borough Council has informed me that the Development Plan applying in the Growing Together Neighbourhood Area and relevant to the Neighbourhood Plan is:
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 15 December 2014; and
 - Northampton Local Plan 1997 (Saved Policies).
56. The Borough Council is preparing the Northampton Local Plan (Part 2). That Plan will provide detailed planning policies to manage and guide development across the Borough. It will replace the remaining saved policies from the Northampton Local Plan (adopted 1997), and supersede the policies of the Northampton Central Area Action Plan, although this latter Plan does not include any part of the neighbourhood area. Preparation of the Northampton Local Plan (Part 2) is progressing well but does not yet form part of the Development Plan for the neighbourhood area.
57. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Borough Council has set out a clear statement of which policies are considered to be strategic. These are 42 identified policies of the Joint Core Strategy. Due to the diminished status of the Northampton Local Plan 1997 Saved Policies, not least through the passage of time, and dating from before the publication of the Framework, these are regarded as “non-strategic”. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.
58. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.”*³² The use of ‘*general*’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.
59. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*³³

60. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.³⁴

61. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

62. The Neighbourhood Plan includes 10 policies:

DES1: High quality design

H1: Housing mix

H2: Small-scale housing development

DEV1: Priority development areas

³³ National Planning Practice Guidance (ID ref: 41-074 201 40306)

³⁴ Section 38(5) Planning and Compulsory Purchase Act 2004

CO1: Provision of community facilities

CO2: Loss of community facilities

RE1: Neighbourhood centres

OS1: Local green spaces

OS2: Outdoor amenity space

T1: Pedestrian and cycle network

63. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁵

64. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

65. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

66. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in*

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

*accordance with the development plan, unless material considerations indicate otherwise.*³⁶

67. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

Policy DES1: High quality design

68. This policy seeks to establish design principles that new development should meet.

69. It is unnecessary and confusing for one policy to state “*within the Growing Together area*” as all the policies of the Neighbourhood Plan apply in all the neighbourhood area, unless a part of the area is specified. The policy includes the term “*should be designed to*” but the implications of meeting, or not meeting the principles, is not stated. I have recommended modification in these respects so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

70. Provision g of the Policy refers to the principles of “Secured by Design”. The Secured by Design approach is a hugely valuable initiative that has delivered countless successes in improving security in developments across the country. The Secured by Design principles when implemented have proven successful in reducing crime, and in reducing the fear of crime. Consultation has shown these are important considerations in the plan area. The Secured by Design Homes 2016 Version 1 (February 2016) is a comprehensive document of 69 pages that includes gold, silver and bronze graded security levels. The Secured by Design website includes a series of other documents relating to different types of developments and advice. Reference to an entire document, or a suite of documents, does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. A practical approach is achieved where specific elements of the Secured by Design approach are identified in a policy. Provision d of Policy DES1 does in fact include relevant Secured by Design

³⁶ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

principles, as do other policies of the Neighbourhood Plan, in particular Policy OS2, and Policy T1. In this way, specific Secured by Design principles are able to be taken into consideration in the determination of planning applications. The Guidance states “*Mandatory Building Regulations covering the physical security of new dwellings came into force on 1 October 2015 and planning authorities should no longer seek to impose any additional requirements for security of individual dwellings through plan policies, though designing for security of site layout remains a valid planning consideration.*” I recommend a modification so that the general reference to Secured by Design contained in provision g of the Policy is deleted, and instead is given increased prominence in the supporting text taking into account the Guidance.

