



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **CABINET AGENDA**

**Wednesday, 12 April 2017**

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](mailto:democraticservices@northampton.gov.uk) or 01604 837722

## PORTFOLIOS OF CABINET MEMBERS

CABINET MEMBER	TITLE
Councillor J Nunn	Leader
Councillor P Larratt	Deputy Leader
Councillor M Hallam	Environment
Councillor B Eldred	Finance
Councillor T Hadland	Regeneration, 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](mailto:democraticservices@northampton.gov.uk)

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

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

### KEY DECISIONS

 denotes the issue is a 'Key' decision:

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

**NORTHAMPTON BOROUGH COUNCIL**

**CABINET**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Wednesday, 12 April 2017  
at 6:00 pm.

**D Kennedy**  
Chief Executive

**AGENDA**

**1. APOLOGIES**

**2. MINUTES**

(Copy herewith)

**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

**7. ENVIRONMENTAL SERVICES RE-PROVISION**

Report of Director of Customer and Communities (Copy herewith)

**8. ABINGTON PARK CAFÉ: REVISED LEASE AND LICENCE**

Report of the Director of Regeneration, Enterprise and Planning (Copy herewith)

**9. ST CRISPIN'S COMMUNITY CENTRE AND SPORTS FIELDS**

Report of Director of Customer and Communities (Copy herewith)

**10. FUNDING SUPPORT TO DELAPRE ABBEY PRESERVATION TRUST (DAPT)**

📄 Report of the Director of Regeneration, Enterprise and Planning (Copy herewith)

Please see link below – ‘*General Exception Notice- for funding support to Delapre Abbey Preservation Trust (DAPT)*’.

<http://www.northampton.gov.uk/downloads/download/3305/general-exception-notice>

**11. CORPORATE PERFORMANCE - ALL MEASURES REPORT DECEMBER 2016**

Report of the 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.”

### **SUPPLEMENTARY AGENDA**

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



## NORTHAMPTON BOROUGH COUNCIL

### CABINET

Wednesday, 15 March 2017

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

#### 1. APOLOGIES

Apologies were received from Councillor Hallam.

#### 2. MINUTES

The minutes of the meeting held on 15<sup>th</sup> February 2017 were agreed and signed by the Leader.

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

The Leader explained that Appendix 2, 3 and 4 (private) of Item 9 – Northampton Waterside Enterprise Zone: Proposed Purchase of Land at St Peter's Way contained detailed information relating to Heads of Terms and other information of a commercial nature, in order to protect the Council's Financial and Legal interests. Therefore, it had been exempted under schedule 12A, Part 1, (3) "Information relating to the financial or business affairs of any particular person (including the authority holding that information)" and schedule 12A, Part 1, (5) "Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings".

The Leader commented that Item 10 would be moved ahead of item 9 in order to discuss the appendices in private at the conclusion of the meeting. Therefore, at that stage members of the public and press would be asked to leave the meeting.

#### 4. DEPUTATIONS/PUBLIC ADDRESSES

County Councillor Brendan Glynane address the Cabinet on item 7. He welcomed the report and recommendations put forward by the Cabinet. He stated that a lot of hard work had been put into this project, praising members of the Cabinet, ward Councillors and local resident associations for their support. In addition it was pleasing to see so many houses being put back in good condition. He indicated that he would like to see even more progress made in Delapre moving forward.

John Bright, a member of the Far Cotton Residents Association addressed the Cabinet on item 7 and referred back to an email sent to the Cabinet Member for Regeneration, Enterprise and Planning in August 2016. He commented that there had been a number of issues in Far Cotton with the number of HIMO's, including issues around fly-tipping and parking restraints. In addition while welcoming the report, he stated that the improvements to Delapre Abbey would, in his view, assist the Council with implementing this directive.

County Councillor Gareth Eales addressed the Cabinet on item 8. He welcomed the report and recommendations laid out. He stated that the possibility of using Claret Carpark would help alleviate some of the issues in the St James area. He outlined four key points that needed to be taken into account and looked at, namely:

- The Cabinet and Council needed to now look at the practicality of issues on parking instead of spending time coming up with ideas;
- All Ward Councillors needed to be involved at all stages of the process;
- There had been a lack of progress on the link road around St James and needed to

- be addressed urgently; and
- The Council needed to address the issues surrounding the County Council moving into the town centre and the number of vehicles potentially impacting on St James.

As an aside, Councillor Eales commented that he would speak to colleagues at royal mail to see if there was any possibility to collect data in relation to item 7.

## **5. DECLARATIONS OF INTEREST**

Councillor King declared a personal non-pecuniary interest in item 10 by virtue of having done previous youth work on the consultation.

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

There were none.

## **7. PROPOSED ARTICLE 4 DIRECTIONS - HOUSES IN MULTIPLE OCCUPATION (HMO) IN FAR COTTON, DELAPRE AND CLIFTONVILLE**

Councillor Davenport addressed the Cabinet and stated that she welcomed the recommendations in the report. She commented that the Council had learnt lessons from the previous issues in Kingsthorpe. The Cabinet needed to ensure that concerns relating to Forest Road were addressed. In her opinion this directive would increase the number of first time buyers in the area and improve the overall living conditions for the local residents.

Councillor McCutcheon echoed comments made by Councillor Davenport and in addition welcomed the excellent research carried out by officers, supported by local residents. He suggested that officers worked on the ground and spent a day in the area looking at any issues and seeking possible solutions to any issues. In addition, it was vital to look at different sources to canvass the area to collect as much data as possible.

In response the Cabinet Member for Housing and Wellbeing suggested contacting the postal service to see if Postmen could collect data while on their rounds.

Councillor Hadland elaborated on his report and noted that there had been overwhelming support for this directive from local residents. He commented that the use of postmen would need to be looked at, especially in terms of data protection. In addition he stated that something needed to be done quickly, however due to statutory constraints there needed to be a 12 month period in place to gather evidence.

The Deputy Leader welcomed the recommendations and stated that he was pleased to see work happening in the Cliftonville area.

## **RESOLVED:**

That Cabinet resolved the making of:

2.1.1 An immediate Article 4 Direction to remove permitted development rights for the change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, to a use within Class C4 (houses in multiple occupation) of that Schedule in the area bounded by the River Nene to the north, Cotton End Road to the east, Forest Road/ part of Pleydell Road/ Delapre Crescent/ Rothersthorpe Road to the south and heading north towards the rear of Rothersthorpe Industrial Estate where it meets St Leonard's Road roundabout before heading north along Towcester Road, as shown on Map 1

2.1.2 a non-immediate Article 4 Direction to remove permitted development rights for the

change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, to a use within Class C4 (houses in multiple occupation) of that Schedule in the area bounded by London Road, heading south towards Mere Way then heading east up to the school, then heading north towards the rear of the properties at Friars Avenue, then following the northern boundary of the school and the recreation grounds, heading west towards Towcester Road, before heading north to the roundabout then turning west, north then west again up to the railway line, then heading north towards Rothersthorpe Road, then turning east towards Towcester Road, heading slightly north before turning east to include the Far Cotton Recreation Ground, some of the properties in Pleydell Road and properties south of Forest Road. Within the Cliftonville area, the proposed non immediate Article 4 Direction starts from the junction of Billing Road and Cliftonville Road, heading south to the rear of 2 to 22 The Nurseries, turning east along perimeter including all properties in the Nurseries leading to the south-western corner of Three Shires Hospital, heading north in a line to include all properties in the Avenue and Berkeley Close, including 32A to 29, up to the western boundary of 80 Billing Road (excluded from area), west along Billing Road as far as Cliftonville Road, including all properties on the southern side of Billing Road. These boundaries are shown on Map 2, and they are to come into force after 12 months.

## **8. CABINET RESPONSE TO SCRUTINY PANEL - MATCH DAY PARKING**

Councillor Ashraf addressed the Cabinet and stated that having lived in the St James area most of her life she was well aware of the issues surrounding traffic, parking and air pollution. She welcomed the appointment of a parking attendant at St James and the proposal to open up Claret carpark. She outlined her frustrations that the link road had not made more progress and stressed that a meeting needed to take place as soon as possible to resolve this.

Councillor Hadland elaborated on his report and noted the work of the Scrutiny Panel on these issues. He commented that a meeting of stakeholders was due to take place in early April, if possible, and that membership of this group could be altered at any stage to involve the right people.

### **RESOLVED:**

That Cabinet:

- 2.1 Note the recommendations included in the Overview and Scrutiny report on match day parking.
- 2.2 Approve the formation of a working group, led by NBC in partnership with Northamptonshire County Council as the lead transport authority to assess the recommendations made by O&S Group and implement where appropriate.
- 2.3 That the Overview and Scrutiny Working Group are formally congratulated on a high quality and comprehensive report and thanked for the time and effort given to producing it.

## **9. NORTHAMPTON WATERSIDE ENTERPRISE ZONE: PROPOSED PURCHASE OF LAND AT ST PETER'S WAY**

Councillor Stone addressed the Cabinet and welcomed the recommendations in the report. She stated that the proposal would bring an injection of life into the area. She commented that she was concerned with possible governance arrangements and wanted assurances that



processes would be followed correctly. Furthermore she asked for clarification on what plans there were for Northampton Partnership Homes (NPH) if they moved out of their current building and what proposals were to be implemented with regards to the old oil tanks on site.

Councillor Hadland elaborated on his report and commented that this was a strategic area that needed developing. The site was in a prominent position and was a once in a lifetime opportunity to develop. He welcomed the expertise within the department, having previously carried out a similar project. With regards to NPH, they required a large site due to the need for a large car park. He commented that a business case was being prepared for this.

At this point the meeting went into private session.

## **RESOLVED**

That Cabinet:

1. Notes the results of environmental due diligence undertaken for the Council by AMEC Foster Wheeler (AMECfw).
2. Accepts the draft Heads of Terms for the proposed purchase of the site at Exempt **Appendix 2**, and authorises the Director of Regeneration, Enterprise & Planning acting in consultation with the Borough Secretary and the Cabinet Member for Regeneration, Enterprise and Planning, to consider and agree any beneficial amendments.
3. Approves the purchase of additional environmental insurance for the site via Arthur J. Gallagher & Co., at a cost of £250k, to be funded from the Strategic Investment Reserve, and instructs the Director of Regeneration, Enterprise & Planning acting in consultation with the Borough Secretary, to take out said insurance at the time of purchase.
4. Authorises the Director of Regeneration, Enterprise & Planning acting in consultation with the Chief Finance Officer and the Cabinet Member for Regeneration, Enterprise & Planning, to complete the purchase of the site from National Grid at an agreed price of £1.5 million, plus £72,000 stamp duty, as appropriate.
5. Approves the existing Capital Scheme being increased by £72,000 to cover stamp duty and that this also be funded from the Strategic Investment Reserve.
6. Notes that the site is being purchased to enable the relocation of NPH and its depot and that exchange of contracts will therefore not take place until (i) NPH formally confirm that they will relocate to the site, (ii) accept the market rent for their proposed new premises, and (iii) that VFM is demonstrated for both the General Fund and Housing Revenue Account, through the business case being prepared by NPH and NBC Finance.
7. Instructs the Director of Regeneration, Enterprise & Planning, subject to the completion of the proposed purchase, to submit a further report concerning the procurement arrangements and programme for the new office accommodation and associated development that is proposed for the site.

## **10. GROWING TOGETHER NEIGHBOURHOOD PLAN**

Councillor Chunga addressed the Cabinet and commented that the referendum showed the overwhelming support for this plan. It showed that people in these areas wanted to govern

how decisions were made and highlighted this as an example of good governance. Furthermore, he thanked Councillor King for her work on this over the years and wanted to note his thanks to the Pat Strachan, the independent examiner.

Councillor Duffy addressed the Cabinet and echoed the comments made by Councillor Chunga.

Councillor Hadland elaborated on his report and stated that this was an example of people coming together to achieve something for their communities.

Councillor King stated her wish to have on record her thanks to Councillor Duffy for all her work in this project.

**RESOLVED:**

That Cabinet recommends to Full Council:

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

The meeting concluded at 6:54 pm

Appendices

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**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Environmental Services Re-provision – Procurement Process</b>
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**AGENDA STATUS:**                      **Public**

<b>Cabinet Meeting Date:</b>	12 <sup>th</sup> April 2017
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Customers and Communities
<b>Accountable Cabinet Member:</b>	Councillor Mike Hallam
<b>Ward(s)</b>	All wards

### 1. Purpose

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- 1.1 To advise of progress with the re-procurement of the environmental services contract.
- 1.2 To advise of the outcome of environmental services public consultation exercises undertaken to inform re-provision.
- 1.3 To seek agreement to some key aspects of service design.
- 1.4 To seek authority to advertise the proposed disposal of property within designated public open space, to facilitate the grant of leases of depots.
- 1.5 To seek agreement to a request from Northampton Partnership Homes that it is excluded from the Council's environmental services re-procurement.

