

Record of Decision made on the 13th July 2021

Item	Subject	Decision	Responsible Officer
04	Minutes of the meeting held in public on 8 June 2021	RESOLVED: That the Cabinet approved the minutes of the meeting of Cabinet held in public on 8 June 2021.	Sofia Neal-Gonzalez
05	Environmental Principles and Framework	<p>RESOLVED: That Cabinet;</p> <p>A. Endorsed the Arc shared environment principles as set out at Appendix 1.</p> <p>B. Supported the development of an Arc Environment Strategy which would provide for how the principles can be delivered.</p> <p>C. Adopted the proposals set out in the WNC Task and Finish Group report as set out at Appendix 2, subject to:</p> <ul style="list-style-type: none"> i. The commitment to purchasing 100% 'green' energy was understood to mean electricity generated and gas produced without the use of fossil fuels, and to apply from 1st October 2021 or as soon as possible thereafter. ii. To accommodate this, an increase in the energy budget of £25,000 in the current financial year and £50,000 in 2022/23 is approved. The current year cost is to be met from in-year underspends or from General Fund balances if required. <p>REASONS: These courses of action are proposed because the Arc Principles and proposed Strategy should support the objectives of the Council, notably as set out in the Corporate Plan 2021-2025, and reinforce its influence by working with partners across the Arc, and because the Framework offers a useful structure for the Council to embed environmental issues in its decision-taking and service delivery.</p> <p>ALTERNATIVE OPTIONS: The arrangements with OPUS are governed by individual service agreements that run until 8th January 2022. Choices with regard to OPUS and shareholding and dividend changes were part of the consideration, prior to vesting day.</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	Simon Bowers
06	Integrated Care across	<p>RESOLVED: That Cabinet;</p> <p>A. Noted the progress toward establishing the Integrated Care System and the further</p>	Stuart Lackenby

	<p>Northamptonshire (iCAN) procurement</p>	<p>work required to describe how the ICS will operate at a Council and neighbourhood level.</p> <ul style="list-style-type: none"> B. Delegated to the Executive Director for Adults, Communities and Wellbeing in consultation with the Cabinet member for Adult Social Care and Public Health the decision whether to modify the adult social care TOM contract (with Newton Europe). C. Recommended to Council the approval of one-off revenue funding of up to £1m to be agreed from general fund balances to contribute to the iCAN programme, subject to satisfactory evidence of a likelihood of a positive return on the investment. D. Delegated to the Executive Director of Adults, Communities and Wellbeing, in consultation with his Portfolio Holder the Executive Director of Finance (S151 officer), and the Portfolio holder for Finance the power to determine whether there is satisfactory evidence of a likelihood of a return on the investment. E. Noted that the iCAN funding will be included within the Better Care Fund section 75 and that this will be reported to and governed through the West Northamptonshire Health and Wellbeing Board. F. Agreed that quarterly updates of this report would be presented to Cabinet. <p>REASONS</p> <ul style="list-style-type: none"> A. To respond to national guidance and requirements including the white paper Integration and innovation: working together to improve health and social care for all (Feb 21) and the formation of the ICS (integrated care system) since April 2021. B. To support the realisation of benefits across health and social care to achieve improved outcomes for residents, reduced operating costs and to reduce reliance on acute hospital care C. To utilise health funding to support the joint objectives outlined D. To progress the proposed changes before the winter of 2021 in order to secure early benefits and changes in ways of working ahead of anticipated high demand in hospitals and risk of poorer outcomes. This 	
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		<p>will minimise the risks and uncertainty of both demand and costs that are predicted for winter 2021.</p> <p>E. To further enable the integration of Adult Social Care and Health</p> <p>ALTERNATIVE OPTIONS:</p> <p>A. Health partners have requested that the Council support the commissioning of the system partner for iCAN. The rationale for this decision is based upon</p> <ul style="list-style-type: none"> i. the strong working relationships between the Council and health partners, ii. the Council's proven track record in taking forward a similar approach in its implementation of the Adult Social Care TOM iii. the need to act before winter 2021 to secure the capacity and change and current pressure on health resources to support this themselves iv. the financial advantages of the Council hosting the arrangements <p>B. The local system knows what needs to change and the opportunities available. However, unless we have the right capacity, with the right skills and experience to help us design new ways of working, based on evidence, we will be unable to implement the required changes sustainably at pace and scale. The consequential impact for the system of not providing the required capacity will be that at some point the demand for service will become greater than the capacity available.</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	
07	Appointments to Outside Bodies	<p>RESOLVED: That Cabinet;</p> <p>A. Noted and endorsed the appointments to outside bodies set out at Appendix A</p> <p>B. Noted that further work is required in relation to a small number of outside bodies and agreed that delegated authority be granted to the Chief Executive, in consultation with the Leader(s) of any group to whom a place on an outside body has been allocated, to make such appointments in due course.</p>	Catherine Whitehead

