

NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held at The Jeffrey Room,
The Guildhall, St. Giles Square, Northampton, NN1 1DE on Wednesday,
22 May 2019 at 6:00 pm.

George Candler
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE IF NECESSARY
4. DEPUTATIONS/PUBLIC ADDRESSES
5. DECLARATIONS OF INTEREST
6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES
7. 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.”

8. DELEGATION OF ENFORCEMENT POWERS
9. PUBLIC SPACES PROTECTION ORDER – JEYES JETTY
(Copy herewith)
10. RECTORY FARM COMMUNITY CENTRE - EXTENSION
(Copy herewith)

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

SUPPLEMENTARY AGENDA

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

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 3 April 2019

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

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on 13th March 2019 were agreed and signed by the Leader.

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

The Leader explained that Item 13 (Sixfields – Update of the Judgement and Enforcement Issues) had been exempted under schedule 12A, Part 1, (3) of the Local Government Act 1972.

4. DEPUTATIONS/PUBLIC ADDRESSES

Mr Lakin addressed Cabinet on Item 9 *Local Plan* and expressed concern that a 2 acre site of green space, originally owned by Nene College and now part of Northampton University was coloured brown on the plan and designated residential land. If sold to a developer, there would be very little protection for the land. The site had ponds, trees, hedgerows, 32 species of bird and was a green oasis. Mr Lakin would like this area to be protected and designated green space.

Mr Adams addressed Cabinet on Item 11 *Reducing the Use and Cost of Temporary Accommodation* and expressed concern that NBC were paying private landlords for accommodation, whilst a number of properties used for temporary accommodation remained empty. He had no problem with extending the Housing Revenue Account (HRA) borrowing provided that the money was spent on social housing in the town and not returned to the Government.

5. DECLARATIONS OF INTEREST

There were none.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

There were no issues arising from Overview and Scrutiny Committees.

7. UPTON COUNTRY PARK - APPOINTMENT OF MAIN CONTRACTOR

Councillor Hadland as the relevant Cabinet Member submitted a report seeking approval to appoint the main construction contractor for the Upton Country Park project. He reported

that the site covered 400 acres, which would be an asset to the town for generations to come. Three credible tenders had been received and would be analysed. The appropriate delegations would ensure that the work could go ahead as soon as possible within the window of opportunity over the summer months.

Councillor Hallam reiterated that this was an excellent project. The maintenance allowance had been allocated and the funding had been received from S106 payments.

Councillor Stone welcomed the project but considered that better forecasting could have obviated the need for delegated powers. The Chief Executive pointed out that democratic processes were being followed, but delivery was being speeded up by delegation. Councillor Larratt noted the potential future works under 3.1.10 including a car park, which had been requested by the parish council.

RESOLVED:

2.1 Cabinet delegated authority to the Head of Economy, Assets and Culture, in consultation with the Borough Secretary, the Head of Customers and Communities and the Cabinet Members for Regeneration and Environment to finalise the contract terms and to appoint the main construction contractor for the Upton Country Park project.

2.2 Cabinet delegated authority to the Head of Economy, Assets and Culture, in consultation with the Borough Secretary, the Head of Customers and Communities, and the Cabinet Members for Regeneration and Environment to undertake any further land acquisitions, transfers of land, easements etc.

8. LOCAL DEVELOPMENT SCHEME

Councillor Hill as the relevant Cabinet Member submitted a report outlining the programme and resources for the local plan. This needed to be approved before consideration of the Local Plan and would come into effect immediately.

Councillor Brian Markham expressed concern that Section 4.6 referred to electric car charging points only in the town centre. He considered that these were also required elsewhere, such as industrial and warehouse sites. Councillor Hallam stated that funding was available to provide rapid charging points, but was proving challenging due to no control over the highway. A list of proposed sites would be sent to Councillor Markham by email. Councillor Larratt noted that charging facilities for those living on terraced streets needed to be considered.

Councillor Markham also wondered why there was no mention of a transport plan, since although this was currently the responsibility of NCC, it would be required for the proposed unitary council. The Leader pointed out that this was currently being discussed with NCC.

RESOLVED:

2.1 Cabinet approved the new Northampton Borough Local Development Scheme and brought it into immediate effect.

9. LOCAL PLAN

Councillor Hill as the relevant Cabinet Member submitted a report presenting the proposed Local Plan, setting out the planning policy framework for the Borough until 2029. He pointed out that there would be a consultation on the Local Plan from 1 May 2019 until 14 June

2019.

