

**Summary of the decisions taken at the meeting of the
Cabinet held on Tuesday 17 January 2023**

1. Date of publication of this summary: 17th January 2023
2. Deadline for requests for call-in (detailing reasons for doing so): 24th January 2023
3. Earliest date for implementation of decisions: 25th January 2023
4. Urgent decisions taken and not subject to the call-in procedure: 17th January 2023

Agenda Item and Recommendations	Decision
<p>Agenda Item 6 Report from the Overview and Scrutiny Committee (if any)</p>	<p>None</p>
<p>Agenda Item 7 Public Health & Integrated Care Board Integration Programme for Children & Young People's Community Health & Wellbeing Services</p>	<p>RESOLVED: That Cabinet:</p> <ol style="list-style-type: none"> a) Agreed that delegated authority be given to the Director of Public Health, in consultation with the Cabinet Members for Public Health and Wellbeing and Children, Families and Education and the Director of Finance, to extend a Section 75 agreement (or equivalent public sector agreement) for up to 2 years with Northamptonshire Healthcare NHS Foundation Trust (NHFT) in partnership with North Northants Council and Northamptonshire Integrated care board (ICB) for a jointly commissioned 0-19 Public Health Nursing Services and a range of health commissioned services supporting children and young people in West Northants from April 2023 – March 2025 or an earlier end date as required. b) Agreed that delegated authority be

given to the Director of Public Health, in collaboration with the Director of Children Services and Cabinet Member for Public Health, to agree future governance arrangements for this service with the ICB.

REASONS RESOLVED:

1. The recommended course of action was the most cost-effective and likely to match future services with the changing profile of needs for children, young people and their families
2. To accord with legislation or the policy of the Council
3. Development of the previous decisions of Northamptonshire County Council in February 2020

ALTERNATIVE OPTIONS:

1. The option to end the existing S75 led services in 2023 cannot be considered as it would result in significant loss of essential services.
2. Delivery of other options, including bringing services in-house or running a procurement would not be possible before the end of the current S75 arrangement.

**Agenda Item 8
Public Health Framework**

RESOLVED: Cabinet noted the contents of the attachment and approve the adoption of this framework going forward.

REASONS RESOLVED: Bringing forward this paper to Cabinet was to ensure there is complete awareness and transparency around the usage of the Public Health Grant and conditions by which it should be spent. It was also to ensure a clear governance process is in place and agreed.

ALTERNATIVE OPTIONS:

None

**Agenda Item 9
Care Home Services Commissioning
Intentions for Adults Age 18 and Above**

RESOLVED: That Cabinet approved:

- A new Dynamic Purchasing System (DPS) for the purchasing of commissioned care home services for adults aged 18 and above and includes people with Physical Disabilities and Mental Health conditions and is introduced from May 2023.
- Duration of the DPS would be indefinite; with no proposed end date.
- Applicants' admission to the DPS would be determined via expressions of interest.
- The Executive Director for People Services in conjunction with the Cabinet Member for Adult Social Care and Public Health is authorised to take all operational decisions necessary to implement the above recommendations.

The recommendations underpin strategic commissioning intentions to design and procure a new outcome-based delivery model for adult residential and nursing care for the long-term. Purchasing of effective, sustainable, and affordable provision supply will enable West Northamptonshire Council to fulfil its statutory duties to meet care needs and shape the local care market.

REASONS RESOLVED:

- a) To enable West Northamptonshire Council to meet the latest changes to the statutory requirements originally set out in the Care Act 2014.
- b) To support the development of a sustainable care market as required by the Market Sustainability and Fair Cost of Care Fund.
- c) To have purchasing arrangements for the supply of residential and nursing care services for adults age 18 and above, not including learning disabilities.
- d) To meet the needs and demands of residents in relation to care and support including people who self-

fund their care whilst meeting the Council's strategic vision and values.

ALTERNATIVE OPTIONS:

The current Care Home DPS contract would expire from 1 May 2023 the Council would seek to secure supply of residential and nursing care services on a spot-purchased arrangements. While spot purchasing can be used to secure services, this approach can increase susceptibility to variable pricing and is not the most effective way of managing cost and supply.

