



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 8 June 2016

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

6:00 pm

Members of the Cabinet:

Councillor: Mary Markham (Leader of the Council)

Councillor: Jonathan Nunn (Deputy Leader)

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

Chief Executive David Kennedy

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

PORTFOLIOS OF CABINET MEMBERS

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

SPEAKING AT CABINET MEETINGS

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

Registration can be by:

Telephone: (01604) 837722
(Fax 01604 838729)

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

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

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

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

KEY DECISIONS

 denotes the issue is a 'Key' decision:

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





NORTHAMPTON BOROUGH COUNCIL

CABINET

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Wednesday, 8 June 2016
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
- 3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE**
- 4. DEPUTATIONS/PUBLIC ADDRESSES**
- 5. DECLARATIONS OF INTEREST**
- 6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**
- 7. MULTI AGENCY STRATEGY FOR TACKLING, PREVENTING AND REDUCING ROUGH SLEEPING IN NORTHAMPTON**
 Report of the Head of Housing and Wellbeing (Copy herewith)
- 8. REGULATION OF INVESTIGATORY POWERS ACT 2000 - POLICY UPDATE**
Report of the Borough Secretary (Copy herewith)
- 9. DISPOSAL OF LAND AT WESTBRIDGE DEPOT - WASTE TO ENERGY PLANT**
 Report of the Director of Regeneration, Enterprise and Planning (Copy herewith)
- 10. FLY TIPPING UPDATE AND FIXED PENALTY NOTICES**
 Report of Director of Customers and Communities (Copy herewith)
- 11. NORTHAMPTON LOW EMISSION STRATEGY (NLES)**
 Report of Director of Customers and Communities (Copy herewith)
- 12. ACQUISITION OF THE FREEHOLD OF NO. 9 GUILDHALL ROAD**
Report of the Director of Regeneration, Enterprise and Planning (Copy herewith)

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

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

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 11 May 2016

PRESENT: Councillor Markham (Chair); Councillor Hallam (Deputy Chair); Councillors Bottwood, Eldred, Hadland, Hibbert and King

1. MINUTES

The minutes of the meeting held on the 13th April 2016 were agreed and signed by the Leader.

2. APOLOGIES

There were none.

3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There were no items to be heard in private.

4. DEPUTATIONS/PUBLIC ADDRESSES

There were none.

5. DECLARATIONS OF INTEREST

There were none.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

6.A RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE – HEALTH CHECK OF THE LOCAL ECONOMY

Councillor Ashraf, as the Chair of the panel, presented the report and thanked all panel members and the Scrutiny Officer for their work. She urged Cabinet to examine ways that work could be undertaken with partners to continue to raise the profile of economic development in Northampton.

Councillor Lane, the Chair of the Overview and Scrutiny Committee submitted a report and elaborated thereon. He thanked panel members and the Scrutiny Officer and asked that all employers and investors in the town for the work they had undertaken.

Councillor Hadland, the Cabinet Member for Regeneration, Enterprise and Planning, welcomed the report and commented that he was very pleased with the growing number of apprenticeships especially within the Enterprise Zone.

The Leader explained that a new focus group had been established as part of SEMLEP with representations from the education sectors. She commented that the administration would be bidding for further funding for the Enterprise Zone. She thanked the Chair, Panel Members and the Scrutiny Officer for the work they had undertaken.

RESOLVED:

That the report be noted.

6.B RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - IMPACT OF THE EFFECTIVENESS OF THE ENFORCEMENT OF LICENSING POLICIES IN RESPECT OF TAXIS AND PRIVATE HIRE.

The Chair of the Overview and Scrutiny Committee submitted a report and elaborated thereon stating that there were seventeen recommendations within the report and thanked Councillor G Eales for having chaired the Panel.

In response to questions asked, Councillor Lane confirmed that any feedback with regards to consultation with affected business would need to be fed back by Cabinet in response to the Overview and Scrutiny recommendations.

The Leader thanked the panel members for their work.

RESOLVED:

That the report be noted.

6.C RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE - IMPACT OF ANTI-SOCIAL BEHAVIOUR ON THE TOWN

The Chair of Overview and Scrutiny submitted a report and elaborated thereon and noted that there were twenty-eight recommendations within the report.

Councillor Meredith as the Chair of the Panel addressed Cabinet and stated that the panel had carried out extensive work looking at anti-social behaviour on the Town and praised the work of the Community Wardens, whilst raising concerns about the lack of body cameras.

The Leader commented that cameras had been issued for Community Wardens and other items would be considered in conjunction with Public Space Protection Orders (PSPOs)

RESOLVED:

That the report be noted.

7. VULCAN WORKS

Councillor Stone addressed Cabinet and commented that she was very excited by the proposed extension and variation to the Vulcan Works project. She raised concerns about the financing and risks, the extent of the delays and hazardous chemicals.

Councillor Birch commented that she was excited to see progress and the regeneration of the Town, stating that the cultural quarter would continue to attract people to the area.

Councillor Hadland as the relevant Cabinet Member submitted a report and noted that he was delighted to see another exciting regeneration. He noted that the lease to the University of Northampton would be done on commercial terms,

In response to questions asked, Councillor Hadland noted that there were very few financial risks, as Universities were considered to be safe tenants. The delays experienced had been caused by a number of issues due to the complexity of the site and the buildings and that hazardous materials to be used at the site, were no more damaging than the ones used by the Leather Centre.

RESOLVED:

1. That an agreement to grant a commercial lease of 30 years to the University of Northampton for the Vulcan Works premises (shown coloured blue on the plan at Annex A of the report) in which to relocate their International Leather Centre, Leather Conservation Centre and associated teaching & administrative activities be entered into.
2. That the amendment to the Capital Programme for 2016/17 to include £5m additional works to the Vulcan Works building as part of this important Alive Project be approved. The works would consist of renovation of the building's shell and core, funded by the Council at a maximum cost of £3.5m, and the fit-out of the building for the University's use to be funded by the University at a maximum cost of £2m which will include any VAT liability. The exact split of costs would depend on the final detailed specification of works.
3. That the University be granted an option to purchase the Vulcan Works (but not the Creative Hub) at any time during the lease for either the amount that the Council has spent on the site plus the original value of the land and buildings, or the market value, whichever is higher.
4. That a separate agreement be granted for lease with the University of Northampton for the managed workspace units (shown coloured pink on the plan at Annex A of the report, under which the University will assume responsibility for delivering the economic benefits and financial return stated in the Council's Local Growth Fund application of October 2014.
5. That authority be delegated to the Director of Regeneration, Enterprise & Planning Officer in consultation with the Cabinet Member for Regeneration, Enterprise and Planning and the Chief Finance Officer, the approval of final terms for the leases and option arrangements identified above.

The meeting concluded at 6.31pm

Appendices

1



CABINET REPORT

Report Title	Multi Agency Strategy for Tackling, Preventing and Reducing Rough Sleeping in Northampton
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	8 June 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Housing and Wellbeing
Accountable Cabinet Member:	Councillor Stephen Hibbert
Ward(s)	All

1. Purpose

- 1.1 The purpose of this report is to seek Cabinet's approval of a 3 year Multi Agency Strategy that is designed to end the need for people to sleep rough in Northampton.
- 1.2 This new Strategy – called 'Together we change lives' – marks a fresh approach that has been supported and inspired by more than thirty services and organisations, all of which have pledged to work differently to tackle, prevent and reduce rough sleeping.

2. Recommendations

- 2.1 That Cabinet approves 'Together we change lives' (which is attached to this report as Appendix A) as Northampton's 3 year Multi Agency Strategy for ending the need for people to sleep rough in the borough;
- 2.2 That Cabinet delegates to the Cabinet Member for Housing & Wellbeing the authority, in consultation with the Chief Executive, to make minor changes to the Strategy; and

- 2.3 That Cabinet delegates to the Chief Executive the authority, in consultation with the Cabinet Member for Housing & Wellbeing, to establish a temporary nightshelter, subject to due diligence and the production of a detailed business case that has been signed-off by the Section 151 Officer.

3. Issues and Choices

3.1 Report Background

- 3.1.1 According to Government figures, an average of 3,500 people slept rough in England each night in 2015. This was 30% higher than in 2014 and more than twice the number of people who were sleeping rough in England 5 years ago.
- 3.1.2 In Northamptonshire, the average number of people sleeping rough in 2015 was estimated to be 61 and, of these, 25 were sleeping rough in Northampton.
- 3.1.3 Although the number of people sleeping rough in Northampton reduced significantly when Oasis House (a 48-bed supported housing scheme for single homeless people) opened in 2012, the sharp and visible rise in the number of people sleeping rough during the past couple of years demands a fresh and more innovative, multi agency approach to what is an extremely complex problem.
- 3.1.4 On 5 February 2016, the Council's Housing & Wellbeing Service and Community Safety Team hosted a half day Workshop to kick-start the development of a 3 year Multi Agency Rough Sleepers Strategy that will not only help rough sleepers to leave the streets and rebuild their lives but also tackle the main causes of rough sleeping.
- 3.1.5 Attended by more than 50 participants – representing around thirty services and organisations, including charities, faith groups, health and social care professionals, housing projects, advice and support providers, the neighbourhood wardens, the Police and the anti-social behaviour unit – the Workshop considered the causes and extent of rough sleeping, the action being taken to prevent and reduce rough sleeping, and the services that are helping rough sleepers move off the streets.
- 3.1.6 Everyone attending the Workshop agreed that the problem of rough sleeping can only be resolved if all services and organisations work more effectively with one another, deliver a consistent message and actively encourage rough sleepers to engage with housing and support providers and leave the streets. They also agreed that, although much more needs to be done to help people sustain their tenancies, an emergency nightshelter is required (at least in the short-term) to accommodate rough sleepers.
- 3.1.7 On 24 March 2016, a team of 32 volunteers took part in Northampton's Rough Sleepers Count, covering all of the wards in the borough between Midnight and 3.00am. Although it was too unsafe for the volunteers to enter the derelict St Edmund's Hospital site to check for rough sleepers, they observed a total of 21 people (19 men and 2 women) 'bedded down' in the borough.
- 3.1.8 On 29 April 2016, the Council organised a second half day Rough Sleepers Strategy Workshop that showcased the innovative and inspiring work of the Council's new Outreach Workers, provided details of the town's plans for a temporary nightshelter and considered the themes, priorities and actions for the new Strategy.

3.1.9 During the Workshop, Goodwill Solutions and Hope Enterprises (two local charities) pledged to work proactively with other organisations to help people who have been sleeping rough to rebuild their lives through volunteering, training and employment.

3.2 Issues

3.2.1 During the first Rough Sleepers Workshop in February 2016, everyone agreed that the Council and Oasis House cannot resolve Northampton's rough sleeping problem on their own and that all services and organisations are spending too much time dealing with the symptoms, rather than the causes, of rough sleeping and homelessness.

3.2.2 Although sleeping rough is very dangerous and seriously detrimental to people's physical and mental health, Northampton now has an established community of people who are choosing to sleep rough, as a lifestyle, and are resolutely refusing to leave the streets. A significant proportion of these people are unemployed European migrants who are failing to exercise their treaty rights.

3.2.3 Everyone agreed that there is a need for services to be a lot more persistent and assertive in their work with people who are sleeping rough, and to make it clear that sleeping rough is not a lifestyle that Northampton is prepared to sustain.

3.2.4 During the two Workshops, it was agreed that:

- Everyone needs to work together to tackle the causes of rough sleeping;
- Everyone needs to work together to tackle and prevent repeat homelessness;
- Everyone needs to engage more effectively with entrenched rough sleepers;
- Everyone needs to deliver the same, clear messages to people sleeping rough
- Everyone needs to work together to help people sustain their tenancies;
- Everyone needs to encourage people who are sleeping rough to engage with housing and support providers, and to leave the streets; and
- Everyone needs to work together to maximise move-on from supported housing.

3.2.5 Participants in the two Workshops agreed what they wanted from the 3 year Multi Agency Rough Sleepers Strategy:

- A clear direction, with everyone knowing what they need to do;
- Priorities and actions that everyone has agreed;
- A dramatic improvement in the way in which everyone works together;
- Better, more responsive services for people who are sleeping rough;
- Improved co-ordination and integration of services.
- Better communication between all of the services;

- More efficient use of everyone's resources; and
- More positive outcomes for people who are sleeping rough.

Northampton's Multi Agency Rough Sleepers Strategy

- 3.2.6 **'Together we change lives'** (see Appendix A) is the borough's 3 year Multi Agency Strategy for ending the need for people to sleep rough in Northampton.
- 3.2.7 With its emphasis on partnership, community and collaboration, the Strategy actively encourages everyone to combine their ideas, energy and resources, reduce duplication, improve efficiency and deliver better outcomes.
- 3.2.8 The Strategy is ambitious. It seeks to reduce the number of people sleeping rough in Northampton from 25 in June 2016 to less than 10 in November 2016 (the date of the next Rough Sleepers Count) and as close as possible to zero in June 2017.
- 3.2.9 **'Together we change lives'** is not just about ending the need for people to sleep rough in Northampton. It is also about rebuilding people's lives: dealing with any addictions, addressing any physical or mental health problems, resolving any outstanding tenancy issues, and helping people access training and employment.
- 3.2.10 In order to end the need for people to sleep rough in Northampton, the Multi Agency Strategy contains 10 strategic objectives:
- Set up a temporary nightshelter that has the capacity to offer all local rough sleepers emergency shelter until they are able to move into settled housing;
 - Make it clear that there is no need for people to sleep rough in Northampton and that anyone choosing to do so will not be helped to sleep rough;
 - Review the way in which food, blankets and sleeping bags are distributed to people who are homeless in Northampton, to ensure that it is coordinated and supports, rather than undermines, everyone's efforts to discourage rough sleeping;
 - Encourage services and organisations to work proactively with the Council's Outreach Workers to establish a multi-disciplinary Street Services Team that is able to engage with people who are sleeping rough during Outreach sessions;
 - Promote the use of the reconnection service and work with the Immigration Service to help people who have no local connection with Northampton, want to move closer to family support or are not exercising their treaty rights;
 - Work proactively with the hospitals, prisons, supported housing schemes and social landlords to ensure that people leave hospital and prison in a planned way and that, where someone is living in supported housing or social housing, tenants are provided with all of the help they require to sustain their tenancies;
 - Develop and implement an information sharing protocol and make optimum use of a shared, multi-agency database;

- Produce comprehensive support plans for everyone who is sleeping rough and promote the use of multi agency case conferences for rough sleepers who have complex needs and/or a history of entrenched rough sleeping;
- Undertake a comprehensive review of the move-on arrangements at Oasis House and in NAASH's 'No Second Night Out' Project in order to ensure that residents of both schemes are moving on in a timely and appropriate manner; and
- Develop and promote a comprehensive programme of volunteering, training and employment for people who have recently been sleeping rough.

Development of an Action Plan

- 3.2.11 Although a comprehensive Action Plan would normally have been included within the Strategy when it is considered by Cabinet, everyone who attended the Workshops said that they were keen for the Strategy to be published as soon as possible, rather than wait a few months until the Action Plan has been produced and agreed.
- 3.2.12 The Action Plan will describe, in detail, what the services and organisations are planning to do to achieve the 10 strategic objectives in 'Together we change lives'.
- 3.2.13 Although most of the actions in the Action Plan are likely to be carried out within existing resources, it is anticipated that the Council will need to fund at least part of the refurbishment costs – and most of the weekly running costs – of the nightshelter.

Provision of a temporary nightshelter

- 3.2.14 Following its strategic purchase of the former British Rail Sports & Social Club in St Andrew's Road, Northampton, the Council intends to apply for planning permission for a temporary change of use to enable the building to be used as a temporary nightshelter for people who would otherwise have to sleep rough.
- 3.2.15 Although the Council has received a number of offers of help towards the cost of refurbishing and running the nightshelter – and it is hoped that optimum use can be made of the generosity of the community and volunteers – the likely cost of providing a temporary nightshelter is not known at present.

3.3 Choices (Options)

- 3.3.1 Cabinet can choose to approve 'Together we change lives', the 3 year Multi Agency Strategy for ending the need for people to sleep rough in Northampton.
- 3.3.2 Cabinet can choose to amend and approve 'Together we change lives', the 3 year Multi Agency Strategy for ending the need for people to sleep rough in Northampton.
- 3.3.3 Cabinet can choose to do nothing.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The Strategy for ending the need to sleep rough in Northampton is in line with Council policy and reflects the priorities in the Corporate Plan 2016-20.

4.2 Resources and Risk

- 4.2.1 As this Multi Agency Strategy is designed to improve the efficiency and effectiveness of everyone's efforts to tackle, prevent and reduce rough sleeping, its overall impact on town centre businesses and the cost of delivering public services (including homelessness, policing, community safety and enforcement) is likely to be positive.
- 4.2.2 Although the provision of a temporary nightshelter will require some initial set-up costs, these are likely to be under £50k and will be the subject of a business case.
- 4.2.3 The business case and financial implications of setting up, and running, the temporary nightshelter for a period of up to 18 months will be fully costed and these will require approval through the Council's appropriate financial process.

4.3 Legal

- 4.3.1 The Council has wide and extensive powers to implement the proposals contained in this report through the Power of General Competence in the Localism Act 2011.
- 4.3.2 The Homelessness Act 2002 introduced the requirement for housing authorities to take a preventative approach to homelessness.
- 4.3.3 This Multi Agency Strategy will provide a useful framework within which the Council and its partners will operate.

4.4 Equality and Health

- 4.4.1 A full Communities Impact Assessment has been completed.
- 4.4.2 By improving the co-ordination and effectiveness of local services and organisations, and striving to end the need for people to sleep rough in Northampton, this Multi Agency Strategy will improve the wellbeing and life chances of people with protected characteristics, including homeless people and people with disabilities, and it will, therefore, have a positive impact on Equality and Diversity.
- 4.4.3 The development of this Strategy is part of the Council's commitment to improving communities and our town as a place to live. During all stages of this project, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and contribute to developing a fairer society.

4.5 Consultees (Internal and External)

- 4.5.1 In February 2016 and April 2016, the Council hosted two half day Workshops to obtain the views of a wide range of stakeholders – including charities, faith groups, health and social care professionals, housing projects, advice and support providers, the neighbourhood wardens, the Police and the anti-social behaviour unit – on the causes of rough sleeping and the action that is required to help people off the streets and end the need for people to sleep rough in Northampton.
- 4.5.2 Everyone who attended the Workshops was enthusiastic about the idea of adopting a fresh, multi agency approach to tackling, preventing and reducing rough sleeping. 'Together we change lives' captures their ideas and reflects their shared resolve.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 **'Together we change lives'** will help meet 3 of the priorities in the Corporate Plan:

- **Safer Communities:** The new Strategy will help people (including rough sleepers, residents, shoppers, visitors and businesses) to feel safe and secure by reducing rough sleeping, beggars and street drinking.
- **Housing for Everyone:** The new Strategy will end the need for people to sleep rough in Northampton by providing people with access to a safe and secure home and helping people to achieve and maintain independence.
- **Working Hard and Spending your Money Wisely:** The new Strategy will actively promote collaborative multi agency working and, in doing so, it will help the Council to be economic, efficient and effective and get the best from the resources available.

4.6.2 The new Strategy will also make a positive contribution to 2 of the 3 Business Development Priorities that support the Corporate Plan and help manage the Council's future financial challenges:

- **Empowering Communities:** The new Strategy will encourage communities to become actively involved in tackling homelessness and improving the neighbourhoods where they live in order to help make everywhere in Northampton a great place to live, visit, work, study and invest.
- **Partnership Working:** The new Strategy will help build strong and effective relationships between partners, based on a coherent, consistent and clearly defined approach to partnership working. As well as increasing efficiency and effectiveness, this will reduce duplication, deliver better outcomes and improve residents' housing, health and wellbeing.

Appendices

Appendix A – 'Together we change lives. Ending the need for people to sleep rough in Northampton' (Multi Agency Strategy 2016-19)

Background Papers

Communities Impact Assessment

Phil Harris
Head of Housing and Wellbeing
01604 837871



TOGETHER we change lives

Ending the need for people
to sleep rough in Northampton

MULTI-AGENCY STRATEGY 2016-19



Energy

noun 1. the strength and vitality required for sustained physical or mental activity
2. a person's physical and mental power or capability

“People who sleep rough are prone to chronic health conditions and will often only seek treatment in an emergency. This puts pressure on local health services, including hospital Accident and Emergency.”

“There shouldn't be a need for anyone to be on the streets. It's vital that we all work together to achieve this common goal.”

Pat Haslam, Nene Clinical Commissioning Group Locality Support

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PHOTO OF STEPHEN HIBBERT

“Together, we have the chance to change people’s lives for the better, and make sure that there’s no need for anyone to have to sleep rough in Northampton. We all have a role to play in this – let’s make it happen!”

**Councillor Stephen Hibbert, Cabinet Member for Housing and Wellbeing,
Northampton Borough Council**

“Young people and offenders face all sorts of discrimination.”

Wilkie, Accommodation Coordinator, Youth Offending Service

“People need to be given a second chance.”

John-Paul Russell, Team Manager, Leaving Care Service

“Women and older people are especially vulnerable if they’re living on the street.”

Kim Downer, Resettlement Officer, National Probation Service



Northampton's multi-agency pledge

As a partnership of statutory, voluntary, private, charity and faith-based local agencies, we're committed to tackling the causes of rough sleeping, providing coordinated services that keep people safe, supported and off the streets. We promote aspiration.

Working together

This strategy brings together an alliance of more than 30 local agencies behind the common aim of ending the need for people to sleep rough on the streets of Northampton.

It is unnecessary, unsafe and unacceptable for anyone to be homeless and on the streets in a prosperous, modern borough like Northampton. So together, we pledge to do everything we can to make this a thing of the past.

Rough sleeping is not just about the nighttime. We're signed up to changing people's lives for the better, through round-the-clock prevention, support and engagement.

Doing more and better

By combining all of our resources and energy in this joint strategy, we can better integrate the different kinds of support offered to people who are homeless or at risk of sleeping rough. This will reduce duplication, make us more efficient and produce better outcomes.

Sharing information and resources

Timely and effective sharing of information is the key to making our pledge a reality. To better serve the interests of people who are homeless or at risk of sleeping rough, all of the strategy partners have agreed to sign up to an information sharing protocol and use a common, multi-agency database.

Getting to and staying at zero

From an estimated nightly number of around 25 people sleeping rough in Northampton in June 2016, we aim to reduce this to as close to zero as possible by June 2017.

Sustaining this change to permanently eradicate rough sleeping from the borough will require continuous development of our multi-agency partnership, to keep ahead of the economic and social trends that force people onto the streets.

Strategy summary

TOGETHER we change lives sets out why tackling rough sleeping matters in Northampton, who's involved in ending the need for people to sleep rough, and how we can make it happen.

Partnership power

It's clear from the numbers of people sleeping rough in our borough and evidence of how the problem is being tackled more successfully in other parts of the country, that the support we're offering and the way we're working in Northampton are simply not good enough. We need a more collaborative and determined approach to achieve a step change in tackling the reasons why people sleep rough, and helping those who are on the streets to turn their lives around.

Vision, principles and objectives

Our multi-agency alliance wants Northampton to be a place where there is no need for anyone to sleep on the streets, and where the community does not have to suffer the upsetting and sometimes anti-social effects of rough sleeping.

Achieving this vision is a shared responsibility. Our approach is based on clear roles and joined-up local services that fit and work together to provide positive pathways for people at risk of sleeping rough or who are already on the streets.

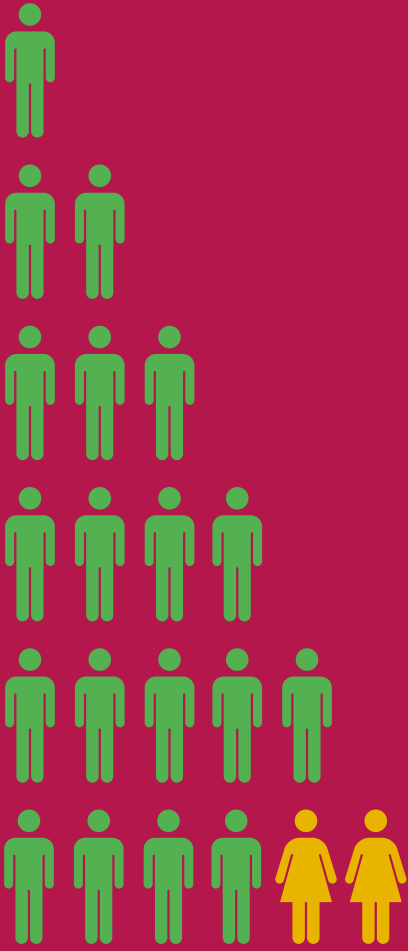
Everyone who sleeps rough is an individual with their own needs, problems, hopes and fears. So our strategy is about working across all of the partner agencies to provide the right mix of advice, support and practical help to change each person's life.



“The Hope Centre isn't interested in providing a social club that just perpetuates people's problems. We're in the business of preventing homelessness, rebuilding lives and changing the way the world works.”

Adrian Pryce, Chair of the Hope Centre

Northampton rough sleeping in numbers



21 PEOPLE*
SLEEPING ROUGH
BOROUGH COUNT,
24 MARCH 2016

19 MEN +
2 WOMEN

ALMOST HALF
COME FROM EASTERN
EUROPEAN EU STATES

* Information from across the alliance of local agencies suggests this official, nighttime count slightly underestimates the average number of people sleeping rough in Northampton. The true, nightly figure (as at June 2016) is likely to be around 25.



“People see their mates succeeding in work because of the intensive training we offer – and they want to succeed too.”