Housing numbers had been a key driver and sites had been found to deliver and meet the objectives, as explained in Appendix C (pages 940-943). There had been some changes as follows:

Site 1007 – reduction from 44 to 22

Site 1009 – change in timeframe (6-10 years not 0-5 years) resulting in a reduction from 271 to 100

Site 1137 – reduction from 92 to 74.

This had resulted in a reduction of 211 dwellings, but the outcome of the plan would not be affected. These changes would be made to the Local Plan before consultation.

Councillor Hill expressed thanks to the team for producing the Local Plan.

Councillor Brian Markham noted that housing numbers had not been delivered in the previous Local Plan. There had been a fall back on SUEs, with large developers having no incentive to develop the land. Affordable housing had also been affected. Councillor Hill acknowledged that SUEs had under-delivered, and the Housing Technical Paper had been written to address this issue.

The Head of Planning stated that there were regular discussions with developers and landowners – but these were circumstances beyond NBC's control.

Councillor Beardsworth noted the shortage of housing stock and wondered whether there were options for self-build. The Head of Planning stated that a register of plots was available. In response to Councillor Beardsworth's question, he also advised that a tracked changes version of the Local Plan would be available electronically at the next stage in the adoption process.

Councillor Birch referred to the wildlife area behind St George's Avenue and asked that this area be protected.

Councillor Stone referred to air quality on page 56 and noted that there was no strategy to stop cars idling. She considered that cars should be restricted around school entrances. Councillor Hallam stated that air quality had been monitored close to three schools where problems might be expected, but raw data showed no issues. Schools were only occupied part-time – whereas living in an area of air pollution could cause greater problems. Councillor Stone believed that air quality should be monitored inside school buildings rather than outside.

Councillor Stone reported concerns on behalf of Councillor Roberts regarding development around Ransome Road. Parking had been a problem and more and better play areas were needed. Adoption of roads in new developments was also an issue.

Councillor Stone also pointed out that climate change was an issue for many young people and the effects needed to be mitigated by protection of public spaces.

Councillor Russell expressed concern about Bradlaugh Fields in her ward, which was seeking a green flag award but needed support. She wanted to know the terms and conditions of the covenant on the land and whether a SSSI could be applied for. Councillor King agreed to provide the information required.

Councillor Hill reiterated that written submissions would be welcomed as part of the

consultation.

RESOLVED:

- 2.2 Cabinet approved the Proposed Submission version of the Local Plan Part 2, Policies Map and Sustainability Appraisal for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.
- 2.2 The Head of Planning was given delegated authority in consultation with the Cabinet Member for Planning to make minor non-material spelling, formatting, mapping and other amendments to the consultation documents where they do not alter the intent of the plan.

10. CONSERVATION AREA APPRAISAL

Councillor Hill as the relevant Cabinet Member presented a report seeking the review and redrafting of the Barrack Road Conservation Area Article 4 Direction.

RESOLVED:

- 2.1 Cabinet approved the adoption of the Barrack Road Conservation Area Re-appraisal and Management Plan (Appendix B),
- 2.2 Cabinet approved the re-drafting of the existing Barrack Road Conservation Area Article 4 Direction to include all properties within the Conservation Area.

11. REDUCING THE USE AND COST OF TEMPORARY ACCOMMODATION

Councillor Hibbert as the relevant Cabinet Member submitted a report seeking approval of a Temporary Accommodation Action Plan and extension of the Housing Revenue Account (HRA) borrowing to acquire affordable housing. Realistic short term targets had been set for immediate impact, with more council housing also planned in the longer term.

It was acknowledged that voids had been a problem, but work was ongoing with NPH to resolve this. A further report would be made to Cabinet in October 2019 detailing progress in implementing the Action Plan.

The Head of Housing and Wellbeing answered the questions raised earlier by Mr Adams as follows:

- NBC were making best use of the temporary accommodation – using it either the same day or the day after it had become available;
- Right to buy receipts needed to be used within the timescale set by the Government. There had been two quarters in the past in which this had not happened due to problems with the new building or buying of properties. Since NBC were now ahead of the programme, this was unlikely to occur again.