**Agenda Item 10
Rural England Prosperity Fund (REPF)**

RESOLVED:

- a) Noted an investment plan addendum to draw down the REPF was submitted to the Department for Environment, Food, and Rural Affairs (DEFRA) on 30 November 2022.
- b) Noted the selected interventions and funding allocated within the submission.
- c) Noted that DEFRA will review the WNC REPF Addendum and year one funds are expected to be received in April, following sign off.

REASONS RESOLVED:

- a) To ensure that Cabinet and the wider public are aware of the steps taken in relation to available government funding.
- b) To ensure West Northamptonshire benefits from this grant funding to enhance the community, boost the economy and support residents and businesses.
- c) To maintain ongoing economic growth within the area, particular with the impending loss of EU funding and the need to utilise UKSPF to deliver positive economic development within the community.

ALTERNATIVE OPTIONS:

None

<p>Agenda Item 11 Admission Arrangements for Community and Voluntary Controlled West Northamptonshire schools for 2024 intakes</p>	<p>RESOLVED: Cabinet approved the admission arrangements as detailed in Appendix A.</p> <p>REASONS RESOLVED: The above is a statutory requirement.</p> <p>ALTERNATIVE OPTIONS: None</p>
<p>Agenda Item 12 West Northamptonshire Council- Northamptonshire Partnership Homes Governance Framework</p>	<p>RESOLVED: That Cabinet noted the contents of the WNC-NPH Governance Framework and Implementation Plan.</p> <p>REASONS RESOLVED: To ensure that there is a robust oversight and assurance in delivering landlord services.</p> <p>ALTERNATIVE OPTIONS: None</p>
<p>Agenda Item 13 Purchase of the long leasehold interest in six houses in Brackley</p>	<p>RESOLVED: That Cabinet:</p> <ol style="list-style-type: none"> 1. Recommended to Council that a capital budget of £2.012 million is created to acquire the long leasehold interest in the six residential properties in Brackley referred to in the report and refurbish them. 2. Subject to Council approval of the budget, authorised the Assistant Director Assets & Environment, in consultation with the Cabinet Member for Finance, to agree the terms of the acquisition and any related transactions. <p>REASONS RESOLVED:</p> <ol style="list-style-type: none"> 1. To allow WNC to end the historical agreement with PHA which is no longer fit for purpose and is not in line with best value objectives. 2. To remove the requirement to pay the RSP to PHA and mitigate the Council's exposure to annual index linked uplifts. 3. To allow the Council to use the properties as it determined, rather than being confined by the funding agreement. This would enable the customers to receive better tailored

care and support and would enable the Council to use vacant or underutilised properties to meet additional Council needs.

4. The Council would own the properties and the interest and capital payment requirements would pay down the Council assets, rather than an asset effectively owned by a third party.
5. The Council will have greater control over the future of the properties. If they were deemed surplus to requirements, the Council could dispose of any of them and generate a capital receipt.

ALTERNATIVE OPTIONS:

1. Option 1 (do nothing): The Council could 'do nothing', leaving the current arrangements in place, but this would mean that the customers would stay in accommodation that is not suitable for their needs and over the next 10 years the Council would pay a minimum of £1.330m in revenue support to PHA. In practice it would be higher since RPI is currently running at over 10%. In addition, the Council would continue to pay for three empty properties.
2. Option 2 (purchase alternative properties): The Council could terminate the current arrangement and purchase alternative properties. Nothing suitable has been identified in the market. The cost of purchasing six similar properties would be higher than the £2.032m to purchase and refurbish the six Brackley properties (purchasing only three would obviously be cheaper, but the 'surplus' three could if not required for service purposes be sold, meaning the financial balance is still in favour of purchase). Moving the four remaining customers would also be very disruptive. They have lived in these houses, close to each other, for many years.