Mike Britton, Managing Director, Goodwill Solutions

Grasping the problem

Sleeping rough on the street is always a sign of other things going wrong in a person's life. It's a call for proactive, holistic and coordinated support that will help them achieve stable, secure and sustained independence.

Why people sleep rough

A wide range of personal, local, national and international factors can conspire to leave someone sleeping rough. Debt, domestic violence, family breakdown, mental ill health and addictions are just some of the causes and influences. People who leave prison, local authority care or the armed forces in an unplanned way are also particularly at risk of becoming homeless.

Free movement of citizens between EU countries and the escalating challenge of refugees and other world people movements have contributed to a recent rise in rough sleeping. There is a strong connection between rough sleeping and the state of the national and local economy. Unemployment, worklessness, welfare reforms and the shortage of affordable housing all have an adverse impact on the level of homelessness.

Government figures collected in autumn 2015 estimated that more than 3,500 people sleep rough in the UK each night. This was a jump of 30% compared to 2014, and was more than twice the number of people sleeping rough in 2010.

Effects and impact

For the people involved, the effects of sleeping rough (especially for long periods) can be devastating or even fatal. Homeless people are far more likely to be assaulted and abused, to experience problems in accessing training and employment, and to have difficulty in meeting their nutritional and healthcare needs.

A person who sleeps rough for a long time is at high risk of acute psychological problems and long-term drugs, alcohol and substance abuse. When someone is on the streets, they run the risk of this becoming their 'normal', permanent lifestyle, and being unable to integrate back into permanent housing, work and a settled life.

Areas affected by people sleeping rough can experience a loss of community pride and confidence, increased petty crime and damage to the public realm and amenities.

Preventing homelessness

We all know that the best way to avoid and prevent people from needing to sleep rough is to identify and assess those most at risk, and intervene early. We also know that engaging and supporting people when they are on the streets is a lot more difficult, and less likely to succeed in the long term, than working with them before they become homeless.

The accumulated knowledge and experience of our multi-agency alliance means that we're well aware of the challenges involved in helping people to avoid and move away from sleeping rough. People's circumstances mean that they can sometimes be hard to reach, connect with and assist.

Our strategy for tackling rough sleeping accepts this and reflects the multi-agency commitment to a positively persistent approach. By gaining the trust of people sleeping rough, we can deal with setbacks and empower them to change.

Although we offer tailored, individual support for lasting change, our help is not unqualified. In exceptional cases (for example, where someone is violent, refuses to engage with local services and organisations or shows that they're determined to remain on the street), there will be occasions when we are unable to help.

Thinking wider

As our strategy and practice develops, we expect that our success in working with people who are sleeping rough will inform the local approach to other complex problems like begging, street drinking and anti-social behaviour. Multi-agency work to prevent and tackle street homelessness should be a catalyst for improvements in other services.

We also hope that Northampton will be recognised as a model of best practice for other local authority areas and communities to follow. We're committed to sharing our learning through professional and voluntary networks and the media.



“It’s not just about finding somewhere to live – support counts as well.”

Samantha Pontin, Drugs and Alcohol Challenge Worker, Bridge

PHOTO OF MANDY WILSON & BABS MAJOR

“Homelessness can happen to anyone. It’s great to be part of a multi-agency team that offers people the hope, help and encouragement they need to achieve their full potential and enjoy their lives again.”

Mandy Wilson, Outreach Worker

A fresh, partnership approach

The causes of street homelessness are complex, dynamic and varied. So we need a strong and determined, multi-disciplinary, team effort to address rough sleeping in Northampton.

A common strategy

This strategy has been co-produced by more than 30 services and organisations through a series of workshops and close collaboration on the style, objectives and priorities of our joint work. This shared approach will give Northampton the best chance of benefiting from synergy, where local agencies can achieve much more together than they could do alone.

Sharing and using information

As well as sharing information through a common database, we will use case conferences to focus our efforts and attention on the individuals with the most complex needs.

This will help us to assess risks, work smarter and identify the agency that is best placed to take on the role of lead professional for each person. It

will also enable us to address each person's needs in an holistic way that tackles every aspect of their life that has made them vulnerable.

Keeping our promises

Our fresh, multi-agency approach will only achieve its full potential if everyone involved does what they are required to do, and helps us keep our promises to homeless people, the borough and its residents.

Keeping it up

Complex, cross-sector partnerships can fail because of unexpected changes to the law, policy, local politics, staff turnover and resources. We're committed to making sure that this doesn't happen in Northampton, so we will keep our partnership and plans open to continuous review and improvement. Mutual accountability is a core part of our approach.

Principles and objectives

Our strategy is not about hiding the problem of rough sleeping or just moving it elsewhere. **TOGETHER we change lives** means working differently to help people avoid becoming homeless and engaging assertively with those who are on the streets.

Unnecessary, unsafe and unacceptable

We're clear that sleeping rough is not something anyone should have to experience or endure in 21st century Britain. Our partnership is committed to not just ending the need for anyone to sleep rough in Northampton, but also to raising people's aspirations and achieving lasting, positive personal and community change.

Fair for everyone

People sleeping rough often face many other sorts of disadvantage and discrimination. Support for some of the most vulnerable people in our society has to respect and cater for people's individual differences and needs, which demand personally-tailored intervention.

Efficient, value for money services that work

Local government, charities and voluntary groups don't have money to waste. We have a duty to use our

resources wisely and well, to deliver a response to rough sleeping that's comprehensive, responsive and reliable. Better coordination and sharing of information, accommodation and other assets makes this happen.

No attraction

Improving homelessness services and support can create the risk of attracting people sleeping rough into Northampton from other areas. This is not an option we'll accept, so we will make maximum use of our countywide relationships and links to agencies outside the borough to avoid this.

Telling people's stories

The stories and testimony of individuals sleeping rough can help to raise public awareness and understanding of street homelessness, and mobilise support for this strategy and partnership. We'll use local, regional and trade media to showcase the style and successes of our approach.

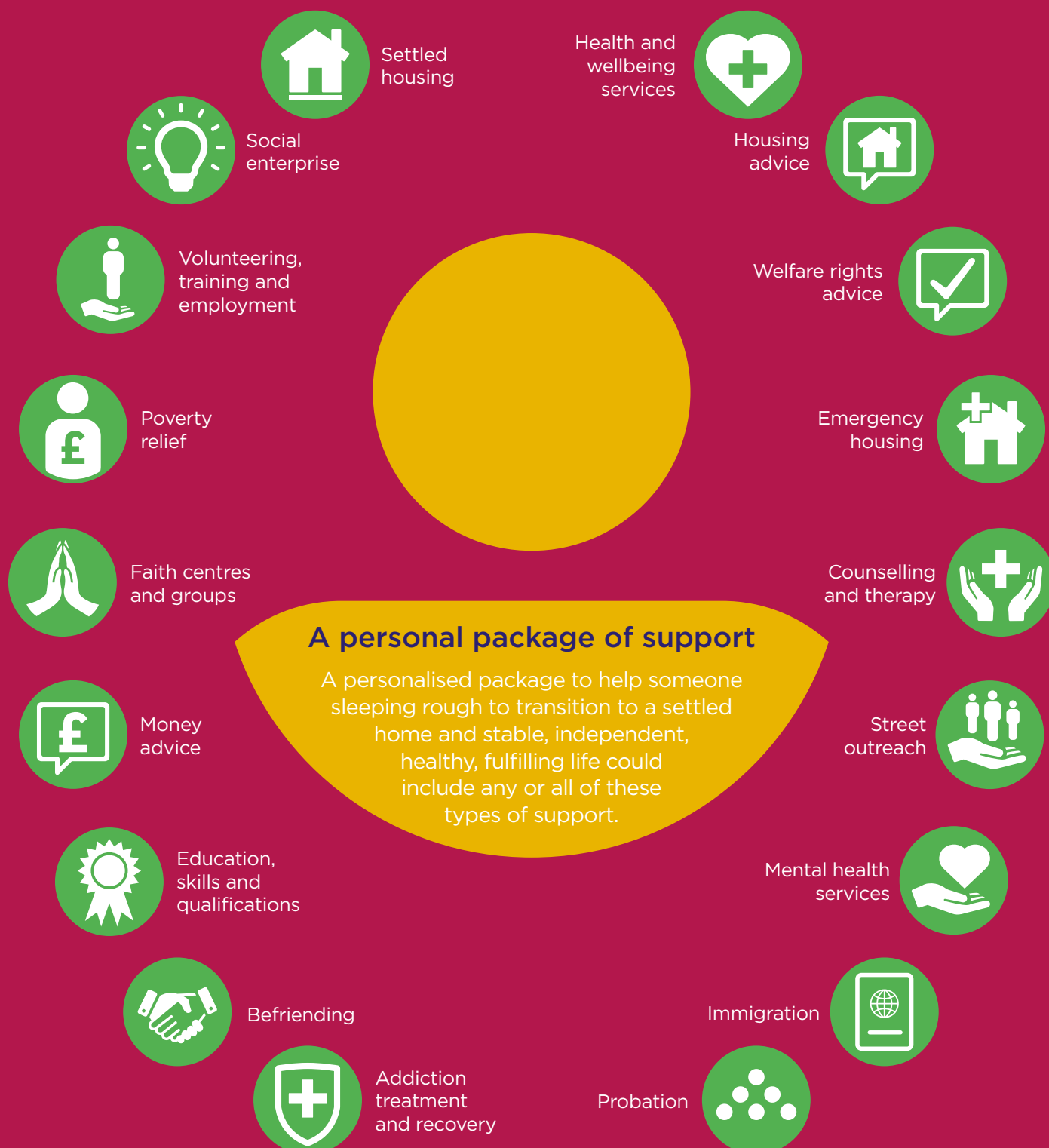


“Many people who sleep rough have complex problems, including mental health issues and substance misuse, which contribute to anti-social behaviour and crime. Partnership working is essential.”

Sergeant Julie Parsons, Northamptonshire Police and Northampton Borough Council Anti-Social Behaviour Unit

Ways to change

Our partnership offers a clear and comprehensive framework of interlocking services, accommodation and support to tackle, prevent and reduce rough sleeping.



Making it happen

Keeping rough sleeping to the absolute minimum for the long term demands decisive, collective action backed up by robust planning, communication, accountability and review.

Ten strategic objectives

These are our ten, top-level objectives to end the need for rough sleeping in Northampton and change people's lives for the better.

- 1 Set up a temporary nightshelter** with the capacity to offer all local rough sleepers emergency shelter until they are able to move into settled housing
- 2 Make it clear that there is no need for people to sleep rough** in Northampton, and that anyone choosing to do so will not be helped to sleep rough
- 3 Review the way food, blankets and sleeping bags are distributed** to people who are homeless in Northampton, to ensure that this is coordinated and supports, rather than undermines, everyone's efforts to discourage rough sleeping
- 4 Encourage services and organisations to work proactively** with the Council's Outreach Workers to establish a multi-disciplinary Street Services Team that is able to engage with people who are sleeping rough
- 5 Promote the use of the reconnection service and work with the Immigration Service** to help people who have no local connection with Northampton, who want to move closer to family support, or who are not exercising their treaty rights
- 6 Work proactively with the hospitals, prisons, supported housing schemes and social landlords** to ensure that people leave hospital and prison in a planned way and that residents get the help they need to sustain their tenancies
- 7 Develop and implement an information sharing protocol** and make optimum use of a joint, multi-agency database
- 8 Produce comprehensive, individual support plans** for everyone sleeping rough and promote the use of multi-agency case conferences for people with complex needs or a long history of sleeping rough
- 9 Review the move-on arrangements** at Oasis House and NAASH's 'No Second Night Out' project to ensure that residents can move on in a timely and appropriate manner
- 10 Develop and promote a comprehensive programme of volunteering, training and employment** for people who have recently been sleeping rough.



“We need to slow down the flow of people becoming homeless, open doors to people who become homeless and keep our promises.”

Emma Forbes, Housing Options and Advice Manager, Northampton Borough Council

Three-year action plan

Although it has been possible to produce TOGETHER we change lives quite soon after the second workshop in April 2016, a considerable amount of work is now required to develop a comprehensive action plan, setting out how and when our partnership will achieve the ten strategic objectives over the next three years. The action plan will be produced jointly by all of the services and organisations which have committed to ending the need for people to sleep rough in Northampton. We hope that agencies that were not able to

attend the workshops can make a positive contribution to drafting and implementing the plan.

Copies of the three-year action plan will be made widely available as an insert to this Strategy and published on the Council’s website.

Monitoring and accountability

Performance and progress against the ten strategic priorities and the action plan will be monitored quarterly by a multi-agency Rough Sleeping Strategy Group, and reported to the Borough Council’s Cabinet annually.

Working together

The Northampton multi-agency strategy to end the need for people to sleep rough in our borough is supported and delivered by more than 30 agencies (see insert). Here's how, together, they helped two people back to safer and more fulfilled lives, off the streets.

Madison's story

“You saved my life. You'd never met me before, but you listened to what I said and trusted me.”

PHOTO OF MADISON

Twenty-eight-year-old Madison had been caring for her terminally ill mother for five years when her life fell apart, and unable to cope, she ended up sleeping on the streets.

Struggling to deal with her emotions, her mother's illness and her role as a carer, Madison had been drinking heavily and, after becoming angry and aggressive, her sisters told her to leave their mother's home.

After a week sleeping rough, Madison felt lonely, frightened and very vulnerable. She approached the day centre at Oasis House, but didn't disclose that she was using alcohol to deal with her emotions and problems, because she was afraid of being judged.

Since there was no other accommodation available, Outreach Worker Mandy Wilson arranged for Madison to move into a local bed and breakfast. She then started to work with Madison to resolve her housing situation and help her deal with her drinking, her mother's illness and the breakdown of her relationship with her sisters.

When she realised that no-one was judging her, Madison started to visit Mandy regularly and talk openly about her feelings, problems and family. She later moved into a flat at Oasis House, and developed a strong link with her support worker, which meant she was to look after her mother again.

PHOTO OF CHANTELLE AND PETER

“Things have changed so much since you found us in our tent. You have shown more faith in us than anyone else has ever done. You’ve given us hope, and a chance to make something of our lives. We won’t let you down.”

Chantelle and Peter’s story

When Outreach Workers Mandy Wilson and Babs Major first met Chantelle and Peter, they were sleeping in a tent in the woods at Delapre Abbey.

Twenty-one-year-old Chantelle had been sleeping rough for seven months and had problems with managing anger. Her partner Peter (23) had been sleeping rough for about a year after being unable to manage the tenancy of his former housing association home.

Both Chantelle and Peter had been in care as children, and no longer had any family support. They had serious problems with drug use and lacked the skills to deal with their emotions and difficulties.

The Outreach Workers encouraged Chantelle and Peter to engage with local services and organisations to address their addiction, mental health issues and past experiences. This helped Chantelle and Peter to appreciate that by accepting the support offered by local agencies, they would be in a much better position to get and sustain a more secure home.

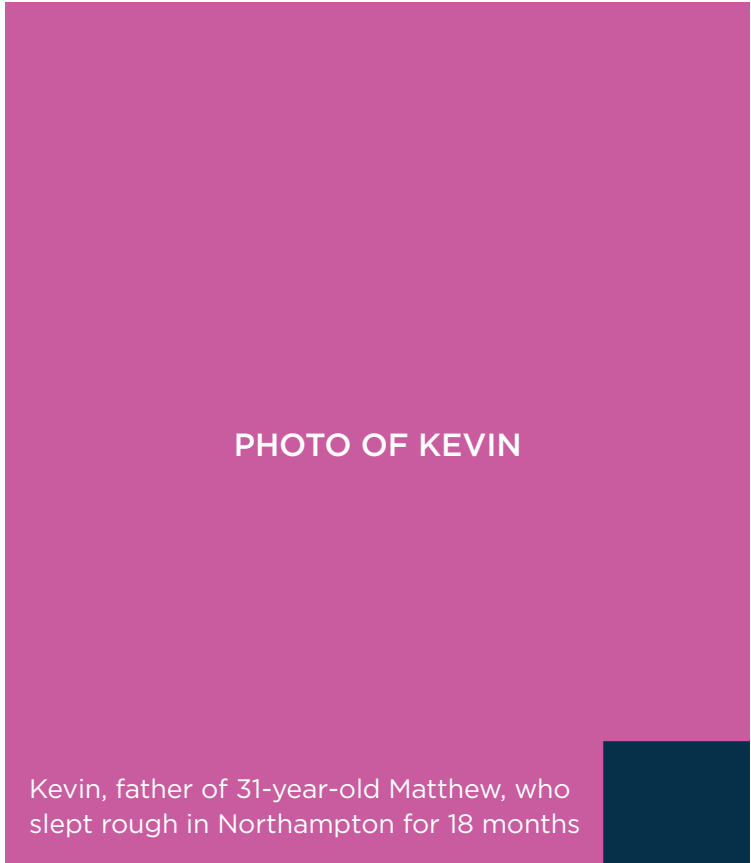
The input from Mandy and Babs has helped Chantelle and Peter to grow in confidence and become much better at solving problems and managing their anger. They’ve worked with S2S to tackle their drug dependence and moved into a flat at Oasis House, where they’re developing the skills they need for successful, independent living.

Kevin's story

Kevin's son Matthew had a troubled childhood and drank alcohol from a very young age. His drinking led him into crime and being imprisoned for alcohol-related offences.

S2S, Bridge and The Mayday Trust have supported Matthew, and Northampton Borough Council's Outreach Workers have helped him keep in touch with his father while in prison.

Together, this partnership of individuals and local agencies is changing Matthew's life.

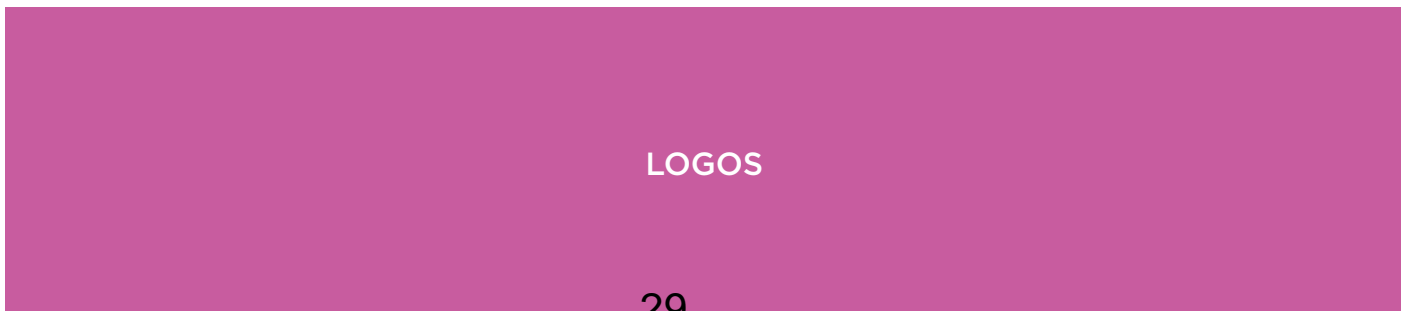


“Matthew never felt accepted, never found the right people to help him. But the Outreach Team did all of that and more, in only a few hours.”

Our partnership

For the full list of agencies supporting this strategy to end the need for people to sleep rough in Northampton, please see the action plan insert.

The partners include:



How to report people sleeping rough

If you are concerned about someone who is sleeping rough in Northampton, or is at risk of sleeping rough, please contact the Council's Outreach Team:

T: 01604 837344 / 837345

E: outreachteam@northampton.gov.uk

Other media

If you need this document or any other information about local services in large print, a different language, audio, Braille or another format please contact the Head of Housing and Wellbeing on 01604 837871.

TRANSLATION TEXT

TRANSLATION TEXT

Northampton Borough Council
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Northampton
NN1 1DE

0300 330 7000 (9am-5pm, Monday to Friday)

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01604 837 999 (out of hours emergencies only)

www.northampton.gov.uk

 www.facebook.com/NorthamptonBC

 www.twitter.com/NorthamptonBC

Appendices: 1



CABINET REPORT

Report Title	Regulation of Investigatory Powers Act 2000 – Policy Update
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	8 th June 2016
Key Decision:	NO
Within Policy:	N/A
Policy Document:	YES
Directorate:	Borough Secretary
Accountable Cabinet Member:	Councillor Mary Markham
Ward(s)	All

1. Purpose

- 1.1 To seek Cabinet approval of a revised Regulation of Investigatory Powers Act Policy ('RIPA Policy').

2. Recommendations

That Cabinet:

- 2.1 note the update on the outcome of the Inspection carried out by the Office of Surveillance Commissioners on 1st December 2015;
- 2.2 approve the updated RIPA Policy attached at Appendix 1; and
- 2.3 delegate authority to the Borough Secretary and Monitoring Officer to:
- a) update the RIPA Policy to include the names and contact details of new Authorising Officers after they have been appointed; and
 - b) make such future amendments to the Policy which are in the opinion of the Borough Secretary and Monitoring Officer minor and are

necessary to reflect either legislative requirements, relevant guidance or current good practice.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Local authorities are required to respect the private and family life of citizens, their homes and correspondence in accordance with the Human Rights Act 1998. This right is qualified where interference is necessary and proportionate and carried out in accordance with the law.
- 3.1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) contains powers for various bodies to carry out covert surveillance. Certain covert surveillance powers under RIPA are available to local authorities and can be used in appropriate circumstances in accordance with the requirements of the Act to support the delivery of their functions.
- 3.1.3 The Office of Surveillance Commissioners oversees the use of covert surveillance powers under RIPA by local authorities.
- 3.1.4 The Council has a RIPA Policy in place that covers the use of directed surveillance and the use of covert human intelligence sources by the Council.
- 3.1.5 Directed surveillance is surveillance that is covert, is conducted for the purposes of a specific investigation or operation, is likely to result in the obtaining of private information about a person and is conducted otherwise than by way of an immediate response to events. In summary a person is a covert human intelligence source if they establish or maintain a personal or other relationship and they covertly use the relationship to obtain information or provide access to any information to another person, or they covertly disclose information obtained through that relationship or as a consequence of the existence of that relationship. While the Council's RIPA Policy clearly states that the use of covert human intelligence sources has not been identified as an investigative technique applied by the Council, the Policy still covers the processes that would need to be applied if a situation ever arose in the future where the Council did use a covert human intelligence source.
- 3.1.6 Only specific officers within the Council are able to authorise the use of RIPA powers. (The use of RIPA powers must also be judicially approved following approval by an Authorising Officer). Such officers have to be of a sufficient level of seniority, as defined by statute and must also be appointed internally as Authorising Officers.
- 3.1.7 The Council's use of RIPA powers is minimal. Since the Office of Surveillance Commissioners' inspection of the Council's policies and use of RIPA powers in May 2012, the Council has only authorised one use of RIPA powers (which was to enable officers to carry out directed surveillance). If there are lawful means other than using covert surveillance to obtain the required information, then those other means would be used by the Council.

3.2 Issues

3.2.1 Inspections are carried out by the Office of Surveillance Commissioners approximately once every three years. On 1st December 2015, the Office of Surveillance Commissioners carried out its most recent RIPA inspection at the Council. The Inspector, HH Brian Barker has formally reported on his conclusions.

3.2.2 While the Inspection Report made some suggestions for improvement, the outcome was positive. In summary the main recommendations and suggestions were as follows:

a) The need to appoint new Authorising Officers

There has been a significant amount of organisational change in the Council in recent years, following the outsourcing of environmental services, the transfer of support services to Local Government Shared Services and the transfer of housing management functions into an Arms Length Management Organisation. This has led to changes in the Council's Officer structure and has reduced the number of Authorising Officers.

Prospective Authorising Officers have been identified and will be appointed by the Monitoring Officer as soon as they have received detailed training about the role and duties of the Authorising Officer.

b) Continued provision of regular RIPA training for Officers

This will ensure that relevant Officers have an up-to-date understanding of RIPA and its practical application to the work of the Council.

It is currently intended to deliver a detailed training programme to a wide range of Officers across the Council in September 2016, using an external trainer with an expertise in RIPA.

c) The need to raise awareness of the possible dangers of the use of social media as part of investigations

There is a possibility that internet research to gather information for an operation, (for example looking at postings on social media), could cross over into being covert surveillance, and may amount to directed surveillance, depending on the activities being carried out. It is important that operational officers are aware of the human rights implications of this type of activity, and are aware of when the need may arise to consider a RIPA authorisation.

A Monitoring Officer Briefing Note has been placed on the staff intranet. In addition, an amendment is proposed to the Council's RIPA Policy to cover the relevance of RIPA to the use of social media in the course of investigations.

d) Minor amendments to the format of the RIPA Policy

The Inspection Report stated that the Council's RIPA Policy is clear and thorough, although it did recommend some minor amendments to the format of the Policy, which are referred to in paragraph 3.2.3 below.

3.2.3 Cabinet is asked to approve adoption of the amended RIPA Policy at Appendix 1. The main proposed amendments are explained below (with reference to the section and page number of the draft Policy):

a) Part 1B – Policy Summary (page 5)

This new section is included in the Policy in response to the RIPA Inspector's suggestion that it may be advisable to create a headline, 'Policy on a Page'. This makes key information readily available to those Officers accessing the Policy, and places an emphasis on early consultation.

b) Paragraph 3.2.3 (page 12) and Paragraph 4.1.5 (page 18)

The amended Policy asks the person applying for the RIPA authorisation and the Authorising Officer to complete the RIPA forms in handwriting, as the Office of Surveillance Commissioners have advised that this is good practice.

c) Paragraph 4.1.17 (page 20)

Provision has been made in this part of the Policy for the contact details of Authorising Officers to be included. This was a suggestion of the Inspection Report.