The Chief Financial Officer confirmed that if agreed by Cabinet, a paper would be submitted to Full Council to extend HRA borrowing by up to £25m. The funds would not actually be borrowed unless required, and permission would be sought for this.

Councillor Beardsworth expressed concern regarding the increase in numbers of homeless people. She suggested stopping the right to buy to give breathing space. Councillor Hibbert pointed out that the accommodation was still being used, even if it was sold. The Head of Housing and Wellbeing advised that council homes were only used for temporary

accommodation where needed.

Councillor Smith stated that the report was positive and it promoted safe, appropriate temporary accommodation within Northampton rather than elsewhere. She considered that problems would continue until developers were forced to use their full capacity of affordable housing. She asked whether there was any recourse to reclaim costs from Housing Benefit. Councillor Smith pointed out under Action 3 under 3.3.6 that there were circumstances where it was not safe for applicants to return to their families and safeguarding issues needed to be recognised.

Councillor Hibbert agreed that NBC needed to be strong on ensuring 35% of development was affordable housing and confirmed that Housing Benefit was reclaimed. He also confirmed that it was not the intention to return people to their families if this was not safe.

RESOLVED:

2.1

(a) Cabinet approved the Temporary Accommodation Action Plan (attached to this report as Appendix 1);

(b) Cabinet approved the submission to Full Council of a request for supplementary funding in respect of the Housing Revenue Account (HRA) to extend HRA borrowing by up to £25m in order to enable the acquisition of affordable housing under s106 / development agreements via developers;

(c) Cabinet agreed to receive a further report in October 2019, providing details of the progress that the Council and Northampton Partnership Homes have made in implementing the Action Plan and what impact this has had on the use and cost of temporary accommodation; and

(d) Cabinet noted that, although the implementation of the Action Plan should result in costs being controlled, reduced and avoided, an unforeseen increase in demand may create a further cost pressure.

12. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

13. SIXFIELDS - UPDATE OF THE JUDGEMENT AND ENFORCEMENT ISSUES

The decision was made in private session.

The meeting concluded at 19.48

Appendices



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

| | |
|---------------------|---|
| Report Title | DELEGATION OF ENFORCEMENT POWERS |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|------------------------------------|---------------------------|
| Cabinet Meeting Date: | 22 May 2019 |
| Key Decision: | No |
| Within Policy: | Yes |
| Policy Document: | No |
| Service Area: | Customers and Communities |
| Accountable Cabinet Member: | Cllr Anna King |
| Ward(s) | All |

1. Purpose

- 1.1 To confirm that the existing arrangements for the Countywide Traveller Unit to deal with Gypsy and Traveller issues on behalf of Northampton Borough Council will continue until the 31 March 2020.
- 1.2 To ask Cabinet to enter into an arrangement with Northamptonshire County Council for it to take action to deal with unauthorised encampments under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 and Part 55 of the County Court Procedure Rules, in relation to land under within Northampton Borough Council's area.

2. Recommendations

- 2.1 That Cabinet agrees that Northampton Borough Council enter into an arrangement with Northamptonshire County Council to discharge the powers under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 and Part 55 of the County Court Procedure Rules, in relation to unauthorised occupation of land within Northampton Borough Council's area and for it to arrange for delegation of those powers to specified officers of the County Council.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Countywide Traveller Unit is a single body that manages Gypsy and Traveller related issues on behalf of six of the seven district and borough councils within Northamptonshire and the county council.
- 3.1.2 The staff of the unit use the legal powers under section 77 and 78 of the Criminal Justice and Public Order Act 1994 and Part 55 of the County Court Procedure Rules, to take action in relation to unauthorised encampments on land which is within those authorities' areas. The details of the arrangements are outlined in the Countywide Traveller Unit Compact and associated appendices.
- 3.1.3 The most recent agreement in relation to the Unit is now at an end and the member authorities wish to continue those arrangements. Following a recent review of the governance arrangements of the unit it has been highlighted that there is a lack of clarity in the previous agreement in relation to the formal delegation of these legal powers to the unit.
- 3.1.4 The staff in the unit who currently carry out these duties are employees of Northamptonshire County Council.