	<ol style="list-style-type: none"> 3. Option 3 (leasing alternative properties). This is similar to Option 2, but the alternative properties would be leased. The estimated (average) Market Rent for these properties at the moment is around £1,895 per calendar month (£22,740pa, or £136,440pa for all six), based on a 4-bed property in Brackley. This is slightly higher than current levels of RSP. There is currently a shortage of houses in the market which is driving rental prices up further. The disadvantages of relocating the residents would remain. 4. Option 4 (terminate the arrangement and move residents to extra care). The residents are not considered suitable for extra care accommodation at present. There currently is not any suitable extra care provision within Brackley. 5. Option 5 (proposed purchase of PHA's leasehold interest). This arrangement would deliver savings which grew over time, whilst enabling the Council to provide suitable care and support for the residents. 6. The Council would also have choices about what to do with the three homes currently unoccupied. They could either be sold (thus reducing the financing costs) or used for other service purposes.
<p>Agenda Item 14 Northampton Active Quarter</p>	<p>RESOLVED: That Cabinet:</p> <ol style="list-style-type: none"> 1. Noted the content of this report. 2. Endorsed continued support of working collaboratively with partners, towards achieving the Active Quarter ambitions outlined within the report. 3. Noted the 'in-principle' funding contribution from Public Health of a single payment £10k to support evidenced-based research, develop the Active Quarter (AQ) communication and engagement strategy and align AQ ambitions with WNC's strategic priorities.

	<p>REASONS RESOLVED:</p> <ol style="list-style-type: none"> 1. To update on the Active Quarter’s achievements and future ambitions. 2. To demonstrate the Council’s support of the Active Quarter opportunity to work with partners in the creation of a hub for wellbeing and ‘place’ for pioneering health and wellbeing interventions. 3. To update on the ‘in-principle’ investment from Public Health funding to support the work to achieve the ambitions. <p>ALTERNATIVE OPTIONS:</p> <ol style="list-style-type: none"> 1. Option 1: Not to endorse the ambitions of the Active Quarter. This would remove the Council’s support of an opportunity to create a pioneering place in the heart of an urban community that would champion community health and wellbeing. A further knock-on would be the loss of an opportunity to lever in significant amounts of external funding into West Northamptonshire. As an example, over £800,000 of investment has already been levered in. 2. Option 2: Approved the Council’s support through endorsement of the report. This will demonstrate the Council’s willingness to work in partnership with the Active Quarter. Officers will work with the Active Quarter to strategically align the ambitions with WNC priorities for a collaborative approach that will champion community health and wellbeing.
<p>Agenda Item 15 Private Finance Initiative (PFI) Lifecycle Works</p>	<p>RESOLVED: That Cabinet:</p> <ol style="list-style-type: none"> 1. Approved a capital budget of £1.100m to undertake essential asset replacement works to the Northampton PFI Schools. 2. Authorised the procurement of these works. <p>REASONS RESOLVED:</p> <ol style="list-style-type: none"> 1. The assets to be replaced do not

comply with the School Premises Regulations 2012 and their condition posed a health and safety risk to students, visitors, and staff to the premises.

2. The Council has an obligation to meet the Regulations in the schools as a result of the PFI arrangements, which includes contracts with each school governing body or academy trust.
3. Replacing these assets would result in the responsibility for them transferring back to the PFI contractor, thus managing the Council's liabilities.

ALTERNATIVE OPTIONS:

- A. Do nothing: It is highly likely that individuals would suffer from harm. This could lead to action against the Council for breach of statutory duty and unlimited fines. Civil claims could be made. The Council would suffer reputational damage. Areas in schools would become unsafe to educate pupils in.
- B. Provide £1.1m of capital funding to replace the assets. This option would enable the Council to mitigate harm to persons and the likelihood of action for statutory breaches. It would protect the Council from reputational damage. It would provide pupils, staff, and visitors with safer schools to attend. Replacement lighting would assist schools in mitigating utility cost increases.
- C. Replace the assets prior to contract expiry: this would enable the Council to defer the cost of replacement although the costs of replacement would be higher as inflation increases. In the intervening period the Council would still be at risk of action for breach of statutory duty and unlimited fines. Civil claims could be made. The Council could suffer reputational damage. Areas in schools would become unsafe to educate pupils in.