Cabinet is asked to delegate authority to the Borough Secretary and Monitoring Officer to update the RIPA Policy to include the names and contact details of new Authorising Officers after they have been appointed. Authorising Officers will be appointed by the Monitoring Officer in accordance with paragraph 4.1.3 of the Policy and will be Officers with a sufficient level of seniority who have had training.

d) Part 5 (page 25)

The Policy has been amended to make specific reference to the use of social media because, it is important that there is an awareness that the use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

e) Appendices 5b, 5c and 7 - Flowcharts (pages 43, 44 and 46)

In response to a suggestion in the Inspection Report, two new flow charts have been added at Appendices 5b and 5c, showing the Directed Surveillance authorisation procedures and the CHIS authorisation procedures. Further, an additional flow chart has been added at Appendix 7 illustrating the procedure that local authorities must follow when an application is made to a Justice of the Peace seeking an order to

approve the grant of a RIPA authorisation. (This flow chart is an extract from the relevant Home Office guidance).

3.2.4 Cabinet is asked to delegate authority to the Borough Secretary and Monitoring Officer to make such future amendments to the Policy which are in the opinion of the Borough Secretary and Monitoring Officer minor and are required only to reflect legislative requirements, relevant guidance or current good practice. It is important that Councillors are satisfied that the RIPA Policy is fit for purpose and are regularly involved in setting the Policy. Therefore any significant amendments to the Policy or changes in policy direction would only be made with Members' approval and not pursuant to powers delegated to an officer.

3.3 Choices (Options)

3.3.1 Members are recommended to adopt the amended RIPA Policy attached at Appendix 1. Alternatively, Members may choose not to accept the amended RIPA Policy, but this course of action is not recommended because the amendments are being proposed largely in response to suggestions made by the Office of Surveillance Commissioners.

3.3.2 Members are recommended to delegate authority to the Borough Secretary and Monitoring Officer as set out in paragraph 2.3(b) to make minor changes to the RIPA Policy in the future. The alternative is not delegating this authority, which could lead to the impractical situation of all minor changes being brought before Cabinet for consideration.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This report has implications for the Council's RIPA Policy 2000 as it recommends amendments to this Policy.

4.2 Resources and Risk

4.2.1 There are no financial implications arising directly from this Report.

4.3 Legal

4.3.1 The legal implications are set out in the body of the Report.

4.4 Equality and Health

4.4.1 This is a policy update rather than a whole new policy. Having considered the equality impacts in relation to the policy changes the view is that there are no equality and health implications arising directly from this report.

4.5 Consultees (Internal and External)

4.5.1 Given that changes to the report arose from a RIPA Inspection no internal consultations have taken place although Departments will be consulted and engaged with following Cabinet's consideration of the report.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The RIPA Policy links indirectly to the priority in the Corporate Plan to invest in safe, cleaner neighbourhoods because having a fit for purpose RIPA Policy provides the Council's officers with an additional tool that can be used in appropriate circumstances to support investigations carried out in relation to some of the Council's enforcement activities.

4.7 Other Implications

4.7.1 No other implications.

5. Background Papers

5.1 Post inspection report of the Office of Surveillance Commissioners dated 11th January 2016 - Confidential

5.2 Community Impact Assessment

Francis Fernandes
Borough Secretary and Monitoring Officer



NORTHAMPTON BOROUGH COUNCIL

RIPA POLICY

June 2016

Version Control				
Document owner	Published on	Version	Changed on	Amended by
F Fernandes	03/03/2010	V.1		
F Fernandes	09/02/2015	V.2	17.6.2014	Management Board
F Fernandes	03/11/2015	V.3	29.10.2015 **	Francis Fernandes
F Fernandes		V.4	.2016	Cabinet

**** Please note that the Home Office issued two new Codes of Practice in December 2014:**
- Covert Surveillance and Property Interference Code of Practice
- Covert Human Intelligence Sources Code of Practice
The Codes of Practice must be considered together with this Policy.

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1A. Introduction

Regulation of Investigatory Powers Act 2000 (as amended by the Protection of Freedoms Act 2012)

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) was enacted to provide a clear statutory framework for the operation of certain intrusive investigative techniques, to provide for compliance with the Human Rights Acts 1998. The main purpose of the Act is to ensure that individuals' rights are protected whilst allowing law enforcement and security agencies to do their jobs effectively and act proportionately.
- 1.2 RIPA covers the interception, acquisition and disclosure of communications data (Part I of RIPA); the carrying out of surveillance and use of covert human intelligence sources (Part II); and the investigation of electronic data protected by encryption (Part III).
- 1.3 Northampton Borough Council is included within this framework with regard to Directed Surveillance and Covert Human Intelligence Sources, in accordance with section 28 and section 29 of the said Act.
- 1.4 Northampton Borough Council is not empowered to undertake Intrusive Surveillance involving entry on or interference with property or with wireless telegraphy as regulated by the Regulation of Investigatory Powers Act 2000.
- 1.5 This document will focus on the provisions of Part II of RIPA (as amended by the Protection of Freedoms Act 2012 (POFA) that cover the use and authorisation of directed surveillance and the steps that must be taken by Council Officers to comply with the Act.
- 1.6 The use of Covert Human Intelligence Sources has not been identified as an investigative technique applied by the Council.
- 1.7 For each of the above powers, RIPA (as amended by POFA) ensures that the law clearly covers:
 - the purposes for which they may be used;
 - which authorities can use the powers;
 - who should authorise each use of power;
 - the use that can be made of material gained;
 - independent judicial oversight and approval;
 - a means of redress for the individual.
- 1.8 Surveillance is not simply for the targeting of criminals but is also a means of protecting the public from harm and preventing crime.

- 1.9 The provisions of RIPA do not cover authorisation for the use of overt CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime.
- 1.11 RIPA also provides for the appointment of independent Surveillance Commissioners who will oversee the exercise by public authorities of their powers and duties under the Act (Part IV of RIPA).

1B. Policy Summary

- 1.12 Local authorities are required to respect the private and family life of citizens, their homes and correspondence in accordance with the Human Rights Act 1998. This right is qualified where interference is necessary and proportionate and carried out in accordance with the law.
- 1.13 The Regulation of Investigatory Powers Act 2000 ('RIPA') contains powers for various bodies to carry out covert surveillance and other covert activities. Certain covert powers under RIPA are available to local authorities and can be used in appropriate circumstances in accordance with the requirements of the Act to support the delivery of their functions. The Office of Surveillance Commissioners oversees the use of covert powers under RIPA by local authorities.
- 1.14 This Policy covers the use of Directed Surveillance and the deployment of Covert Human Intelligence Sources by the Council.
- 1.15 In summary, **Directed Surveillance** is surveillance that is covert, is conducted for the purposes of a specific investigation or operation, is likely to result in the obtaining of private information about a person and is conducted otherwise than by way of an immediate response to events.
- 1.16 In summary, a person is a **Covert Human Intelligence Source** ('CHIS') if they establish or maintain a personal or other relationship and they covertly use the relationship to obtain information or provide access to any information to another person, or they covertly disclose information obtained through that relationship or as a consequence of the existence of that relationship.
- 1.17 Use of Directed Surveillance (or deployment of a CHIS) could potentially be used by the Council in an investigation as a means of obtaining information. Use of Directed Surveillance or deployment of a CHIS must be authorised. There are designated officers within the Council ('Authorising Officers') who are able to authorise such activity. The Authorising Officer must consider the detailed legal tests when deciding whether to authorise the covert activity. If the Authorising Officer does authorise the activity, it is still subject to a judicial approval process. This means that an application must be made to the Magistrates Court for approval of the authorisation and it cannot take effect until such approval is obtained.
- 1.18 In practical terms, if you consider that you might wish to carry out directed surveillance or deploy a CHIS as part of an investigation, (or even if you are not certain whether the activities that you are proposing require a RIPA authorisation), please ensure that you seek legal advice from the Council's lawyers early on and consult the Monitoring Officer as appropriate.
- 1.19 If you do require a RIPA authorisation for your proposed activity, you will then need to contact the Authorising Officer. This should be done via the Borough Secretary's department who maintain a secure Central Register of all requests for authorisation. (You will be issued with a unique reference number). The Borough Secretary's Department also retain all original RIPA forms.
- 1.20 It is important to be aware that once a RIPA authorisation has been granted by the Authorising Officer and approved by the Magistrates Court, and you are carrying out the activity, you must still adhere to this Policy. There are ongoing requirements concerning review of the authorisation for example and record keeping requirements.

2. Definitions

2.1 What is Surveillance?

Surveillance is:

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications
- Recording anything monitored, observed or listened to in the course of surveillance
- Surveillance by or with the assistance of appropriate surveillance device(s).

Surveillance can be **overt** or **covert**.

2.2 Overt Surveillance

2.2.1 Most of the surveillance carried out by the Borough Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets).

2.2.2 Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that Officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

2.3 Covert Surveillance

2.3.1 Covert Surveillance as defined in Section 26 RIPA:

“Surveillance is covert if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place”.

2.3.2 General observation forms part of the duties of many enforcement officers. Such observation may involve the use of equipment or merely reinforce normal sensory perceptions, such as binoculars or the use of cameras, where this does not involve systematic surveillance of an individual. It forms part of the everyday functions of law enforcement or other public bodies. This low level activity will not usually be regulated under the provisions of RIPA.

2.3.3 The installation of CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance which requires authorisation.

Members of the public are aware that such systems are in use, for their own protection and to prevent crime.

Authorisation may be required if a CCTV camera is being used for a specific type of surveillance.

Part II of RIPA applies to the following conduct:

Directed surveillance

Intrusive surveillance

The conduct and use of covert human intelligence sources

2.4 Directed Surveillance Section 26(2) RIPA

2.4.1 Surveillance will be covert where it is carried out in a manner calculated to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place.

2.4.2 Directed surveillance is conducted where it involves the observation of a person or persons with the intention of gathering **private information** to produce a detailed picture of a person's life, activities and associations. However, it does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, enforcement officers would not require authorisation to conceal themselves and observe a suspicious person who they come across in the course of their normal duties. However the longer the observation continues, the less likely it would be considered to be an immediate response.

2.4.4 Below are some examples where directed surveillance is conducted by the Council:

- Monitoring of noise complaints
- Monitoring of benefit claimants who have not declared that they are working/living with a partner etc
- Surveillance of officers for personnel enquiries or as part of formal investigations

Please note that the above list is not exhaustive. On reading of this document, managers must consider any actions within their department, which could fall within RIPA.

2.4.5 Where it is anticipated that mobile surveillance will be an integral part of any directed surveillance operation Authorising Officers must be satisfied that it is necessary and the need is proportionate to the investigation being undertaken. Mobile surveillance is a specialist skill and should, at all times, be assessed for risks to health and safety of operatives engaged in this activity. At no times should road traffic laws or regulations be ignored by officers engaged in mobile surveillance. Due regard should be afforded to the driving and surveillance skills of operatives engaged in such activity. Under no circumstances will officers

engage in high-speed pursuit of vehicles involved in Directed Surveillance operations.

2.5 Intrusive Surveillance – Section 26(3) RIPA

2.5.1 **Local Authorities cannot conduct intrusive surveillance** involving entry on or interference with property or with wireless telegraphy as regulated by the Regulation of Investigatory Powers Act 2000.

2.5.2 Surveillance is intrusive, only if it is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle. This kind of surveillance may take place by means either of a person or device located inside residential premises or a private vehicle of the person who is subject to the surveillance or by means of a device placed outside which consistently provides a product of equivalent quality and detail as a product which would be obtained from a device located inside.

2.5.3 Therefore, use of a device is only “intrusive” if it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the residential premises or in any private vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises would not be considered as intrusive surveillance.

2.5.4 The covert recording of suspected noise nuisance where the intention is only to record excessive noise levels from adjoining premises and the recording device is calibrated to record only excessive noise levels constitutes neither directed nor intrusive surveillance. In such circumstances, the perpetrator would normally be regarded as having forfeited any claim to privacy and an authorisation may not be necessary.

2.6 Covert Human Intelligence Source (CHIS) – Section 26(8) RIPA

A person is a covert human intelligence source (CHIS) if:

- he establishes or maintains a personal or other relationship with a person for the *covert purpose* of facilitating one or both of the following;
- he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

In establishing or maintaining a relationship, a *covert purpose* exists where the relationship is conducted in such a manner that it is calculated to ensure that one of the parties to the relationship is unaware of its purpose.

Further information about the use of CHIS is dealt with in the next section of this policy.

2.7 Private Information

“Private information”, in relation to a person, includes any information relating to his private or family life.

2.8 Private Vehicle

“Private Vehicle” means any vehicle that is used primarily for the private purpose of the person who owns it or of a person otherwise having the right to use it. This does not include a person whose right to use the vehicle derives only from his having paid, or undertaken to pay, for the use of the vehicle and its driver for a particular journey. A vehicle includes any vessel, aircraft or hovercraft.

2.9 Confidential Material

This consists of:

- **Matters subject to legal privilege** - for example oral and written communications between a professional legal adviser and his client or any person representing his client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not subject to legal privilege where there is evidence that the professional legal advisor is intending to hold or use them for a criminal purpose.
- **Confidential personal information** - which is information held in confidence concerning an individual (living or dead) who can be identified from it, and relating to a) his physical or mental health or b) to spiritual counselling or other assistance given or to be given, and which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office. It includes oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:

It is subject to a restriction on disclosure or an obligation of secrecy contained in existing or future legislation

- **Confidential journalistic material** - which includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to an undertaking.

2.10 Residential Premises

“Residential premises” means any premises occupied or used, however temporarily, for residential purposes or otherwise as living accommodation.

2.11 Right to Privacy

Great care is required as the right to privacy (Article 8 Human Rights Act 1998) can also extend to business premises or residential premises used for business purposes. It is essential that Authorising Officers should seek legal guidance on this matter prior to authorisation.

2.12 Collateral Intrusion

This is interference with the privacy of a person other than the surveillance subject.

2.12.1 Before authorising applications for directed surveillance, the authorising officer should also take into account the risk of obtaining private information about persons who are not subjects of the surveillance activity.

2.12.2 Measures should be taken, wherever practicable, to avoid or minimise the unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided the intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

2.13 Authorising Officer

This is the person designated, for the purpose of the Act, to grant authorisation for directed surveillance.

2.14 Office of Surveillance Commissioners

The Office of Surveillance Commissioners is responsible for reviewing our activities carried out under RIPA 2000. All authorities are subject to review and inspection. Inspection will cover policy and procedures as well as individual investigations.

3. The use of a Covert Human Intelligence Source (CHIS)

The concept of “covertness” is very similar to that used in relation to directed surveillance. Here, however, it is used at two stages, both of which must be met for an authorisation to be required: the *covert purpose* of the relationship; and the *covert actions* of obtaining or providing access to information and of disclosing such information. **If a person has a relationship with another person which is not established or maintained for a covert purpose, the fact that he or she does in fact covertly disclose information to the local authority will not require an authorisation and that person will not be a CHIS.**

There is no use of CHIS merely because a person offers information to the local authority that may be material to the investigation of an offence, but there would be if the authority asks the person to obtain further information.

3.1 The use of Covert Human Intelligence Sources

Authorisation for the use and conduct of a source is required prior to any tasking, i.e. an assignment given to the source. There will normally be two persons involved in the process of the authorisation of the person carrying out the surveillance. There will be the person who completes and signs the application form by which authorisation is applied for and the Authorising Officer (legal advice must be sought via the Borough Secretary before embarking on a CHIS authorisation) to whom the form must be submitted for consideration. In the case of the use of CHIS, whilst it is not unlawful for the source to make the application him or herself, **the extensive welfare provisions that have to be made for him or her make this inappropriate** (see below).

Where confidential material is likely to be particularly sensitive (see below) then the Authorising Officer should be the Head of Service, or in his/her absence the Monitoring Officer.

The test is set out in Section 29(2) RIPA and is listed for convenience in the authorisation. Included in the requirements under Section 29 are that sufficient arrangements must be made to ensure that the source is independently managed, records are kept of the use made of the source, and that the identities of the source are protected from those who do not need to know it (see below).

3.2 Authorising a CHIS – See flow chart at Appendix 5c

3.2.1 This is similar to the authorisation of directed surveillance. Firstly, **the authorisation must be necessary** on the same ground as for directed surveillance, for the purpose of preventing or detecting crime or preventing disorder.

3.2.2 Secondly, **the authorised conduct or use of the source must be proportionate to the goal sought**. In this connection, and on the question

of proportionality, it may be considered that the chances of collateral intrusion are particularly significant in the case of the use or conduct of CHIS. The Home Office Code of Practice recommends that the application includes a risk assessment for collateral intrusion.

3.2.3 As with the authorisation of directed surveillance, the forms themselves set out clearly what information is required from the applicant and also from the Authorising Officer in order to give a valid authorisation. (Both the person applying for the authorisation and the Authorising Officer must complete the forms in handwriting).

3.2.4 **From 1st November 2012 the authorisation process for use of a CHIS has been subject to judicial approval meaning that any authorisation granted will require the approval of a Justice of the Peace, which necessitates making an application to the Magistrates Court. (See paragraph 3.6 for further detail).**

3.2.5 The Authorising Officer must be satisfied that arrangements exist for the proper oversight and management of the source that satisfy the requirements of section 29(5) of the Act and such other requirements as may be imposed by order made by the Secretary of State.

3.3 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:

Section 29(5) requires:

- that there will at all times be an officer within the local authority who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security and welfare (section 29(5)(a));
- that there will at all times be another officer within the local authority who will have general oversight of the use made of the source (section 29(5)(b));
- that there will at all times be an officer within the local authority who has responsibility for maintaining a record of the use made of the source (section 29(5)(c));
- that the records relating to the source maintained by the local authority will always contain particulars of all matters specified by the Secretary of State in Regulations.

(The current regulations are The Regulation of Investigatory Powers (Source Records) Regulations 2000). These particulars are:

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;

- (d) the means by which the source is referred to within each relevant investigating authority;
 - (e) any other significant information connected with the security and welfare of the source;
 - (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
 - (g) the date when, and the circumstances in which, the source was recruited;
 - (h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the Act (see bullet points above) or in any order made by the Secretary of State under section 29(2)(c);
 - (i) the periods during which those persons have discharged those responsibilities;
 - (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
 - (k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
 - (l) the information obtained by each relevant investigating authority by the conduct or use of the source;
 - (m) any dissemination by that authority of information obtained in that way; and
 - (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority
- that records maintained by the local authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

These requirements make it very unlikely that an investigation could involve the use of CHIS without there having been prior planning within the investigating department/section. It is important to realise that it may well be a member of staff of the department and, indeed, an investigator him or herself, who becomes the source, depending on the manner of working used. It is not only persons outside the employ of the local authority who may be used as a source. If it is intended to make use of CHIS, then appropriate and specific training should be arranged for

the officers responsible for the functions under section 29(5) (a) to (c) of the Act and also for any officer of the Council who is to be the CHIS.

It is very important that the two forms of authorisation are not confused, because of the important welfare provisions listed above attaching to the CHIS. Whilst those requirements are detailed and specific, it is recognised that they fall into line with the approach that the Council takes for the welfare of its staff. The Council recognises a duty of care to its covert sources and it is important that a risk assessment and management approach is taken with regard to the welfare of the source. The risks to the source may not only be physical but also psychological, for example, relating to stress caused by the very activity itself.

It must be made clear that the source is not also engaging in criminal activity (excluding activity that would be criminal but is rendered lawful by authority under the Act – e.g. the lawful interception of communications).

3.4 Juveniles and vulnerable persons as CHIS.

This is governed by the Regulation of Investigatory Powers (Juveniles) Order 2000. A person under 16 cannot be used as CHIS if the relationship that would be covertly used is between the juvenile and his/her parent or person with parental responsibility for him/her. (Whether or not a person who is not a parent has parental responsibility for a child may only be determined by having sight of documentation, e.g. a court order providing for that person to have parental responsibility. Further, a person may have parental responsibility for a juvenile, even though they no longer live together).

The Regulations also provide in the case of a source under 16 that there is at all times a person within the local authority responsible for ensuring that an appropriate adult (parent or guardian, any other person who has assumed responsibility for the juvenile's welfare, or where there are no such persons, any responsible person over 18 who is not a member or employee of the local authority – therefore a local authority social worker is *not* eligible to act as appropriate adult) is present at meetings between the juvenile source and any person representing the investigating authority.

Where the source is under 18, authorisation may not be granted or renewed unless there has been made or updated a risk assessment sufficient to demonstrate that the nature and magnitude of any risk of physical injury or psychological distress to the juvenile arising out of his or her use as a source has been identified and evaluated.

The Authorising Officer must have considered the risk assessment and satisfied him/herself that the risks are justified and have been properly explained to and understood by the source. The Authorising Officer must also be clear whether or not the covert relationship is between the juvenile and any relative, guardian or person who has assumed responsibility for his/her welfare and, if it is, has given particular consideration to whether the authorisation is justified (“necessary” and “proportionate”) in the light of that fact.

The Code of Practice on Covert Human Intelligence Sources also makes provision for vulnerable persons. These are individuals who are or may be in need of

community care services by reason of mental or other disability, age, illness or who are unable to take care of themselves or unable to protect themselves against significant harm or exploitation. Any such individual should only be used as a source in the most exceptional circumstances. As with confidential information, the authorisation of the Chief Executive, or the Monitoring Officer in his absence, is required to use a juvenile or vulnerable person as a source.

With juveniles and vulnerable persons, particular emphasis must be placed on the operation of the provisions for the source's welfare.

3.5 What Conduct of a CHIS is Authorised by an Authorisation?

- any conduct that is comprised in any such activities as are *specified or described* in the authorisation; and
- any conduct by or in relation to the source *specified or described* in the authorisation;
- which is carried out for the purposes of or in connection with the investigation or operation that is *specified or described*.

3.6 Judicial Approval of CHIS authorisations

3.6.1 The Protection of Freedoms Act 2012 amended RIPA 2000 to make local authority authorisation of a CHIS subject to judicial approval. The change means that local authorities need to obtain an order from a Justice of the Peace, approving the grant or renewal of an authorisation, before it can take effect. If the Justice of the Peace is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate he/she will issue an order approving the grant or renewal for the use of the technique as described in the application.

3.6.2 This new judicial approval mechanism is in addition to the existing authorisation process. The requirements to internally assess necessity and proportionality, complete the RIPA authorisation/application forms and seek approval from an Authorising Officer remain. Therefore, there is a two-stage process. First, an authorisation must be obtained from an Authorising Officer. Secondly, approval of the authorisation must be obtained from a Justice of the Peace. This involves applying to a Magistrates Court.

3.6.3 A Justice of the Peace will only give approval to the granting of an authorisation for use of a CHIS if they are satisfied that:

- at the time the Authorising Officer granted the authorisation, there were reasonable grounds for believing that the authorisation was necessary and that the activity being authorised was proportionate, that arrangements existed that satisfied section 29(5) (see paragraph 3.3), that the Authorising Officer was a designated person for the purposes of section 29 of RIPA, that the grant of the authorisation was not in breach of any restrictions imposed by virtue of section 29(7)(a) or 30(3) of RIPA, that any other conditions provided for by any Order were satisfied; and

- that there remain reasonable grounds for believing that the necessary and proportionate tests are satisfied and that any other requirements provided for by Order are satisfied.

3.7 CHIS Record Keeping

Records should be kept as prescribed by the Code of Practice (please see paragraph on Records and Documentation above). Where a source wearing or carrying a surveillance device is invited into residential premises or a private vehicle and records activity taking place inside those premises or vehicle, authorisation for use of that covert source should be obtained in the usual way.

The source should not use an invitation into residential premises or private vehicle as a means of installing equipment. If equipment is to be used other than in the presence of the covert source, an intrusive surveillance authorisation is necessary which **cannot** be granted by the local authority.

4. Authorisation (see flowchart at appendix 5b)

4.1 Authorisation of Surveillance

- 4.1.1 Since 1st November 2012, when the Protection of Freedoms Act 2012 amended RIPA 2000, the framework governing how local authorities use RIPA has changed. Authorisation of the use of certain covert powers, including the use of directed surveillance, will only have effect once an order approving the authorisation has been granted by a Justice of the Peace. This new judicial approval mechanism is in addition to the existing authorisation process. The current processes of assessing necessity and proportionality, completing the RIPA application forms and seeking authorisation from an Authorising Officer remain the same.
- 4.1.2 Therefore, there is a two-stage process. First, an authorisation must be obtained from an Authorising Officer. Secondly, approval of the authorisation must be obtained from a Justice of the Peace. This involves applying to a Magistrates Court. Further detail about the judicial approval process is set out in paragraphs 4.1.18 to 4.1.23.
- 4.1.3 Authorising Officers will be nominated in writing by the Monitoring Officer following the Monitoring Officer being satisfied they are appropriately trained to undertake the task.
- 4.1.4 Written authorisations must be completed whenever an investigation involves the use of Directed Surveillance. This provides lawful authority to carry out covert surveillance. Authorisation must be sought before surveillance is undertaken.
- 4.1.5 All applications for authorisation of **Directed Surveillance** must be in writing and record:
- the grounds on which authorisation is sought (i.e. for the prevention and detection of crime and disorder only); NB The power to authorise surveillance exists only for the prevention and detection of crime and disorder and no other purpose
 - an assessment of **the Directed Surveillance Crime Threshold**. Directed surveillance can only be authorised under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment. (There are certain specified offences related to the underage sale of alcohol or tobacco which are exempt from the directed surveillance crime threshold. However, investigation of these offences does not form part of the Borough Council's functions).
 - Further information about the implications of the Directed Surveillance Crime Threshold are outlined in paragraph 4.1.6 below

- consideration of why the Directed Surveillance is proportionate to what it seeks to achieve;
- that other options for the gathering of information have been considered and that Directed Surveillance is necessary
- the identity or identities, where known, of those to be the subject of Directed Surveillance;
- the action to be authorised and level of authority required;
- an account of the investigation or operation;
- an explanation of the information which it is desired to obtain as a result of the authorisation;
- any potential for collateral intrusion;
- the likelihood of acquiring any confidential material.