71. The first part of provision j relates to environmental performance and energy efficiency of developments and seeks to minimise reliance on fossil fuels. This element of the Policy raises several difficulties of application of the Policy through inclusion of imprecise terms of “*high levels*” and “*minimising*”. The first part of provision j of the Policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
72. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Whilst the Ministerial Statement only applies to new dwellings I have taken it into consideration in recommending a modification of the Policy.
73. The aspect of provision j of the Policy that relates to environmental performance and energy efficiency of developments, and seeks to minimise reliance on fossil fuels, does not meet the basic conditions and should be deleted. Given the particular importance of the environmental performance and energy efficiency of dwellings in the plan area arising from Stock Condition considerations, and the particular incidence of fuel poverty in the neighbourhood area, an appropriate statement could be included in the ‘Next Steps and Implementation’ section of the Plan as a community aspiration. Given

the clarity of the Ministerial Statement identified I do not consider the flexibility of “*having regard to*” that I have identified earlier in my report, could realistically be applied in this instance. A statement of community aspiration in the ‘Next Steps and Implementation’ section could not and would not form part of the Statutory Plan.

74. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies SA, S10, S11 and N11 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; promoting healthy communities; meeting the challenge of climate change in terms of energy generation; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 1:

In Policy DES1

- **commence the Policy with “To be supported”**
- **delete “within the Growing Together area”**
- **delete provision g and transfer to supporting text**
- **delete provision j and present the second sentence of provision j as a free-standing sentence after provision i**

The first sentence of provision j could be included in the Next Steps and Implementation section of the Plan as a non-statutory community aspiration

Policy H1: Housing mix

75. This policy seeks to establish that proposals for new residential development should provide a mix of homes, and maximise the proportion of affordable housing provision. The Policy also states smaller affordable homes will be particularly welcome.

76. The term “*taking into account identified housing needs and changes in population profile*” is imprecise in several respects. To take into account does not necessarily have any effect. It is unclear which housing needs and which changes in population profile are referred to. I have recommended use of the term “that reflects the latest assessment of local housing needs” so that the Policy provides a

practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

77. The second and third sentences of the Policy refer to affordable housing. The policy refers to “house” but no justification is given to exclude other types of accommodation. I recommend a modification to use the term “homes”. Policy H1 reflects the recognition of the need to consider viability but that requirement is already established in both Policy H2 of the JCS, and in paragraph 173 of the Framework. There is however a need to consider other aspects of national policy and advice, and other aspects of Local Plan policy.
78. There are specific circumstances where contributions for affordable housing should not be sought. On 19 May 2016 following the Order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 Government renewed the Guidance which states “contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres.” Policy H2 of the Joint Core Strategy establishes, with respect to the ‘Northampton related development area’ in which the Neighbourhood Area lies, a 35% proportion of affordable housing percentage requirement, and a 15 or more dwellings site size threshold for on-site provision of affordable housing. There is no conflict between the national and Local Plan policies. These policies together establish a practical framework for decision taking in respect of planning applications. If a neighbourhood plan policy is to serve a purpose it must provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
79. Policy H1 includes the term “Local Plan policy”. This term is imprecise and cross-referencing to other policies is unnecessary. The term “seek to maximise” is also imprecise. These terms and the term “particularly welcome” do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in these respects that would be appropriate having regard for national policy and advice; and that is in general conformity with the strategic policies contained in the Development Plan; and which represents an additional level of policy providing a distinct local approach. The Policy as recommended to be modified will continue to inform the preparation of development proposals. This will be of importance in the Neighbourhood Area. The

JCS anticipates that within the Northampton Related Development Area less than 6% of housing provision will be on sites providing 15 or less dwellings. The Neighbourhood Plan however, covering an area that has substantially been previously developed, identifies potential for a number of small-scale housing development proposals on under-utilised sites, including garage sites, that would be below the JCS Policy H2 threshold of 15 dwellings.

80. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S3, H1 and H2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 2:

Replace Policy H1 with “Proposals for new residential development should provide a mix of types of homes that reflects the latest assessment of local housing needs. Proposals that will deliver affordable homes, particularly 1 and 2 bedroom units, will be supported”

Policy H2: Small-scale housing development

81. This policy seeks to establish conditional support for proposals for small-scale housing development of 1 to 9 dwellings.
82. Use of the term “*may*” introduces uncertainty into the Policy. I have recommended deletion of that word. Provisions b and c of the Policy refer to other policies of the Neighbourhood Plan. Cross-referencing of policies is unnecessary. I have recommended deletion of that cross-referencing. These modifications are recommended so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
83. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S3, and N1 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide

choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 3:

In Policy H2

- **combine the introductory statement and the text of provision a to form a single sentence**
- **delete provisions b and c**
- **delete “may”**

Policy DEV1: Priority development areas

84. This policy seeks to establish conditional support for proposals for mixed use development of 3 previously developed sites. Proposals must meet the needs of the local community, and uses that would do so are specified.

85. Anglian Water has in a representation stated “*All brownfield sites which are identified for redevelopment must take the opportunity to remove any surface water flows found to be currently discharging to the foul or combined sewerage network. The demolished site should be, where practical, treated as if it was greenfield. Brownfield sites must still follow the surface water management hierarchy to determine whether infiltration techniques or a connection to a watercourse can be utilised prior to the consideration of a connection to a dedicated public surface water sewer where capacity is available. This ensures there is a sustainable drainage strategy for the lifetime of the development and reduces the risk of pollution and flood risk.*” Anglian Water has also stated that as the precise mix of uses is unknown they would wish to comment further as part of the planning application process. I have recommended a modification so that the requirement for a sustainable drainage strategy as part of development proposals is included in the Policy.

86. Use of the term “*include*” introduces uncertainty into the Policy however I am satisfied that proposals including uses other than those listed would need to demonstrate those other uses will meet the needs of the local community. Provision c of the Policy refers to another policy of the Neighbourhood Plan. Cross-referencing of policies is unnecessary. I have recommended deletion of that cross-referencing so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

87. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S4, RC1, E6 and N11 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with building a strong, competitive economy, delivering a wide choice of high quality homes, and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 4:

In Policy DEV1 replace provision c with “include a sustainable drainage strategy for the lifetime of the development”

Policy CO1: Provision of community facilities

88. This policy seeks to establish conditional support for proposals for new or improved community facilities. Specified types of facilities are particularly welcomed.

89. The term “*particularly welcome*” does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect.

90. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy RC2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 5:

In Policy CO1 after “welcome” insert “and supported”

Policy CO2: Loss of community facilities

91. This policy seeks to establish that loss of community facilities will not be permitted except in specified circumstances.

92. The Policy includes the phrase “*will not be permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear. The Policy should use the term “will not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will not be permitted. I have recommended a modification to the Policy so that the basis of decision making on planning applications should be clarified.
93. The term “*the proposed alternative use*” is imprecise. A wide range of uses could be seen as providing equal or greater benefits to the local community. I have recommended a modification to clarify that the alternative use should be a community facility of equal or greater benefit to the local community. I have recommended a modification to correct the section number of the ‘Next Steps and Implementation’ section of the submission draft.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy RC2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 6:

In Policy CO2

- **delete “permitted” and insert “supported”**
- **after “alternative” insert “community facility”**
- **delete “Section 8” and insert “Section 7”**

Policy RE1: Neighbourhood centres

95. This policy seeks to establish support for proposals that contribute to the vitality and viability of 3 named neighbourhood centres. Loss of existing retail floorspace will be resisted unless specified circumstances exist. Proposals for retail development outside the neighbourhood centres will only be supported where it can be clearly

demonstrated that these would not harm the vitality or viability of these centres.

96. The requirement for a proposal to contribute to all 3 neighbourhood centres is not sufficiently justified. I have recommended a modification to clarify a proposal need only contribute to the vitality or viability of any one of the neighbourhood centres. The term “*there*” is imprecise and introduces uncertainty into the Policy. I have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
97. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 7:
In Policy RE1**

- after “viability of” insert “any of”
- delete “there” and insert “proposals”
- before “key” insert “a”

Policy OS1: Local green spaces

98. This policy seeks to designate 11 Local Green Spaces shown on Figure 14. Appendix 1 to the Neighbourhood Plan includes details of each area proposed for designation including a map at sufficient scale to identify the precise boundaries of the land proposed for designation. I have visited each of the areas proposed for designation.
99. The Framework states “*Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green*”

Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”

100. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I consider the submission draft Neighbourhood Plan is consistent with provision for sufficient land to meet development needs.

101. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I have given careful consideration to the fact that Lings Wood, which is a designated Local Nature Reserve managed on behalf of the Borough Council by the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire, is 22 hectares in area. Whilst this is a large area it is linear in form and well-integrated with the surrounding residential areas. The Lings Wood proposed designated area is made up of distinct parts. It cannot be viewed as a single entity. I found the area proposed for designation offers an episodic experience. I do not regard the area in question as an extensive tract of land in its particular geographic context. The area in question functions and is perceived as a green space surrounded by extensive residential development and performing the important role of breaking

the otherwise continuity of built development. I find the 11 intended Local Green Space designations relate to green space that is in reasonably close proximity to the community it serves; and the green areas are local in character and are not an extensive tract of land.

102. Appendix 1 of the submission draft Neighbourhood Plan includes a statement why each of the sites proposed for designation as Local Green Space is demonstrably special to the local community with a particular significance. The statements offer sufficient evidence for me to conclude the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies RC2, BN2 and BN3 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities, and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy OS2: Outdoor amenity space

104. This policy seeks to establish that new residential development should provide good quality outdoor amenity space as either private gardens, terraces or balconies, or a shared private communal amenity space that meets specified conditions. The Policy also states areas of existing amenity space that provide opportunities for leisure and recreation should be retained and enhanced.

105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policy H4 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy T1: Pedestrian and cycle network

106. This policy seeks to establish support for proposals that would add to or improve the existing network of cycle routes and footpaths shown on Figure 15. Loss of footpaths and cycle routes will be resisted unless specified circumstances exist. The Policy also requires new development to be designed to create natural surveillance of footpaths and cycle ways and states such routes should benefit from satisfactory lighting to ensure they feel safe and secure.
107. I have recommended modification of the final sentence of the Policy in order to improve the clarity of meaning and provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Policies C1, C5 and N12 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting sustainable transport, requiring good design, and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions

Recommended modification 8:

In Policy T1 after “routes should” replace the text with “include sufficient lighting to make users feel safe and secure”

Summary and Referendum

109. I have recommended 8 modifications to the Submission Version Plan. I have also made a recommendation for modification of the Neighbourhood Plan in the Annex below.
110. I am satisfied that the Neighbourhood Plan³⁷:
- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and

³⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³⁸

I recommend to the Borough Council that the Growing Together Neighbourhood Forum Neighbourhood Development Plan for the plan period up to 2029 should, subject to the modifications I have put forward, be submitted to referendum.

111. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁹ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Borough Council as a Neighbourhood Area on 11 September 2013.

³⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁰ A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 9:
Modification of general text will be necessary to achieve consistency with the modified policies.**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
9 November 2016

REPORT ENDS

⁴⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990



GROWING TOGETHER NEIGHBOURHOOD PLAN DECISION STATEMENT REGULATION 18 December 2016

1. THE PURPOSE

1.1. The purpose of this Decision Statement is to set out Northampton Borough Council's decision on the Growing Together Neighbourhood Plan and its reasons for it. The Decision Statement outlines the Council's decision in respect of:

- Actions taken in response to recommendations made by the independent Examiner in the Examiner's Report;
- Modifications that are to be made to the Neighbourhood Plan proposal to ensure that the Neighbourhood Plan meets the basic conditions and other legal requirements; and
- The area in which the referendum will take place.

2. RESPONSE TO THE EXAMINER'S REPORT

2.1. The Growing Together Neighbourhood Forum submitted a Neighbourhood Plan proposal (the Plan) and supporting documentation to Northampton Borough Council for examination in October 2016. With the support of the Growing Together Neighbourhood Forum, Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC was appointed by Northampton Borough Council to independently examine the plan proposal.