		<p>REASONS: The Council is responsible for appointing Members to a range of outside bodies. By making such appointments the Council can ensure its interests are represented and/or those bodies receive appropriate support from the nominated Members.</p> <p>ALTERNATIVE OPTIONS: None</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	
08	MHCLG's Rough Sleeper Accommodation Programme funding	<p>RESOLVED: That Cabinet agreed increase in HRA Capital programme of £1.32m to purchase and refurbish ten 1-bedroom properties through the HRA, in order to accommodate and support people who have been sleeping rough or are threatened with sleeping rough, funded by MHCLG/Homes England RSAP grant and HRA borrowing.</p> <p>REASONS: To provide rough sleepers with sustainable housing solutions, to reduce rough sleeping and enable people who have slept rough to thrive</p> <p>ALTERNATIVE OPTIONS: None</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	Jacqueline Brooks
09	Various Freehold and Leasehold Asset Disposals	<p>RESOLVED: That Cabinet;</p> <p>A. Delegated authority be given to the Assistant Director Assets and Environment to dispose of the assets listed in the report and where relevant agree the terms of such disposal in line with the proposals in the relevant appendix.</p> <p>B. Noted that Property Number 14/Appendix J ((Part of Wantage Farm) was withdrawn and is no longer included in the recommendations.</p> <p>C. Items 15 and 16 may require the consent of the Secretary of State on the grounds that the disposal is at an undervalue of more than £2 million. Given the circumstances it is expected this would be forthcoming.</p> <p>D. A number of further delegations are required in order for officers to effectively manage a range of transactions on a day-to-day basis affecting the Council's property portfolio. These are set out in the table below and will be incorporated into Constitution on a permanent basis as part of the ongoing review that is currently being undertaken by Democracy & Standards</p>	James Aldridge