Both the person applying for the authorisation and the Authorising Officer must complete the forms in handwriting.

Standard Document: See Appendix 1 – Surveillance Application Form

- 4.1.6 The Directed Surveillance Crime Threshold was introduced by The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 which came into force on 1st November 2012. The introduction of this new threshold means that the Council may continue to authorise the use of Directed Surveillance in more serious cases provided the other tests are met (ie. that it is necessary and proportionate and that prior approval from a Justice of the Peace has been obtained). However, it also means that the Council may not authorise the use of Directed Surveillance to investigate disorder that does not involve criminal offences, or to investigate low level offences, which may include, for example, littering, dog control and fly-posting.
- 4.1.7 Those carrying out the covert surveillance should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.
- 4.1.8 Any person giving an authorisation should first satisfy him/herself that the authorisation is **necessary** on particular grounds and that the surveillance is **proportionate** to what it seeks to achieve. It is important that sufficient weight is attached to considering whether the surveillance required is proportionate. These concepts of “necessity” and “proportionality” occur regularly throughout human rights law and RIPA and they must be considered afresh in the case of each authorisation of surveillance.

Therefore this will involve balancing the intrusiveness of the surveillance on the target and others who might be affected by it against the need for the surveillance in operational terms. The surveillance will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All surveillance should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

4.1.9 When proportionality is being assessed, the following elements should be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods adopted will cause the least possible intrusion on the subject and others
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result; and
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

4.1.10 The Authorising Officer must be able to produce evidence that the relevant issues have been considered for monitoring purposes, for example a note of the documents and information available to the officer at the time the authorisation is given, together with a note of the date and time authorisation was given. It is essential that the Authorising Officer considers each request for an authorisation on its merits and a rubber stamping approach must never be used.

4.1.11 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a higher degree of privacy, for instance in his/her home, or where there are special sensitivities, such as where the surveillance may give access to confidential material or communications between a minister of any religion or faith and another individual relating to that individual relating to that individual's spiritual welfare.

4.1.12 An authorisation should not be sought or obtained where the sole purpose of the authorisation is to obtain legally privileged material. However, an authorisation may be appropriate for other purposes but which, incidentally, catches legally privileged material.

4.1.13 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons other than the subject(s) of surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.1.14 An authorisation request should include assessment of any collateral intrusion or interference. This will be taken into account, by the Authorising Officer, particularly when considering the proportionality of the surveillance.

4.1.15 Directed surveillance undertaken by the Council requires the written approval of a post holder identified in 4.1.17 of this document.

4.1.16 Authorising Officers should not be responsible for authorising their own activities, i.e. those directly involved in undertaking surveillance.

4.1.17 The following table identifies appropriate authorisation levels in the Council's staffing structure.

Type of Request		Authorising Officer
1	Written authorisation to conduct investigations using Directed Surveillance.	Director, Head of Service , Service Manager or equivalent (SI 2010/521) Officers specifically designated by the Monitoring Officer as Authorising Officers
2	Written authorisation to conduct investigations using Directed Surveillance likely to obtain confidential information.	Head of Paid Service or in his absence, the acting Head of Paid Service

NB For the avoidance of doubt, only those Officers outlined above **and** designated and certified (and also notified to the Monitoring Officer) to be "Authorising Officers" for the purpose of RIPA can authorise "Directed Surveillance". The Monitoring Officer will only certify Authorising Officers if he or she is satisfied that they have had appropriate training to undertake the role.

Contact Details for Authorising Officers:

Name	Job Title	E-mail Address	Tel. No.

4.1.18 Judicial approval

a) **Where an Authorising Officer has granted an authorisation (for Directed Surveillance, the authorisation is not to take effect until a Justice of the Peace has made an order approving the grant of the authorisation.**

b) A Justice of the Peace will only give approval to the granting of an authorisation for **Directed Surveillance** if they are satisfied that:

- o at the time the Authorising Officer granted the authorisation, there were reasonable grounds for believing that the authorisation was necessary and that the surveillance being authorised was proportionate, that the Authorising Officer was a

designated person for the purposes of section 28 of RIPA, that the grant of the authorisation was not in breach of any restrictions imposed by virtue of section 30(3) of RIPA, that any other conditions provided for by any Order were satisfied; and

- that there remain reasonable grounds for believing that the necessary and proportionate tests are satisfied.

c) If a Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.

4.1.19 No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates Court of that authorisation has been obtained.

4.1.20 Authorising Officers must when making authorisations be aware that each authorisation (or renewal of an authorisation) will be subject to judicial approval. The Council is required to make an application without notice to the Magistrates Court to seek judicial approval.

4.1.21 Therefore, any Authorising Officer who proposes to approve an application for the use of directed surveillance must immediately inform the Monitoring Officer who will then make arrangements for an application to be made by the Council's lawyers or an appropriate officer to the Magistrates Court for an order to approve the authorisation to be made.

4.1.22 There is no need for a Justice of the Peace to consider either cancellations or internal reviews.

4.1.23 The Council will provide the Justice of the Peace with a copy of the original RIPA authorisation form and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon. In addition, the Council will need provide the Justice of the Peace with a partially completed judicial application/order form, which is shown for information at Appendix 6 of this Policy. The flow-chart at Appendix 7 shows the procedure for making an application to a Justice of the Peace seeking an Order to approve the grant of a RIPA authorisation or notice.

4.2 Duration of authorisations

4.2.1 A written authorisation for directed surveillance will cease to have effect at the end of a period of three months beginning with the day on which it took effect.

4.3 Renewals

4.3.1 If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given, he/she may approve a renewal in

writing for a further period of three months, beginning with the day when the authorisation would have expired but for the renewal.

Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.

4.3.2 All requests for the renewal of an authorisation for Directed Surveillance must record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- the information required in the original request for an authorisation, as listed in section 4.1.5 above together with;
 - (a) any significant changes to the information in the previous authorisation;
 - (b) why it is necessary to continue with the surveillance;
 - (c) the content and value to the investigation or operation of the information so far obtained by the surveillance;
 - (d) an estimate of the length of time the surveillance will continue to be necessary.

Standard Document: See Appendix 2 – Surveillance Renewal form

4.3.3 **Renewals of authorisations will also be subject to approval by the Magistrates Court. The Authorising Officer must therefore advise the Monitoring Officer immediately when they are minded to grant a renewal.**

4.3.4 Applications for renewals should not be made until shortly before the original authorisation period is due to expire but officers must take account of factors which may delay the renewal process (eg. intervening weekends or the availability of the Authorising Officer and a Justice of the Peace to consider the application).

4.4 Cancellations

4.4.1 The Authorising Officer must cancel an authorisation if he/she is satisfied that the Directed Surveillance no longer meets the criteria for authorisation. When cancelling an authorisation, an Authorising Officer must ensure that proper arrangements have been made for the activity's discontinuance, including the removal of technical equipment, and directions for the management of the product.

Standard Document: See Appendix 3 – Surveillance Cancellation form.

4.4.2 Authorisations for Directed Surveillance, and any subsequent renewals and cancellations, are subject to review by the Government appointed Surveillance Commissioner.

4.5 Reviews

4.5.1 Authorising Officers will review all “Directed Surveillance” applications and authorisations that they have granted regularly. The results of a review should be recorded on the appropriate form, and kept in the central record of authorisations. The Authorising Officer should determine how often the review should take place. This should be done as frequently as is considered necessary and practicable, but not later than once a month following the date of authorisation; sooner where the surveillance provides access to confidential material or involves collateral intrusion.

4.5.2 Reviews of an authorisation for Directed Surveillance must record:

- any significant changes to the information in the previous authorisation;
- why it is necessary to continue with the surveillance;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- an estimate of the length of time the surveillance will continue to be necessary.

Standard Document: See Appendix 4 – Monthly Review Form form

4.6 Records and Documentation

4.6.1 All documentation regarding Directed Surveillance should be treated as confidential and should be kept accordingly.

4.6.2 Records should be maintained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable period, commensurate to any subsequent review.

4.6.3 If there is any reason to believe that the results obtained during the course of investigation might be relevant to that investigation or to another investigation or to pending or future civil or criminal proceedings then it should not be destroyed but retained in accordance with established disclosure requirements. Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996, which requires that material should be retained if it forms part of the unused prosecution material gained in the course of an investigation, or which may be relevant to an organisation.

4.6.4 Authorising Officers are reminded of the importance of safeguarding confidential and sensitive information. They must also ensure compliance

with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities in the handling and storage of material. Where material is obtained by surveillance, which is wholly unrelated to a criminal or other investigation or to any person who is subject of the investigation, and there is no reason to believe it will be relevant to future civil or criminal proceedings, it should be destroyed immediately. Consideration of whether or not unrelated material should be destroyed is the responsibility of the Authorising Officer.

4.6.5 Each Service Department undertaking Directed Surveillance must ensure that adequate arrangements are in place for the secure handling, storage and destruction of material obtained through the use of covert surveillance.

4.6.6 There is nothing in the 2000 Act, which prevents results obtained through the proper use of the authorisation procedures from being used on other Council Department Investigations.

However, the disclosure outside of surveillance results obtained by means of covert surveillance and its use for other purposes should be authorised only in the most exceptional circumstances. Before doing so the Authorising Officer must be satisfied that the release of material outside of the Council, complies with and meets Human Rights Act requirements.

4.6.7 The Director is responsible for ensuring that arrangements exist for ensuring that no information is stored by the authority, except in so far as is necessary for the proper discharge of its functions. Such persons are also responsible for putting arrangements in place to ensure that no information is disclosed except in specified circumstances e.g. where it is necessary for the proper discharge of the authority's functions, for the purpose of preventing or detecting serious crime for the purpose of any criminal proceedings.

4.6.8 A copy of all authorisations must be sent to the Borough Secretary, so that there is a central record maintained, and so that in his role as the Monitoring Officer he can ensure the Act is being complied with.

Authorisation forms are also open to inspection by the Office of Surveillance Commissioners.

4.7 Monitoring of Authorisations

Information must be supplied to the Monitoring Officer using the forms attached to this guidance. The Monitoring Officer will maintain a Central Register of all forms completed by the Authorising Officer. Authorising Officers are responsible for sending **the original authorisation** in the appropriate form for each authorisation, cancellation and renewal granted, to the Monitoring Officer for inclusion in the Central Register and keeping a **copy** for their own records in the individual departments.

A review will be carried out regularly to ensure all forms have been sent for inclusion in this Central Register. The Monitoring Officer is required by law to ensure that the Council does not act unlawfully.

Authorising Officers are required to ensure that:-

- Authorisations have been properly cancelled at the end of the period of surveillance
- Surveillance does not continue beyond the authorised period
- Current authorisations are regularly reviewed
- At the anniversary of each authorisation, the destruction of the results of surveillance operations has been considered
- At the fifth anniversary of each authorisation the destruction of the forms of authorisation, renewal or cancellation has been considered.

The Monitoring Officer will:

- Monitor the authorisations to ensure correct procedure has been followed
- Receive and investigate complaints by members of the public who reasonably believe they have been adversely affected by surveillance activities carried out by the Council.

The Office of Surveillance Commissioners has a duty to keep under review the exercise and performance of the Council of its surveillance powers. The Office of Surveillance Commissioners will regularly inspect the Council and may carry out spot checks unannounced.

4.8 Refusals

All refusals to grant authority to undertake Directed Surveillance must be recorded and retained for inspection.

4.9 Breach of RIPA

Evidence gathered where RIPA has not been complied with may not be admissible in Court and could lead to a challenge under Article 8 of the Human Rights Act.

Any perceived breach of this policy or the RIPA procedures should be reported to the Monitoring Officer in order that he/she may notify the Chief Surveillance Commissioner immediately (see following)

5. Social Media

- 5.1 It is important to be aware that use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

- 5.2 The rule of thumb, is that researching ‘open source’ material would not require authorisation, but return visits in order to build up a profile could change the position – this may constitute directed surveillance depending on the circumstances. Examples of ‘open source’ material, are materials you could view on social media without becoming a friend, subscriber or follower.
- 5.3 If privacy controls would be breached, for example by an investigator becoming someone’s Facebook “friend”, in order to access their profile and activity pages, then a directed surveillance authorisation is required. If any relationship was to be established by the investigating officer, so that their activities went beyond merely reading the site’s content, then this would be deployment of a CHIS requiring an authorisation.
- 5.4 Officers should not use false personae (eg. a false Facebook profile or Twitter handle) to disguise their online activities. False personae should not be used for a covert purpose without authorisation.
- 5.5 The two [Home Office Codes of Practice](#) on covert surveillance and CHIS contain some guidance in relation to online covert activity.
- 5.6 To ensure that no unauthorised online covert activity takes place within the Council, please ensure that legal advice is sought from LGSS Law.

6. Complaints

6.1 Procedure

The Council will maintain the standards set out in this guidance and the current Codes of Practice. The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by the Act.

Contravention of the RIPA and/or Data Protection Act 1998 may be reported to the Information Commissioner at Chief Surveillance Commissioner Office of Surveillance Commissioners:

PO Box 29105,
London, SW1V 1ZU Tel: 020 7035 0074 Fax: 020 7035 3114.

However before making such a reference, any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Monitoring Officer who will investigate the complaint. A complaint concerning a breach of this Policy and Guidance document should be made using the Council’s own internal complaints procedure. To request a complaints form, please contact the Monitoring Officer/Complaints Officer, Northampton Borough Council, The Guildhall, St Giles Square, Northampton NN1 1DE or telephone 01604 837334.

Please ensure that this Guidance and the Home Office Codes of Practice are available at all offices involved in surveillance operations, and also available for public inspection in each department.

**PART II OF THE REGULATION OF INVESTIGATORY
POWERS ACT (RIPA) 2000**

**APPLICATION FOR AUTHORISATION TO CARRY OUT
DIRECTED SURVEILLANCE**

Public Authority <i>(including full address)</i>		
Name of Applicant	Unit/Branch/Division	
Full Address		
Contact Details		
Investigation/Operati on Name (if applicable)		
Investigating Officer (if a person other than the applicant)		
DETAILS OF APPLICATION		
1. Give rank or position of Authorising Officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010; No. 521 .		

<p>2. Describe the purpose of the specific operation or investigation.</p>
<p>3. Has the Directed Surveillance crime threshold been reached? How? Please specify the offence that is being investigated. (See paragraph 4.1.5 of the Council's RIPA Policy).</p>
<p>4. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.</p>
<p>5. The identities, where known, of those to be subject of the directed surveillance.</p> <ul style="list-style-type: none"> • Name: • Address: • DOB: • Other information as appropriate:
<p>6. Explain the information that it is desired to obtain as a result of the directed surveillance.</p>

--

7. Explain why this directed surveillance is necessary for the purpose of preventing or detecting crime or of preventing disorder (Section 28(3)(b) RIPA).
(This is the only statutory ground available to local authorities upon which applications for directed surveillance may be authorised – SI 2010/521).
(Code paragraphs 3.3 and 5.8)

--

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. (Bear in mind Code paragraphs 3.8 to 3.11)
Describe precautions you will take to minimise collateral intrusion.

--

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? (Code paragraph 3.4 to 3.7)

**10. Confidential information. (Code paragraphs 4.1 to 4.31)
Indicate the likelihood of acquiring any confidential information:**

11. Applicant's Details.

Name (print)		Tel No	
Grade/Rank		Date	
Signature			

12. Authorising Officer's Statement. (Spell out the "5 Ws" – Who; What; Where; When; Why and How – in this and the following box.)

I hereby authorise directed surveillance defined as follows: (*Why is the surveillance necessary? Whom is the surveillance directed against? Where and When will it take place? What surveillance activity/equipment is sanctioned? How is it to be achieved?*)

13. Explain why you believe the directed surveillance is necessary. (Code paragraphs 3.3 and 5.8)

Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. (Code paragraph 3.4 to 3.7)

14. (Confidential Information Authorisation) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.			
Date of first review			
Programme for subsequent reviews of this authorisation: (Code paragraph 3.23 and 3.24). Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.			
Name (print)		Grade/Rank	
Signature		Date and time	
Expiry date and time (eg authorisation granted on 1 April 2005 – expires on 30 June 2005, 23:59)			

Operation Reference Number* (*Filing Ref)	
--	--

**PART II OF THE REGULATION OF INVESTIGATORY
POWERS ACT (RIPA) 2000**

**APPLICATION FOR RENEWAL OF A DIRECTED
SURVEILLANCE AUTHORISATION
(Please attach the original authorisation)**

Public Authority <i>(including full address)</i>			
Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

DETAILS OF RENEWAL	
1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

Operation Reference Number* (*Filing Ref)	
--	--

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

Operation Reference Number* (*Filing Ref)	
--	--

6. Give details of the results of the regular reviews of the investigation or operation.

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Authorising Officer's Comments. <u>This box must be completed.</u>

Operation Reference Number* (*Filing Ref)	
--	--

9. Authorising Officer's Statement.	
<p>I, [insert name], hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.</p> <p>This authorisation will be reviewed frequently to assess the need for the authorisation to continue.</p>	
Name (Print)	Grade/Rank
Signature	Date
Renew Time: al From:	Date:

Date of first review.	
Date of subsequent reviews of this authorisation	

PART II OF THE REGULATION OF INVESTIGATORY
POWERS ACT (RIPA) 2000

CANCELLATION OF A DIRECTED
SURVEILLANCE AUTHORISATION

Public Authority <i>(including full address)</i>			
Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

DETAILS OF CANCELLATION
1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of surveillance in the operation:

3. Authorising Officer's statement.				
I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.				
<table> <tr> <td>Name (Print) _____</td> <td>Grade _____</td> </tr> <tr> <td>Signature _____</td> <td>Date _____</td> </tr> </table>	Name (Print) _____	Grade _____	Signature _____	Date _____
Name (Print) _____	Grade _____			
Signature _____	Date _____			

4. Time and Date of when the Authorising Officer instructed the surveillance to cease.				
<table> <tr> <td>Date:</td> <td> </td> <td>Time:</td> <td> </td> </tr> </table>	Date:		Time:	
Date:		Time:		

5. Authorisation cancelled	Date:	Time:

**PART II OF THE REGULATION OF INVESTIGATORY
POWERS ACT (RIPA) 2000**

**REVIEW OF A DIRECTED
SURVEILLANCE AUTHORISATION**

Public Authority <i>(including full address)</i>			
Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Operation Name		Operation Number* *Filing Ref	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

DETAILS OF REVIEW	
1. Explain the reason(s) for the cancellation of the authorisation:	
Review Number	Date

2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.

--

3. Detail the reasons why it is necessary to continue with the directed surveillance.

--

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

--

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring

--

6. Give details of any confidential information acquired or accessed and the

likelihood of acquiring confidential information

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Review Officer's Comments, including whether or not the directed surveillance should continue.

9. Authorising Officer's Statement.	
I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].	
Name (Print)	Grade/Rank
Signature	Date

10. Date of next review.	
---------------------------------	--

Requesting Officer ('the Applicant') must:

- Read the Surveillance Policy and be aware of any other relevant guidance.
- Determine that directed surveillance and/or a CHIS authorisation is required.
- Assess whether authorisation is necessary under RIPA and whether the surveillance could be done overtly.
- Consider whether surveillance is necessary and proportionate (if in doubt consult Legal Services)

If a less intrusive option is available and practicable **use that option!**

If authorisation is necessary and proportionate, prepare and submit an application for approval to the Authorising Officer

Authorising Officer must:

- Consider in detail whether all options have been duly considered, including taking into account the Surveillance Policy and any other relevant guidance
- Consider whether the proposed surveillance is necessary and proportionate.
- Authorise only if an overt or less intrusive option is not practicable.
- Sign approval and record in Central Register
- Set an appropriate review date (normally one month after authorisation date)

Authorising Officer must: when proposing to approve an application for the use of directed surveillance or for the use of a Covert Human Intelligence Source immediately inform the **Monitoring Officer who must** then make arrangements for an application to be made by the Council's lawyers to the **Magistrates Court** for an order to approve the authorisation to be made.

If the Magistrates Court approve the authorisation/renewal:

The Applicant must:
REVIEW REGULARLY
(complete Review Form) and submit to Authorised Officer on date set.

The Applicant must:
If operation is no longer necessary or proportionate, complete **CANCELLATION FORM** and submit to Authorised Officer

Authorising Officer must:
If surveillance is still necessary and proportionate:

- Review authorisation
- Set an appropriate further review date

Authorising Officer must:
Cancel authorisation when it is no longer necessary or proportionate to need the same.

ESSENTIAL
Originals of all forms (and any signed order of the Justice of the Peace) must be sent to the Monitoring Officer for inclusion in the Central Record.

NB: If in doubt, seek advice from the Borough Solicitor / Monitoring Officer BEFORE any directed surveillance and or CHIS is authorised, renewed, cancelled, or rejected.

FLOW-CHART – DIRECTED SURVEILLANCE AUTHORISATION PROCEDURES APPENDIX 5b

Requesting Officer (“the Applicant”) must:

- Read the RIPA Policy document and be aware of any other guidance issued by the Borough Secretary & Monitoring Officer
- Determine that directed surveillance is required. (For CHIS, see Appendix 5c)
- Assess whether authorisation will be in accordance with the law and satisfies the directed crime threshold
- Assess whether authorisation is necessary under RIPA or whether it could be done overtly
- Consider whether surveillance will be proportionate

If a less intrusive option is available and practicable: **use that option!**

If authorisation is necessary and proportionate, prepare and submit an application to the Authorising Officer.

Authorising Officer must:

- Consider the RIPA Policy and any other guidance issued by the Borough Secretary & Monitoring Officer and whether all options have been duly considered
- Consider whether proposed surveillance is in accordance with the law, necessary and proportionate
- Authorise only if an overt or less intrusive option is not practicable
- Set an appropriate review date

DON'T FORGET: All authorisations and renewals must also be approved externally by a Magistrate/Justice of the Peace before they can take effect.
If the Magistrates Court approve the authorisation:

The Applicant must: REVIEW REGULARLY
Complete Review Form and submit to Authorising Officer on date set

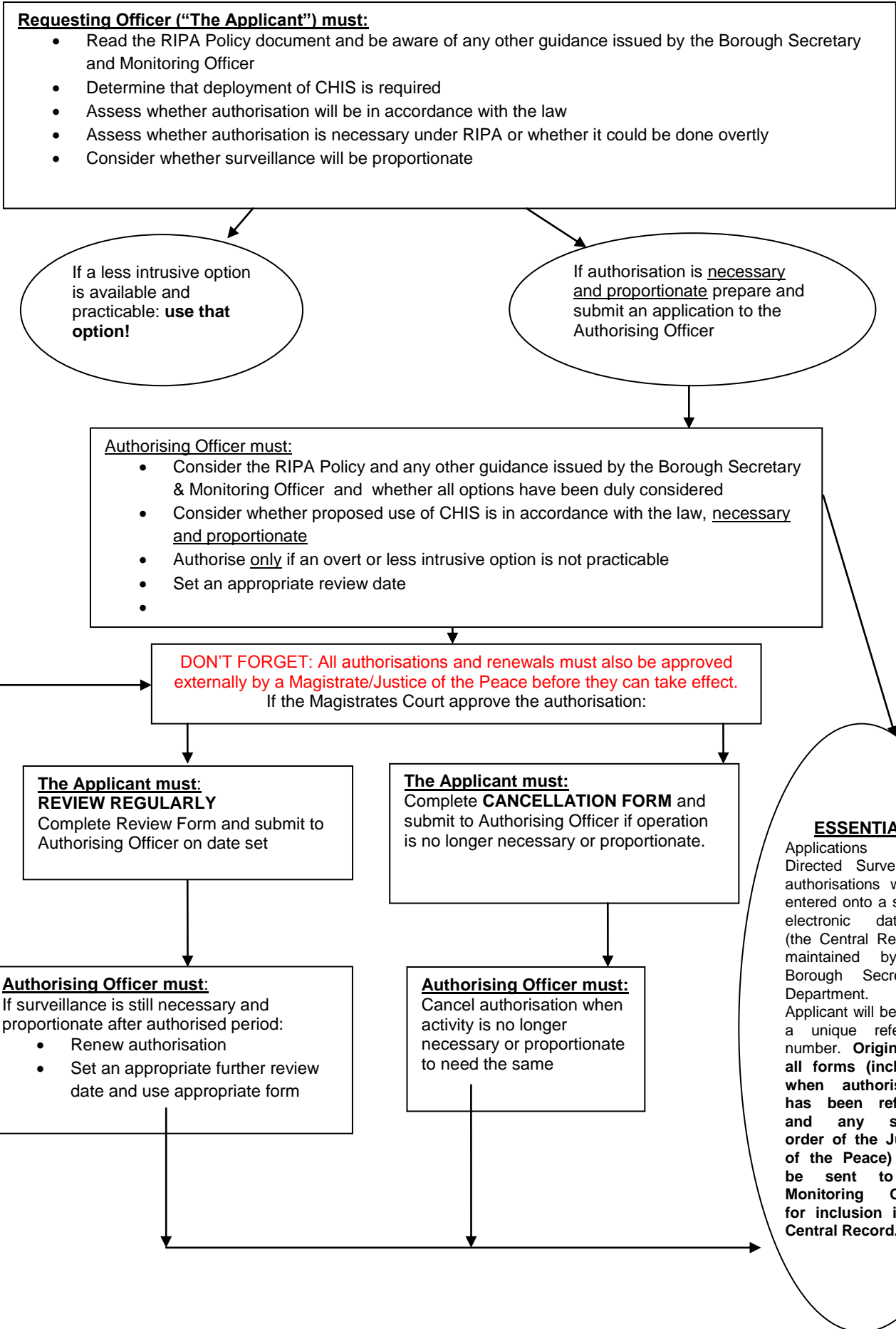
The Applicant must:
Complete **CANCELLATION FORM** and submit to Authorising Officer if operation is no longer necessary or proportionate.