2.2. The independent Examiner published a report in November 2016. He recommended that, once modified to meet all relevant legal requirements, the Plan should proceed to referendum. The Examiner recommended nine modifications, which were aimed at clarifying the policies.

2.3. The Growing Together Neighbourhood Forum reviewed the Examiner's recommendations and subsequently presented Northampton Borough Council with a modified plan that takes on board all of the Examiner's recommendations. Northampton Borough Council considers that the modified Plan meets all the relevant legal requirements and can proceed to referendum.

3. DETAILS OF MODIFICATIONS

- 3.1 Appendix 1 outlines the modifications that the Growing Together Neighbourhood Forum has made to the draft Plan following the Independent Examination. In modifying the Plan, the Growing Together Neighbourhood Forum considered each of the Examiner's recommendations. The Forum's decision on each recommendation is shown in the Table in Appendix 1.
- 3.2 Northampton Borough Council has reviewed each of the modifications made to the Plan by the Growing Together Neighbourhood Forum. The Borough Council is satisfied that the modifications made to the Plan reflect those modifications recommended by the Examiner. Northampton Borough Council therefore concludes that the Growing Together Neighbourhood Plan meets the basic conditions and other legal requirements.

4. REFERENDUM AREA

- 4.1. In September 2013, Northampton Borough Council designated the Growing Together Neighbourhood Area for the purposes of neighbourhood planning.
- 4.2. In recommending that the modified plan go forward to referendum, the Independent Examiner considered whether or not the Referendum Area should extend beyond the designated Neighbourhood Area. The Examiner recommended that the Referendum Area be the same as the Neighbourhood Area.
- 4.3. Following this recommendation, Northampton Borough Council concludes that the Referendum Area will not be extended and will be applied to the Neighbourhood Area.

5. CONCLUSIONS

- 5.1. Following the independent examination, Northampton Borough Council confirms that the Growing Together Neighbourhood Plan, as modified, meets the basic conditions and other legal requirements.
- 5.2. The Growing Together Neighbourhood Plan can proceed to a neighbourhood plan referendum. The Growing Together Neighbourhood Area boundary shall define the extent of the Referendum area.
- 5.3. Following an independent examination Northampton Borough Council now confirms that the Growing Together Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum, to meet the requirements of the Localism Act 2011. The date on which the Referendum will take place is agreed as Thursday 23 February 2017.

APPENDIX 1**Table of Recommended Modifications to the Growing Together Neighbourhood Plan (GTNP)**