## **2. Recommendations**

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That Cabinet:

- 2.1 Notes that in response to the OJEU notice and Selection Questionnaire issued on 13<sup>th</sup> February 2017, nine responses were received and evaluated, leading to the five highest scoring bidders being selected for the Invitation to Submit Initial Tenders.
- 2.2 Notes the outcome of the public consultation exercises undertaken to inform this procurement process.
- 2.3 Further to the outcome of the public consultation, having noted the indicative relative cost increase (set out in section 4.2.5 of this report) and subject to affordability, agrees that the following requirements for service design be included in the service specification
  - Fortnightly co-mingled dry recycling collection service
  - Free green waste collection service
  - Kitchen food waste collection service
- 2.4 Authorises the advertisement of the proposed disposal of land designated as public open space in accordance with the requirements of the Local Government Act 1972 (as amended) to facilitate the grant of leases referred to in paragraph 3.1.9 and 3.1.10 of this report.
- 2.5 Agrees to a request from Northampton Partnership Homes that it is excluded from the Council's environmental services re-procurement and, instead, is permitted to independently procure grounds maintenance services for the land within the curtilage of the properties for which it is responsible.

## **3. Issues and Choices**

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### **3.1 Report Background**

- 3.1.1 The council's environmental services contract expires on 3 June 2018. To move forward the process to put new arrangements in place, at a meeting of cabinet on 16<sup>th</sup> November 2016, it was decided to once again outsource the full range of environmental services.
- 3.1.2 At a subsequent meeting of cabinet on 11<sup>th</sup> January 2017, the key principles of the procurement strategy for the re-provision of environmental services were agreed and the business case was approved.
- 3.1.3 In accordance with the timetable outlined in the 11<sup>th</sup> January cabinet report, the OJEU notice and Selection Questionnaire were issued on 13<sup>th</sup> February 2017, nine responses have been received and evaluated, leading to the five highest scoring bidders being selected for the invitation to submit initial tenders, as detailed in the SQ Evaluation Report.

3.1.4 The SQ Evaluation Report is a confidential background paper to this report, available to councillors upon request to the Council

#### Consultation

3.1.5 As per paragraph 4.5 below, extensive public consultation has been undertaken to ensure that the re-provision of environmental services is informed by the views of local people, community groups and ward councillors.

3.1.6 Based on the outcomes of consultation it is proposed that the following requirements for service design are included in the service specification

- Fortnightly co-mingled dry recycling collection service
- Free green waste collection service
- Kitchen food waste collection service

3.1.7 Outcomes of consultation will also be made available to bidders in the data room to assist them in developing their tenders.

3.1.8 This will include information from public consultation about the bulky waste collection service, including reducing the cost and/or introducing a reduced charge for the collection of single items, the offering of a 'gold standard' service and providing a discounted service for those less able to pay.

#### Leases

3.1.9 The bidders will be offered the option of using all or parts of certain depots, which will each be the subject of a lease at a peppercorn rent; these are Westbridge, Camp Hill, Billing Arbours and Sheep Street.

3.1.10 In addition to the depots listed above, there are mess room/toilet and storage facilities in some parks and cemeteries; these are the Racecourse, Abington Park, Kingsthorpe Park, Delapre Park, Dallington Cemetery, Towcester Road Cemetery, Kingsthorpe Cemetery

3.1.11 The facilities listed in paragraphs 3.1.9 and 3.1.10 as available for lease are situated in public open space. The grant of leases is treated as a disposal of public open space, in such circumstances, in accordance with and in pursuance of Section 123 (2A) of the Local Government Act 1972 (as amended) the Council is required to place public notices stating its intention to dispose.

#### Northampton Partnership Homes

3.1.12 In accordance with its wishes, it is proposed that Northampton Partnership Homes is excluded from the Council's environmental services re-procurement and, instead, is permitted to independently procure grounds services for the land within the curtilage of the properties for which it is responsible.

#### Parish Councils

3.1.13 Parish councils will have the option to procure grounds maintenance services separately from this contract, subject to agreement with the council. Bidders will therefore be requested to cost this aspect of the grounds maintenance service as a variant.

## **3.2 Choices (Options)**

- 3.2.1 Cabinet is free to select service design options as it so chooses. However consultation with local people, community groups and elected members points strongly towards the service design options recommended by this report.
- 3.2.2 As well as being informed by public consultation, service design choices will be considered in the context of their cost and affordability during the procurement process.
- 3.2.3 Cabinet may choose to agree to NPH's request to be excluded from the Council's environmental services re-procurement and, instead, to permit NPH to independently procure grounds maintenance services for the land within the curtilage of the properties for which it is responsible.
- 3.2.4 Alternatively Cabinet may choose to decline this request and reserve its decision to a later point in the procurement process when the potential cost and quality implications can be better understood. However, a delay in making this decision would shorten the time available to NPH to undertake its separate procurement process.

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

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### **4.1 Policy**

- 4.1.1 There are no policy implications directly arising from this report.

### **4.2 Resources and Risk**

- 4.2.1 The financial implications of carrying out the environmental services procurement process were dealt with in the Environmental Services Re-provision cabinet report of 16<sup>th</sup> November 2016. The cost of the new service will not be known until final tender but a significant price increase is anticipated.
- 4.2.2 In addition to the price increase referred to in paragraph 4.2.1 above, options have been modelled, to establish indicative cost differences for different key service design options and this information is referred to in paragraphs 4.2.3 – 4.2.5 below.
- 4.2.3 The recommendation set out in this report (paragraph 2.3) for a co-mingled dry recycling collection service, free green waste collection service and kitchen food waste collection service would likely significantly increase the cost compared to the current service configuration for waste collection and recycling services.
- 4.2.4 Whilst alternatively, a kerb side sort dry recycling collection service, chargeable green waste collection service and free kitchen food waste collection service could potentially significantly decrease the cost from the current waste collection and recycling service by a similar sum.

- 4.2.5 The net effect of the recommendation at paragraph 2.3, compared to the alternative service configuration, set out in paragraph 4.2.4 above, could potentially be an additional cost of c.15% of the overall contract price, based on the indicative cost modelling work that has been undertaken.

#### Affordability

- 4.2.6 The recommendation set out in this report at paragraph 2.3 for a co-mingled dry recycling collection service, free green waste collection service and kitchen food waste collection service is made subject to affordability.
- 4.2.7 Affordability will be considered in light of both the actual tender prices submitted by bidders in their initial tenders and the wider budget implications for the council, which will be more clearly understood in the coming months.

#### Northampton Partnership Homes

- 4.2.8 The Northampton Partnership Homes (NPH) Grounds Maintenance Budget 2016/17 is £266,500. It is not known what the indicative cost to NPH would be by separately procuring its own service, but any additional costs will fall to NPH.

#### Risk

- 4.2.9 Under the current environmental services contract, the risk associated with fluctuations in the values of recyclates is borne entirely by the contractor. It is anticipated however that bidders for our new contract are likely to wish to share this risk with the council and it may therefore be appropriate to create a reserve that can be drawn down if such risks are subsequently realised.
- 4.2.10 The quantum of this reserve will need to be calculated at final tender stage, ahead of contract award.
- 4.2.11 Risks for this procurement process are being appropriately mitigated and managed and a risk register has been developed to ensure effective risk management throughout the procurement process.
- 4.2.12 The Council's internal auditors, PwC, have considered the governance arrangements around the ongoing delivery of the Cabinet approved Business Case and Procurement Strategy and have confirmed that the process is robust.
- 4.2.13 Furthermore, to help to ensure the robustness of the procurement process going forward, overview and scrutiny committee have been invited to establish a scrutiny panel to scrutinise the process through to contract award and beyond.

### **4.3 Legal**

- 4.3.1 A procurement process of this type, size and scope is legally complex. Legal advice has been sought throughout the process to date.
- 4.3.2 The council's legal advisors continue to advise on the legal robustness of the project to date and the proposed way forward.

## **4.4 Equality and Health**

4.4.1 An equality impact assessment was undertaken as part of the commissioning options review process, which was considered by cabinet on 16<sup>th</sup> November 2016. That EIA has been reviewed to reflect the recommendations set out in this report and will continue to be reviewed and updated throughout the procurement process.

4.4.2 Bidders will be required to have regard to equality and health implications when submitting their bids and a community impact assessment will be undertaken ahead of contract award.

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

4.5.1 A community engagement framework has been developed to ensure stakeholders are fully involved in the environmental services re-provision process.

4.5.2 The community engagement framework is drawn from a broad range of stakeholder groups, including resident associations, parish councils, friends groups, park management committees, partner agencies, ward councillors and staff.

4.5.3 As well as consultation undertaken via the community engagement framework, an Ipsos MORI survey was commissioned. The survey entailed 1,000 interviews with residents from across Northampton which sought their views on various aspects of environmental services.

4.5.4 All consultation has now been analysed and summarised. The consultation report (Community Engagement and Consultation on Re-Provision of Environmental Services) is a background paper to this report and is available on the council's website.

4.5.5 Conclusions drawn from the consultation will be used to inform key aspects of service design, namely

- Fortnightly co-mingled dry recycling collection service
- Free green waste collection service
- Kitchen food waste collection service

4.5.6 Consultation outcomes also provide some very clear messages about local priorities and desired service standards and will be made available to bidders in the data room to assist them in developing their tenders.

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

4.6.1 The proposals in this report will help to deliver the following corporate plan priorities:

- A clean and attractive town for residents and visitors



- Enhancing and encouraging participation
- Delivering quality modern services

## **5. Background Papers**

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Environmental Services Re-provision – Selection of Service Delivery Option, Cabinet Report, 16<sup>th</sup> November 2016

Eunomia – Commissioning Options Review, October 2016 (partly exempt for commercial reasons)

Environmental Services Re-provision – Procurement Process, Cabinet Report, 11<sup>th</sup> January 2017

Community Engagement and Consultation on Re-Provision of Environmental Services

Selection Questionnaire Evaluation Report, March 2017 (restricted access)

Julie Seddon, Director of Customers and Communities

[julieseddon@northampton.gov.uk](mailto:julieseddon@northampton.gov.uk)

01604 837379

Appendices: 3



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Abington Park Café: Revised Lease and Licence</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	12th April 2017
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland, Cabinet Member for Regeneration, Enterprise and Planning
<b>Ward(s)</b>	Abington

### 1. Purpose

1.1 Following the advertisement of the proposed disposal of an area of public open space this report now asks for Cabinet to consider the objections received and seeks authority for the surrender of the existing lease, the grant of a new, lease and a licence for the siting of tables & chairs for Abington Park Café.

### 2. Recommendations

That Cabinet:

2.1 Receive and consider representations arising from the advertisement of the proposed disposal of public open space in accordance with the requirements of Section 123 (2A) of the Local Government Act 1972.

2.2 Approve the leasing to the existing tenant of an additional area of the Park upon which an extension to the Café has been built and agree that this be effected by the surrender of the existing lease of the Abington Park Café and the grant of a new lease of an extended area shown edged red on the Plan at Appendix 2, to the existing tenant.

2.3 Approve the grant of an annually determinable licence, with conditions, for the placement of tables & chairs within the area shown edged blue on the Plan attached at Appendix 2.

2.4 Authorise the Director of Regeneration Enterprise and Planning, acting in consultation with the Borough Secretary to agree terms based on a commercial arrangement for a new lease and for a licence for the Abington Park Café.

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

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#### **3.1 Report Background**

3.1.1 The Council owns the freehold interest in land on which the Abington Park Café (previously known as the Old Oak Café) is situated. The property has been leased to an operator for many years and was extended at the current tenant's cost some years ago. The current lease expires in 2029.

3.1.2 A further extension to the café, which involves an enlarged trading area and store has been constructed which included the development of additional land, which comprises public open space, outside of the tenants current lease. Although this extension enjoys the benefit of planning permission (PA No. N/2015/0421) the tenant wishes to regularise the position.

3.1.3 The tenant has made significant investment in the property including the extension and has requested a further full 25 years lease term to support this expenditure.