Authorising Officer must:
If surveillance is still necessary and proportionate after authorised period:

- Renew authorisation
- Set an appropriate further review date and use appropriate form

Authorising Officer must:
Cancel authorisation when activity is no longer necessary or proportionate

ESSENTIAL
Applications for Directed Surveillance authorisations will be entered onto a secure electronic database (the Central Register) maintained by the Borough Secretary's Department. The Applicant will be given a unique reference number. **Originals of all forms (including when authorisation has been refused) and any signed order of the Justice of the Peace) must be sent to the Monitoring Officer for inclusion in the Central Record.**



Application for judicial approval

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of suspect:.....

.....

.....

Covert technique requested: (tick one and specify details)

- Communications Data
- Covert Human Intelligence Source
- Directed Surveillance

Summary of details

.....

.....

.....

.....

.....

.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....

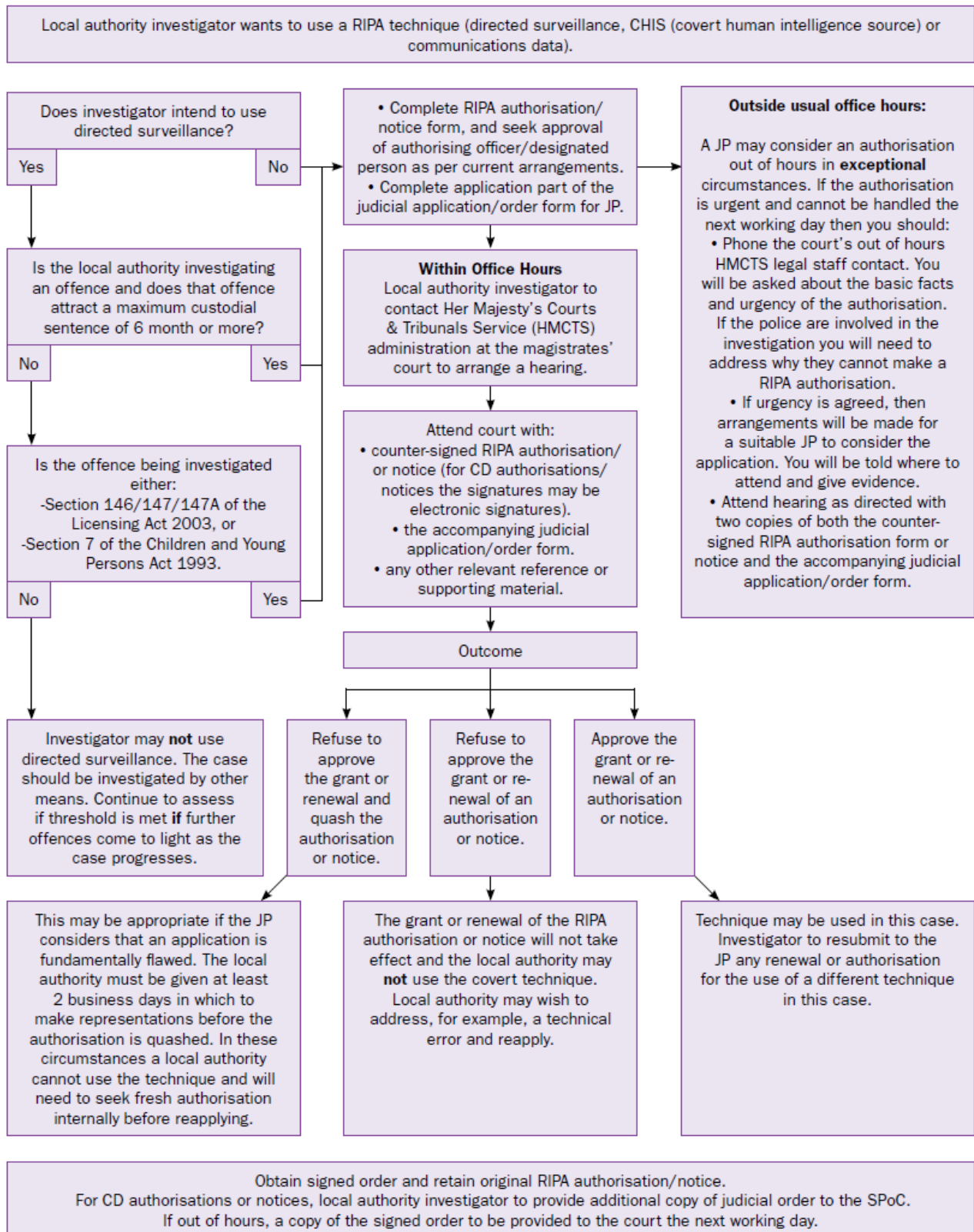
Contact telephone number:.....

Contact email address (optional):.....

Local authority reference:.....

Number of pages:.....

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



This flow chart is an extract from the October 2012 Home Office publication "Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA) – Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance".

Appendices

1



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Disposal of Land at Westbridge Depot - Waste to Energy Plant
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AGENDA STATUS:

PUBLIC

Expected Date of Decision:	8th June 2016
Key Decision	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise & Planning
Portfolio Holder For:	Cllr Tim Hadland, Member for Regeneration, Enterprise & Planning
Ward(s)	St James

1. Purpose

- 1.1 To present an update to Cabinet on the progress made following the report to the November 2015 meeting.
- 1.2 To present, following negotiations undertaken, the proposed Heads of Terms for the Option Agreement between the Council and the developer, Rolton Kilbride Limited.

2. Recommendations

That Cabinet:

- 2.1 Notes the progress that has been made to date.
- 2.2 Approves the proposed Heads of Terms for the Option Agreement/Lease as outlined in paragraphs 3.2.3, 3.2.4 & 3.2.5 this report.

2.3 Authorises the Director of Regeneration, Enterprise & Planning, acting in conjunction with the Chief Finance Officer and in consultation with the Cabinet Member for Regeneration, Enterprise & Planning, to conclude negotiations and to complete the Option Agreement and associated Lease Agreement.

2.4 Requests the Director of Regeneration, Enterprise & Regeneration to submit a further progress report in due course.

3. Issues and Choices

3.1 Report Background

3.1.1 This report only concerns the potential property arrangements between the Council and Rolton Kilbride Limited. Matters relating to other things such as traffic or environmental issues will be considered as part of the planning process, which in this case is a County matter. At Cabinet on 11th November 2015 a report was considered on the disposal of land at Westbridge Depot. In summary Cabinet resolved to:

- Grant approval in principle to grant a 2 year option for the lease of approximately 5 acres of land within a defined area within the depot site, subject to the issues summarised below being satisfied within that period:
- That the Option is conditional upon the Council being satisfied that the Waste to Energy Plant land requirement does not result in the remaining Westbridge plot being too small to deliver the safe and efficient operational requirements of the Council's existing waste facility at Westbridge and to cater for further growth of that facility as Northampton grows in size for the duration of the lease.
- That the Option is subject to the necessary statutory consents being obtained including planning permission within the two year period, unless extended by a further year.
- That the Waste to Energy facility will provide an avenue for the disposal of all non-recycled domestic waste collected by the Council or its contractors in Northampton
- That the business case for the Waste to Energy plant is robust and helps to bring significant bottom-line benefits to the Council's General Fund Budget for waste operations through the disposal of domestic waste within the Council's Future Waste Strategy.
- That the Option Agreement is subject to 6 monthly reports back to the Council to assess progress against the Option conditions
- That the option agreement is subject to the developer undertaking a full consultation with the local community and a full report to the Council on this consultation detailing how it is proposed to respond at each stage.
- That any relocation costs involved in exercising the preferred Option will be met by the developer. Should the development require the Council to reposition or

alter waste or environmental services on the Westbridge site the developer will meet those costs.

- 3.1.2 As Cabinet might reasonably expect since November some of these matters have become clearer whilst others have moved on. It is within this context that Cabinet is now updated.
- 3.1.3 Since November the prospective developer has undertaken some initial public consultation and has submitted a report to the Council outlining what they have been able to do to date. In summary this includes the following:
- A presentation to the St James Residents Association, January 2015,
 - A presentation to the Far Cotton Residents Association, June 2015,
 - A public meeting with the Far Cotton Residents Association, March 2016,
 - A public meeting with the St James Residents Association, March 2016.
- 3.1.4 Rolton Kilbride Limited has also created a project website to provide further information about their proposed facility. This website includes tabs about who the project team are, local benefits; frequently asked questions and a contact page. The website can be found at www.northamptoncommunityenergy.co.uk. The Council is advised that this website has so far attracted 473 unique visitors and 2,174 visits since January 2016.
- 3.1.5 In late March 2016, RKL also did a leaflet drop to approximately 6500 homes, located within 1km of the proposed site. This included a tear off slip to enable people to respond back to RKL with their views. This achieved a response rate of 0.5%. In the period December 2104 to May 2016 inclusive, RKL also made six media releases about the project.
- 3.1.6 The consultation undertaken so far by Rolton Kilbride Limited is appropriate at this early stage in the project. But it does not comprise the full public consultation that Cabinet previously said that it wanted to see in November 2015. Further public consultation will have to take place in connection with any planning application that may be submitted by the developer. This will be a matter for the developer as planning applicant and the County Council in its role as minerals and waste planning authority in relation to this particular matter. It is understood that an application will be submitted in June/July 2016. In addition to that the Council would expect public consultation at all appropriate points as the proposal develops.
- 3.1.7 From the information available it seems likely that the proposed Waste to Energy plant would provide an avenue for the disposal of all non-recycled domestic waste collected by the Council and/or its contractors. The proposed plant would not however bring financial benefits to the waste service collection service itself. None the less it is unlikely that the Council would be out of pocket in financial terms.

3.2 Issues

3.2.1 The Council owns the freehold of the land edged red shown at Appendix 1. There is currently a mixture of occupiers on the site. These include Northampton Partnership Homes, a number of established businesses, and Amey which manages the Council's Waste facility. A number of the existing buildings are old and approaching functional obsolescence. The land that would be required for the proposed Waste to Energy Plant comprises approximately 8.74 acres and is shown cross-hatched at Appendix 1.

3.2.2 At November 2015 Cabinet, the structure of the proposed property agreement between the Council and RKL was an Option Agreement and a Lease. The proposed Heads of Terms for these are now set out below.

3.2.3 The principal terms proposed for the Option Agreement provide for:

- Use of the site for an Energy Centre using Advanced Conversion Technology, Mechanical Treatment Facility, Education Centre and other ancillary activities, with no other use permitted.
- An Option to lease the property to Rolton Kilbride Limited.
- The Council granting RKL an Option period of 24 months, extendable by a further 12 months.
- RKL paying the Council an Option Fee of £5k for 24 months and a further payment of £2.5k for the extension of 12 months, if exercised.
- The Council being compensated for loss of rent incurred in the Option Period given that it will not be re-letting property in this period.

3.2.4 Should the Option be triggered then the principal terms proposed for the Lease include:

- An annual rental payment of £500k with upwards only rent reviews, as recommended by agents working for the Council.
- Should vacant possession be obtained but the scheme subsequently not proceed for any reason, then Rolton Kilbride Limited would be liable to pay the Council reasonable compensation for loss of its existing rent roll, for a period, which is approximately £68k per year.
- As it is now clear that proposed RKL development cannot be accommodated at Westbridge without affecting the Council's existing waste operations, RKL will be responsible for the re-provision of depot facilities. Such a replacement facility will be provided freehold and transferred to the Council by Rolton Kilbride Limited (RKL) at nil consideration against a detailed specification prepared by a suitably qualified consultant jointly instructed by the Council and RKL, entirely at RKL's expense.

- The payment of the new rent (that is £500k per annum) to the Council would be deferred until RKL has obtained vacant possession. This will not be achieved until and unless RKL have first provided a replacement depot.
- If the proposed layout of the RKL plant should require a re-working of the remaining Materials Recycling Facility on site through rebuilding/relocation of operational plant and equipment, this would be entirely at RKL's cost.
- The Council would be responsible for ensuring the relocation of Northampton Partnership Homes to a new site within the Borough. RKL would not be funding this. It is understood that NPH's current accommodation is under review in any event given that it does not fully meet its locational and functional requirements.
- There is an option for the Council to be granted pre-emption rights to enter into a commercial agreement at market rates, for a defined term, to purchase power and/or heat generated from the property. The Council is not however obliged to exercise this.
- RKL will provide a Warranty and appropriate Bond, the value of which would be reviewed at set points to the Council's insurer's recommendations to facilitate reinstatement and remediation of the property at the end of the lease.

3.2.5 Officers do not propose to finalise the Heads of Terms until appropriate break-clauses are drafted to the Council's satisfaction to ensure that it can regain control of its land, if the lease has been granted, but for whatever reason, RKL cannot proceed.

3.2.6 Equally, Cabinet needs to be clear that NPH will need to be moved in the required timescales, to avoid a situation where it is obligated to move NPH, but cannot or does not do so, for whatever reason. This is because if such circumstances were to arise then the Council could find itself in breach of the Agreements that it had entered into. This could, in turn, lead to claims for damages and compensation against the Council. So the relocation of NPH will need to be supported by some solid project management.

3.2.7 Should there be any material change to the proposed Heads of Terms Cabinet will be updated at its meeting.

3.3 Choices (Options)

3.3.1 The Council has a number of choices in relation to the narrow issue of the Option Agreement and associated Lease. These include the following:

- *Do Nothing*

The Council could decide to take no action at this time. This would have very serious implications for the developer, Rolton Kilbride Limited, as they would have no formal position in relation to a site for their proposed activities.

- *A Freehold Disposal*

The Council could decide to simply dispose of the land at Westbridge to Rolton Kilbride Limited on a freehold basis. This would leave the Council with very little, if any, control over the land and would potentially be the most disruptive and uncertain option for the waste collection service and Northampton Partnership Homes.

- *Option Agreement and Lease*

This would allow the Council to maintain an appropriate amount of control over the land and would secure alternative premises/ remodelled facilities for the waste collection service, if Rolton Kilbride Limited is able to proceed, whilst protecting the Council's financial interests. This is the recommended option.

4. Implications (including financial implications)

4.0 Policy

4.1.1 There are no specific policy implications arising from this report, but the proposed development would accord 'in principle' with the adopted West Northamptonshire Joint Core Strategy. It would also be generally consistent with previous decisions of Cabinet.

4.2 Resources and Risk

4.2.1 The current operations at the depot, including income from all rents and charges, makes a contribution to the General Fund of £129k in your 2016/17 budget. The proposed arrangements will require the relocation of NPH; this move will need take place within the required timescales, or the Council may possibly become liable for the payment of damages and compensation to RKL under the provisions of the proposed property arrangements,

4.2.2 Developing Waste to Energy plants is a complex and time consuming undertaking which is subject to many variables. So even if Cabinet decides to support the recommendations that officers have set out in this report, there is no guarantee that can be given at this time that the proposed scheme will be delivered as it is at a fairly early stage. The developer still has a lot of work to do.

4.2.3 Given the complexities involved there is a possibility that at some point within the period of the Option that the developer finds they cannot proceed for whatever reason. Whilst this may not be considered to be likely at this point, the Option Agreement includes appropriate provisions to protect the Council's financial and property interests should this risk actually materialise. These include some compensation for loss of rent and termination for breach of the Agreement.

4.2.4 There is also a risk that various consents, including planning, may be delayed. The Option Agreement includes provision for a defined extension in order to allow the developer a reasonable period of time to in which to deal with such eventualities.

- 4.2.5 The current tenants on site will need to be relocated in order to facilitate the scheme that is being promoted. Whilst appropriate provisions are proposed for inclusion in the Option Agreement to address this, it is possible that some occupiers may take longer to relocate than anticipated, despite the exercise of best endeavours, which could potentially present some programming issues for the developer. The Council would work positively with affected businesses with a view to helping them find suitable alternative premises.
- 4.2.6 As it is now clear that a part of the existing depot operation would need to move to another site, there is the potential for some disruption to the Waste Collection Service. The Option Agreement contains provisions that would minimise this risk, by obliging the developer (RKL) to provide suitable alternative premises, at nil cost to this Council, before they are permitted to take possession of the land identified for their proposed Waste to Energy plant.
- 4.2.7 It is understood that the proposal would, if implemented result in savings related to waste disposal because it would reduce the amount that would have to be spent on Land Allowance Tax permits. The County Council are however the disposal authority and these savings would therefore accrue to them.
- 4.2.8 There are some oil storage tanks located to the West of the proposed site. In relation to the proposed use of the site this previously required a consultation with the Health and Safety Executive (HSE). They recommended that the proposed main buildings should be located on the Nene tributary side of the site because that is furthest away from the existing oil depot blast zone.
- 4.2.9 Whilst a commentary on potential risks has been provided above, Table 1, set out below, summarises the main high level risks at this stage of the project. Assuming that the potential parties to the Option and Lease Agreements fulfil their obligations, these risks should diminish over time.

Table 1: High Level Risks Associated with the Proposed Property Agreements.

Risk	Likely	Impact	Blended risk	Remarks/Mitigation	Residual risk
RKL unable to deliver its commitments.	Med	Acute	MED	RKL have provided a business case that works for them and are in the process of obtaining planning and other statutory consents.	MED
Option not exercised	Low	Significant	MED	Should RKL not be able to proceed then it would be an 'as is' scenario and ownership would remain with the Council.	LOW
Unable to	Low	Significant	MED	Assuming the Heads of	LOW

agree final lease terms.				Terms are completed the expectation would be that the lease could be agreed.	
Terms of the Property Agreements are breached by RKL.	Low	Significant	MED	There is no reason to suppose that RKL would breach either of the Agreements but if they did the Council should be able to terminate via break-clauses.	LOW
RKL default on Agreements after the Council has obtained vacant possession.	Med	Significant	MED	Should this occur, RKL would be obligated to pay some compensation to the Council for loss of its existing rent.	LOW
RKL are unable to find a suitable alternative site for the depot relocation.	Med	Significant	MED	This is a matter for RKL to resolve. If they fail to do so then the depot would stay exactly where it is and RKL would be unable to proceed.	LOW
NPH are not relocated in a timely way leaving the Council at potential risk of liability for damages.	Med	Significant	MED	This is a matter within the control of the Council. Sound project management will mitigate this risk.	MED

4.1 Legal

4.1.1 The Option Agreement and Lease Agreements will be legally binding once completed, so Cabinet needs to be satisfied that it is comfortable with the proposed Heads of Terms set out in this report.

4.2 Equality

4.2.1 An Equalities Impact Assessment has been completed and this shows that there are no adverse implications from the proposed property arrangements.

4.3 Consultees (Internal and External)

4.3.1 The Director of Customer & Communities, Contract Manager (Waste), Director of Regeneration, Enterprise & Planning, and the Interim Corporate Asset Manager have all been consulted in the production of this report.

4.5 How the Proposals deliver Priority Outcomes

4.5.1 Northampton Alive sets out the Council's aspirations for the regeneration of Northampton. The Council is advised that the proposed Waste to Energy Plant, which lies within the Enterprise Zone, would, if implemented, generate approximately 175 to 228 additional jobs in the construction period and 42 jobs when the proposed facility is operational. The proposed property arrangements set out in this report would help enable this to happen.

4.6 Other Implications

4.6.1 None

5. Background Papers

- 5.1 Cabinet Report: Disposal of Land at Westbridge Depot - Waste to Energy Plant, 11th November 2015.
- 5.2 Equalities Impact Assessment for the Proposed Disposal of Land at Westbridge Depot – Waste to Energy Plant, May 2016.
- 5.3 Report on Consultation with Local Community: Northampton Community Energy Scheme, on Land at Westbridge Depot, St James' Mill Road, Northampton, Pegasus Group, May 2016.

Appendices

- 1. Site Plan

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Appendices



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Fly-Tipping Update and Fixed Penalty Notices
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AGENDA STATUS: **Public**

Cabinet Meeting Date:	8 th June 2016
Key Decision:	YES
Within Policy:	YES
Policy Document:	YES
Directorate:	Customers and Communities
Accountable Cabinet Member:	Cllr Alan Bottwood
Ward(s)	All

1. Purpose

- 1.1 To inform Cabinet of a range of initiatives to deal with Fly-tipping.
- 1.2 To inform Cabinet of new powers available to serve Fixed Penalty Notices on the persons responsible for fly tipping and to seek approval of the level at which these fixed penalties are set

2. Recommendations

- 2.1 That Cabinet notes the actions outlined in 3.1.1 – 3.1.5 being taken to deal with fly-tipping in Northampton.
- 2.2 That Cabinet agrees to set the level of Fixed Penalty Notice for fly tipping to the legally allowed maximum of £400 with a reduction to £250 if the penalty is paid before the period of 10 days following the date of the Notice.

3. Issues and Choices

3.1 Report Background

- 3.1.1 In 2014/15 local authorities in England reported 900 000 incidents of fly tipping which cost taxpayers an estimated £50 million to clear.
- 3.1.2 In Northampton the Council received 9172 reports of fly tipping during 2014/15
- 3.1.3 Following approval by Cabinet in October 2014 a scheme for the removal of fly tipping from alleyways and other private land in Northampton has removed over 100 tonnes of waste.
- 3.1.4 Targeted bulky waste collections and fly tip clearance programmes form an important part of the environmental improvement works carried out during Community Safety Weeks of Action. During a recent week of action over 14 tonnes of waste was collected in 1 day.
- 3.1.5 A number of Councillors, supported by Neighbourhood Wardens, are working with community groups in their areas to carry out fly tipping monitoring and clearance programmes.
- 3.1.6 Enforcement action has been taken to deal with the perpetrators of fly tipping and in the last three years 14 prosecutions have been taken and 7 simple cautions have been issued for fly tipping and waste offences.
- 3.1.7 However this is a complex and time consuming process which requires a significant input of staff resource and cannot be guaranteed to be successful. The fines from any successful prosecutions are paid to the court and not to the local authority.
- 3.1.8 In response to public concern about fly-tipping and the appropriateness of the sanctions available to deal with it the Government have brought forward The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force on 9 May 2016
- 3.1.9 These Regulations introduce a power enabling an authorised officer of a waste collection authority to serve a fixed penalty notice on a person found to be responsible for fly tipping offences. The Explanatory Memorandum to the Regulations explains that the Regulations provide local authorities with a more efficient and proportionate response to small-scale fly tipping of waste, instead of enforcement solely by prosecution.
- 3.1.10 Fixed penalty notices cannot be served on operators in the waste management industry, or those responsible for the fly tipping of hazardous waste. Government guidance indicates that the use of fixed penalty notice for repeat offenders is not appropriate.
- 3.1.11 Payment of a fixed penalty discharges the recipient from liability for conviction for the offence.

3.1.12 The legislation gives local authorities the power to set the level of fixed penalty within the range of £150 – £400 with the default being £200 if no other amount is specified.

3.1.13 The legislation also allows for an early payment discount to be applied to fines paid within 10 days of the issue of the penalty, setting a minimum level for discounted fines of £120.

3.1.14 Upon the issuance of a fixed penalty notice no Court proceedings can be started until after the expiry of 14 days from the date of the fixed penalty notice

3.2 Issues

3.2.1 In Northampton the average cost of dealing with a fly tip is £233.28 It is therefore considered important that any fixed penalty levied at least covers this cost.

3.2.2 As indicated above the fines levied in the case of a prosecution for fly tipping are retained by the Courts (with only the costs of bringing the case being payable to the Council, if ordered by the Court).

3.2.3 Fixed penalty receipts can be retained by the Council and used in exercising its functions in relation to fly tipping. These receipts could be used to fund increased work in detection of fly tipping and in education on the issue.

3.2.4 A number of neighbouring local authorities have recently set their fixed penalty levels with many charging £400 for the full fine and £200 - £300 for the reduced rate.

3.3 Choices (Options)

3.3.1 The level of fixed penalty can be set within the range of £150 - £400. If the Council does not set a level of fixed penalty to be applied, the default level of £200 will be applicable.

3.3.2 It is recommended that Cabinet set the fixed penalty level at the maximum level of £400 and allow an early payment discount, with a reduction to £250 if the penalty is paid before the period of 10 days following the date of the notice This would ensure that the receipts from fixed penalty notices are in proportion to the actual cost of dealing with fly tipping in Northampton

4. Implications (including financial implications)

4.1.1 Policy

4.1.1 The level of fixed penalty set for fly tipping offences will be adopted within the Councils standard schedule of fees and charges.

4.1.2 Resources and Risk

4.2.1 In order to serve a fixed penalty for fly tipping it will still be necessary to determine the identity of the person or persons responsible for the fly tip and therefore it will be necessary to continue to investigate cases of fly tipping reported to the Council and to work with communities to encourage the sharing of information about those known to be fly tipping. Given the burden of proof required to serve a fixed penalty notice it is anticipated that the number of fixed penalty notices served will be small. It is anticipated that the number of notices could be around 20 per year. Currently resources within the Neighbourhood Warden and Environmental Protection Team undertake this work and based on current workloads, it is proposed that these arrangements will continue at present.