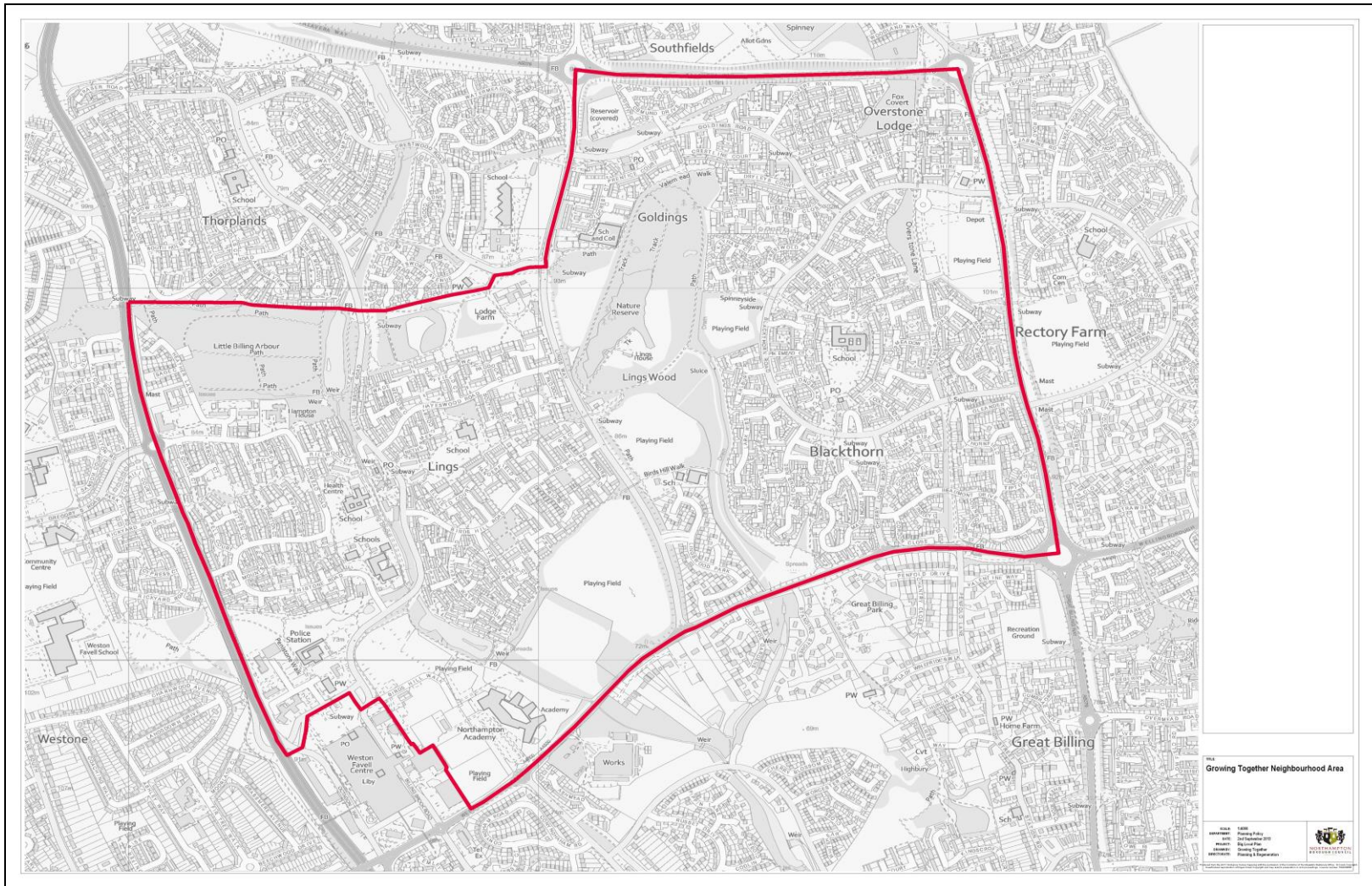
Examiner's Recommended Modifications (ref)	GTNP ref	Decision on amendment and reason	New text (where applicable)
<p><u>Modification 1:</u> In Policy DES1</p> <ul style="list-style-type: none"> • commence the Policy with "To be supported" • delete "within the Growing Together area" • delete provision g and transfer to supporting text • delete provision j and present the second sentence of provision j as a free-standing sentence after provision i <p>The first sentence of provision j could be included in the Next Steps and Implementation section of the Plan as a non-statutory community aspiration</p>	DES1	Agreed.	Amend as shown.
<p><u>Modification 2:</u> Replace Policy H1 with "Proposals for new residential development should provide a mix of types of homes that reflects the latest assessment of local housing needs. Proposals that will deliver affordable homes, particularly 1 and 2 bedroom units, will be supported"</p>	H1	Agreed.	Amend as shown.
<p><u>Modification 3:</u> In Policy H2</p> <ul style="list-style-type: none"> • combine the introductory statement and the text of provision a to form a single sentence • delete provisions b and c • delete "may" 	H2	Agreed.	Amend as shown.
<p><u>Modification 4:</u> In Policy DEV1 replace provision c with "include a sustainable drainage strategy for the lifetime of the development"</p>	DEV1	Agreed.	Amend as shown.
<p><u>Modification 5:</u> In Policy CO1 after "welcome" insert "and supported"</p>	CO1	Agreed.	Amend as shown.