3.1.4 The tenant currently provides tables and chairs for the consumption of food and drink in an area that extends beyond the current demise and it is considered desirable to also regularise this situation. Accordingly The Parks and Open Spaces Team has defined a suitable area for the placement of tables as shown edged blue on the plan at Appendix 2.

3.1.5 A licence, determinable annually, and incorporating appropriate conditions for the placement of tables & chairs within the area shown edged blue on the plan at Appendix 2 can be granted which would give the tenant the ability to continue to provide this facility and the Council the ability to regulate the use.

3.1.6 As previously reported and in the interests of transparency Cabinet should be aware that the tenant is a Member of the Council, although clearly not acting in that capacity in relation to this matter.

3.1.7 The additional land which it is proposed to be included in the demise to the tenant is public open space and it has therefore been necessary to advertise the proposed disposal in accordance with the statutory requirements. The Plan at Appendix 1, identifies the area of public open space that it is proposed to dispose of by way of a lease.

3.1.8 The Council received a good response to the Notice of the proposed disposal of open space. Approximately 286 individual representations had been received of which 276 of these representations (approximately 96.5%) did not object to the

disposal by way of lease, whilst 9 representations, (approximately 3.1%), did object to the proposed disposal. One representation seemed to contain both support and objection to the proposed disposal.

3.1.9 Section 123 (A) of the Local Government Act 1972, requires that objections to the proposed disposal of open space be considered before any decision to dispose is taken. That being the case, the *objections put forward in representations* can be summarised as follows:

### **Probity Objections**

The applicant, because he occupies a role as a Councillor, should not be able to benefit from the proposed lease extension.

Inappropriate to use Borough Council Land to further the business of a private business owner and take land away from Abington Park which was bequeathed to the people of Northampton.

#### *Officer Observations*

Cabinet needs to be absolutely clear that the applicant has, quite properly, approached the Council in a private individual capacity with a view to regularising a property matter. That being so there are no grounds for disqualifying the applicant in relation to this matter.

### **Planning Objections**

The disposal should have been approved before the planning permission was granted.

The building connected with the proposed disposal is an “eyesore and out of place”.

The extension that has been constructed is an “illegal building”.

Reference to the emerging Northampton Local Plan 2 – Options Consultation Paper where objectives relating to design & public spaces and the management of heritage. Suggestion that the “...Café has increased significantly in scale and scope and is rather ugly and not in keeping with the other traditional buildings contained within the park.

Suggested that the Café is “...inappropriate development within the Conservation Area.

#### *Officer Observations*

The planning application has already been determined and permission granted for the Café in its current form. So the building has been constructed with the benefit of planning consent. Although it would have been preferable for the leasing issue to have been concluded earlier, this does not make the building ‘illegal’. It would be unreasonable to seek to use the process of considering a lease extension to revisit a

scheme that already has the grant of planning permission. Constitutionally, Cabinet has no locus in re-visiting the planning application.

### **Property Objections**

The proposed disposal is likely to “set a precedent” for not only Abington Park, but also other parks and open spaces.

Concern that any new lease terms should represent best value.

The proposed term of 25 years is both exceptional and unusual.

The lease should only be granted for ten years.

Suggestion that the “...new lease needs to make it clear that the extension must meet the criteria of the dilapidation process.

Concern about the impact of the existing siting of tables and chairs on the Park.

The public should be consulted on the proposed terms of the licence for the siting of tables and chairs.

Suggestion that the proposed licenced area should be included in the lease and in the area of public open space identified for possible disposal.

The various charitable events supported by the Café should be better controlled and the incorporation of the licensed area into the leased area might be an appropriate way of achieving this control.

Suggestion that there may be “...a number of different areas where the process for offering a new lease may be challenged “. The Concessions Contract Regulations (2016) are cited as an example.

Objection to the ‘disposal;’ because the existing tenant “...should be given every support to continue their role’. (This actually seems to be a comment in support of what has been proposed, but is reported here for completeness).

### *Officer Observations*

There is no reason why this should set a precedent. It is suggested that should there be any similar matters that they be considered on their respective merits.

Should Cabinet be minded to approve the recommendations set out in this report, then officers will negotiate appropriate terms and conditions including the term, in the usual way, having regard to relevant legal and financial requirements and guidance. The tenant has leased the Café since 1990. There is nothing inherently unusual about a 25 year lease.

It is not proposed to dispose of the area identified as being appropriate for the siting of tables & chairs by way of lease, as the Council wishes to be able to apply conditions via a licence that can be terminated, and is renewable annually, at its discretion, as a means of regulating this aspect of the Café's operation.

It is the case that many of the Councils activities and decisions are challengeable. Whilst the Council endeavours to conduct itself in a way that will minimise the chances of successful legal challenges, they will probably continue to be made from time to time. We need to be clear that in relation to this report, Cabinet is being asked to determine property matters.

### **Other Objections**

Suggestion that there is a discrepancy between the Plans used in the Notice and the Plans included in the 16<sup>th</sup> October 2016 report to Cabinet

Insufficient consultation on the issues involved with appropriate local bodies and national advisory bodies and given this view, that the matter be postponed to allow such consultation to take place.

#### *Officer Comment*

The Plan associated with the Public Notice identified the area of public open space that is proposed for disposal. See Plan at Appendix 1.

For the avoidance of doubt, the areas for the proposed new lease and for the proposed licence are shown on the Plan at Appendix 2.

The Public Notice concerning the proposed disposal of public open space, displayed by the Council, including in the Northampton Chronicle and Echo, afforded both the general public and stakeholders the opportunity to formulate and submit representations by the due date.

Prior to this, as part of the planning application process (PA No. N/2015/0421), the extension has already been subject to public consultation.

## **3.2 Choices (Options)**

3.2.1 The Council could choose not to grant a new lease including the additional land sought. As the extension has been completed the Council could seek to take action to require the demolition and removal the extension. This would seem to be a disproportionate approach and it is not recommended.

3.2.2 The Council could choose to agree to extend the area of land leased to the Tenant to include the extension. For practical and legal reasons, it is

suggested that this be done by way of a surrender of the existing lease and the grant of a new lease to include the land identified on the plan within a single lease. If this is done, the Tenant has requested that the new lease be for a period of 25 years. A license to regularise and control the siting of tables and chairs could also be granted. This will be negotiated at a commercial rate. *This is the recommended option.*

3.2.3 The Council could also choose not to grant an annually determinable licence for the placement of tables and chairs, and just agree to grant a new lease. This would not give the Council the level of control that it is looking for in relation to the siting of tables and chairs and it is not recommended.

3.2.4 The Council could, as one of the objectors has suggested, seek to incorporate the area that is proposed to be licenced into a new lease. This is not proposed because it would create property rights that officers do not consider to be appropriate or necessary in relation to the siting of tables and chairs. This option is not therefore recommended.

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

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##### **4.1 Policy**

4.1.1 This report does not set new Policy.

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

4.2.1 Implementation of the recommendations of this report would increase both revenue income of the Council.

##### **4.3 Legal**

4.3.1 LGSS Law will be instructed to progress the lease extension and license should these be approved by Cabinet.

4.3.2 In relation to the proposed disposal of public open space, the process of public advertisement and the consideration of objections is required by S123 (2A) of the Local Government Act 1972, as amended.

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

4.4.1 There are no direct equality and health implications arising directly from the proposed property arrangements. The Café is in an area where it is available to all sections of the community.

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

4.5.1 The Parks Service, Property, Legal and Finance have been consulted on the proposed lease and licence of Abington Park Café. The proposed disposal of public space associated with the grant of a new lease was also advertised, as required.

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

4.6.1 The proposals contained in this report will increase revenue and capital income to the Council assisting in the delivery of priority outcomes.

#### **4.7 Other Implications**

4.7.1 We are not aware of any other implications arising from the recommendations contained within this report.

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

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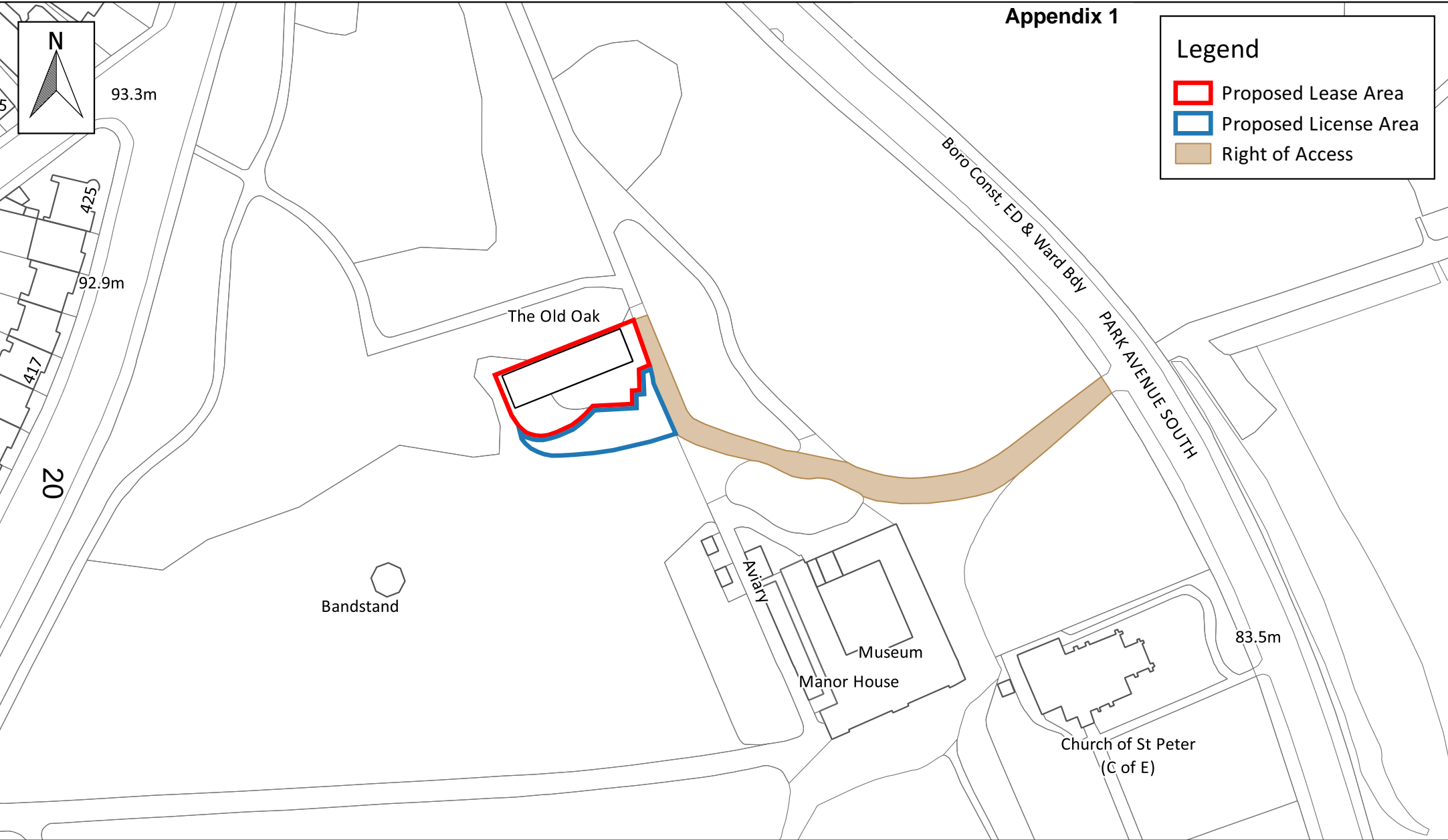
5.1 Agenda Item 13, Cabinet Report, October 2016.