		<p>Committee. Pending the outcome of that review in December, it is recommended that interim delegated authority be granted to the Assistant Director Assets and Environment to;</p> <ul style="list-style-type: none"> a. Agree, and enter into, leases of up to 125 years at nil, or otherwise a value at less than best consideration, which are directly related to the conversion of a local authority maintained school to an academy, or where as a result of a Council decision (including provisions of a Section 106 agreement entered into by the Council or Section 106 unilateral undertaking benefiting the Council) a new school is to be created, and that school will be an academy. This includes the authority to enter into agreements for such leases. b. In consultation with the relevant Cabinet Member and Chief Financial Officer, agree, and enter into, leases of community centres and similar buildings at less than best consideration (including nil consideration) with parish/town councils or charities. c. Grant licenses and tenancies at will, including grant at less than best consideration, where this supports the effective management of the Council's property or enables implementation of the Council's policies or statutory duties. d. Grant leases on commercial terms for terms not exceeding 15 years or capable of break at the Council's discretion at intervals not exceeding 15 years. <p>REASONS:</p> <ul style="list-style-type: none"> A. Cabinet will be fully aware of the history to LGR in Northamptonshire and therefore it is not proposed to cover this in detail as part of this report. B. At Vesting Day (1st April 2021), there were several freehold and leasehold disposals that had been agreed by the predecessor Councils. Approval to these transactions had been given via several different routes including cabinet, cabinet member and officer delegated decisions. These are summarised in more detail in the relevant Appendix. 	
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		<p>C. For varying reasons, these disposals were not completed prior to Vesting Day. The Monitoring Officer has advised that a previous decision from one of the predecessor Councils does not carry forward to WNC. New decisions are required.</p> <p>D. This paper therefore seeks authority from Cabinet to progress with the transactions as set out in this paper and more specifically, as set out in the relevant Appendix. For clarity of records, Cabinet is requested to make individual decisions in relation to each recommendation stated in Section 3 of this report.</p> <p>E. Considering these issues has highlighted certain where it is certain, or almost certain, what course of action the Council would be expected to take. In those cases, it is proposed that the necessary decisions be delegated to allow for efficient and expedient action to be taken.</p> <p>F. As members will be aware, under the Academies Act 2010 (the Act) there is a process for converting schools from maintained by the local authority to academy status. New schools are also normally created as academies. These are often called 'free schools' but legally are academies. The Department for Education's usual practice is to seek a 125-year lease for nil consideration. This is an alternative to the use of powers in the Act by the Secretary of State to require a freehold or leasehold transfer of the land.</p> <p>G. As there are no realistic alternative options to consider in such cases, it is proposed that leases up to 125 years in length be capable of being authorised by the Assistant Director Assets and Environment where they specifically relate to the conversion of a school to an academy or the assignment of an existing lease between appropriate academies. Under the current constitution, any leases over ten years (unless the Council can break the lease at intervals not exceeding ten years) require Cabinet approval.</p> <p>H. It has also become clear that there are likely to be various requests for leases of community centres / facilities. These leases enable a parish/town council or charity to operate such centres for the good of the local community. As such, it is usual to offer leases at a value which is lower than the one which could be reasonably obtainable in the market, often at nil consideration or at rent which covers only</p>	
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		<p>covers items such as insurance. It is therefore proposed that the Assistant Director Assets and Environment be authorised to grant such leases. (The constitution envisages such standing approval being granted as it excludes leases granted not at best consideration from officer delegations except in cases approved in policy.)</p> <p>I. The constitution does not expressly address the issue of tenancies at will or licenses to occupy property a value which is lower than the one which could be reasonably obtainable in the market. These flexible arrangements are needed to ensure property is effectively managed, the costs of void property are minimised and the Council can effectively implement its policies and comply with its statutory duties. It is proposed that it is made explicit that such arrangements can be made.</p> <p>J. It has been identified that commercial leases are often now required with fifteen-year terms. This applies to three of the transactions covered in this report. However, the constitution only delegates authority to grant commercial leases on market terms with terms up to ten years (or capable at break by the Council at ten-year intervals). It is therefore suggested that this period is extended to fifteen years so that routine lettings are not delayed.</p> <p>K. Whilst it is intended that these issues would be addressed in the review of the Constitution currently underway, this is not due to be considered by Council until December. It is therefore proposed that these additional delegations are approved pending the consideration by Council of the Constitutional review.</p> <p>ALTERNATIVE OPTIONS:</p> <p>A. Once the decision is confirmed, the appointments will be communicated to the Members and the outside bodies and partnerships. The schedule of appointments will be kept under review during the year and Democratic Services will deal with any changes that arise.</p> <p>B. The Council may choose not to appoint to the outside bodies in Appendix A but would need to consider whether there would be any implications arising for the Council or the body concerned by not making an appointment</p>	
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		CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.	
10	West Midlands Rail Ltd – Changes to Collaboration Agreement	<p>RESOLVED: That Cabinet ratified the proposed Collaboration Agreement between West Midlands Rail Ltd and the Department for Transport set out in Appendix A of this report in light of the forthcoming replacement of the West Midlands Rail Franchise by a National Rail Contract.</p> <p>REASONS:</p> <ul style="list-style-type: none"> A. To reflect structural changes in the passenger rail industry involving the replacement of rail franchising by directly-awarded National Rail Contracts. B. To ensure the Council is able to influence the management and development of rail services between Northampton and Birmingham through its involvement with West Midlands Rail Ltd. <p>ALTERNATIVE OPTIONS:</p> <ul style="list-style-type: none"> A. There are no obvious alternatives to the approach proposed if joint management of local rail services in the West Midlands is to continue as the Collaboration Agreement needs to reflect the replacement of rail franchising by National Rail Contracts. B. It would be possible for West Northamptonshire Council to resign the membership of WMRL which has been inherited from the County Council, but this would remove a route for influencing the development of rail services for Northampton and Long Buckby <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	Chris Wragg
11	OPUS – Governance and Delivery	<p>RESOLVED: That Cabinet;</p> <ul style="list-style-type: none"> A. Noted the decisions made by Milton Keynes Council and Cambridgeshire County Council in relation to the Shareholding. B. Agreed to the addition of the Northamptonshire Children’s Trust as a new shareholder of Opus. C. Agreed to the proposed changes to the shareholding of each of the existing shareholders D. Agreed to the proposed amendments to the Dividend Policy 	Sarah Reed