D. The Council could seek to vary the contract to request that the contractor fund and replace and maintain the assets: This option would enable the Council to reduce the cost of its own borrowing but would require it to meet the additional revenue UC costs. The Council's borrowing rate is lower than that which the contractor would charge. Replacement lighting would assist schools in mitigating utility cost increases.

Option B is the most cost-effective option that enables the Council to mitigate harm to persons and the likelihood of action for statutory breaches. It would protect the Council from reputational damage and provide pupils, staff, and visitors with safer schools to attend.

**Agenda Item 16
Asset Disposal**

RESOLVED: Cabinet;

1. Agreed that authority be given to the Assistant Director of Assets & Environment, in consultation with the Cabinet Member for Finance, to agree terms for the disposal of the following assets and enter any documentation required to implement this:
 - a) Former Ribble Close Group Home, Northampton (freehold or transfer to HRA).
 - b) Former Ecton Brook Care Home, Northampton (freehold or transfer to Housing Revenue Account).
 - c) Former Evelyn Wright Care Home, Daventry (freehold)
 - d) Walker House, Northampton (leasehold or long leasehold, sub-lease or assignment of lease).
 - e) Former Brackley Swimming Pool Site, Brackley (freehold).

REASONS RESOLVED:

Overview

1. It is sensible for the Council to review its estate and ensure it delivers the best overall value, taking policy and financial

considerations together, for the residents of West Northamptonshire.

Former Ribble Close Group Home, Northampton:

2. To meet the Council's obligation not to dispose of land at less than the best consideration reasonably obtainable.
3. To generate a capital receipt.
4. To reduce the operating costs of the Council's estate (holding costs) and remove the risk of vandalism and any associated health and safety concerns associated with an empty property.
5. To make it likely that the housing would be brought back into use.

Former Ecton Brook Elderly Persons Home, Northampton:

6. To meet the Council's obligation not to dispose of land at less than the best consideration reasonably obtainable.
7. To generate a capital receipt for the General Fund.
8. To reduce the operating costs of the Council's estate (holding costs) and remove the risk of vandalism and any associated health and safety concerns associated with an empty property.
9. To facilitate the delivery of housing on the site (whether through delivery of affordable housing or market housing, or both).

Former Evelyn Wright Elderly Persons Home, Daventry:

10. To meet the Council's obligation not to dispose of land at less than the best consideration reasonably obtainable.
11. To generate a capital receipt.
12. To reduce the operating costs of the Council's estate (holding costs) and remove the risk of vandalism and any associated health and safety concerns associated with an empty property.

*Walker House, Moulton Park,
Northampton:*

13. To meet the Council's obligation not to dispose assets at less than the best consideration reasonably obtainable.
14. To generate either revenue income, or a capital receipt (premium), or both.
15. To reduce the operating costs of the Council's estate (holding costs) and remove the risk of vandalism and any associated health and safety concerns associated with an empty property.

*Former Brackley Swimming Pool Site,
Brackley:*

1. To meet the Council's obligation not to dispose assets at less than the best consideration reasonably obtainable.
2. To generate a capital receipt.
3. To reduce the operating costs of the Council's corporate estate (holding costs) and remove the risk of health and safety concerns associated with a vacant site.

ALTERNATIVE OPTIONS:

The Council has the following options.

*Former Ribble Close Group Home,
Northampton*

- (1) (1) Do nothing – The Council could take the decision to retain the property. Further to the investigations, the Council has not identified a service use for the property and as such it would have to hold the property for an indefinable length of time. Council would continue to incur holding costs whilst the building was vacant. It would also be at risk of vandalism for arson.
- (2) (2) Subdivision of properties prior to disposal – This will be a key consideration of the disposal process. As the properties were originally constructed as a pair of

semi-detached properties, the Council will need to evaluate whether it would command a higher capital receipt by returning the properties to their original state, then selling them in their existing form. Such an approach would require the Council to commit capital to complete these works. However, this would only be considered if it offered a financial return that was greater than the cost of the works. This option would therefore be considered as part of planning for disposal.