**Stephen Hing**  
**Director of Regeneration, Enterprise & Planning**  
**01604 837287**



Legend

- Proposed Lease Area
- Proposed License Area
- Right of Access



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **Abington Park Cafe**

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Date: 24-01-2017

Scale: 1:1,250

Drawn by: -----



Title: **Abington Park Cafe**

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Date: 18-05-2016

Scale: 1:1,250

Drawn by: -----

**NORTHAMPTON BOROUGH COUNCIL**

**LOCAL GOVERNMENT ACT 1972 (AS AMENDED)**

**NOTICE OF INTENDED DISPOSAL**

**DISPOSAL OF OPEN SPACE LAND: ABINGTON PARK CAFÉ, ABINGTON PARK,  
NORTHAMPTON**

1. NOTICE IS HEREBY GIVEN in pursuance of Section 123 (2A) of the Local Government Act 1972 (as amended by the Local Government, Planning and Land Act 1980) that Northampton Borough Council intends to dispose of land described in the Schedule.
2. The disposal relates to the construction of an extension to the existing café premises and renewal of the existing café lease in the Park.
3. A plan showing the location of the land it is intended to dispose of may be inspected free of charge at the One Stop Shop, The Guildhall, St Giles Square, Northampton from 9:00 am to 5:00 pm on Mondays to Fridays inclusive.
4. Any objections to the intended disposal must be made in writing and addressed to the Borough Secretary and Monitoring Officer, Northampton Borough Council, The Guildhall, St Giles Square, Northampton NN1 1DE (Ref: REG002501 ) by no later than 31<sup>st</sup> January 2017

**SCHEDULE**

An area of approximately 237 square metres comprising the extension to the café premises located to the north of the Museum building

F Fernandes  
Borough Secretary and Monitoring Officer  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

Dated: 2017

## Agenda Item 8

### Addendum Report

#### Abington Park Café; Revised Lease and License

Cabinet should be aware that the following corrections are necessary:

- **Recommendation 2.2**

This should refer to the Plan at **Appendix 1** (which shows the proposed areas for the Lease and Licence).

- **Recommendation 2.3**

This should refer to the Plan at **Appendix 1** (which shows proposed areas for Lease and Licence).

- **Paragraph 3.1.5**

This should refer to Appendix 1 (Lease and Licence).

- **Paragraph 3.1.7**

This should refer to Appendix 2 (which shows the area of the proposed disposal of Public Open Space).

- **Paragraph 3.1.9, Other Objections, Officer Comment:**

First Paragraph should refer to **Appendix 2** (which shows the area of the proposed disposal of Public Open Space).

Second Paragraph should refer to **Appendix 1** (which shows the proposed area for Lease and Licence).

Appendices

1



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Proposed grant of a lease to Community Spaces Northampton- St Crispin's Community Centre and Sports Pitches</b>
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**AGENDA STATUS:**                      **Public**

<b>Cabinet Meeting Date:</b>	12 <sup>th</sup> April 2017
<b>Key Decision:</b>	NO
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	NO
<b>Directorate:</b>	Regeneration, Enterprise and Planning/Community Engagement
<b>Accountable Cabinet Member:</b>	Cllrs Tim Hadland/Anna King
<b>Ward(s)</b>	Upton

### 1. Purpose

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- 1.1 In respect of St Crispin's Community Centre and Sports Pitches, to ask Cabinet to re-consider its decision of 16<sup>th</sup> November 2016 to grant a lease to and enter a management agreement with Community Spaces Northampton (CSN) in light of the land being public open space.
- 1.2 Further to paragraph 1.1, to seek authority to advertise the intended disposal of public open space.

### 2. Recommendations

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That Cabinet:

- 2.1 Notes that the land at St Crispin's Community Centre and Sports Pitches, shown edged red on the plan at appendix 1, is public open space.

- 2.2 In light of recommendation 2.1, re-considers its decision of 16<sup>th</sup> November 2016 in respect of the lease and management agreement for the new St Crispin's Community Centre and Sports Pitches, and:
- 2.2.1 Approves in principle the disposal of land designated as public open space and agrees to the advertisement of the proposed disposal of public open space in accordance with the requirements of the Local Government Act 1972 as amended by the Local government Planning and land Act 1980.
  - 2.2.2 Approve in principle the grant of a 30 year lease to Community Spaces Northampton, at a notional rent, without review.
  - 2.2.3 Agree to enter into a management agreement with Community Spaces Northampton, in accordance with the policy framework approved by Cabinet in December 2010.
- 2.3 Further to recommendation to 2.2.2, delegates to the Director of Regeneration, Enterprise and Planning, in consultation with the cabinet member for Regeneration, Enterprise and Planning, authority to approve the final terms of the lease.
- 2.4 Further to recommendation 2.2.3, delegates to the Director of Customers and Communities, in consultation with the cabinet member for Community Engagement, authority to approve the final terms of the management agreement.

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

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#### **3.1 Report Background**

- 3.1.1 Cabinet considered a report on 16<sup>th</sup> November 2016 and agreed in principle to grant a lease and to enter into a management agreement for the new St Crispin's Community Centre and Sports Pitches to Community Spaces Northampton (CSN).
- 3.1.2 However, the report did not make it clear that the land is public open space. Cabinet have therefore been asked to re-consider the proposed grant of a lease and management agreement to CSN in light of it being public open space and to give the necessary authority to the advertisement of the intended disposal of open space.
- 3.1.3 The November 2016 Cabinet report resolved that any issues of undervalue arising out of the proposed lease to Community Spaces Northampton, be satisfactorily addressed.
- 3.1.4 An external valuation has since been obtained from which the conclusion may be drawn that the diminution of the Council's interest in market value as a result of the grant of the proposed lease on concessionary terms would not require the Council to seek direct approval of the Secretary of State.

- 3.1.5 Given that the undervalue is less than £2m the Council may rely on the general consent as explained in the November report (paragraph 3.2.5) to progress the proposed transaction
- 3.1.6 A Policy Framework for setting up arrangements with community groups to manage community centres under appropriate circumstances involving a long-term lease and management agreement was approved by Cabinet on 15 December 2010. This framework provides that the leases are to be granted at a notional rent which is less than market value.
- 3.1.7 The newly built community centre and sports pitches are not planned to be managed directly by the Council, but instead by a community organisation experienced in running similar facilities.
- 3.1.8 The Council has been advised that a request for expressions of interest to run the new facilities was issued to six community organisations by Upton Parish Council in 2014/5. Responses were received from three of these organisations. A request was then made for a business plan to be prepared by each of these interested organisations. Only one organisation, Community Spaces Northampton Limited (CSN), submitted a business plan, based on the proposed size and design of the community centre at that time. In December 2015, the Council requested CSN to revise and update their business plan given that additional funding had been secured for a larger community centre with additional facilities. They were given till the end of January 2016 to prepare a Business Plan Application and financial projections. As a result of revisions to the centre design and re-submission of the planning application in March 2016, CSN revised and submitted their Business Plan and projections in May 2016.
- 3.1.9 The business plan application received was evaluated on the following criteria:

	<b>Criteria</b>	<b>How Assessed/Priority</b>
1	Legal governance, including legal set-up, policies, licensing, power to hold land/property	Pass/Fail
2	Current financial viability	Pass/Fail
3	Public Access experience	Medium
4	Community Engagement experience	High
<b>Quality of Business Plan:</b>		
5	Community Engagement plans	Medium
6	Community Activity plans	High
7	Achieving management agreement objectives	Low
8	Sustainable 5-year financial forecasts	High
9	Adequate processes/procedures/systems	Low

3.1.10 An evaluation panel consisting of Council officers met on 26 July and 2 August 2016. The panel met again on 16 August 2016 after detailed clarification questions had been answered by the applicant, and came to a joint decision to recommend CSN to go forward to manage the centre. The final recommendations of the Panel were reviewed and agreed by the St Crispin's Project Board on 6 September 2016.

3.1.11 The organisation recommended to be appointed to run the new Community centre and sports facilities at St Crispin's is Community Spaces Northampton (CSN).

3.1.12 CSN is a partnership-based, not-for-profit organisation, set up in 2011 as a company limited by guarantee, and also as a registered charity. The board of CSN was formed from trustees of Alliston Garden Youth & Community Centre (AGYCC), a well-established (almost 20 years) self-run Council community centre, and staff or trustees of the Doddridge Centre, a well-established community centre whose building is leased from the Doddridge Memorial United Reformed Church.

3.1.13 CSN has been running eight of the Council's 21 community centres under leases and management agreements approved by this Council in 2012/13. In addition, professional board members have been recruited onto the CSN board of trustees as well as experienced community practitioners. CSN works with a number of other organisations with whom AGYCC has existing relationships including Deaf connect, Service Six and Vernon Terrace Primary School.

3.1.14 CSN proposes to be financially sustainable after five years of operation, once income from users of the facilities outweighs the costs of running the facilities, given it is a brand new centre with no existing income. Their business plan requires funding support from the Council as follows:

Year 1	£55k
Year 2	£45k
Year 3	£35k
Year 4	£25k
Year 5	£15k

3.1.15 The Council proposes to use some of the £716k S106 funding provided by Taylor Wimpey for the ongoing maintenance of the community centre and sports pitches, to provide this funding support to CSN in the first five years.

3.1.16 CSN proposes to grant agreements to several community organisations as anchor tenants for certain facilities. They have been in discussion with the following bodies who are interested in medium to long term arrangements:

Organisation	Facility	Period
Football In The Community (FITC)	Circular building and use of football pitches (weekdays term time)	10 years
Gregory Celtic Football Club	Changing rooms and use of football pitches (weekends and some weekday evenings)	20-30 years
Northants Baseball Club	Use of baseball pitch (Spring/Summer Sundays and some weekday evenings)	20-30 years

3.1.17 CSN is recommended to be granted the lease as the business plan for the running of the new centre was of a very high quality. Key strengths in their application are as follows:

- Very credible application
- Local organisation
- Good community engagement experience



- Considerable community centre management experience
- Considerable community development experience
- Considerable analysis of the centre and detailed plans to maintain the property over the term of the lease.
- Good use of existing centre manager, caretaking, cleaning and community development resource across the 8 centres they currently manage on behalf of the Council.
- Sensible room hire income increase
- Good build-up of reserves
- Level of grants required are within the S106 operational budget

3.1.18 Potential concerns were as follows:

	Potential Concern	How Risk Mitigated
1	How this organisation is managing the centres leased to them in 2012/13	<ul style="list-style-type: none"> <li>• NBC Partnerships &amp; Communities review how existing centres are being run on a regular basis, identify issues and provide support where necessary.</li> </ul>
2	Ability to manage taking over another centre on top of the existing eight centres	<ul style="list-style-type: none"> <li>• The business plan includes additional centre management resource and community development resource;</li> <li>• A centralised room booking system used by CSN will be used for the new centre.</li> </ul>
3	Financial sustainability of existing centres run by CSN	<ul style="list-style-type: none"> <li>• CSN has provided its draft annual accounts to February 2016, and a financial forecast for their existing centres for 2016/17 which demonstrates the organisation is sustainable, including a series of actions that have been put in place this year to increase sales, increase other income, reduce costs, and improve profitability.</li> </ul>

## 3.2 Issues

3.2.1 The basis for negotiation with interested organisations is the framework approved by Cabinet in December 2010. This has been designed to meet the Council's need to ensure effective and fair community benefit consistent with the Corporate Plan, without unduly constraining the community organisation's ability to innovate and respond to local need. It also makes clear the intention of reducing the Council's financial liabilities over a period of time, hence the need for a viable business plan from the organisation.

3.2.2 The framework makes provision for:

- a governing document approved by the Council;
- a formal lease which will cover matters strictly related to the asset as a building, and incorporating a service level agreement (see iii));
- a service level agreement (Management Agreement), which will focus on community benefits and the associated behaviours required;
- a five year Business Plan demonstrating financial viability.

- 3.2.3 The application required applicants to demonstrate appropriate legal governance for the organisation to be used to hold the lease and management agreement.
- 3.2.4 CSN will receive a copy of a pro-forma 30-year lease and a pro-forma 30-year management agreement. These have previously been developed with input from the Asset Transfer Unit's consultation draft documents and from an independent community support organisation, Community Matters.
- 3.2.5 A lease of the asset at a nominal consideration potentially raises issues of undervalue for the purposes of section 123 of the Local Government Act 1972 (which requires local authorities, as a first principle, to dispose of property at the best value reasonably obtainable). Prior to the completion of the lease to CSN, valuation evidence will be obtained to ensure that any such issue is clearly identified. Should the lease present a technical undervalue a general consent from the Secretary of State exists for matters to proceed provided that (a) the undervalue is less than £2 million and; (b) the disposal helps to achieve the objectives of economic, social and/or environmental wellbeing. It is considered that arranging for the management of this facility by a community-based local organisation can be justified as helping to achieve the social wellbeing objective for the reasons set out in paragraph 3.1.13 of this report and the decision is therefore justifiable subject only to a check of the valuation position.