		<p>E. Agreed to delegate responsibility for the negotiation on behalf of West Northamptonshire Council of a revised Shareholder agreement to the Executive Director of Corporate Services.</p> <p>REASONS:</p> <p>A. To ensure that Opus shareholding reflects the changes brought about through Local Government Reorganisation and the creation of the Northamptonshire Children’s Trust.</p> <p>B. To support the continuation of Opus in order that West Northamptonshire Council will have greater influence over the quality and pay of agency workers, achieve financial savings by reducing agency costs and achieve a continued supply of agency workers to support the ongoing efficient delivery of staff to the Council</p> <p>C. To enable the Head of Paid Service to have arrangements in place to meet the fluctuating demands of the Council.</p> <p>ALTERNATIVE OPTIONS: Arrangements with OPUS are governed by individual service agreements that run until 8th January 2022. Choices with regard to OPUS and shareholding and dividend changes were part of the consideration, prior to vesting day..</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	
12	Admissions priority for children adopted from state care outside of England	<p>RESOLVED: That Cabinet; Determined the necessary variations to the admission arrangements for 2021/2022 and 2022/2023 as described below:</p> <p>A. To amend the first oversubscription criterion for all Community and VC Schools to give the highest priority to: ‘looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special</p>	Jan Baines

		<p>guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.'</p> <ul style="list-style-type: none"> B. To agree that WNC's new In-year scheme can be included in the admission arrangements; C. To approve the new FAP, subject to consultation with schools in West Northamptonshire; D. Any variation agreed will be conditional on the Code passing through Parliament; E. All such variations should come into force on 1 September 2021. <p>REASONS: The variations are necessary to comply with the statutory requirements of the School Admissions Code (2021). It is the duty of all admission authorities to act in accordance with the Code</p> <p>ALTERNATIVE OPTIONS:</p> <ul style="list-style-type: none"> A. It is necessary to vary the 2021/2022 and 2022/2023 admission arrangements (previously determined) of schools for which NNC admission authority (i.e. Community and VC schools) in order to comply with the new Code which will come into force on 1 September 2021. B. The 2021 School Admissions Code (the Code) requires children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). The DfE advice to admission authorities refers to these children as internationally adopted previously looked after children – "IAPLAC" C. Paragraph 1.7 of the new Code will require that highest priority is given to "looked after 	
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13	Shared Service Arrangements	<p>RESOLVED: That Cabinet;</p> <p>A. Noted the contents of this report and the related appendices</p> <p>B. Approved the option to bring the Internal Audit Service in-house</p> <p>C. Approved the option of an in-house service delivery model for Revenues and Benefits</p>	Martin Henry