3.2 Issues

- 3.2.1 The countywide traveller unit has been dealing with Gypsy and Traveller issues for over fifteen years. Over this time efficient processes have been developed. These processes ensure that unauthorised encampments are dealt with in an effective manner, ensuring the appropriate safeguards are in place in relation to the welfare of those concerned.
- 3.2.2 It is important that appropriate arrangements are in place to ensure that the officers from the unit are properly authorised to use the legal powers to deal with unauthorised encampments on land which is within the area of Northampton Borough Council. Failure to ensure this could result in legal challenge to any action taken.
- 3.2.3 Since the powers in sections 77 and 78 and County Court Procedure Rules Part 55 are Executive functions, any arrangements for another authority to exercise those functions must be made between this Council's Executive and the Executive of that other authority. Once those arrangements have been made the other authority may delegate those functions to its officers. Any arrangements made with the County Council should ensure that they agree to delegate those powers accordingly.

3.3 Choices (Options)

- 3.3.1 Cabinet could choose to approve the recommendation of the report and enter into the suggested arrangement with Northamptonshire County Council. This would regularise the arrangements which have been in place to allow the Countywide Traveller Unit to act on behalf of Northampton Borough Council.
- 3.3.2 Cabinet could choose not to approve the recommendation but to continue with the current arrangement for the operation of the countywide traveller unit. This would risk legal challenge to action taken by the officers from the unit.

- 3.3.3 Cabinet could choose not to approve the recommendation of the report and to leave the countywide traveller unit arrangement and undertake work to deal with issues relating to Gypsies and Travellers in house. There is currently no allocated resource to carry out this work and the cost of doing so is estimated to be at least twice the annual contribution made by the council towards the operation of the countywide traveller unit.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 No specific policy implications. The proposal is to extend and formalise current operating procedures.

4.2 Resources and Risk

- 4.2.1 Subject to the recommendation of the report, there will be a need for officer time in the preparation of the necessary documentation which will be accommodated within existing budgets.
- 4.2.2 If the recommendation is not accepted there is a risk of legal challenge which could have significant financial implications.
- 4.2.3 If the service was to be taken in house the likely cost of delivery would be approximately £100,000.00. There is no budget for this expenditure.
- 4.2.4 Northampton Borough Council's current contribution to the cost of the countywide unit is £35,245. It is proposed that this cost will remain constant for the year 2019/20.

4.3 Legal

- 4.3.1 The legal implications of the recommended course of action are largely set out in the body of this report. Only the Executives of each authority may enter into the necessary arrangements in relation to discharge of the functions concerned. It is important that any arrangements are made in writing and include an assurance from the County Council's Executive that they will delegate the powers concerned to their relevant officers.
- 4.3.2 To ensure that this Council's position is protected it is also suggested that the arrangements state that:
- 4.3.2.1 this Council can cancel the arrangements with immediate effect at any time by giving three month's notice to the County Council; and,
- 4.3.2.2 notwithstanding the arrangements, this Council may, if it chooses, exercise those powers itself on any occasion on which it considers it appropriate to do so.

4.4 Equality and Health

The mission statement of the countywide traveller unit is to work to provide for Travellers and settled communities across the county, a multi-agency approach to support and enforcement that fosters good relations and in which the rights and responsibilities of all the communities are respected. The aim of this report is to ensure the continued effective operation of this arrangement.

4.5 Consultees (Internal and External)

- 4.5.1 Legal services
- 4.5.2 Finance
- 4.5.3 Countywide Traveller Unit.

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 The continuation of the arrangement for the provision of services by the countywide traveller unit contributes to the provision of exceptional services to be proud of in accordance with the priorities of the corporate plan.

4.7 Other Implications

- 4.7.1 There are none.

5. Background Papers

- 5.1 Previous countywide traveller unit documents available at:
<https://www3.northamptonshire.gov.uk/councilservices/environment-and-planning/gypsies-and-travellers/Pages/about-the-countywide-traveller-unit.aspx>

6. Next Steps

- 6.1 If the report is approved officers will make the necessary arrangements to authorise the relevant staff to exercise these functions.

Marion Goodman
Head of Customers and Communities
mgoodman@northampton.gov.uk

| |
|----------------------------|
| <p>Appendices</p> <p>2</p> |
|----------------------------|



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

| | |
|---------------------|---|
| Report Title | Public Spaces Protection Order – Jeyes Jetty |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|------------------------------------|-----------------------|
| Cabinet Meeting Date: | 22 May 2019 |
| Key Decision: | Yes |
| Within Policy: | Yes |
| Policy Document: | No |
| Directorate: | Housing and Wellbeing |
| Accountable Cabinet Member: | Councillor Anna King |
| Ward(s) | Castle |

1. Purpose

- 1.1 To ask Cabinet to authorise a statutory consultation on a proposal to make a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime & Policing Act 2014 to gate the public highway, known as Jeyes Jetty, between The Drapery and College Street, Northampton.