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

- 3.3.1 The recommended Option is the grant of a 30-year lease and management agreement at a notional rent for the life of the lease to Community Spaces Northampton (CSN) to manage the new community centre and sports pitches. This is a local community organisation, well respected in the borough for delivering a range of services for local communities. It is both experienced in running buildings for public access and in engaging with communities to understand their needs and then deliver to their requirements. This option provides continuity in a clear way forward that provides opportunities for a local community organisation while protecting the Council's, and the wider community's, interests. It allows a local group to use its understanding of local need to play a major part in improving local people's wellbeing. It supports a thriving voluntary and community sector, while giving local residents better value for money.
- 3.3.2 Grant a lease to another organisation – this option is not recommended as CSN were the only organisation that chose to submit a business plan. CSN has been running community facilities and developing local communities in Northampton very successfully for almost 20 years. The organisation is currently running 8 of the Council's community centres and developing the local communities across the Borough very successfully. No other community organisation in Northampton has this level of experience and capability to run multiple community facilities.

- 3.3.3 The Council to manage the new facilities - this option is not recommended. The Council will struggle to inject the same level of resource into these local facilities, while local people may expect to depend on the Council for a service it is not well placed to provide.

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

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### **4.1 Policy**

- 4.1.1 The proposals in this report are consistent with the policy adopted by the decision of Cabinet in December 2010, and with the Council's asset management policies.

### **4.2 Resources and Risk**

- 4.2.1 The recommended proposals represent the most economical outcome for the Council. There will be no detrimental impact on the net expenditure on community centres as budgeted.
- 4.2.2 Development of a viable business plan has been a key requirement for the organisation. The Council has supported them in developing a business plan and has referred them to a number of community support organisations. These included the Northampton Volunteering Centre (now Voluntary Impact Northamptonshire), Locality, and Pro Help/Business in the Community. The business plan needs to show self-sufficiency within a reasonable period.
- 4.2.3 There is a risk that the organisation will find it difficult to identify sources of sufficient income to balance its expenditure. To mitigate this, the framework allows for a tapering grant to cover (part of) reasonable net revenue expenses over an agreed period. In this way the responsibility for these expenses passes to the organisation immediately, but they have the opportunity over a period to make decisions about how to spend their money. The tapering grant will be funded by monies provided by the developer of the St Crispin's estate following the section 106 agreement in 2002.
- 4.2.4 To ensure the business plan submitted by CSN was fit for purpose it was robustly challenged by the council, including a detailed interrogation of the financial projections by a local authority accountant.
- 4.2.5 There is a risk that the newly appointed organisation may fail in whole or part in the near future. The likelihood of this is considered to be low, as the business plan has been scrutinised and in some cases amended to ensure that it is realistic. If despite this the organisation did fail, it would probably happen over time and the Council would be closely involved in attempting to remedy the situation. The main impact would be in loss of community development opportunities and ultimately loss of access to the facility, which might require the Council to consider taking back the management responsibility or seeking an alternative provider. Within the lifetime of the Council's current Medium Term Financial Strategy this could be accommodated within budgets.

- 4.2.6 One of the major benefits of transferring responsibility to community organisations is their ability to innovate and to respond rapidly to local demand and need. Hence the Council has been concerned not to constrain unduly what these organisations can do. A consequence of this loosening of central control is that the development and use of some community centres may proceed in ways that the Council did not foresee, and possibly might not have chosen itself e.g. altering room hire charges. However, the management agreement remains as the definition of the minimum service required from the organisation in order that it can exercise these freedoms.
- 4.2.7 The 2002 section 106 planning agreement provides a sum of monies for ongoing repair and maintenance for the building and sports pitches during the term.

### **4.3 Legal**

- 4.3.1 The content of the Framework approved by Cabinet on 15<sup>th</sup> December 2010, the pro-forma lease and management agreement, and the content of this report have been developed with the benefit of expert legal advice. The lease will be tailored to the individual premise's requirements but follows the model which has been successfully used for other community centres within the Borough which are run by CSN.
- 4.3.2 The pro-forma lease and management agreements contain clauses that retain for the Council the power to intervene should the community's interests be jeopardised, but that these powers would not be exercised unless that public interest was clear.
- 4.3.3 The land at St Crispin's Community Centre and Sports Pitches is public open space and it is therefore necessary for Cabinet to approve the advertisement of the proposed disposal, in accordance with the requirements of the Local Government Act 1972 as amended by the Local government Planning and land Act 1980.
- 4.3.4 Reference has been made in paragraph 3.2.5 to the statutory requirements of section 123 of the Local Government Act 1972 regarding the value derived from a disposal of the asset by lease. A review against valuation advice has been undertaken for the new St Crispin's Community Centre and Sports Pitches to ensure that the statutory requirement is being met prior to completion of the lease.

### **4.4 Equality and Health**

- 4.4.1 The Framework approved by Cabinet on 15<sup>th</sup> December 2010 includes the requirement to ensure equality of access to community centres, in particular through the demand for evidence of:

*“an appropriate documented equalities policy which ensures that its activities and the use of the centre(s) adequately reflects the diversity of the local population and does not discriminate unfairly against any group”,*

and that:

*“the Organisation must be able to account on an annual basis for how it has ensured the opportunity of fair and equal access to all members and groups within the local and wider community”.*

4.4.2 In addition, the business plan application required applicants to present their equal opportunities policy. The recommended organisation did include such a policy in their business plan and the Council’s equalities expert has reviewed these and found them to be satisfactory.

4.4.3 With these safeguards in place, it is not considered that the proposals give rise to a significant risk of a negative equality impact.

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

4.5.1 The proposals have been considered by the Evaluation Panel, the Director of Customers & Communities and the St Crispin's Project Board.

4.5.2 The members of the Evaluation Panel are:

- Partnerships & Communities Manager
- St Crispin’s Project Lead
- Group Accountant, LGSS

4.5.3 The members of the St Crispin’s Project Board are:

- Director Customers & Communities
- St Crispin’s Project Lead
- Partnerships & Communities Manager
- Senior Regeneration Project Officer
- Principal Estates Officer
- Environmental Services Manager, Direct Services
- Project consultant

4.5.4 Discussion on this project have taken place with Upton Parish Council on a number of occasions, including attendance at a parish council meeting.

4.5.5 The organisation, Community Matters, which supports the development of community organisations, was consulted on the draft framework and their comments have helped to shape it. There were a number of informal conversations with existing community centre management committees, which informed the framework.

- 4.5.6 Locality, Northampton Volunteering Centre, Enterprise Solutions Northamptonshire and Northamptonshire Community Assets Programme (NCAP) were also consulted on the Framework.
- 4.5.7 The lease proposals have been considered by an officer from the council's Asset Management team.

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

- 4.6.1 Effectively run community centres have the potential to contribute towards many of the Council's corporate goals and priorities. In particular, the proposals will contribute towards the following priorities:
- 4.6.2 Creating empowered communities: empower local communities with a greater capacity to become involved in community life. Increase capacity of our partners in the voluntary sector to better support communities. Community managed community centres.
- 4.6.3 Promoting health and well-being: promote the health and well-being of residents through continued support of leisure and sporting opportunities in local clubs.
- 4.6.4 Effectively run community centres should also provide a more direct relationship between the Council's expenditure and the achievement of results for communities – i.e. better value for money.

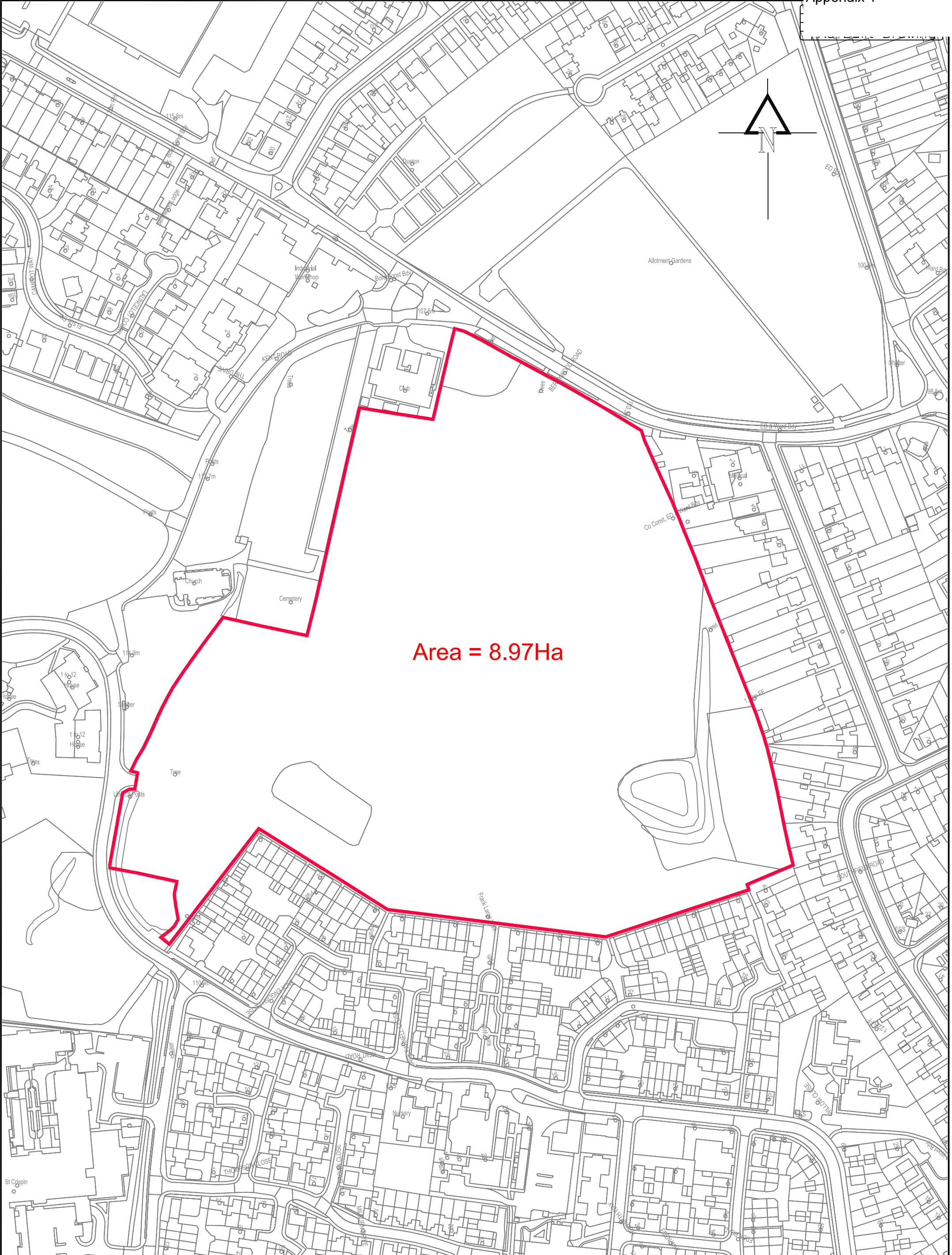
#### **5. Background Papers**

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Cabinet Report 16<sup>th</sup> November 2016 -St Crispin's Community Centre and Sports Pitches – Lease Approval

Cabinet Report 15<sup>th</sup> December 2010 - 'Community Management of Community Centres'.

Julie Seddon, Director of Customers and Communities



Area = 8.97Ha

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Proposed Lease to Community Spaces Northampton  
 St Crispins Community Centre & Sports Pitches  
 October 2016

No	Revision	Date
34		



**NORTHAMPTON**  
 BOROUGH COUNCIL  
 Regeneration, Enterprise and Planning Directorate

Scale: 1:2000 At\_A3

Drawn	MJ	Oct 2016
Checked	KM	Oct 2016
Approved	KM	Oct 2016

Dwg No xxxx

Appendices: 0



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Funding Support to Delapre Abbey Preservation Trust</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	12 April 2017
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	NO
<b>Directorate:</b>	Chief Finance Officer
<b>Accountable Cabinet Member:</b>	Cllr J Nunn
<b>Ward(s)</b>	Delapre

### 1. Purpose

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- 1.1 To consider the request from Delapre Abbey Preservation Trust (DAPT) of up to £400k additional revenue funding support from the council towards their operating costs incurred to date, and for the current and following three years due to delays in opening the Abbey. This report details the level of support requested and officers review of the rationale behind the financial information.

### 2. Recommendations

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2.1 Cabinet are requested to:

1. Approve up to £400k of revenue support for DAPT over the next four years to support HLF grant funding requirements, the delivery of DAPT Business Plan and assist in securing the future financial sustainability of DAPT.