<p>Modification 6: In Policy CO2</p> <ul style="list-style-type: none"> • delete “permitted” and insert “supported” • after “alternative” insert “community facility” • delete “Section 8” and insert “Section 7” 	CO2	Agreed.	Amend as shown.
<p>Modification 7: In Policy RE1:</p> <ul style="list-style-type: none"> • after “viability of” insert “any of” • delete “there” and insert “proposals” • before “key” insert “a” 	RE1	Agreed.	Amend as shown.
<p>Modification 8: In Policy T1 after “routes should” replace the text with “include sufficient lighting to make users feel safe and secure”</p>	T1	Agreed.	Amend as shown.

In addition, the Examiner states that a number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. These have been identified below (amendments associated with capitals, lower case, bullet points, full stops and general typing mistakes have not been recorded).

<p>Modification 9: Identified errors that are typographical in nature. Modification of general text will be necessary to achieve consistency with the modified policies</p>		
Reference	Amendment	Reasons
6.6	<p>Amend the second sentence of paragraph 6.6. to read as follows: ‘The ‘Secured by Design’ principles (or any equivalent standard which might amend or replace it in the future) will provide the framework to ensure crime and the fear of crime can be reduced. These platforms will ensure new development will help establish a strong sense of place and contributes positively to the creation of a well-functioning, visually attractive, safe and accessible environment.’</p>	Consequential amendment with reference to Examiner’s Modification 1.
7.7. 7.8 and 7.9	<p>Delete the last sentence of paragraph 7.7 and move to create a new paragraph 7.9 with amendments (see below).</p> <p>Insert a new paragraph 7.8 to read as follows: ‘The Forum recognises the importance of environmental performance and energy efficiency. Schemes which minimise the reliance of fossil fuels through the progression of renewable energy technologies will be supported.’</p> <p>Insert a new paragraph 7.9 to read as follows ‘It is recognised, however, that in some cases the measures highlighted in 7.7 and 7.8 will require other legal processes to be followed, some of which are outside the planning system and separate to the Neighbourhood Plan.’</p>	Consequential amendment with reference to Examiner’s Modification 1.

Map of the Referendum Area



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ANNEX: PUBLICATION OF THE DECISION STATEMENT & EXAMINER'S REPORT

The Decision Statement, Examiners Report & Inspection Locations and Times for these documents will be made available for inspection at the locations listed below.

Please check Christmas & New Year opening hours with the specific location before you visit.

Location	Opening Times
Blackthorn Children's Centre Longmead Court, Blackthorn, Northampton, NN3 8QD	Monday - Thursday: 9 am - 5 pm Friday: 9 am - 4.30 pm
Blackthorn Good Neighbours Nursery Blackthorn Bridge Court, Blackthorn, Northampton, NN3 8QH	Monday - Friday: 8.15 am - 3.30 pm
Brookside Community Hub Billing Brook Road, Northampton, NN3 8NP	Monday: 9 am – 3 pm Wednesday 9 am – 12 noon
Northampton One Stop Shop, The Guildhall, St Giles Square, Northampton, NN1 1DE	Monday to Friday: 9 am – 5 pm
Northampton Central Library, Abington Street, Northampton, NN1 2BA	Monday - Friday: 9.00 am - 6.00 pm Saturday: 9.00 am - 5.00 pm Sunday: 11.00 am - 2.00 pm
Weston Favell Library 56 Weston Favell Centre, Northampton, NN3 8JZ	Monday - Friday: 9.00 am - 7.00 pm Saturday: 9.00 am - 5.00 pm Sunday: 11.00 am - 2.00 pm

The Decision Statement, Examiners Report & Inspection Locations and Times for these documents are also available to view online at:

<http://northampton.gov.uk/gtnp>

All enquiries about this Decision Statement should be directed to:

- **Address:** Planning Policy, Northampton Borough Council, The Guildhall, NN1 1DE
- **Email:** neighbourhoodplanning@northampton.gov.uk or
- **Tel:** (01604) 837326