2. Recommendations

- 2.1 It is **recommended** that Cabinet:
- (a) Approves a 12 week statutory public consultation on the proposal to make a Public Spaces Protection Order (see Appendix 1 of this report) that will gate the public highway known as Jeyes Jetty, between The Drapery and College Street, Northampton; and
 - (b) Receives a further report, following completion of the statutory public consultation, which considers any representations received and, if appropriate, seeks approval of the Public Spaces Protection Order.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities and the Police with the powers to tackle anti-social behaviour and provide better protection for victims.
- 3.1.2 Public Spaces Protection Orders (PSPOs) are designed to stop all individuals, or a specific group of persons, committing anti-social behaviour in a public space. The criteria that must be satisfied when considering whether to make a PSPO is whether a particular activity or activities has or is likely to have a detrimental effect on the quality of life of those in the locality and that the activity is, or is likely to be, persistent or continuing in nature or that the activity is unreasonable and any restriction is justified.
- 3.1.3 For the proposed area to be restricted, there is a requirement for the Council to undertake a statutory public consultation exercise with the following:
- (a) The chief officer of police, and the local policing body for the area;
 - (b) Whatever community representatives the local authority thinks it appropriate to consult;
 - (c) The owner or occupier of land within the area;
 - (d) The parish council or community council (if any) for the area; and
 - (e) The county council (if any) for the area.
- 3.1.4 PSPOs provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems.
- 3.1.5 It is important that PSPOs are used proportionately and that they are not seen to be targeting behaviour of children / young people where there is a lack of tolerance and understanding by local people.
- 3.1.6 A PSPO can be made for a maximum of three years. The legislation provides for the Order to be extended at the end of the period, but only for a further period of up to three years. However, Orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing Order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an Order. The variation or discharge of an Order are subject to statutory consultation requirements.
- 3.1.7 Enforcement may be shared between the Council and the Police. Breach of a PSPO is a criminal offence which can result in the issuing of a Fixed Penalty Notice (FPN) or a prosecution resulting in a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, any person designated by a local authority for the purpose of issuing fines for breaches of a PSPO, and Police Officers.

- 3.1.8 Before making the Order, the local authority must notify people who are potentially affected by the proposed Order and notify them of how long they have to make representations. Officers will then consider any representations made with the intention of bringing a report back to Cabinet.
- 3.1.9 The consultation will last 12 weeks and will be carried out on Survey Monkey via the Council's website. Adjacent properties, businesses and local residents groups will be directly contacted to make them aware of the proposed Order. Others will be notified via the Council's website, Facebook and Twitter. Posters will also be put up on site, inviting representations.

3.2 Issues

- 3.2.1 For many years, Jeyes Jetty has been used as a place to conduct illicit activities, away from the scrutiny of passing pedestrians and other capable guardians such as the Police and wardens. Due to the narrowness and layout of the alleyway, CCTV coverage is very limited
- 3.2.2 In 2009, a Police Environmental Audit recommended the gating of Jeyes Jetty but, at the time, it was not viable as the legislation made it cost prohibitive.
- 3.2.3 However, the anti-social behaviour continued and, at the end of its review of 'Keep Northampton Tidy' in March 2015, the Overview & Scrutiny Panel recommended that consideration be given to "the gating of jetties at night in the town centre that are currently subject to anti-social behaviour".
- 3.2.4 Since the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, gating of a highway can now be achieved by the making of a PSPO, simplifying the process and significantly reducing the financial outlay.

3.3 Choices (Options)

- 3.3.1 Cabinet can decide to do nothing. However, this is not recommended because it would not meet the needs of the wider community or address the anti-social behaviour issues and criminal activities being experienced on a regular basis.
- 3.3.2 Cabinet can decide to authorise a statutory public consultation in relation to a proposal that the Council makes a PSPO to gate the public highway, known, as Jeyes Jetty, before a report is brought back to Cabinet detailing the result of that consultation and any evidence in support of creating a PSPO.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The proposed PSPO supports the multi-agency Countywide Anti-Social Behaviour Policy and Northampton's Community Safety Partnership Strategy.