2. Agree that any funding to assist with estimated deficits over the next four years whilst DAPT reaches financial maturity should be subject to regular oversight and reporting arrangements to ensure that DAPT's business plan and financial monitoring is focussed on delivering financial sustainability by 2021/22.
3. Agree that this revenue support will be provided subject to formal sign up of the Council's requirements for the oversight and reporting arrangements by the DAPT Board of Trustees.
4. Agree that funding to DAPT will be met from corporate earmarked reserves.

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

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#### **3.1 Report Background**

- 3.1.1 The restoration of the Grade II\* Listed Delapre Abbey is a key heritage project for the Council and will see the Abbey opened to the public for the first time in its 900 year history
- 3.1.2 Cabinet will be aware that the Council was awarded £3.6m of Heritage Lottery Funding (HLF) towards the overall project costs including the restoration works and activity costs. The bid was agreed by Cabinet on the 8<sup>th</sup> May 2013 with some of the funding allocated to deliver activity costs around operating the facility as a visitor attraction.
- 3.1.3 The Council has already supported DAPT with revenue funding through a grant of £150k towards fit out and operational costs approved by Cabinet in October 2015, and a further grant of £100k to assist with cash-flow following delays in construction completion in the early years approved by Cabinet in January 2017.

#### **3.2 Issues**

- 3.2.1 The project was originally planned to be completed in June 2016 and leading up to this DAPT were starting to incur overhead costs for staffing and other office costs. They were also working with other partners engaged in delivering some of the abbey operations.
- 3.2.2 The delay to the opening date has meant initial costs which DAPT were expecting as part of their business plan to be covered from income received from visitors to the attraction in terms of admission, catering and retail spend have been funded from sources earmarked for fit out costs. They have approached the Council with a request for support to cover this expenditure which has been incurred due to the uncertainty of a final completion and opening date.

- 3.2.3 The amounts requested by DAPT can be split into two types. Firstly, the reimbursement of costs incurred to date of £115k and, secondly, support over the next four financial years of up to £285k to manage cashflows to ensure the financial sustainability of DAPT in its early years of operation. A total support package of up to £400k.
- 3.2.4 Council officers have reviewed the information provided with regards to the request for up to £400k for revenue funding support and undertaken due diligence, including analysis, scrutiny and challenge of the request. In addition the Council has met with DAPT on a number of occasions to assess their request for monies. Whilst there are uncertainties due to the number of assumptions and risks, which is typically the case with a business plan of a start-up organisation (see paragraph 4.1.2), officers accept that it is a reasonable assessment of the effect of delay.
- 3.2.5 In June 2016 DAPT shared a working copy of their detailed financial business plan with the Council which indicated a deficit in the first year of operation assuming that the café opened during December 2016 with the main Abbey opening early in the new year. DAPT then worked with the Council who provided resources to assist in submitting an HLF resilience bid in December 2016 to bridge the financial operating shortfall. Whilst this was successful the grant criteria meant that only certain expenditure was eligible and therefore there was still an estimated shortfall.
- 3.2.6 DAPT have since been reviewing and refining their business plan, and at this point have indicated that the business will take longer than the first year to make a surplus. As this is a new facility the income from visitors for admissions and retail/activity sales are difficult to estimate and the business plan will need to develop according to volumes with non-business expenditure being tailored accordingly. DAPT’s current cashflow forecasts, assuming full operation from June 2017, until financial sustainability are shown below. DAPT estimate that further delays in opening would result in net costs of approximately £15k per month.

2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	Total £000
164 deficit	59 deficit	56 deficit	6 deficit	285 deficit

3.2.7 Both DAPT and the Council recognise a key factor in the success of achieving financial sustainability for DAPT by 2021/22 will be the implementation of its business plan. It is important that the DAPT business plan is robust. To facilitate this and ensure the Council is achieving value for money oversight and reporting arrangements will be implemented. The Council and DAPT have discussed how these arrangements could work. The reimbursement of monies incurred to date (£115k) would be subject to appropriate evidence being provided in respect of the expenditure and future cashflow requests (up to £285k) would be paid quarterly in advance in accordance with the DAPT Business Plan as indicated in paragraph 3.2.6 above. The expenditure and progress against each of the quarterly payments will be monitored by the Council through the oversight and reporting arrangements. Through this mechanism the Council would have the ability to fully understand what the

monies were being spent on and have the ability to temporarily withhold or cease payment of future monies if expenditure had not been incurred or if monies were spent that were not in accordance with the HLF grant conditions and/or achieving the DAPT business plan. In the early stages of operation and whilst the business is developing from opening to the public both organisations would meet on a monthly basis to review how the facility is working both financially and operationally, for example, in terms of visitor numbers/commercial bookings. Once the position stabilises and there can be more confidence around the Business plan forecasts and operation the meetings could be altered to meet quarterly or six monthly. It is proposed that the following principles are incorporated into the oversight and reporting arrangements:

- There are regular joint meetings between senior members of both organisations, likely to include the Council's CFO and Director of Regeneration, Enterprise and Planning, a Cabinet Member, the Chair of the DAPT Board, the Chair of DAPT's finance committee and DAPT's Operational Director. These will initially be monthly but as DAPT becomes more mature are likely to become quarterly
- Transparent financial reporting, with DAPT providing information on the basis of open book accounting.
- There is a formal commitment to regular shared financial collaborative meetings and communications.
- DAPT have a formal commitment to highlight any concerns, changes to trading patterns and impacts of these to the business plan to the Council.
- Reporting against Key Performance Indicators.
- The agreed business plan.
- Agreed mechanisms, processes and supporting evidence required through which monies are drawn down by DAPT.
- DAPT have a commitment to producing regular, at least quarterly, financial reports to be shared with the Council showing financial performance to date and the forecast position for the financial year.

3.2.8 The Council has had initial discussions with DAPT with regards to how these arrangements could work in practice. These initial discussions have taken place with members of DAPT's Finance Committee and have resulted in the position discussed in paragraph 3.2.7 above. The Council will require written confirmation from DAPT's Board of Trustees prior to releasing any funding.

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

3.3.1 There are a number of options available to the Council as listed below:

- a) That Cabinet do not provide revenue support to DAPT, with the expected consequence that DAPT will be unable to commit to running the Abbey as planned, and it will fall to the Council to step in and operate the facility. This option would lead to substantial additional cost as it would compromise the terms of HLF monies which were predicated on DAPT being responsible for operating the Abbey.
- b) That Cabinet agree to provide in total up to £400,000 to DAPT on an agreed profile over the years specified subject to terms including the continued meeting of the terms and conditions of HLF funding, that these resources are expended in relation to business plans as agreed with the Council throughout this period, that DAPT work to achieve a financially sustainable position not requiring revenue support from NBC from 2021/22, and that DAPT and the Council jointly monitor DAPT's progress in delivering its business plan and progress towards financial sustainability.
- c) That Cabinet agree to provide a lower sum to be expended in relation to business plans as agreed with the Council throughout this period, and that DAPT work to achieve a financially sustainable position not requiring revenue support from the Council from 2021/22, with any consideration of further support subject to further Cabinet decision. Whilst this option would involve a sum lower than £400,000 being committed by the Council it is recognised further revenue support is highly likely to be required.

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

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### **4.1 Resources and Risk**

4.1.1 The financial implications are set out in Section 3 of the report.

4.1.2 The funding of up to £400k would be met from corporate earmarked reserves and released as required to DAPT initially to replace the funding for 'fit-out' costs which was drawn down early to finance initial operational costs incurred during the delay period. Future funding would then be released in line with an agreed profiled expenditure to ensure that the Council can have the assurance that the financial position is as planned and that HLF outputs and business plan targets are being achieved.

- 4.1.3 There are a number of risks with regards to the provision of funding to DAPT. These key risks include:

<b>Risk &amp; Potential Impact</b>	<b>Mitigations</b>
<p>Failure of the Trust to deliver their business plan</p> <p>Potential Impact: Requests for further funding from DAPT.</p>	<p>The Council has undertaken due diligence checks on DAPT's Business Plan.</p> <p>The establishment of oversight and reporting arrangements throughout the period until DAPT is financially sustainable.</p>
<p>Delays in the Trust achieving their business plan</p> <p>Potential Impact: Requests for further funding support beyond 2020/21</p>	<p>The Council has undertaken due diligence checks on DAPT's Business Plan.</p> <p>The establishment of oversight and reporting arrangements throughout the period until DAPT is financial sustainable</p>
<p>A poor working relationship between the Council and DAPT</p> <p>Potential Impact: Reputational implications for the Council</p>	<p>The establishment of oversight and reporting arrangements throughout the period until DAPT is financial sustainable</p> <p>Clear governance arrangements and communication protocols</p>
<p>Further delays to the opening of the Abbey</p> <p>Potential Impact: Reputational impacts for the Council and DAPT. Requests for further funding from DAPT.</p>	<p>The Council is actively working with contractors and DAPT to secure the earliest possible opening date.</p> <p>The Council has undertaken due diligence checks on DAPT's Business Plan.</p> <p>The establishment of oversight and reporting arrangements throughout the period until DAPT is financial sustainable.</p>

## 4.2 Legal

- 4.2.1 It is important the Council establishes clear and formal governance arrangements and has robust processes in place to manage the drawdown and overview of monies granted to DAPT. Paragraph 3.2.7 sets out the principles behind these arrangements.
- 4.2.2 In supporting the additional funding to DAPT, the Council will be required to carry out a state aid compatibility analysis to ensure that this is not deemed to be a European Commission state aid subsidy, accordingly the key characteristics of state aid have been further considered in the context of the recommendations of the report.
- 4.2.3 It was deemed the project should be reviewed as a whole to look at any potential economic advantage in the context of this affecting cross-border trade with the EU member states. On the basis of the Abbey's and DAPT's local interest, the project was deemed to be of a purely local interest and not capable of affecting cross-border trade within the EU and therefore could not constitute state aid.

4.2.4 The General Power of Competence pursuant to the Localism Act 2011 provides the legal capacity and flexibility for the Council to provide facilities to meet the needs of local people and provide local opportunities.

### **4.3 Equality and Health**

4.3.1 There are no specific equality and health implications arising from this report

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

4.4.1 The council's management board and relevant cabinet members, and DAPT officers and trustees have all been consulted as part of establishing the contents of this report

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

4.5.1 The successful restoration of the Grade II\* listed Delapre Abbey is the key heritage priority for the Council.

### **4.6 Other Implications**

4.6.1 None

## **5. Background Papers**

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5.1 DAPT Request for Funding Business Plan

**Glenn Hammons**  
**Chief Finance Officer**

**Stephen Hing**  
**Director of Regeneration, Enterprise and Planning**

Appendices: 1



## CABINET REPORT

<b>Report Title</b>	Corporate Performance – All Measures Report December 2016
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**AGENDA STATUS:**                      **Public**

<b>Cabinet Meeting Date:</b>	12 April 2017
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary
<b>Accountable Cabinet Member(s):</b>	Cllr J Nunn
<b>Ward(s)</b>	n/a

### 1. Purpose

- 1.1 To inform Cabinet of the Council's monthly and quarterly performance indicators figures for 2016 quarter 3
- Reporting period: 1 October 2016 to 31 December 2016

### 2. Recommendations

- 2.1 That Cabinet review the contents of the performance report (appendix 1) and recommend actions to be taken, if any, to address the issues arising.
- 2.2. That Cabinet approves for the performance report be presented to Audit Committee.

### 3. Issues and Choices

#### Report Background

- 3.1 Performance data is collected across a range of locally developed indicators which are collected on a monthly, quarterly or annual basis. These form the basis of the Councils performance monitoring process. Cabinet members receive detailed information on all the measures through the Corporate

Performance All Measures Report. This enables the monitoring of the Corporate Plan within their portfolios on a regular basis.

3.1.1 This report summarises the Council’s monthly and quarterly performance indicators figures for 2016 quarter 3

- Reporting period: 1 October 2016 to 31 December 2016

The appended report details:

- A performance dashboard overview for each of the corporate themes
- Detailed KPI results with supporting commentary

## Issues

### Progress against Corporate Plan priorities

3.2 64% of performance measures (where data was available) reached their target for the Corporate Plan priorities.