4.2.2 The level of fixed penalty is set at £400 with reduction to £250 for payment within 10 days. This reduced rate of fine is reflective of the cost of dealing with cases of fly tipping and is therefore considered to be appropriate. Given the anticipated number of notices this would produce an income of up to £8000. If payment of the fixed penalty is not received within a reasonable period it is possible to progress the case to prosecution.

4.3 Legal

4.3.1 In determining the level of fixed penalty to be levied the Cabinet is acting in accordance with the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which allows a fixed penalty up to a maximum of £400 to be specified.

4.4 Equality and Health

4.4.1 An equalities impact assessment has been carried out which indicates that the fixed penalty provisions will apply equally across Northampton Borough and the sanction can only be used where there is evidence available of the person responsible for the fly tipping. This has the effect of shifting the cost burden onto the person responsible rather than it being borne by Council Tax payers as a whole and is so more equitable.

4.5 Consultees (Internal and External)

4.5.1 Legal Service, Finance, Partnership Unit and Amey / Enterprise.

4.5.2 Neighbouring local authorities

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The ability to levy fixed penalty notices against those responsible for fly tipping will ensure that the real cost of dealing with this issue is passed to those responsible. It is hoped that the availability of a simple legal sanction to deal

with fly tipping will have a deterrent to potential offenders and result in a reduction in the number of cases of fly tipping occurring in the area.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 Legislation and supporting explanatory memorandum

5.2 Equalities Impact Assessment

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Appendices

1. Northampton Low Emission Strategy Draft (Initial)



CABINET REPORT

Report Title	Northampton Low Emission Strategy (NLES)
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AGENDA STATUS: Public

Cabinet Meeting Date:	8 th June 2016
Key Decision:	YES
Within Policy:	YES
Policy Document:	No
Directorate:	Customers and Communities
Accountable Cabinet Member:	Cllr Alan Bottwood
Ward(s)	All

1. Purpose

- 1.1 To seek Cabinet approval for a period of public consultation on the draft Northampton Low Emissions Strategy (NLES).

2. Recommendations

- 2.1 That Cabinet approve the attached draft NLES subject to the outcome of a 8 – 12 week period of public consultation. The results of the consultation will be reported back to Cabinet in the Autumn

3. Issues and Choices

3.1 Report Background

- 3.1.1 Since 2003, Northampton Borough Council has declared and retained 7 AQMAs around the town. These are areas where the national air quality objective for a pollutant, Nitrogen Dioxide (NO₂), is not being met. In accordance with the Environment Act 1995, the Council is obligated to prepare an action plan outlining how it will go about reducing the harm from exposure to unacceptable areas of air quality.
- 3.1.2 Northampton Borough Council's response to this has been to develop an air quality strategy, known as the NLES. This is a new approach to action planning which has been adopted by a handful of UK local authorities.
- 3.1.3 The current draft of the NLES and supporting appendices has been prepared with the input and co-operation from a number of internal and external stakeholders including;
- Highways and Transport, and the Public Health and Wellbeing Directorate of Northamptonshire County Council
 - LGSS Procurement
 - The Planning Department of Northampton Borough Council
 - The Northampton Enterprise Partnership
 - Adjoining Northamptonshire local authorities
- 3.1.4 A professional stakeholder consultation of the current draft was completed in March 2016 involving the partners referred to above.
- 3.1.5 With regard to the public consultation exercise is it proposed to seek approval from Cabinet to carry out a public consultation exercise on the draft NLES ahead of bringing the strategy back to Cabinet in the Autumn for adoption.
- 3.1.6 The consultation exercise shall follow Policy Guidance PG (09) issued by DEFRA under Part IV of the Environment Act 1995. In accordance with this guidance the consultation period will last for a minimum of 8 weeks.
- 3.1.7 Advice has also been sought from the Council's Communications team and the following outline to consultation has been proposed:
- Press Release involving local media
 - Social media posts
 - Consultation with local resident groups and associations
 - Via the Council's website and intranet

3.2 Issues

- 3.2.1 In accordance with Part IV of the Environment Act 1995, where the Council has designated an air quality management area, it is under a legal obligation to produce an air quality action plan.

3.2.2 The European Court of Justice has ordered the UK Government to take urgent action regarding continued breaches of the Air Quality Strategy for UK. A Continued failure to meet the limit values could place the UK Government at risk of legal action being taken against it under EU law. This could include the potential for fines, which are proposed to be passed down to local authorities where its action or in-action has contributed to the limit value being exceeded. It is therefore important, not least for the protection of public health, that all public bodies work together to achieve compliance with the limit values by the earliest possible date.

3.3 Choices (Options)

3.3.1 As the purpose of the report is to seek the approval of cabinet to enter into a public consultation exercise there are considered to be 2 main options:

- Cabinet approval is given for public consultation to commence.
- Cabinet approval is not given for public consultation to commence.

4. Implications (including financial implications)

4.1 Policy

4.1.1 At this current stage this report is seeking Cabinet approval to go out to public consultation and therefore does not set, or have any implications on existing policy.

4.1.2 Once adopted, the NLES will intend to have weight in the planning process as an adopted air quality action plan. Supporting planning guidance developed as part of the NLES has been written in line with the National Planning Policy Framework (NPPF), and will eventually seek to support the development of local policies.

4.2 Resources and Risk

4.2.1 The NLES has been developed with grant funding support from the Department of Environment, Food and Rural Affairs (DEFRA). This funding has been used to develop the consultation draft and supporting appendices, and will also finance the implementation of the strategy. Therefore no additional financial risk or resource has been identified for the consultation exercise.

4.3 Legal

4.3.1 In accordance with Part IV of the Environment Act 1995, where the Council has designated an air quality management area, it is under a legal obligation to produce an air quality action plan.

4.3.2 The European Court of Justice has ordered the UK Government to take urgent action regarding continued breaches of the Air Quality Strategy for UK. A Continued failure to meet the limit values could place the UK Government at risk of legal action being taken against it under EU law. This could include the

potential for fines, which are proposed to be passed down to local authorities where its action or in-action has contributed to the limit value being exceeded. It is therefore important, not least for the protection of public health, that all public bodies work together to achieve compliance with the limit values by the earliest possible date.

4.4 Equality and Health

4.4.1 A key objective of the NLES is to address health inequalities. Evidence suggests that persons exposed to the worst areas of air quality can be located in some of the most deprived areas of Northampton. Whilst the NLES is targeted at improving air quality in AQMAs, its intention is also to approach air quality in a more holistic manner by promoting measures which can have a general improvement in air quality across the town.

4.5 Consultees (Internal and External)

4.5.1 The following Consultees have been considered as part of the wider public consultation exercise:

- Members of the public and local businesses
- Northamptonshire County Council
- Highways England
- Neighbouring Northamptonshire Local Authorities

4.6 How the Proposals deliver Priority Outcomes

4.6.1 With reference to the Corporate Plan – Priority 7, the NLES in its intention will work to ‘influence our partners to improve air quality and meet Government minimum targets’.

4.7 Other Implications

4.7.1 None

5. Background Papers

- 5.1 Northampton Low Emission Strategy AQ & Planning Technical
- 5.2 Guidance Draft
- 5.3 Community Impact Assessment
- 5.4 Policy Guidance PG (09)

**Neil Polden, Senior Environmental Health Officer
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NORTHAMPTON
BOROUGH COUNCIL

**Northampton Low Emissions Strategy
(NLES)**

2016 – 2021

Working Draft

May 2016

About the LES

The Northampton Low Emission Strategy (NLES) has been developed through collaboration between Northampton Borough Council (NBC) and Northamptonshire County Council (NCC), including Public Health with each organisation having an input and contributing to the content of the strategy.

The NLES project is funded by DEFRA and managed by Neil Polden, NBC, with technical support provided by Low Emissions Strategies Ltd.

The NLES is intended to influence and shape local and regional strategies, plans and policies to facilitate a reduction in emissions from vehicles, and improve air quality, resulting in a healthier place for people to live, work and visit.

The Strategy sets out specific aims and objectives to be achieved over the next five years, although it is recognised that further action will continue to be required beyond the timeframe of this Strategy. It is intended that the Strategy will be kept under review and will be renewed towards the end of the five year period to take into account changing needs, technologies and priorities.

The Strategy forms part of the Northampton Air Quality Action Plan (AQAP) and a *Task Group* will be set up to deliver the objectives within this Strategy and provide an annual progress report.

Consultation on the LES

This draft NLES has been developed with input from technical experts from their respective fields, including air quality; transport policy, planning policy & development control, climate change, sustainability and public health, however for the NLES to be successfully delivered, wider stakeholder and public consultation is required to help shape the final version of the Strategy. We are therefore inviting responses from interested groups and the public on the NLES to be made by **[TO BE CONFIRMED]**.

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Foreword

1. Executive Summary

- 1.1. Traffic in our urban centre and areas near busy roads are affecting concentrations of air pollution that can have a significant impact on the health of the general population, with those having underlying health conditions being most at risk. There are two pollutants of greatest concern: Nitrogen Dioxide (NO₂) and Particulate Matter (PM), which have an adverse effect on health and are mainly a problem because of vehicle exhaust emissions, with diesel exhaust emissions contributing most to the air pollution problem.
- 1.2. Unlike the smoke and smog problems of the past, NO₂ and PM are invisible, leading to a perception that the air is “clean”. However, particulate matter is so fine that it is inhaled deep into the respiratory tract and, in the case of very fine particles and NO₂ may transfer into the blood stream. A range of health problems are attributed to exposure to high levels of nitrogen dioxide and particulate matter, the most obvious being respiratory conditions, asthma and coronary heart disease, but evidence is now also showing a strong association with cancer, strokes, low birth-weight babies and even childhood cognitive development. These health conditions impact both on quality of life and life expectancy. The Public Health Outcomes Indicator for air pollution points to as many as one in twenty deaths each year in Northampton being attributable to particulate air pollution.
- 1.3. NO₂ and particulates, together with other air pollutants, have been set an upper air quality limit value that the general population should not be exposed to in order to protect public health. These limits are legally binding through EU and UK law. The urban area of Northampton has been identified as having elevated levels of air pollution and Air Quality Management Areas (AQMA) have been designated where there is relevant exposure to NO₂. Current projections indicate that concentrations of NO₂ may not fall below the limit value in some parts of the Borough until after 2020. Continued failure to meet the limit values will put the UK Government at risk of legal action being taken against it under European law, with the further risk of any fine imposed on the UK Government being passed down to local authorities if their action, or in-action, has contributed to the limit value being exceeded. Legal action has already been taken against the UK Government by Client Earth for the continued breach of the limit values in both the European Courts and UK Supreme Court. It is therefore important, not least for the protection of public health, that all public bodies work together to achieve compliance with the limit values by the earliest possible date.
- 1.4. Knowing that we have an air quality problem is one thing, but introducing effective actions to tackle the problem is another. We know that traffic-related emissions are the main reason why people are exposed to levels of air pollution which can damage health, but our society and economy is structured around

the effective and efficient movement of people and goods. The challenge is to reduce emissions, without adversely impacting on the economy and our need to travel. Conversely, this is also an opportunity for our society and economy to benefit from the innovation and activity that will lead us to a low emission future.

- 1.5. We already know a lot about the concentrations of air pollutants in the Borough and where air pollution is highest, however, we also need to build our air quality monitoring and modelling capability to inform evidence-based decision-making so that the most cost-effective and viable options to deliver air quality improvements are considered.
- 1.6. No single action will solve our air quality problems, but a range of actions and activity is required at a local, regional, national and European level in order to achieve the desired reduction in emissions. This Strategy considers the local and regional activity required to reduce emissions, having regard to the national and European context. The Strategy is a collaboration between the Borough and County Councils and recognises that the actions that will have greatest impact are ones which are implemented across the region, such as regional transport planning, developing electric vehicle charging infrastructure and spatial planning policies.
- 1.7. This Strategy has three main themes:
 - ***Evidence for Change***
 - ***Creating a Low Emission Future***
 - ***Reducing Vehicle Emissions***
- 1.8. The first theme: ***Evidence for Change***, explores the evidence which is driving the need for change, including the impact on health and the legal consequences of not taking action. Evidence arising from national LES feasibility studies and work by the Borough in its role in assessing local air quality has identified where air quality is poor and what causes the main air pollution problems. We know that older diesel vehicles cause the most significant air quality issues and exposure to poor air quality is highest in urban areas, and when people live near busy roads. Evidence suggests that action targeting the most polluting vehicles which operate mainly in urban areas, for example older diesel buses, will achieve the most significant air quality and health benefits. Action to improve air quality can, in most cases, deliver additional benefits by reducing carbon dioxide emissions and reducing environmental noise. This evidence will help inform what decision making to reduce emissions, but the evidence base needs to develop further to help inform decision making in the future and to ensure the aims and objectives of this Strategy are being achieved.

- 1.9. The second theme: ***Creating a Low Emission Future***, considers what needs to be done to shape the places where we live and work, how we travel and the choices we make so that low emission travel becomes part of normal everyday life. The NLES will help inform other strategies and policies to achieve this. Notable strategic plans include the Local Transport Plan and Strategic Economic Plans developed in partnership with Northamptonshire County Council and the Local Development Plan produced by the Borough, but other policies and plans, for example on Carbon Management, Procurement and Commissioning of Services can also influence how the low emission future is achieved and how the places where we work and live are shaped. An *Air Quality & Planning Technical Guide* has already been developed as part of the LES to be used to assess the air quality impact from new development and help quantify the level of mitigation required to make developments sustainable. We will use this Guide to help shape new developments, for example by creating electric charging point infrastructure, so that low emission choices are easy to make.
- 1.10. Low Emission Zones (LEZ) are one way in which local authorities can regulate emissions from vehicles in urban centres, by only allowing vehicles into zoned areas which emit a low level of exhaust emissions. Traffic management is not un-common in urban areas, for example bus-lanes and enforcement cameras are now an integral part of urban areas. However, very few traffic management areas are based on vehicle emissions and there are complexities around implementing such schemes. It would not be feasible at this stage to implement a LEZ in Northampton without either regional support or a national framework supported by the Government. Instead, we believe that we should achieve our aims through the delivery of this Strategy.
- 1.11. Changing behaviour is a key element of delivering a low emission future. The car has become an essential part of everyday life for most people, but increasingly people are interested in alternative travel options and travel planning, with active travel (walking and cycling) – the ultimate low emission vehicle – being increasingly important. The NLES can be used to compliment the travel planning and active travel strategies across Northamptonshire.
- 1.12. The Office for Low Emission Vehicles (OLEV) figures showed a four-fold increase in sales of ultra-low emission vehicles, such as plug-in electric cars, during the first months of 2015 compared to the same period in the previous year as people are seeing the benefits of lower running costs and environmental benefits. Pure battery electric vehicles (BEV) have zero exhaust emissions and represent a significant opportunity for improving air quality. However, ULEVs still represent a very small percentage of the cars on the roads in Northampton and more work needs to be done to promote ultra-low emission vehicles as a viable option for more people.

- 1.13. The NLES will also help raise awareness of the impact which emissions, particularly from vehicles, have on air quality on health. It can be a confusing picture, for many years diesel engines have been seen as better for the environment because of their lower CO₂ emissions compared to petrol, but we know that diesel engines emit higher levels of nitrogen dioxide than their petrol equivalents and so contribute more to air quality problems. This is not to say that petrol cars don't have issues, with new direct injection models reported to emit high numbers of particulates. The NLES will help to educate and inform so that everyone, from key decision makers to individuals considering their next vehicle purchase, will be better informed about the health and environmental consequences of the choice they make.
- 1.14. Finally, under Theme 2 – *Creating a Low Emission Future*, we will lead by example. Public sector organisations operate a large number of vehicles and employ many people across the region and therefore have the potential to influence the uptake of low emission vehicles, both as part of their business operations and in the wider population. We will carry out fleet reviews to see how low emission vehicles can be incorporated into the vehicle mix, and will promote the uptake of low emission vehicles for employees. Public authorities can influence others through the commissioning of services and the procurement of goods and services so consideration will be given to how this influence can be used to encourage providers to reduce their emissions.
- 1.15. Theme 3 – ***Reducing Transport Emissions***, considers each of the main vehicle sectors which contribute to local air pollution problems. The emphasis is on reducing overall emissions by moving to cleaner fuels and technologies, such as electric, hybrid-electric, natural gas & bio-methane, LPG and hydrogen, and also reducing emissions from conventional diesel and petrol driven vehicles. There are many factors to be taken into account when choosing a new vehicle, whether this be an individual, bus company, taxi driver or fleet manager. Decisions are heavily influenced by previous purchase choices and initial purchase price. Because alternative fuels and technologies are still emerging onto the market there is uncertainty about choosing something different. The NLES illustrates the potential for an increasing number of low and ultra low emission vehicle alternatives to save money. Further work is required to better understand the barriers to ULEV uptake and we will work with individuals and organisations to make low emission vehicles a viable and affordable alternative. The following vehicle sectors are considered in the NLES:
- **Private Cars** – Diesel car sales have risen three-fold in the last decade, and now exceed petrol car sales, with low emission alternatives continuing to represent less than 1% of privately owned vehicles on the roads of Northampton. As engine technology improves and new cars come onto the market, emissions will reduce, but this will take a long time and therefore the

LES will promote the accelerated uptake of ultra-low emission fuels and technologies.

- **Buses** – as a public transport option, buses are part of the solution, but, because they are mainly diesel powered, they also contribute to the air pollution problem; particularly in our urban centre and arterial routes where air quality is poorest. Bus companies typically operate buses for a long time and older buses produce higher emissions than modern equivalents. The LES will encourage and support bus operators to accelerate bus replacement programmes; operate newer, cleaner buses in urban areas; fit NOx and particulate abatement technology on buses; and consider low emission alternatives in order to reduce emissions from buses.
- **Commercial Vehicles and Freight** – Northampton has one of the busiest strategic motorway networks in the UK and is a hub for major logistics and distribution companies. Consequently the number of Heavy Goods Vehicles (HGVs) on the road network contributes significantly to overall air pollution. Recent years have also seen an increase in the number of light goods vehicles (LGVs), which may be attributed to an increase in internet sales, home deliveries and growth in the independent service sector and trades. The commercial sector can be difficult to influence, but they understand the need to reduce their carbon footprint and improve green credentials. The LES will aim to support the commercial sector to reduce emissions from fleet operations, for example by assisting companies to understand whole-life costs of vehicles and support alternative, low emission fuels such as electricity, natural and bio-methane gas, liquefied natural gas (LNG) and, potentially in the future, Hydrogen.
- **Taxis and Private Hire Vehicles** – 809 Hackney Carriage taxis and private hire vehicles operate in Northampton and most are diesel cars. The majority of journeys are short journeys in town and city centres and therefore contribute to overall air pollution. However, as well as being a contributor to the pollution problem, taxis and private hire can be part of the solution, by show-casing the potential for low-emission vehicles and “normalising” their use to the thousands of passengers they carry each year. The LES will encourage and support taxi and private hire operators to switch to low emission alternatives and consider what policy incentives will support taxi and private hire operators to make the change.
- **Public Sector Fleet** – public sector organisation operate many cars, vans and heavy goods vehicles, such as refuse disposal and highway maintenance vehicles. Public sector employees also use their own cars, the “grey fleet”, for business journeys. The LES will seek to increase the number of low emission vehicles in both the direct fleet and grey fleet in public sector organisations. A fleet procurement toolkit will be developed to assist with the

whole life costing of vehicles to balance potentially higher purchase costs, but lower running costs of low emission vehicles compared to traditional fuel types. Policy incentives, such as salary sacrifice schemes for low emission vehicles, will also be considered to incentivise uptake of privately owned low emission vehicles.

Additionally, we will investigate the production of renewable fuels, such as biomethane, to fuel our Council fleets, through the collection of organic waste for use in anaerobic digestion (AD) facilities. The potential for working in partnership with local businesses will be assessed.

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2. Low Emission Strategy Vision, Aims and Objectives 2016 – 2021

2.1 Vision & Aim

A vibrant Northampton where clean air creates a healthy environment for people to live, work and invest

A town where air quality meets the Limit Values as set out in EC Directive 2008/50EC by 2021

2.2 Objectives

The Borough and County Authorities will work together to achieve the above aims and will commit to the following strategic objectives:

Theme 1: Evidence for Change		By When	By Who
1A	We will review the Air Quality Management Areas (AQMA) across the Borough to ensure they provide an effective means of supporting decision-making and action planning.		
1B	We will monitor local air quality where necessary to do so		
1C	We will assess the potential impacts of accelerating the uptake of cleaner fuels and technologies, including impact that such measures will have on the health of residents		
1D	We will establish a clear performance monitoring framework in order to monitor progress towards achieving the aims of the NLES.		

Theme 2: Creating a Low Emission Future		By When	By Who
2A	We will work with our partners and stakeholders to ensure that regional and local strategies, policies and plans make provision, where appropriate, to support the Aims and Objectives of the NLES.		
2B	We will work in partnership to identify funding opportunities to deliver the aims and objectives of the NLES.		

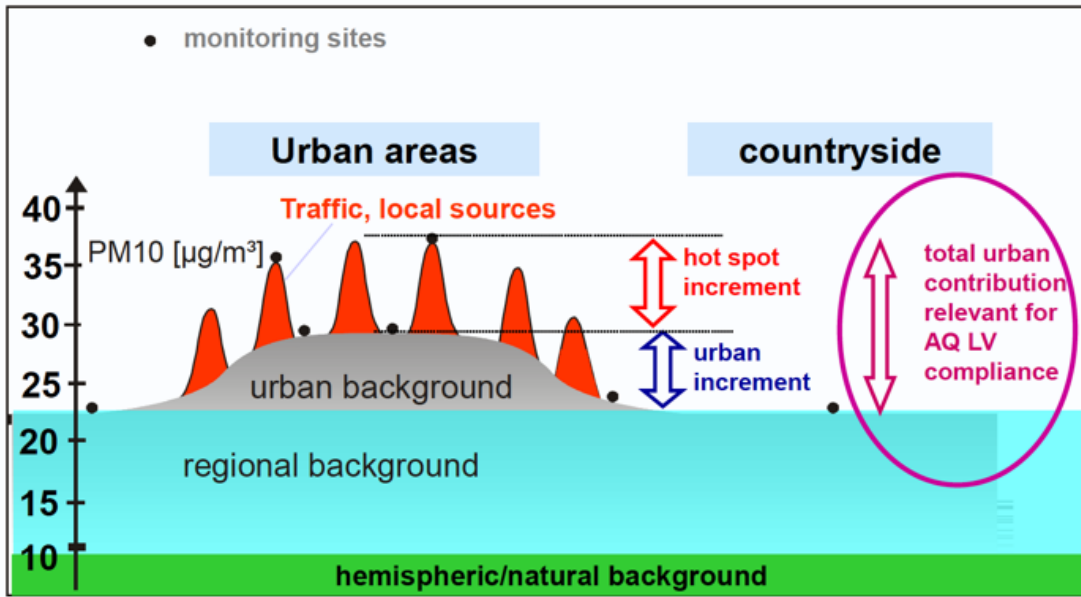
2C	We will continue to work with health professionals to raise awareness of air quality and the health impacts from emissions from transport to influence attitudes and encourage behaviour change to increase active and low emission travel.		
2D	We will use the Northampton Air Quality and Planning Technical Guide to help deliver sustainable developments in the Borough		
2E	We will promote the uptake of ultra-low emission vehicles with public sector employees, including the consideration of appropriate incentive packages.		
2F	We will use existing networks with key employers in the Borough to promote low emission vehicle alternatives in public and private fleet operations and vehicles used by employees.		
2G	We will, within the rules of procurement, use the commissioning and procurement process to integrate low emission criteria into contract awards.		
Theme 3: Reducing Transport Emissions		By When	By Who
3A	We will carry out research to better understand potential barriers to increasing the uptake of low emission vehicles by individuals and develop a package of measures that would overcome these.		
3B	We will work in partnership to implement the package of measures identified in objective T3A and seek funding opportunities and partnership arrangements to achieve this wherever possible.		
3C	We will engage with local bus operators to accelerate the investment in newer buses and/or emissions abatement technology to reduce bus emissions.		
3D	We will engage with the freight and logistics sector within the region to better understand how to support businesses to reduce emissions from their fleet operations and support fleet operators to switch to low emission alternatives, including developing the necessary refuelling infrastructure to support this.		

3E	We will engage with hackney carriage and private hire operators to determine how they may be supported to reduce emissions from taxi and private hire fleet, including demonstrating financial benefits; supporting funding bids and considering policy incentives to promote uptake of low emission taxis.		
3F	We will work with public sector partners to review our own fleets using the Northampton Fleet Procurement Guide to assess whole-life costs of vehicles to compare low emission alternatives to diesel, and switch to low emission vehicles where the business case supports this.		
3G	We will seek to identify options to develop AD to create our own bio-gas from food waste collection to create a cleaner fleet of vehicles.		

3. Introduction

- 3.1. Breathing clean air, which does not adversely affect health, should be a basic requirement of any modern society. Air quality has improved significantly over recent decades from the days when thick smogs and smoke which could be seen coming from chimneys in the region. However, we cannot yet say that the air which people breathe in some parts of Northampton does not have a negative impact on their health.
- 3.2. The “quality” of air describes its composition, and breathing clean air, without harmful pollutants, is something that we would all wish to achieve. Some pollutants occur naturally, while others are a result of human activities, which we have all become used to in today’s society, such as driving a car, heating our homes and businesses, generating electricity and power, industrial and manufacturing processes and transporting goods.
- 3.3. It is not possible to eliminate air pollution altogether, but steps can be taken to minimise the amount of pollution created and to control exposure to levels of pollution which negatively impact on people’s health. Figure 1 illustrates how air quality becomes a problem in urban areas, as local hot-spots of pollution from traffic or other localised emission sources adds to background pollution resulting in air pollution levels which start to have a negative impact on health.