4.2 Resources and Risk

- 4.2.1 A PSPO can be enforced by both the Police and Council. The Council will process the Fixed Penalty Notices (FPN's), regardless of which agency issues them. The approach will be agreed with the Police.
- 4.2.2 If the Council makes a PSPO, it will incur the cost of planning permission, the purchase and installation of the gates, and ongoing maintenance. The initial cost is expected to be in the region of £15,000 - £20,000 and will be met from existing budgets. Ongoing maintenance will be funded from FPNs.
- 4.2.3 Any income generated by the payment of FPNs must be directed back into the management of the PSPO process.

4.3 Legal

- 4.3.1 A PSPO can be made by a local authority (section 59) if satisfied on reasonable grounds that two conditions are met. Firstly, that
- (a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
 - (b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect
- 4.3.2 The second condition is that the effect of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the Order.
- 4.3.3 There is a statutory requirement for a local authority to consult with the persons or public bodies identified in Paragraph 3.1.3 above, before considering whether it would be necessary to make a PSPO.
- 4.3.4 This statutory consultation and consideration of any representations received is important because, if a PSPO is eventually made, it can be challenged in the High Court by any person directly affected by the making of the Order within 6 weeks of the Order being made.
- 4.3.5 The most likely basis of challenge is that the particular prohibitions or requirements are unnecessary or that procedurally the Order is defective.

4.4 Equality and Health

- 4.4.1 Incidents of anti-social behaviour will continue to be dealt with in line with the Council's equalities framework.

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

4.4.3 An Equality Impact Assessment has been carried out.

4.5 Consultees (Internal and External)

4.5.1 The following have been consulted in relation to the proposed PSPO:

- Cabinet Member for Community Safety, NBC
- Head of Housing & Wellbeing, NBC
- Environmental Health & Licensing Manager, NBC
- Community Safety Partnership Manager, NBC
- CCTV Manager,
- Legal Services, NBC
- Northamptonshire Police
- Northamptonshire Fire Service
- Highways Authority/ KIER WSP
- Local Businesses & Business Improvement District (BID)

4.6 How the Proposals deliver Priority Outcomes

4.6.1 One of the Council's priorities is to "invest in safer, cleaner neighbourhoods" and consulting the local community and stakeholders regarding whether the Council ought to make a PSPO will contribute to the delivery of this priority.

4.7 Other Implications

4.7.1 Information technology – the Council's website and social media channels will be used to undertake part of the consultation.

5. Appendices

Appendix 1 – Draft PSPO

Appendix 2 – Map showing area covered by PSPO

6. Background Papers

None

Phil Harris
Head of Housing & Wellbeing
01604 837871

APPENDIX 1 – Draft Public Spaces Protection Order

NORTHAMPTON BOROUGH COUNCIL (Jeyes Jetty) PUBLIC SPACES PROTECTION ORDER

Northampton Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime & Policing Act 2014 ('the Act') hereby makes the following Order:-

1. This Order shall come into operation on (...) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to Jeyes Jetty, which runs from The Drapery to College Street as shown in the attached plan ('the Restricted Area').
3. The effect of this Order is to restrict the public right of way over the Restricted Area 24 hours, 7 days a week.
4. The alternative route for pedestrians will be along Gold Street or through Swan Yard.
5. Responsibility for the maintenance of the gates will lie with Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE.
6. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised by the Council, including the business premises adjacent to the highway, shall be exempt from the provisions of this Order.
7. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour, specifically street drinking, drug taking and fly tipping in the restricted area. The Council makes the Order because the anti-social behaviour has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed by the Order.
8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on this this Order is made.

APPENDIX 2 – Map of location covered by proposed PSPO





CABINET REPORT

| | |
|---------------------|---|
| Report Title | Rectory Farm Community Centre – Appointment of main contractor |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|-------------------------------------|------------------------------|
| Cabinet Meeting Date: | 22 nd May 2019 |
| Key Decision: | YES |
| Within Policy: | YES |
| Policy Document: | NO |
| Service Area: | Economy, Assets and Culture. |
| Accountable Cabinet Members: | Cllr. Tim Hadland |
| Ward(s) | |

1. Purpose

- 1.1 The purpose of this report is to seek approval to appoint the main construction contractor for the Rectory Farm Community Centre Renovation Project.