### Overall indicator performance against targets

3.2.1 The overall performance percentages compared to the previous quarter are detailed:

Performance Status	Quarter 2 %	Rounded Total	Quarter 3 %	Rounded Total
<b>Blue</b>	27.78		<b>32.14</b>	
<ul style="list-style-type: none"> <li>• Exceptional or over-performance</li> </ul>	30.56		<b>28.57</b>	
<b>Green</b>		69%		<b>64%</b>
<ul style="list-style-type: none"> <li>• On or exceeding target</li> </ul>				
<b>Amber</b>	11.11		<b>3.57</b>	
<ul style="list-style-type: none"> <li>• Within agreed tolerances</li> </ul>				
<b>Red</b>	30.56	31%	<b>35.71</b>	<b>36%</b>
<ul style="list-style-type: none"> <li>• Outside agreed target tolerance</li> </ul>				

### Highlights:

3.2.2 The highs and lows for this reporting quarter are detailed:

High Performing Highlights		
<b>CH10</b>	<b>Museum Web Visits</b>	<ul style="list-style-type: none"> <li>• Hits are increasing with an over achievement of the quarterly target by 26%</li> </ul>
<b>CS05</b>	<b>Satisfaction with Customer Services</b>	<ul style="list-style-type: none"> <li>• 100% of respondents were satisfied with the overall service provided by the Customer Service Officers <ul style="list-style-type: none"> <li>○ 58 respondents</li> </ul> </li> </ul>
<b>ESC02</b>	<b>Collected Missed Bins</b>	<ul style="list-style-type: none"> <li>• 95.21% of missed bins collected within the time frame compared to the target of 84% and the comparison to the previous year of 88.78%</li> </ul>
<b>HML07</b>	<b>Homeless</b>	<ul style="list-style-type: none"> <li>• 737 households have been prevented becoming</li> </ul>



	<b>Prevented</b>	homeless for the three quarters so far this year compared to 327 households as at this time last year <ul style="list-style-type: none"> <li>• Hope that levels of performance will be sustained and increased in early 2017</li> </ul>
<b>HML09</b>	<b>Homeless Duty</b>	<ul style="list-style-type: none"> <li>• Nov households for whom a full homelessness duty is accepted was 43 and Dec is 33</li> <li>• Anticipated that Jan 2017 will increase again as Dec was a low figure</li> </ul>
<b>N157a</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>• 100% of major planning applications determined within timescales. Target is 80%</li> </ul>
<b>TCo05n</b>	<b>Town Centre Footfall</b>	<ul style="list-style-type: none"> <li>• Exceeding expected targets by 29.3% at present</li> </ul>
<b>Performing on or Exceeding Target Highlights</b>		
<b>BV12</b>	<b>Av days lost to sickness</b>	<ul style="list-style-type: none"> <li>• Target is 7.5 days but within the range for current profiled target of 7.95 days. Performance is 7.99, so slightly above target but within the range for the profile. The performance for the previous year was 8.07 days</li> <li>• Performance management of sickness continues to support working towards lowering the average number of days/shifts lost to sickness</li> </ul>
<b>CS14a</b>	<b>Customers seen on time</b>	<ul style="list-style-type: none"> <li>• Average wait time of 1 min and 27 secs</li> <li>• Housing training has improved knowledge even further and ability to respond even more efficiently</li> </ul>
<b>ESC09</b>	<b>Flytipping</b>	<ul style="list-style-type: none"> <li>• High performance with only one case out of target as additional equipment needed to lift heavy waste that could not be manually lifted</li> </ul>
<b>N157c</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>• 100% applications determined within timescales</li> </ul>
<b>PP22</b>	<b>Hackney Carriage</b>	<ul style="list-style-type: none"> <li>• Increased focus on enforcement has improved performance from 43.33% last quarter to 67.53% this quarter</li> </ul>
<b>Lower Levels of Reported Performance</b>		
<b>Missed Bins</b>	<b>ESCO1</b>	<ul style="list-style-type: none"> <li>• The number of missed bins has increased. The issues are being investigated</li> <li>• Oct was 514, Nov 404 and Dec 679 <ul style="list-style-type: none"> <li>○ The indicator for the collection of missed bins has improved</li> </ul> </li> </ul>
<b>PP16</b>	<b>Off licence checks that are compliant</b>	<ul style="list-style-type: none"> <li>• Only a small number of checks completed in the reporting period as the focus has been on targeted problem premises – these are more likely to be non compliant rather than compliant for this reporting indicator</li> <li>• Enforcement action is taken to address the issues encountered</li> </ul>

## Data Quality

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

A quality assurance process is in place for the validation of data. The measure owners challenged and checked the data and these were then signed off at Director level.

### **3.1 Governance**

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

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

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### **Policy**

- 4.1 Corporate performance measures are monitored on a monthly or quarterly basis to track progress towards delivering the Councils priorities; as detailed in the Council's Corporate Plan.
- 4.1.1 Service areas review and develop objectives annually through the service planning process. Measures and targets are identifies to help track delivery and any issues and risks.

### **Resources and Risk**

- 4.2 Each service has a service plan that details how the Corporate Plan priorities will be delivered. The service plans identify objectives, measures and actions that show how performance will be tracked. The service plans are risk assessed monitored and each service area will have a directorate risk register. The directorate risk registers feed into the corporate risk register process.
- 4.2.1 The risk process includes challenging and confirming the capacity and ability to deliver as well as the confirming continued priorities. These will be assessed as to whether these are within the levels or accepted risk appetite for the organisation.

### **Legal**

- 4.3 There are no specific legal implications arising from this report.

### **Equality and Health**

- 4.4 There is no specific health or equalities implications arising from this report as it is for information only.

## Process and Consultees (Internal and External)

- 4.5 The process for consulting has been complied with. The process timescales for this quarters performance monitoring are detailed as follows:

Qtr 3		
4.5.1 The main consultees for this quarters performance process are:	Report produced – data is submitted directed by the measure owners ✓	
	Owners comment on how the information is presented ✓	
	Governance Feedback - challenge on narrative and performance ✓	
	Report Refined – following governance feedback and owner revision ✓	
	23 Feb      Approved by the Borough Secretary ✓	
	Directors Approval	
	23 Feb      Circulated to Directors for discussion at Management Board	
	Management Board	
	2 March      Meeting	
	Cabinet	
12 April      Meeting		
Audit		
15 May      Meeting		
Intranet		
13 April      Upload to intranet after Cabinet approval		

e process are:

Who?	When?
Measure owners and heads of service	January and February 2017
Management Board	March 2017
Cabinet	12 April 2017
Audit Committee	15 May 2017

- 4.5.2 The performance and finance report is monitored by Cabinet on a quarterly basis. The report is submitted to the Overview & Scrutiny on request. The report is then presented to the Audit Committee following Cabinet. Heads of Service and Management Board are involved and consulted as part of the performance monitoring process.
- 4.5.3 Performance data (financial and non-financial) is published on the NBC website following Cabinet approval.

### How the Proposals Deliver Priority Outcomes

- 4.6 Performance monitoring (financial and non-financial) to improve performance is good practice, in terms of efficient and effective management. It focuses on the key areas and therefore contributes directly to one of the 2016-20 priorities of the Corporate Plan “Working Hard and Spending Your Money Wisely” through quality modern services.

### Other Implications

- 4.6 There are no other implications arising from this report.

## **5. Background Papers**

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Appendix 1: Corporate Performance – All Measures Report – December 2016

**Francis Fernandes,  
Borough Secretary  
(01604 837334)**

Appendix 1

# Corporate Performance

## All Measures Report

December 2016

48

## Introduction












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

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

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

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

## Report Key:

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

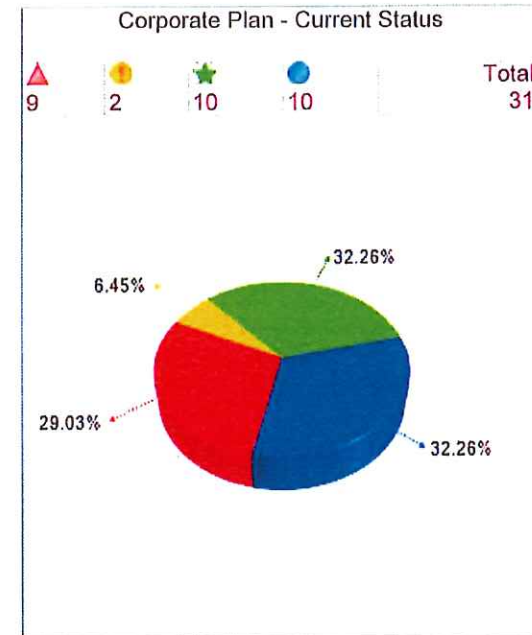
50

# NBC Corporate Plan

The table below has been included for informational purposes, and shows the current year to date performance of each element of the Corporate Plan. The Alerts are generated from the PIs which each Service Area aligned to the 8 priorities during the service planning process.

51

Corporate Plan		YTD
NBC Corporate Plan - Securing Northampton's Future		▲
Theme		
▼		
Working Hard and Spending your Money Wisely - Delivering quality modern services		
Safer Communities - Making you feel safe and secure		
Protecting Our Environment - A clean and attractive town for residents and visitors		
Northampton Alive - A vibrant successful town for now and the future		
Love Northampton - Enhancing leisure activities for local people and encouraging participation		
Housing for Everyone - Helping those that need it to have a safe and secure home		





Measure ID & Name	Monthly Measures					Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
	Sep 16	Oct 16	Nov 16	Dec 16								
<b>AST05a External rental income demanded against budgeted income (M)</b> The service has been unable to supply data for this quarter.	101.10 %	77.17 %	? ?	? ?	? ?	? ?	97.00 %	97.00 %	Bigger is Better		105.31 %	
Source Date 31/12/2016												
<b>AST05b % commercial rent demanded within the last 12 months (more than 2 months in arrears) (M)</b> The service has been unable to supply data for this quarter.	3.10 %	? ?	? ?	? ?	? ?	? ?	3.00 %	3.00 %	Smaller is Better		1.61 %	
Source Date 31/12/2016												
<b>AST12 % achieved where return on (sub group) investment properties meets agreed target rate (M)</b> The service has been unable to supply data for this quarter.	? ?	? ?	90.28 %	90.28 %	90.28 %	90.28 %	95.00 %	95.00 %	Bigger is Better		90.14 %	
Source Date 31/12/2016												
<b>BV008 Local invoices paid within 10 days (M)</b> Exceeding target, although lower than previous year.	92.44	92.70	93.31	88.39	92.18	80.00	80.00	Bigger is Better		93.77		
Source Date 31/12/2016												
<b>BV008 Percentage of invoices for commercial goods &amp; serv. paid within 30 days (M)</b> Exceeding target although slightly lower than previous year.	99.68 %	99.16 %	99.86 %	99.89 %	99.37 %	99.00 %	99.00 %	Bigger is Better		99.92 %		
Source Date 31/12/2016												
<b>BV012_12r Ave. no. of days/shifts lost to sickness for rolling 12 month period (M)</b> Slight rise in number of staff taking sickness leave.	7.43	7.69	7.83	7.99	7.99	7.95	7.50	Smaller is Better		8.07		
Source Date 31/12/2016												
<b>CH10 No. of unique visits to Museum Pages (M)</b> December: Overall webstats 9% below YTD. Qtr 3 results show an improvement and over achievement of quarterly target by 26%.	4,293	5,045	4,033	2,890	37,470	11,250	15,000	Bigger is Better		48,525		
Source Date 31/12/2016												
<b>CS05 Percentage satisfied with the overall service provided by the Customer Service Officer (M)</b> 100 % of 58 replies	97.75 %	96.74 %	96.39 %	100.00 %	95.60 %	90.00 %	90.00 %	Bigger is Better		92.22 %		
Source Date 31/12/2016												
<b>CS13a % of calls for NBC managed services into contact centre answered (M)</b> Exceeding target.	82.19 %	88.25 %	96.99 %	95.06 %	88.55 %	90.00 %	90.00 %	Bigger is Better		94.20 %		
Source Date 31/12/2016												
<b>CS14a % OSS customers with an appointment seen on time (M)</b> Face to Face customer services hit an overall target of 95.75% of appointments seen within 10 minutes for the month of December with an average wait time of 1 minute and 27 seconds. Housing Training was completed at the end of November for 4 new starters who have now been trained in both Contact Centre and Face to Face which will allow us to utilise their knowledge where needed. 80	95.7 %	95.3 %	95.4 %	95.8 %	93.5 %	90.0 %	90.0 %	Bigger is Better		95.2 %		