- (3) (3) Disposal without subdivision – This option would therefore be considered as part of planning for disposal. It is essentially the mirror image of option (2).
- (4) Either option (2) or (3) could be preferable. The final decision would be taken once analysis of the cost and likely impact on capital receipts had been assessed.

Former Ecton Brook Elderly Persons Home, Northampton

- (1) Do nothing – The Council could retain the property. However, the Council has not identified an internal use for the property and as such it would have to hold the property for an indefinable length of time. The Council would continue to incur holding costs whilst the building was vacant. It would also be at risk of vandalism or arson.
- (2) (2) Seek outline planning permission for a revised use or development – While this could be a valid approach, the Council would need to ensure that the scheme for which is sought planning permission was one that would derive the highest return. This becomes complicated on sites where there are multiple alternative uses. Social housing would generate a different value to retirement flats, etc. It is therefore hard to conclude this approach would deliver the best

overall value.

- (3) (3) Dispose without obtaining planning permission – Given the multiple different potential uses for the site, this seems the most pragmatic approach.
- (4) (4) 'Dispose' to the Housing Revenue Account – As described above, this may enable the Council, via NPH, to deliver social housing and allied facilities on the site whilst the General Fund still received best consideration.
- (5) Option 3 is recommended unless delivery of a social housing scheme on the land is approved under the NPH governance arrangements, in which case Option 4 would be recommended.

Former Evelyn Wright Elderly Persons Home, Daventry

- (1) Do nothing – The Council could retain the property. Further to the investigations, the Council has not identified an internal use for the property and as such it would have to hold the property for an indefinable length of time. The Council would continue to incur holding costs whilst the building was vacant. It would also be at risk of vandalism or arson.
- (2) (2) Seek outline planning permission for a revised use or development – While this could be a valid approach, the Council would need to ensure that the scheme for which is sought planning permission was one that would derive the highest return. This becomes complicated on sites where there are multiple alternative uses. Social housing would generate a different value to retirement flats, etc. It is therefore hard to conclude this approach would deliver the best overall value.
- (3) (3) Dispose without obtaining planning permission – Given the multiple different potential uses for the site, this seems the most

pragmatic approach.

- (4) (4) Dispose by private treaty to potential service provider – This may offer greater value to the Council, but the details are not yet sufficiently clear to confirm if this is the case. Therefore, further investigation is required.
- (5) Subject to Option 4 not proceeding, Option 3 is recommended.

Walker House, Moulton Park, Northampton

- (6) Do nothing – The Council could decide to do nothing and continue to hold the property vacant. Given the investigations that have previously been undertaken by NCC and more recently by WNC, it is unlikely that the Council will have a future need for the property. The Council would continue to incur holding costs whilst the building was vacant. It would also be at risk of vandalism or arson.
- (7) (2) Market and secure a new tenant – As the Council has the benefit of the residue of the existing lease (around 50 years), it could look to secure a commercial tenant for the property. In the current market, it is likely that a tenant would consider a five-year term (or ten with a break at five), although longer terms are possible. It is understood that the property is likely to be well received on the market. As the Council pays a ground rent, such an approach would allow it to benefit from any profit rent (difference between the ground rent and the market rent). As with any commercial letting, it would carry the risk of rental voids while vacant.
- (8) (3) Dispose of its long leasehold interest – Given the profit rent (discussed above) that is likely to exist with this property, it is possible that the Council could dispose of its long leasehold interest in the property for a premium. The level of premium payable would vary from tenant to tenant and will be inherently linked to the unexpired

term, and the level of works that a purchaser may need to make to the property to make it fit for their purpose. Therefore, it is not possible to determine what level of premium could be commanded without exposing the property to the market. This disposal may be for a term less than the remaining lease, or it could be for the whole remaining term, in which case the lease would be assigned to the new tenant.