Figure 1 - Illustration of how air pollution builds up in urban areas



Source: Lutz & Rauterberg-Wulff (2011)

- 3.4. In the busiest urban areas the overall urban background concentrations can exceed levels which impact on health and so all the population in that area can be exposed to high pollution levels. In other cases the background levels will be below threshold levels which impact on health and only the population near to busy roads or other localised hot-spot could be exposed to harmful levels of pollution.
- 3.5. We know that exhaust emissions from traffic, and particularly from diesel vehicles, contributes most to urban background and localised air pollution and, therefore, the focus for the Northampton Low Emission Strategy (NLES) is on reducing transport-related exhaust emissions over the next five years and beyond. The NLES will also look to shape regional and local policy to create a future where low emission technology becomes a normal part of everyday life for people and businesses in the region, and also considers other, non-transport emissions which may emerge as potential threats to air quality in the coming years.
- 3.6. Everyone in Northampton has a role to play in improving air quality, including individuals, businesses, public sector organisations and local and national Government. However, Northampton Borough Council (NBC), together with Northamptonshire County Council (NCC), recognise that together they play a key role in shaping how the region develops moving forward through the development of economic, social and environmental policy and the allocation of funding. The intention of the NLES is to provide the strategic commitment from NBC and NCC to implement a range of actions, both at a policy level and practical level, to improve air quality for the people of Northampton.

4. Theme 1 – Evidence for Change: *The Health Impact*

- 4.1. Poor outdoor air quality is a contributing factor to many health problems as well as damaging ecosystems, biodiversity and valued habitats. The adverse health effects from short and long-term exposure to air pollution range from premature deaths caused by heart and lung disease to worsening of respiratory symptoms (i.e. asthma, chronic obstructive pulmonary disease (COPD, commonly known as chronic bronchitis), which lead to a reduced quality of life and increased health care costs. There is also evidence linking air pollution with a range of cancers¹ (lung and bladder in particular), low birth weight babies² and subsequent neurodevelopment problems in children³. In 2013, the World Health Organisation (WHO) classified diesel exhaust emissions as carcinogenic to humans⁴.
- 4.2. The two main pollutants of concern in urban areas are nitrogen dioxide (NO₂) and particulate matter (PM_n). Studies have shown an association between nitrogen dioxide in outdoor air with adverse health effects, including reduced life expectancy, however, it has not been clear if these effects were caused by NO₂ itself or other pollutants (such as particulate matter) emitted from the same source: for example traffic will produce both NO₂ and PM_n emissions. The Government has recently stated⁵ that NO₂ increases mortality by an average of 4.3% across the UK.

There are 44,750 – 52,500 annual equivalent attributable deaths in the UK due to the impact of NO₂ and PM. This has an annual social cost of £25.3bn - £29.7bn⁵.

- 4.3. Particulate matter is categorised by the particle diameter and three main descriptors are used:

PM₁₀ – particles smaller than 10 microns (0.01mm)

PM_{2.5} – particles smaller than 2.5 microns (0.0025mm)

PM_{0.1} – particles smaller than 0.1 microns (0.0001mm)

Figure 2 below illustrates the size of this particulate matter relative to a human hair.

¹ http://www.iarc.fr/en/media-centre/iarcnews/pdf/pr221_E.pdf

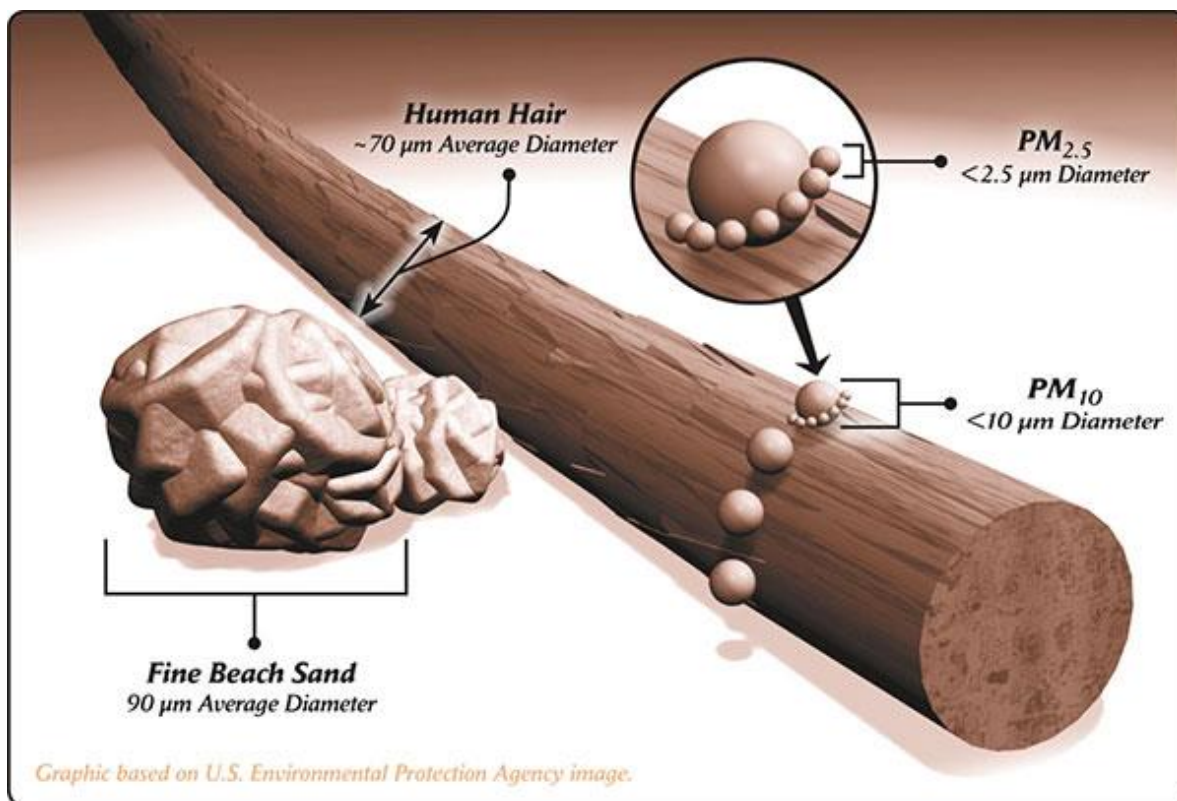
² [http://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(13\)70192-9/abstract](http://www.thelancet.com/journals/lanres/article/PIIS2213-2600(13)70192-9/abstract)

³ <http://www.ncbi.nlm.nih.gov/pubmed/25229653>

⁴ http://terrance.who.int/mediacentre/audio/press_briefings/

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/460401/air-quality-econanalysis-nitrogen-interim-guidance.pdf

Figure 2: Particle size relative to human hair.



4.4. The small particle size means that that these pollutants are inhaled deep into the lung tissue and the smallest particles can pass into the bloodstream and be circulated around the body. Although much remains to be understood about the toxicity of different particle sizes, chemical composition and particle structure, the Government Committee on the Medical Effects of Air Pollutants (COMEAP)⁶ has found a clear causal link between exposure to particulates and adverse impacts on health, with a clear recommendation that reducing the concentration of particulate matter in air will benefit public health.

4.5. Public Health England⁷ use PM_{2.5} as an indicator for mortality attributable to particulate air pollution. The Indicator suggests that in 2010, across Northampton, 6.1% of people aged over 25 will die prematurely each year because of particulate air pollution: equivalent to 102 deaths per year or 1168 associated life years lost. Table 1 shows the estimated fraction of mortality attributable to particulate air pollution for people aged over 25 years in Northamptonshire.

⁶ Statement on the Evidence for Differential Health Effects of particulate Matter According to Source or Components, COMEAP (March 2015)

⁷ Estimating Local Mortality Burdens Associated with Particulate Air Pollution, Public Health England, 2014

Table 1: Estimated fraction of mortality attributable to particulate air pollution in Northamptonshire for people aged over 25 years (2010)⁷.

	Percentage mortality attributable to PM _{2.5}	Attributable Deaths aged 25+	Associated Life-Years lost
England	5.6%	25,002	264,749
Northamptonshire	5.7%	323	3,513
Corby	5.6%	29	330
Daventry	5.5%	33	349
East Northamptonshire	5.5%	42	390
Kettering	5.8%	47	493
Northampton	6.1%	102	1168
South Northamptonshire	5.4%	34	384
Wellingborough	5.9%	36	400

4.6. Premature death is the ultimate health impact associated with air pollution, but poor air quality particularly affects people with pre-existing respiratory and cardiac problems. It can be seen from Table 2 and 3 that the number of people affected by asthma and COPD in Northampton is higher than for England as a whole. These figures give an indication of the levels of ill health and the size of the 'high risk' population that will benefit most from improvements in air quality in the Borough.

Table 2: Rates of Prevalence for Asthma 2012/13⁸

	% Population with Asthma	Number of People with Asthma
Northampton	6.12%	13,800
England	5.9%	3,127,590

⁸ Public Health Northampton

Table 3: Mortality rates for COPD Northampton, East Midlands and England 2010⁹

	All Cause Mortality (per 100,000)	COPD Mortality (per 100,000)
Northampton	589	29
East Midlands	545	24
England	538	25

4.7. In addition to the more predictable health impacts from exposure to air pollution such as those linked to respiratory and cardiac function, studies also suggest associations with other adverse health outcomes, including strokes¹⁰, which increase the risk of vascular dementia, low birth-weight babies¹¹ and cognitive development in schoolchildren¹².

4.9 The evidence suggests there is a close link between air pollution and areas of high deprivation. Individuals living in areas of high deprivation often live in accommodation close to roads that have high levels of emissions. The Environment Agency estimates that people living in the most deprived areas have over five times the exposure to air pollutants as individuals living in the least deprived areas (Environment Agency, 2003). Individuals in more deprived areas have poorer health in general, so they suffer more adverse health effects than people experiencing the same level of emissions exposure in less deprived areas (BMA, 2012).

The proportion of children living in high traffic density areas has been found to increase with decreasing median family income for all ethnicities except white (Gunter, 2003). Minority children are about three times more likely to live in high traffic areas compared to white children. Therefore minority children have a higher potential of exposure to vehicle emissions, and this is of particular concern considering the previously discussed vulnerability of children to air pollution and emissions. Figure 3 shows the spatial distribution of deprivation in Northampton.

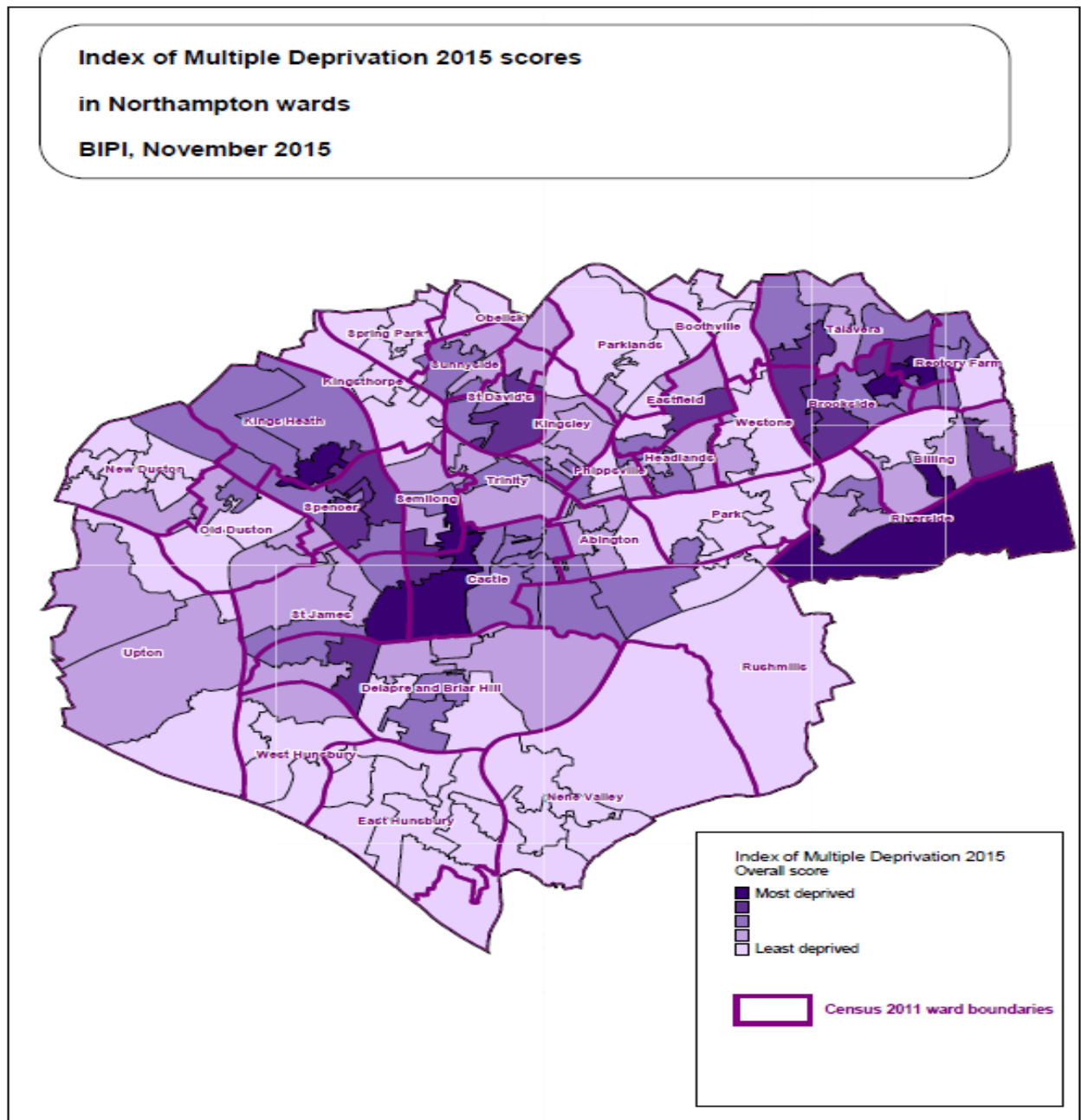
⁹ NHS Information Centre for Health and Social Care

¹⁰ Short term exposure to air pollution and stroke: systematic review and meta-analysis, *BMJ* March 2015; 350:h1295

¹¹ Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity, *Environmental Health Perspectives*, (March 2013)

¹² Association between Traffic-Related Air Pollution in Schools and Cognitive Development in Primary School Children: A Prospective Cohort Study, *PLOS Medicine* (March 2015)

Figure 3 – Spatial Distribution of Deprivation in Northampton



5. Theme 1 – Evidence for Change: *The Legal Requirements*

5.1. Although improving public health is the main driver for the NLES, there is also a legal requirement to improve and maintain air quality standards. Air Quality Directive 2008/50/EC¹³ sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and subordinate regulation^{14,15}.

5.2. The UK Government is responsible for assessing ambient air quality and for meeting the Limit Values and targets set out in the Air Quality Directive. In addition, NBC is required to carry out a Local Air Quality Management (LAQM) function to review and assess air quality within the Borough. The LAQM function requires us to determine whether national Air Quality Objectives (AQO) are being achieved; declare Air Quality Management Areas (AQMA) where AQOs are being exceeded, and to work towards achieving compliance with the AQOs by implementing an Air Quality Action Plan (AQAP). The Air Quality Objectives which we are required to work towards are very similar as the Limit Values which the UK Government is required to achieve. Table 4 summarises the Limit Values and Air Quality Objectives for the two most relevant pollutants: nitrogen dioxide and particulate matter.

Table 4: Summary of Air Quality Objectives, Limit Values and Targets

Pollutant	Air Quality Objectives	Date to be achieved / retained	EU Limit Value	Date to be achieved / retained
NO2 (annual mean)	40µgm ⁻³	31 st December 2005	40µgm ⁻³	1 st January 2010
PM₁₀ (annual mean)	40µgm ⁻³	31 st December 2004	40µgm ⁻³	1 st January 2005
PM_{2.5} (annual mean)	N/A	Stage 1:	25µgm ⁻³	1 st January 2015
		Stage 2:	20µgm ⁻³	1 st January 2020

5.3. The relevant targets for PM_{2.5} are more complex because it is recognised that there is no safe exposure level for these fine particulates. In addition to the limit values shown in Table 3, the Directive also requires Member States to achieve a reduction in PM_{2.5} exposure relevant to the 2010 baseline Average Exposure Indicator (AEI). In the case of the UK this is a 15% reduction from the 2010 AEI

¹³ DIRECTIVE 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe, 21 May 2008

¹⁴ Air Quality Standards Regulations 2010

¹⁵ Air Quality (England) Regulations 2000

calculated to be $13\mu\text{g}\text{m}^{-3}$, to be achieved by 2015, with a further reduction by 2020.

- 5.4. The European Commission has commenced infraction proceedings against the UK Government for failing to meet the Limit Value for nitrogen dioxide and has indicated that it would like [the UK Government] “*to achieve full compliance with existing air quality standards by 2020 at the latest*”. More recently, in a case brought by Client Earth¹⁶, the Supreme Court ruled that the UK Government should submit new Air Quality Plans to the European Commission by the 31st December 2015 on how it intends to achieve compliance with the limit value for nitrogen dioxide in the shortest possible time. The implication being that continued failure to meet the limit value beyond 2020, would result in further legal action and possible infraction fines against the UK Government.
- 5.5. Meeting air quality obligations is not the role for Government alone. As outlined above, we have a role in relation to local air quality management. We have designated 7 Air Quality Management Areas (AQMAs) in Northampton due to elevated levels of nitrogen dioxide with the most significant contributor in every case being emissions from road traffic. Achieving air quality improvements will require input from a range of stakeholders including: transport planning, land-use planning, economic development, public health as well engagement and support from private and other public sector organisations.
- 5.6. DEFRA recently wrote to all local authorities seeking their co-operation in achieving compliance with the air quality limit values, adding: “***we feel we ought to remind you of the discretionary powers in Part 2 of the Localism Act under which the Government could require responsible authorities to pay all or part of an infraction fine***”. There are no silver bullets when it comes to resolving the air quality issues facing the UK, but there is an urgent need to ensure that we are doing all that we can to achieve compliance with the limit value by 2020 as any further delay in achieving the air quality limits could lead to EU fines being passed to NBC and NCC, as the Transport Authority.
- 5.7. Any EU fine may be a lump sum amount and further on-going penalty for continued non-compliance. A complex methodology applies to determining the level of fine and is affected by the relevant Member States’ GDP, the seriousness of the breach and the length of time the breach has been ongoing. The UK Government has, to date, never been fined under infraction proceedings and so there is no UK precedent, although examples cited in guidance by the Government include the case of the French Government being fined €20m lump sum and a further €58m every six months until compliance was achieved in relation to a fishing case.
- 5.8 In September 2015, DEFRA launched consultation on draft plans to improve Air Quality. The draft plans set out the action planned, being implemented and

¹⁶ R (on the application of ClientEarth) (Appellant) v Secretary of State for the Environment, Food and Rural Affairs (Respondent) [2015] UKSC 28, 29 April 2015

already taken at local, regional and national level to meet the annual and hourly EU nitrogen dioxide (NO₂) limit values in the shortest possible time¹⁷. At the same time, DEFRA has published plans for each of the Zones where levels of NO₂ will continue to exceed the EU Limit Value beyond 2015¹⁸.

Northampton is part of the East Midlands Zone and the Northampton Low Emission Strategy is included within the Zone Plan for Northampton as a key measure to improve concentrations of NO₂.

We will continue to work in partnership with DEFRA to develop and implement appropriate measures to improve air quality.

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¹⁷ <https://consult.defra.gov.uk/airquality/draft-aq-plans>

¹⁸ <http://uk-air.defra.gov.uk/library/no2-consultation-documents-2015>

6. Theme 1 – Evidence for Change: *Where is Air Quality a Problem?*

6.1 Northampton Borough Council has designated 7 Air Quality Management Areas (AQMA) due to elevated concentrations of NO₂ – see Figure 5. The predominant cause of these elevated levels is road transport emissions. While NBC are reviewing the status of 2 AQMA designations, levels of NO₂ in the other AQMAs remain stubbornly elevated, with the possibility that further AQMA may be designated. The emissions of NO_x (the pre-cursor for NO₂) from different vehicle types have a varying significance, depending on location. For example, buses are a significant contributor in the inner urban area and on arterial routes, while heavy and light goods vehicles are a significant contributor on trunk roads. Passenger cars, particularly diesel, play a significant role in all areas.

Further information on air quality, including the Air Quality Further Assessment 2011 and monitoring data can be found on the NBC website¹⁹

Figure 4 – Northampton Air Quality Management Areas (AQMA)



¹⁹ <http://www.northampton.gov.uk/info/200075/pollution/1083/air-quality-review>

7. Theme 1 – Evidence for Change: *Vehicle Emission Assessments*

7.1 As part of the development of the NLES, the Borough has modelled predicted emissions and concentrations of NO_x, NO₂ and particulate matter (PM₁₀) in 2018 under the 'do nothing' scenario. Against this base case, selected low emission scenarios have been assessed for effectiveness if introduced in 2018. The scenarios modelled include

- * All vehicles are Euro 6/VI
- * All buses are Euro VI
- * All cars are Euro 6
- * All Heavy Goods Vehicles (HGV) are Euro VI
- * All Light Goods Vehicles (LGV) are Euro VI
- * All cars are petrol

For further information on low emission vehicles and the relative performance of European Emission Standards (Euro Standards) please see *Appendix 1 – What is a Low Emission Vehicle*.

It is acknowledged that modelling has its limitations as it assumes that certain road conditions are homogenous. Currently there are a limited emission factors for certain technologies e.g. natural gas. However the selected scenarios still provide a useful yardstick for playing out different scenarios, recognising that some technologies are likely to provide emission improvements beyond the Euro 6/VI Standard. Similarly, it is possible that real world vehicle emissions may under-perform the Euro 6/VI Standard

The scenario modelling data will continue to provide an evidence base to support the further development of specific vehicle type measures which are discussed in the NLES.

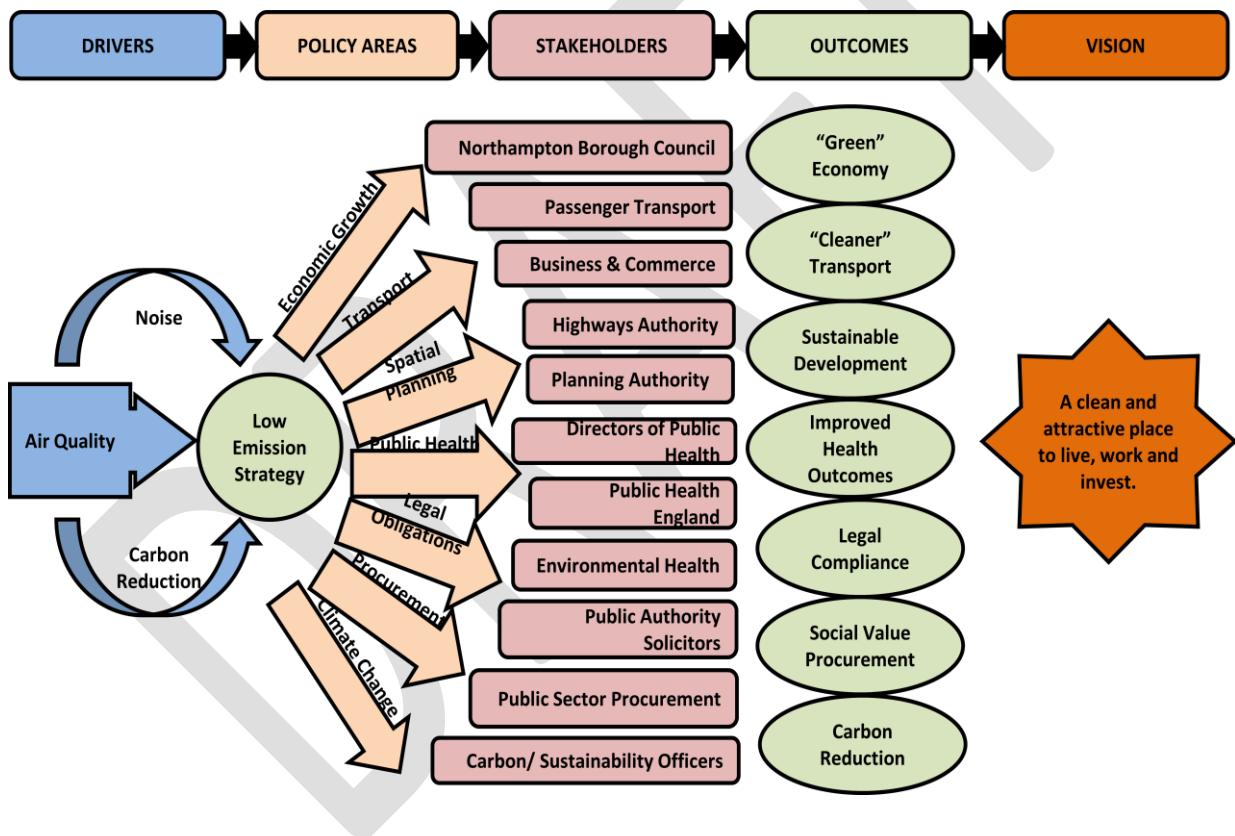
8. Theme 2 – Creating a Low Emission Future: *Influencing Policy, Strategies and Plans*

- 8.1. The NLES should be used to help inform and influence other relevant strategies and policies, both at a local and regional level. Figure 7 illustrates how the NLES cuts across and can be used to inform a range of strategies, policies and plans that different public bodies are engaged in delivering. Some of the key policy areas which the Strategy can inform and influence are discussed below, but these are by no means exhaustive.
- 8.2. Transport is fundamentally linked to economic growth through the movement of people and goods and the delivery of services. Economic growth and employment delivers significant benefits, not least the benefits to health, and the aim of the NLES is to support sustainable economic growth by providing the context for what is needed to improve air quality moving forward. Decision-makers at all levels should use the NLES to influence their own strategies, policies and plans, providing a real opportunity to translate the objectives of the NLES into positive action.
- 8.3. NBC is required to produce Local Plans and policies which determine where development, such as housing and employment, is required. The underlying theme of development is that it should be sustainable, having regard to the relevant economic, social and environmental factors. This Strategy will be used to inform the development of local plans and taking planning decisions: Theme 2 – Creating a Low Emission Future: *Place Shaping* discusses this in further detail.
- 8.4. The NLES focuses on air quality, with a primary focus on transport emissions, because this has the most direct and significant impact on health. The number of deaths attributable to poor air quality is one of a number of relevant public health indicators that Directors of Public Health and other health professionals are focussed on improving. The NLES should therefore be used to help inform health professionals working across the Borough in what they can do to contribute to the objectives contained within the Strategy and ultimately improve health outcomes.
- 8.5. The aims and objectives within this Strategy look to improve air quality, but emissions from transport also make a significant contribution to carbon dioxide emissions and climate change. Policy makers, businesses and individuals are aware of the need to reduce their carbon footprint and this strategy can be used to deliver co-benefits of improving air quality and helping to tackle climate change. Policy decisions should be taken which maximise these co-benefits,

but where there is a potential for policy conflict, the option which has the greatest benefit, or least impact, on public health should be chosen.