Measure ID & Name	Monthly Measures				Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
	Sep 16	Oct 16	Nov 16	Dec 16							
<p>Homeless Emergencies booked in December which has decreased in comparison to last month's figure of 87. The "Drop In" has seen a small decrease in the number of customers with a total of 1406 seen with an average wait time of 41 seconds. Service time in housing applications have reduced due to previous months implementation of the new documents procedure. The new procedure for calling customers will continue to be monitored although this has helped reduce the number of revs &amp; bens transfers and has also helped towards producing further individual stats.</p> <p>Source Date 31/12/2016</p>											
<p><b>ESC01n Total bins/boxes missed in period (M)</b></p> <p>There has been an increase in the number of reported missed bins which are being investigated.</p>	539	514	404	679	5,532	1,050	1,400	Smaller is Better		3,477	
<p>Source Date 31/12/2016</p>											
<p><b>ESC02 % missed bins corrected within 24hrs of notification (M)</b></p> <p>Performing above target.</p>	92.02 %	94.36 %	94.06 %	96.02 %	95.21 %	84.00 %	84.00 %	Bigger is Better		88.78 %	
<p>Source Date 31/12/2016</p>											
<p><b>ESC04 % household waste recycled and composted (NI192) (M)</b></p> <p>The month of December sees a percentage decrease of 17% of Kilos sent for recycling, reuse and composting in comparison to November 16, mainly due to a reduction in green waste. The December breakdown remains red as Enterprise / NCC are yet to reconcile / approve the data.</p>	42.93 %	41.18 %	39.43 %	34.53 %	42.79 %	49.00 %	49.00 %	Bigger is Better		42.40 %	
<p>Source Date 31/12/2016</p>											
<p><b>ESC09 % of Fly Tipping incidents removed within 2 working days of notification (SO2) (M)</b></p> <p>One case was out of target due to the need for the tail lift truck to be made available as the item was a white on bag which was too heavy for manual lifting.</p>	99.94 %	99.88 %	100.00 %	99.93 %	100.01 %	98.00 %	98.00 %	Bigger is Better		99.89 %	
<p>Source Date 31/12/2016</p>											
<p><b>HML01 Total no. of households living in temporary accommodation (M)</b></p> <p>As expected the total number of households living in temporary accommodation continues to exceed the target. This is due in the main, to increases in the number of homelessness applications received and lack of 'move on' accommodation. It is hoped that establishment of the Social Lettings Agency in 2017 will increase the options available to homeless households and help people move on from temporary accommodation.</p>	132	140	143	143	143	100	100	Smaller is Better		80	
<p>Source Date 31/12/2016</p>											
<p><b>HML07 Number of households that are prevented from becoming homeless (M)</b></p> <p>The number of homeless households prevented from becoming homeless continues to exceed the target. It is hoped that the current level of performance will be sustained and increase in early 2017.</p>	95	79	95	54	737	495	693	Bigger is Better		327	
<p>Source Date 31/12/2016</p>											
<p><b>HML09 Number of households for whom a full homelessness duty is accepted (M)</b></p> <p>As expected, the number of households for whom a full homelessness duty is accepted continues to rise. This is due to the increase in the number of homelessness applications received in this and the previous quarters. The main cause of homelessness continues to be the termination of Assured Short-hold Tenancies in the private rented sector.</p>	48	48	43	33	359	405	540	Smaller is Better		221	
<p>Source Date 31/12/2016</p>											
<p><b>IG03 % FOI/EIR cases responded to within 20 working days (M)</b></p> <p>Service unable to supply data for this quarter.</p>	97.6 %	97.7 %	?	?	?	100.0 %	100.0 %	Bigger is Better		93.7 %	
<p>Source Date 31/12/2016</p>											
<p><b>IG04 % Subject Access requests responded to within 40 days (M)</b></p> <p>Service unable to supply data for this quarter.</p>	100.0 %	100.0 %	?	?	?	100.0 %	100.0 %	Bigger is Better		100.0 %	
<p>Source Date 31/12/2016</p>											

Measure ID & Name	Monthly Measures				Overall perf. to date	YTD	Current Profiled Target	Outturn Target	Polarity	Perf. vs. same time last year	YTD value same time last year
	Sep 16	Oct 16	Nov 16	Dec 16							
<b>NI157a % Major Planning applications determined in 13 weeks or agreed extension (M)</b> 100% applications determined within agreed time scales.	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %		80.00 %	80.00 %	Bigger is Better		100.00 %
Source Date 31/12/2016											
<b>NI157b % of 'minor' planning apps determined within 8 weeks or agreed extension (M)</b> 100% applications determined within agreed time scales.	100.00 %	100.00 %	100.00 %	100.00 %	97.06 %		95.00 %	95.00 %	Bigger is Better		100.00 %
Source Date 31/12/2016											
<b>NI157c % of 'other' planning apps determined within 8 weeks or agreed extension (M)</b> 100% applications determined within agreed time scales.	100.00 %	100.00 %	100.00 %	100.00 %	98.94 %		95.00 %	95.00 %	Bigger is Better		99.16 %
Source Date 31/12/2016											
<b>PP06 % change in serious acquisitive crime from the baseline (M)</b> Up to December 2016 there has been a 33.2% increase (+909crimes) in Serious Acquisitive Crime (e.g. burglary) in comparison to the baseline figure (April 15 - March 2016). This includes a 14.6% increase (+146 crimes) in domestic burglary and 46.2% increase (+675 crimes) in vehicle offences.	18.55 %	22.39 %	28.25 %	32.26 %	32.26 %		-1.63 %	-2.17 %	Smaller is Better		-2.23 %
Source Date 31/12/2016											
<b>CP22 % Hackney Carriage and private hire vehicles inspected which comply with regulations (M)</b> increased focus on enforcement means that activity targets potentially non compliant vehicles. Appropriate action is taken to address non compliance encountered.	78.26 %	72.09 %	71.43 %	43.33 %	67.53 %		70.00 %	70.00 %	Bigger is Better		71.10 %
Source Date 31/12/2016											
<b>PP53 % Service requests responded to within 3 working days (M)</b> shortfall on target due to absences over Christmas holiday period	77.55 %	83.88 %	92.45 %	93.39 %	85.65 %		94.00 %	94.00 %	Bigger is Better		90.05 %
Source Date 31/12/2016											

Measure ID & Name	Quarterly Measures				Overall perf. to Date	YTD	Current Profiled Target	Annual Target	Polarity	Perf. vs. same time last year	YTD value same time last year
	Mar 16	Jun 16	Sep 16	Dec 16							
<b>ESC16 Overall level of quality against an agreed std - Open Spaces &amp; Parks (%) (Q)</b> Exceeding target.	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %	5.00 %	5.00 %	Smaller is Better		0.00 %	
Source Date 31/12/2016											
<b>HMO01 No. HMOs with Mandatory licence (Q)</b> This figure has exceeded the ytd target as stated in September 2016. There are 22 more properties that have been licenced than expected by the year to date target.	321	322	333	362	362	340		Bigger is Better		297	
Source Date 31/12/2016											
<b>HMO08 No. of HMOs with an additional licence (Q)</b> The figure shows that we are on target to meet the YTD target.	435	472	340	515	515	550		Bigger is Better		398	
Source Date 31/12/2016											
<b>IG01 % LGO cases responded to within 28 days (excl. pre-determined cases) (Q)</b> Service unable to supply data for this quarter	100.0 %					100.0 %	100.0 %	Bigger is Better		?	
Source Date 31/12/2016											
<b>IG02 Av. days to respond to LGO enquiries (excl. pre-determined cases) (Q)</b> Service unable to supply data for this quarter.	23.00					28.00	28.00	Smaller is Better		?	
Source Date 31/12/2016											
<b>MPE01 No. of new businesses locating on NWEZ (Q)</b> 11 businesses reported as locating to Northampton Waterside Enterprise Zone during last quarter of 2017	2	0	0	11	11	15	25	Bigger is Better		15	
Source Date 31/12/2016											
<b>MPE02 No. of new jobs created on NWEZ (Q)</b> Exceeding target.	293	145	43	132	320	200	350	Bigger is Better		309	
Source Date 31/12/2016											
<b>PP16 % Off licence checks that are compliant (Q)</b> small number of checks completed in period. Those carried out have targeted problem premises so non compliance is not unexpected. Enforcement action is taken to address issues encountered.	60.00 %	43.75 %	53.13 %	33.33 %	49.02 %	85.00 %	85.00 %	Bigger is Better		73.68 %	
Source Date 31/12/2016											
<b>TCO05n Town Centre footfall (Q)</b> The footfall in the town centre for the quarter October - December 2016 was 4,203,658 and exceeded the expected target by 29.3%. In comparison with 2015 figures, footfall has increased by 1.28% (+157,896)	3,358,951	4,351,837	3,956,060	4,203,658	12,511,555	10,250,000	13,250,000	Bigger is Better		11,921,671	
Source Date 31/12/2016											

Measure ID & Name	4 Monthly Measures				Overall perf. to Date	YTD	Current Profiled Target	Annual Target	Polarity	Perf. vs. same time last year	YTD value same time last year
	Mar 16	Jul 16	Nov 16								
<b>ESC05 % of Land and Highways assessed falling below acceptable level - Litter (NI195a) (4M)</b>	2.33 %	5.67 %	1.67 %	3.67 %	2.00 %	2.00 %	Smaller is Better		2.42 %		
There were 16 locations out of the 300 that fell below target. There was no main area of responsibility for these, just a mixture within the wards.										Source Date 30/11/2016	
<b>ESC06 % of Land and Highways assessed falling below acceptable level - Detritus (NI195b) (4M)</b>	1.83 %	4.67 %	3.00 %	3.83 %	4.00 %	4.00 %	Smaller is Better		1.83 %		
There were 18 of the 300 there fell below target. These mainly came from Rectory Farm and Westone Wards.										Source Date 30/11/2016	
<b>ESC07 % of Land and Highways assessed falling below acceptable level - Graffiti (NI195c) (4M)</b>	1.17 %	1.33 %	0.67 %	1.00 %	2.00 %	2.00 %	Smaller is Better		0.33 %		
On target.										Source Date 30/11/2016	
<b>ESC08 % of Land and Highways assessed falling below acceptable level - FlyPosting (NI195d) (4M)</b>	0.00 %	0.00 %	0.00 %	0.00 %	2.00 %	2.00 %	Smaller is Better		0:00 %		
On target.										Source Date 30/11/2016	

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Measure ID & Name	Annual Measures			Outturn Target Mar 2017	Polarity
	Mar 15	Mar 16			
<b>NI154 Net additional homes provided (A)</b> no longer measured centrally	574.00	678.00		1,742.00	Bigger is Better
<b>NI159 Supply of ready to develop housing sites (A)</b> The West Northamptonshire Joint Core Strategy Submission - Proposed Modifications identifies the 5 year housing supply target. It supersedes Regional Planning targets, which although no longer part of the development plan, were the last housing targets set for the town. Against the target set the housing trajectory identifies how delivery will occur. Delivery is stronger due to the increase in confidence in the housing market.	?	?		100.00 %	Bigger is Better

Source Date 31/03/2016

Source Date 31/03/2014

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Major Project update	
<b>Delivery of the Northampton Waterside Enterprise Zone</b> 80 jobs created for the university Waterside Campus development and further £12.6 million private sector capital investment obtained on this project. New enterprises have been counted creating 103 new jobs.	Source Date 31/12/2016
<b>Development of the Greyfriars site</b> Developing documentation and business plan supporting information to facilitate the signing of agreement for leases.	Source Date 31/12/2016
<b>Restoration and regeneration of Delapre Abbey and Park</b> Commercial kitchen has been commissioned, estimated completion late January 2017. External pathways and other external works expected completion end of January 2017. Internally snagging is well underway and commissioning of services are taking place. Contract works on target for completion 24th February 2017	Source Date 31/12/2016
<b>Delivery of the Business Incentive Scheme and account management to key businesses</b> Two businesses supported with £25,000 committed grants creating 25 jobs and leveraging just over £180K of private sector investment during Quarter 3 2016/17.	Source Date 31/12/2016
<b>Delivery of the Four Waterside Development</b> Continue to progress Heads of Terms negotiations with Kier.	Source Date 31/12/2016
<b>Development of the Cultural Quarter</b> Museum has reviewed latest feasibility cost. This went to project board and was approved. This was supported by NBC quantity surveyors report. Continued negotiations with County Council relating to the handover of the old Gaol block and Guildhall Road block in March 2017. Progressing with archaeology investigations building recording, employers requirements, exhibition design, kitchen/restaurant design, storage racking design and other museum specific requirements.	Source Date 31/12/2016
<b>Delivery of the Castle Station development</b> Outline feasibility study works complete. High level outline business case commenced.	Source Date 31/12/2016