(9) (4) Acquisition of the freehold – This option would be considered if WNC has a longer term use for the property and it permanently secures the availability of the property. As no use has been identified, such an action would be unnecessary. In addition to this, while it would be reasonable to assume that the value of an unencumbered freehold would be more valuable than the Councils long leasehold interest, to realise this, the Council would need to negotiate that acquisition with the current freeholder. It is likely that the Council would need to share any benefit with the landlord, reducing the overall benefit to the Council. Whilst possible the Council has no obvious benefit from acquiring this property.

(10) As noted above, either Option 2 or 3 could offer the best consideration. Accordingly, the property would be marketed for both possible outcomes and the best offer selected.

Former Brackley Swimming Pool Site, Brackley

(11) Do nothing – The Council could decide to do nothing and continue to hold the property vacant. Given the investigations that have previously been undertaken by NCC and more recently by WNC, it is not possible to determine whether the Council will have a future need for the property, however this is

	<p>considered unlikely. By continuing to hold then property vacant, it will continue to be responsible for the management and maintenance of the site and would forego the ability to generate a capital receipt from the disposal.</p> <p>(12) (2) Dispose of the Freehold – Given the investigations in relation to any future use of the site, disposal of the freehold would enable to Council to mitigate the cost, and risk of holding the property vacant. Such an action would also allow the Council to generate a capital receipt and meets its best consideration obligations.</p> <p>(13) Option 2 is recommended. This may be, as noted above, by private treaty to Brackley Town Council, or to another purchaser, probably a developer.</p>
<p>Agenda Item 17 Parking charge arrangements at parks</p>	<p>DATE DECISION WITHDRAWN: Monday 23 January 2023. The Leader of the Council, in consultation with the members of Cabinet, resolved to WITHDRAW this decision.</p> <p>REASONS FOR WITHDRAWAL: To undertake a review of the decision and report back to a future meeting of Cabinet.</p> <p>RESOLVED: Cabinet;</p> <ol style="list-style-type: none"> 1. Approved a capital budget of £144k for new parking charge arrangements at Daventry and Brixworth country parks, and the Racecourse. 2. Authorised the implementation of new and revised parking charges for those areas as set out in Tables 2 and 3 of the report, to be implemented as soon as practical. 3. Noted that the new and revised parking charges would be reviewed after 6 months and this will include the consideration of overnight parking for residents and other comments made at the Cabinet meeting, including comments relating to junior park run

	<p>4. Noted that Park Run season tickets would be valid at each location.</p> <p>REASONS RESOLVED:</p> <ol style="list-style-type: none"> 1. To improve user choice and income generation, and reduce payment avoidance, at Brixworth and Daventry Country Parks. 2. To ensure the Racecourse car park is used for its intended purpose. 3. It is considered that the proposals either benefit users, or where there are negative effects these are outweighed by the need to provide funding to continue services. <p>ALTERNATIVE OPTIONS: The choices open to the Council are to apply none, both, or all of the proposals. Each of these has its own advantages and disadvantages. Given user benefits from ANPR-based charging, the Council's financial position, and the proportionate approach to the proposals, it is suggested it would be appropriate to proceed with them all.</p>
<p>Agenda Item 18 Capital expenditure relating to Rebuild of Windflower Place</p>	<p>RESOLVED: That Cabinet note the decisions taken by the Leader of the Council set out at Appendix A.</p> <p>REASONS RESOLVED:</p> <ol style="list-style-type: none"> 1. Where decisions that would otherwise be taken by the Leader and Cabinet have been taken by the Leader alone, in the interests of transparency, the decision is reported to the next available meeting of the Cabinet. 2. The decision taken provided the authority for the Council to approve funding to support the rebuild of 10 Windflower Place, following a fire. 3. Full reasons for the decision taken are set out in the decision records appended to this report. <p>ALTERNATIVE OPTIONS: None</p>
<p>Agenda Item 20</p>	<p>RESOLVED: The recommendation that</p>

**Northampton
Redevelopment**

Market

Square

was set out in the report was agreed by
Cabinet.