		<p>D. Granted delegated authority to Executive Director, Finance in consultation with the Portfolio Holder for Finance to take all necessary steps to implement the in-house provision of internal audit services and Revenues and Benefits services as soon as is practicable.</p> <p>REASONS: To enable the implementation of a single operating model for Internal Audit Services and Revenues and Benefits services in order to streamline service provision and become a more efficient arrangement which incorporates best practice wherever possible. This should lead to improved customer service to residents and businesses in the area. In addition, following the notice of termination of a partner (Cherwell District Council) and subsequent desire by the provider company to terminate the arrangement</p> <p>ALTERNATIVE OPTIONS: None</p> <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	
14.	Northampton Market Square Redevelopment	<p>RESOLVED: That Cabinet;</p> <p>A. Noted the work to date on securing £8,427,625 for the redevelopment of Northampton Market Square and the next steps that are required to take forward this project.</p> <p>B. Approved the use of the ring fenced Future High Street Grant Funding of £8,427,625 for the Northampton Market Square public realm improvements as set out in this report and the Stage 2 Design report (appendix 1).</p> <p>C. Delegated authority to the Executive Director of Place, Economy and Environment in consultation with the Section 151 Officer, the Monitoring Officer and the Cabinet Member for Economic Development, Town Centre Regeneration and Growth to:</p> <p>v. appoint the Design Team to develop the Market Square proposals following an OJEU compliant procurement process.</p>	Kevin Langley

		<p>vi. appoint the principle contractor that demonstrates best value and quality using an OJEU compliant procurement process.</p> <p>D. Delegated authority to the Head of Major Projects and Regeneration to approve the final design ahead of the procurement of a principal contractor. This will be taken through the Northampton Town Deals Board, Northampton Forward, to seek their agreement and incorporate feedback following the public consultation while ensuring that the design principles set out in the current stage of work are adhered to.</p> <p>E. Noted that a full planning application using the detailed design proposals will be submitted as part of this work.</p> <p>F. Noted the additional revenue pressure that this project will create to West Northamptonshire Council as a result of different maintenance regimes being required and as a result of the monitoring and evaluation obligation upon completion</p> <p>REASONS:</p> <p>A. The recommendations proposed align closely with the objectives established in the West Northamptonshire Council Corporate Plan 2021-2025, specifically the Green and Clean, Thriving Villages & Towns and Economic Development priorities.</p> <p>B. The recommendations proposed align with the Northampton Town Centre Masterplan and will see the design and implementation of the catalyst regeneration project for the Town.</p> <p>C. The recommended course of action is in line with the objectives, outputs and benefits expected from the Future High Street Fund to renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability.</p> <p>D. The recommendations above are required to progress the public realm improvement as submitted to the FHSF</p> <p>ALTERNATIVE OPTIONS: None</p>	
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15.	Northampton Towns Fund	<p>RESOLVED: That Cabinet;</p> <ul style="list-style-type: none"> A. Noted the Towns Fund grant allocation to West Northamptonshire Council from MHCLG of £24.9m, subject to approval of stage two business cases for each project. B. Approved £110,000 of new WNC funding required to develop the stage two businesses cases for the Towns Fund as set out in points 4.26 – 4.31. C. Noted that each project business case will need to come back to Cabinet for consideration approval <p>REASONS: The recommendation is being made so the regeneration of Northampton Town Centre can begin with the delivery of the Towns Fund projects.</p> <p>ALTERNATIVE OPTIONS:</p> <ul style="list-style-type: none"> A. To approve the funding required to develop the stage two business cases for the Towns Fund projects as described in this report. B. To not approve the funding for the next stage. This will mean that there is not the adequate resource to develop the business cases for all projects and the Council wouldn't get awarded the full £24.9 million grant from Government <p>CONFLICT OF INTERESTS DECLARED AND DISPENSATIONS GRANTED: None.</p>	Kevin Langley
16.	Highways Contract Procurement Update	RESOLVED: Cabinet agreed the recommendations as set out in the report, the content of which was exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972	

Date Issued: 14th July 2021

Expiry of call-in period: 5pm, 21st July 2021