2. Recommendations

It is recommended that:

- 2.1 Cabinet delegates authority to the Head of Economy, Assets and Culture, in consultation with the Borough Secretary and the Cabinet Member for Regeneration, to finalise the contract terms and appoint the main construction contractor for the Rectory Farm Community Centre project, within the approved budget sum of £250,000.

3. Issues and Choices

3.1 Report Background

- 3.1.1 In 2017 the Borough Council was paid an out-of-court settlement by Hawthorn Leisure to be released from a “community covenant” when they applied to convert the Barn Owl Public House into a Co-op Supermarket. The money was earmarked to be put back into Rectory Farm, and will now be used to contribute to the cost of renovating the community centre
- 3.1.2 Currently the building is configured in a way that cannot meet demands for different community uses, with insufficient space available. A new “subsidiary hall” will provide the necessary space. In addition, internal facilities will be upgraded to improve safeguarding issues for the play school group that use the facility daily, and improvements to the kitchen and overall security will be carried out.
- 3.1.3 A condition survey and design development has been undertaken by local Architects, Simpson, Walton and Bond in conjunction with various stakeholders. An option appraisal was carried out and cost advice was obtained from independent Quantity Surveyors, CS2 Ltd. The preferred option within the approved budget of £250,000 received planning permission in April 2019.
- 3.1.4 To cause minimum disruption to the ongoing business it is intended that the works to the main hall will take place during the School Summer Holiday period (7 weeks).
- 3.1.5 It will take time to produce tender documentation, tender the works, evaluate the tenders and appoint a contractor. This process has started, but to meet the tight critical path pressures we need to appoint the contractor as soon as possible.

3.2 Issues

- 3.2.1 This project has a very tight critical path. This is because the window for carrying out the works is restrictive, with work not able to commence until the school holiday period begins, and works being reliant on no people being on site. If we wait for the tender process to be completed before seeking Cabinet approval it is probable that delivery will not be completed this year, and work will have to be suspended until summer 2020. This will have an adverse impact on costs.

3.3 Choices (Options)

- 3.3.1 Cabinet can choose not to approve the recommendation of this report and wait until the tender evaluation has been carried out before approving the appointment of a contractor. This option would delay the start on site, which in turn will increase costs. This option is not recommended.

- 3.3.2 Cabinet can choose to bring the project to a close. This would result in the community not benefitting from the proposals. This option is not recommended.
- 3.3.3 Cabinet can approve the recommendation to grant delegated authority to approve the appointment of the main contractor and proceed with the project. This option is recommended to ensure that the scheme is delivered in the current year.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This project delivers against the Council priority of 'Creating a Resilient Community'.

4.2 Resources and Risk

- 4.2.1 At this stage the project construction costs are estimates and these will not be firmed up until tenders are received. Even after this stage there is an inherent amount of risk as with any capital scheme. There has been a sensible contingency placed on the scheme and it is intended that any cost pressures above the contingency sum will be met through value engineering.
- 4.2.2 The scheme is included in the Capital Programme at a value of £250,000.

4.3 Legal

- 4.3.1 The works contract is being tendered by external Quantity Surveyor's CS2 Ltd using Construction Line.

4.4 Equality and Health

- 4.4.1 The proposed works will bring positive benefits to residents and the wider community. The scheme will introduce additional community space and better facilities, and will allow a wide range of groups that were previously unable to take advantage of this space to do so.

4.5.1 Consultees (Internal and External)

- 4.5.1 Consultation has been carried out with Community Spaces Northampton and user groups of the current facility.

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 This project delivers against the corporate objective 'Love Northampton' :
Enhancing leisure activities for local people and encouraging participation.

4.7 Other Implications

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

5. Background Papers

- 5.1 Detailed Plans, available in Asset Management.

6. Next Steps

- 6.1 Key dates for the next steps are as follows:
- Appointment of contractor June 2019
 - Start on site July 2019
 - Targeted completion Mar 2020 (to be agreed with contractor)

Report Author – Stuart Docker

Contact Details: sdocker@northampton.gov.uk 01604 838818

Service Areas – Economy, Assets and Culture

Head of Service – Rick O'Farrell