8.6 In the way that the LES can deliver improvements to the climate change agenda, the same can also be said of the potential co-benefits for reducing environmental noise, for which there is a growing evidence-base as having an adverse impact on health²⁰ Highways Authorities are required to take action in areas where people are exposed to high noise levels from road traffic and this Strategy can be used to help deliver co-benefits of improved air quality and reduced noise exposure.

Figure 5: Northampton Low Emission Strategy and links to other key Policy Areas



²⁰ Public Health Outcomes Framework – Indicator 1.14: Noise Complaints and Exposure to Noise, Public Health England

9. Theme 2 – Creating a Low Emission Future: *Place-Shaping*

Land-Use Planning

9.1 Sustainability is at the heart of national planning policy, whereby the environmental, social and economic impact of development must be taken into account when making Local Plans and when taking planning decisions. The National Planning Policy Framework (NPPF)²¹ recognises the importance of air quality and sustainable transport when deciding where new development is needed and when determining individual planning applications.

9.2 Paragraph 124 of the NPPF states that planning policies should:

“Sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

9.3 National Planning Practice Guidance (NPPG)²² provides further detailed guidance and states Local Plans should:

- Consider the potential cumulative impact on air quality from developments.
- Consider the impact of point-sources of air pollution, for example industrial emissions.
- Where air quality may be unacceptable, identifying measures for offsetting the impact including supporting measures in an air quality action plan or **low emissions strategy**.

9.4 As well as considering air quality impact when making Local Plans, it is also a material consideration when determining individual planning applications. The National Planning Guidance further states:

- If a proposed development will lead to an unacceptable risk of air pollution or prevent sustained compliance with EU Limit values or national objectives then Planning Authorities should consider refusing permission
- Authorities should consider how the development can be made acceptable (for example through mitigation) or whether permission should be refused.

²¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

²² <http://planningguidance.planningportal.gov.uk/>

9.5 Examples of mitigation are suggested in the Guidance, including:

- Infrastructure to promote modes of transport with low impact on air quality;
- Contributing funding to measures, including those identified in air quality action plans and **low emission strategies**, designed to offset the impact on air quality.

9.6 Given that Northampton is failing to meet the EU obligations on air quality it is clear that, as the planning authorities, the Borough Council has a significant role to play in ensuring future development will not make air quality worse and will also make a positive contribution to meeting the air quality objectives moving forward. The Planning system can also be used very effectively to implement a more joined up and holistic approach to air quality management and implementation of transport policy such as alternatives to the car with improved public transport, opportunities for walking and cycling and development of electrical vehicle recharging infrastructure which goes beyond just that of the development. Therefore this policy is intended to apply to any relevant development in Northampton regardless of whether it is located in an AQMA or not.

9.7 One key strand of the NLES has been the development of an Air Quality & Planning Technical Guide to assist developers, consultants, air quality officers and planning authorities to ensure that the principles of sustainable development, with particular reference to air quality, are satisfied when making planning decisions.

9.8 The Guide has the following key elements:

- It takes account of the cumulative impact from developments.
- It provides guidance on appropriate mitigation having regard to the scale and kind of development.
- For major developments it provides a systematic way of assessing the health damage costs arising from increased air pollution and uses this to determine the level of mitigation required to make the development sustainable in air quality terms.
- It focuses effort on practical measures to protect and improve air quality

9.9 The approach taken provides clarity and certainty to developers and planners so that it is easy to understand how air quality will be considered during the planning application process. The Guide also encourages developers to consider appropriate mitigation at the design stage so that mitigation becomes an integral part of the development and not an after-thought.

9.10 Making appropriate land-use decisions includes:

- Separating sources of air pollution away from those who could be affected by air pollution.
- Making active travel choices the easiest option wherever possible.
- Connecting the places where people live, work, shop and relax by sustainable transport modes.
- Building the necessary infrastructure to enable ultra-low emission vehicles to become a normal part of everyday life.

9.11 The Technical Guide uses evidence from HM Treasury to quantify the damage cost attributable to air quality impact from increases in air pollution (NO₂ and PM_{2.5}) and provides a notional cost to this impact in monetary terms. This figure is then used to determine the scale and kind of mitigation that would be required to mitigate or off-set the increase in air pollution.

9.12 Using the Guide, only developments categorised as “large” or where air quality is already known to be poor would strongly encouraged to produce a full air quality impact assessment. Smaller developments, which may introduce only moderate increases in traffic would not require a full assessment, but, in recognition of the cumulative air quality impact from such development, standard mitigation would be required including features such as EV Charge Points, Cycling provision and Travel Planning schemes. The type of mitigation required will vary from development to development in discussion with the Local Planning Authority, Environmental Health, Highways Authority and Transport Authority. Two mitigation requirements will usually be required are: the provision of electric vehicle (EV) charging points (See Table 5 below) and the control of particulate (dust) emissions during demolition and construction.

Table 5 – EV Charge Point Provision for New Developments

Development Type	EV Charge Points required
Residential	1EV charge point per unit (dwelling with dedicated parking) or 1 EV charge point per 10 spaces (unallocated parking)
Commercial / Retail	EV charging for 10% of car parking spaces. Initial provision may be less than 10% with cabling and triggers for increased provision in the future

9.13 The Council will use the Air Quality & Planning Technical Guide to mitigate against adverse impacts on air quality from new developments in order to ensure sustainable development across the region. The Air Quality & Planning Technical Guide is supporting document to the NLES.

10. Theme 2 – Creating a Low Emission Future: *Changing Travel Behaviour*

Travel Choice and Promoting Active Travel

10.1. Active travel is an approach to travel and transport that focuses on physical activity (walking and cycling) as opposed to motorised and carbon-dependent means. Active travel is cheap, inclusive and accessible, but is also the ultimate “low emission vehicle”. Choosing to walk or cycle over motorised transport will not only reduce air pollutants, congestion and climate change impacts (20% of car-related CO₂ emissions are from journeys <5km), it will also:

- Improve health and well-being for the individual - Inactivity has a health effect comparable in scale to that of air quality. Eliminating inactivity in the UK would cut mortality rates by 7.5%²³.
- Promote a vibrant local economy
- Benefit community cohesion

10.2. Figure 6 below shows the economic benefits each year of getting just one child to walk or cycle to school²⁴.

Figure 6 – Illustration of the health benefits from walking and cycling



²³ http://www.panorama.am/en/current_topics/2015/01/15/inactivity-deaths/

²⁴ Kings Fund infographic 2014

- 10.3. Active travel offers excellent opportunities for health improvement for the individual and will go some way to reduce the number of vehicles on the road and therefore emissions. It is also relevant that individuals undertaking active travel can reduce their own exposure to pollutants (exposure is around 5 times higher in a vehicle than on the pavement). This Strategy recognises the importance of active travel, but acknowledges that it is unlikely that enough people will switch from using motorised transport to walking and cycling to make the difference to air quality that is required to protect health and achieve air quality targets. The NLES is supportive of any action which promotes active travel, but, in order to achieve the scale of change necessary to improve air quality, the NLES focus will be on reducing vehicle emissions.

Travel Planning

- 10.4. A Travel Plan is a long-term management strategy for integrating proposals to promote and encourage sustainable travel. Travel Plans are a tool particularly aimed at reducing the need to travel, gaining economic efficiencies, reducing the impact of car travel and encouraging greater use of public transport, cycling and walking.
- 10.5. In addition to general travel planning guidance produced by NCC in partnership with NBC, specific Area Travel Planning (ATP) Strategies have been produced for Brackmills and Telford Way Industrial Estates. The measures included are outlined below:

Brackmills Area Travel Plan Strategy

Car Travel

- Develop, implement and promote car share scheme.
- Provide guidance and advice to employers on introducing car sharing and dedicated car share spaces.

Cycling

- Prepare a case for the improvement and maintenance of off-road cycle ways around the Estate.
- Update the existing cycle map.

Pedestrians

- Prepare a case for the improvement of off-road walk ways around the Estate.
- Provide 'Healthy Walking' maps.

Public Transport

- Collate evidence for improved bus services, upgrade bus stops and real-time information displays.
- Discuss findings with council and bus operators.

Freight

- Ensure that details of official lorry parks are made available to drivers.
- Design a freight preferred route map and promote to logistics companies.

Marketing and Promotion

- Design, organise and implement an ATP launch event incorporating a car share scheme launch event.
- Provide a leaflet on travel directions to the Estate.
- Produce and distribute promotional material on, car sharing, walking, cycling and public transport.

Telford Way Area Travel Plan Strategy

Public Transport

- Collate evidence for improved bus services to / from Telford Way Estate and discuss with operators.
- Collate evidence to upgrade bus stop flag poles to shelters and provide real-time information.

Walking

- Prepare a case for the maintenance and improvement of footpaths and the installation of CCTV.
- Collate evidence for the installation of pedestrian crossings and sign-posting within / around the Estate.

Cycling

- Develop a case for the improvement of the safety and accessibility of cycle routes to Telford Way.
- Update the existing cycle map and distribute electronic copies.
- Collate evidence for the installation of cycle route sign-posting within the Estate.

Motorcycling

- Promote motorcycle parking provision and the installation of lockers and drying facilities to employers.

- Engage employers with the national 'Bike Safe' initiative.

Car Travel

- Develop, implement and promote a car share scheme.
- Support the implementation of double yellow lines to address parking issues across Telford Way Estate.

Marketing and Promotion

- Design, organise and implement an ATP launch event, including a car share launch event.
 - Produce dedicated travel pages for the Telford Way Industrial Estate website.
 - Produce and distribute promotional material on car sharing, walking, cycling and public transport.
- 10.6. Employers are also encouraged to employ smart working practices to reduce the need for journeys altogether, for example: flexible working, home working and using remote tele/video conferencing facilities.
- 10.7. The current travel-planning model focuses on reducing journeys by car, however, the approach can also be used to encourage emission reductions. The NLES will use the existing Travel Planning Networks to engage with key employers, providing access to thousands of employees in the Borough to promote the uptake low emission vehicles when developing travel plans.
- 10.8. Travel planning is also important when new housing and business developments are taking place because people are considering new ways of travel and are more likely to consider alternative travel options. Travel Planning is already a key feature of the development management process and developers are often required to produce travel plans for new developments. The Air Quality and Planning Technical Guide will add further weight to travel planning as a tool to offset and mitigate against the impact of air quality from new developments.

11. Theme 2 - Creating a Low Emission Future – *Leading by Example*

11.1. In order to create change it is important that key organisations, including the Borough and County and other public sectors organisations who promote health and environmental improvements, lead by example. Public sector organisations operate fleets of vehicles and are significant employers in the area, generating thousands of business miles each year, and are responsible for spending public money when procuring goods and services. These represent significant opportunities for influencing change, both within the public sector, but also beyond, including employees and the many private and voluntary sector organisations who engage with the public sector on a daily basis.

Local Authority Fleet

11.2. Although many factors need to be taken into account when deciding what type of vehicle is most suitable for a particular job, it is also a legal requirement²⁵ that public bodies must consider the energy and environmental impact that a vehicle will have during the length of its operational life, which include taking into account emissions which impact on air quality. Initial purchase costs for low emission vehicles and associated infrastructure can be expensive relative to conventional vehicles and fuels, however over the life of a vehicle, because running costs are typically much lower for low emission vehicles than conventional equivalents, the whole-life costs can be lower and therefore represent good value to the taxpayer. The Department for Transport has produced guidance²⁶ on what authorities need to do in order to comply with the Regulations and, as part the NLES, this Guidance has been used to develop a Northampton Fleet Procurement Guide to assist fleet managers to purchase or lease vehicles having regard to the environmental impacts for the whole life of the vehicle. This Guidance is available as a supporting document to the NLES.

11.3. The NBC Fleet is managed under contract hire through Specialist Fleet Services (SFS) and comprises refuse collection vehicles and around 85 car derived vans. The vans are a minimum Euro 5 Standard. Fleet operation contracts are reviewed regularly and provide an opportunity to specify vehicle emission standards and also assess the potential for introducing ultra low emission vehicles. Public sector fleet procurement is discussed in more detail under Theme 2: *Reducing Vehicle Emissions*.

Local Authority Employees

11.4. The public sector is a major employer in the region and most of those employees will drive vehicles of their own, in their personal life, but also on business carried out on behalf of their public sector employers – the so-called grey fleet. The role

²⁵ The Cleaner Road Transport Vehicles Regulations 2011

²⁶ <https://www.gov.uk/government/publications/guidelines-for-the-directive-on-the-promotion-of-clean-and-energy-efficient-road-transport-vehicles-2009-33-ec>

of NLES will seek to make recommendations that encourage the Council to implement policies which will incentivise employees to consider low emission and ultra-low emission vehicles in the future. Opportunities to support and incentivise the uptake of low emission vehicles could include:

- Salary Sacrifice and Car Lease schemes for LEVs and ULEVs.
- Providing ULEV pool cars so that employees become familiar with “new” technology.
- Providing electric vehicle charge-points in workplaces.

Figure 7 – Northampton EV Recharging



Local Authority Spending

11.5. The purchasing power of the public sector is significant across Northampton and the County, which is an opportunity to influence the providers of goods and services to ensure the vehicles used by the providers emit the lowest possible emissions

11.6. Public Sector organisations must follow strict procurement rules, but included within those rules is a duty²⁷ to consider “social value” as part of the procurement process. This means that when procuring goods and services authorities must

²⁷ The Public Services (Social Value) Act 2012

take into account social and environmental considerations and can set criteria when awarding contracts and procuring service how these may be improved. For example this could include incorporating minimum vehicle emission standards when awarding contracts.

11.7. It is recommended that the following standards are integrated into tendering and contract award evaluation:

- All contracting of goods and services where vehicles will be required to access urban areas should include provision for meeting the current and previous European Emission Standard.
- Additional weight should be given in award criteria to tenders that can demonstrate best practice in minimising vehicle emissions and the use of low and ultra-low emission vehicles. See table 6 below:

Table 6 – Emission Reduction Criteria for Tender Evaluation

SCORE	SCORE STANDARDS	
5	Excellent answer	Can evidence vehicle emission reduction activity, considering NOx, NO2, PM & CO2, and, using reasonable endeavours, will use vehicles (including NRMM) that comply with the latest European Emission Standard (Euro Standard) and include some vehicles that are classified as low or ultra low emission vehicles to deliver the contract
4	Good answer	Can evidence vehicle emission reduction activity, considering NOx, NO2, PM & CO2, and, using reasonable endeavours, will use vehicles (including NRMM) that comply with the latest Euro Standard to deliver the contract
3	Acceptable answer	Can evidence vehicle emission reduction activity, considering NOx, NO2, PM & CO2, and, using reasonable endeavours, will use a mix of vehicles (including NRMM), some that comply with the latest Euro Standard with the remainder complying with the previous Euro Standard, to deliver the contract
2	Poor answer	Can provide a commitment to vehicle emission standards for NOx, NO2, PM & CO2 (including NRMM) but may fall below the current or previous Euro Standard to deliver the contract
1	Very poor answer	Information may be provided but cannot commit to a reasonable vehicle emission standard to deliver the contract
0	No answer given	No information provided

Local Sourcing

11.8. Local sourcing is practised widely by local authorities, whereby local suppliers are encouraged to bid for Council contracts. Such initiatives have the potential to support the local economy while helping reduce overall mileage. Local sourcing offers the potential for lighter goods vehicles to be used in delivery. Helping local

suppliers develop emission strategies can provide competitive advantage in procurement decisions.

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12. Theme 3 – Reducing Vehicle Emissions: *Private Cars*

What are the issues?

12.1 Car ownership for many is a necessity for everyday life, however, the number of cars on our streets continues to increase and their impact on pollution levels is significant. Our modelling shows that cars contribute significant NO_x emissions at key locations within the AQMA and it also demonstrates the impact that the increasing take up of diesel cars is having on air quality levels

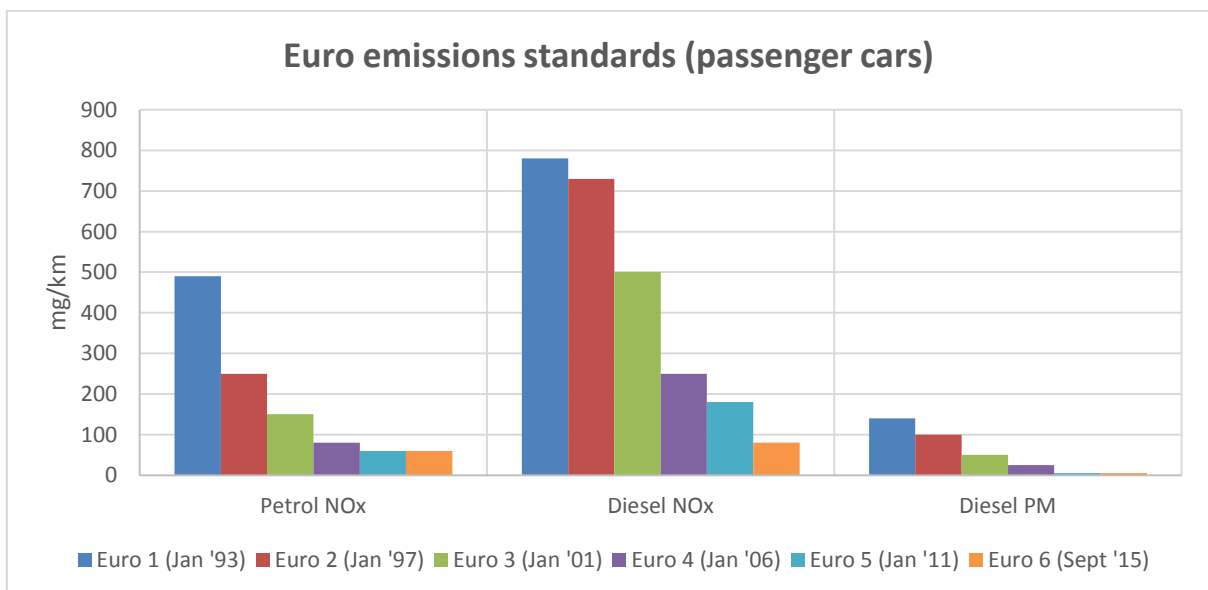
A key issue is the significant increase in diesel cars, rising from under 20% of the car fleet in 2000 to over 50% in 2014. Europe has the highest proportion in the world of diesel cars in the fleet mix (ICCT 2014³).

Many people have bought diesel cars assuming that they are environmentally friendly and the Government provides a reduced Vehicle Excise Duty (VED) to support take up. While diesel cars may be generally more fuel efficient than petrol cars, which is beneficial on long journeys, we must question the suitability of diesel cars for use in the urban areas. Studies by Which²⁸ show that unless diesel car owners are travelling more than 12,000 miles a year then they are unlikely to recover the increased cost of purchasing and maintaining a diesel vehicle over a petrol car

12.2 European Emission Standards (Euro Standards)

In order for manufactures to sell vehicles within EU Member States they must limit exhaust emissions to a level dictated by the latest Euro Standard, assessed during a standardised test cycle – see Figure 7.

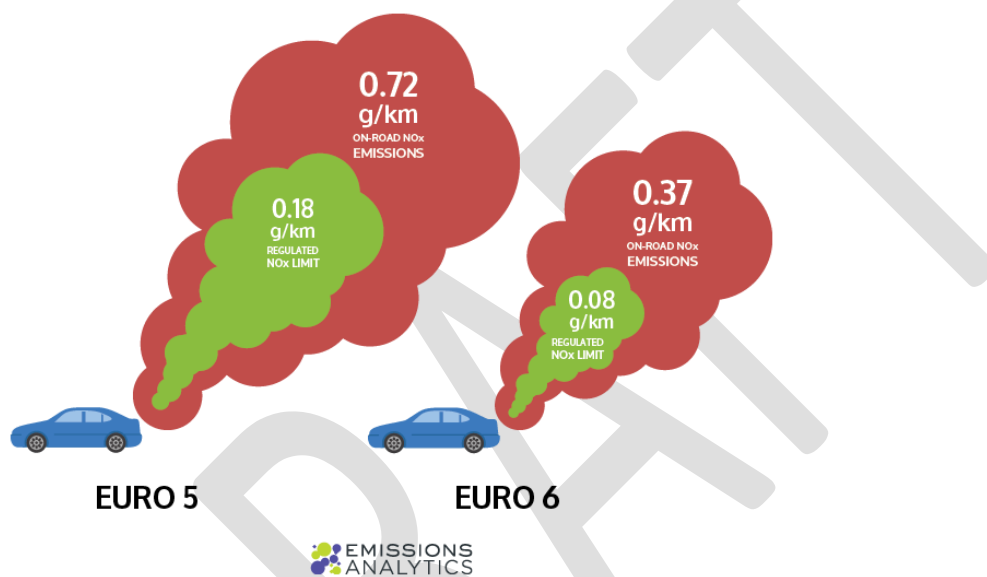
Figure 8 – European Emission Standards for Diesel and Petrol Cars



²⁸ <http://www.which.co.uk/cars/driving/driver-tools/petrol-vs-diesel/choosing-between-petrol-and-diesel/>

The mandatory standardised test to assess a vehicle compliance is often criticised for not being representative of real world emissions. Emissions projections assume the Standards will not be met, there is currently a push to amend the Euro 6 regulations to use real world testing in the vehicle approval process with the introduction of Euro 6c in 2017 (ICCT 2014²⁹). Euro 6 and 5 diesel cars have had compliance issues especially with the NO_x requirements. Figure 8 illustrates the difference between the test cycle emissions of Euro 5 and 6 diesel cars and their respective real world emissions.

Figure 9 – Real World NO_x Emissions from Diesel Cars compared with Regulated Limits



Even if Euro 6 diesel cars were to achieve their regulated emission limits in real world driving, the business as usual projections in Northampton indicate that additional measures are likely to be required to improve air quality including the promotion and take-up of low and ultra low emission vehicles.

What can be done?

12.3 It is apparent that many car owners are unaware of the impact their vehicle has on urban air quality and there has been mixed messages from Government. The NLES includes information to raise awareness of passenger vehicle emissions and their impact on health. Additionally, information is provided on the Total Cost of Ownership (TCO) of cars, including emissions, to help the public make informed purchasing decisions. Figure 9 shows the TCO of a selection of cars after 3 years of ownership.

²⁹ <http://www.theicct.org/real-world-exhaust-emissions-modern-diesel-cars>

Figure 10 – Total Cost of Ownership (TCO) of selected diesel, petrol, hybrid and electric cars

Vehicle	Leaf (hatchback)	Octavia (hatchback)	Octavia (hatchback)	Prius (hatchback)
Manufacturer	Nissan	Skoda	Skoda	Toyota
Model details	80kw Visia 5dr	1.4TSI 140 SE 5dr	1.6TDI 105 S 5dr	1.8 VVT-I T3 5dr
Fuel type	Electric	Petrol injection	Diesel turbo	Petrol hybrid
Power (kw)	80	102.12	76.96	99.16
0-60mph (sec)	11.5	8.4	10.8	10.4
Euro std	NA	6	6	6
Price	£ 21,490	£ 18,860	£ 18,360	£ 21,995
3yr RV	£ 7,820	£ 7,075	£ 8,185	£ 12,665
New/used	New	New	New	New
Miles pa	25,000	25,000	25,000	25,000
mpg	NA	35	47	52.2
litres/km (kwh/km)	0.173	0.081	0.060	0.054
Tax band	A	D	A	A
Depreciation 3yrs	£ 13,670	£ 11,785	£ 10,175	£ 9,330
Tax £pa	£ -	£ 110	£ -	£ -
Fuel £pa	£ 519.00	£ 3,959	£ 3,054	£ 2,654
Servicing £pa	£ 0	£ 185	£ 179	£ 202
Nox damage £/yr	£ 0	£ 11.06	£ 80.93	£ 7.41
PM damage £/yr	£ 0	£ 17.54	£ 17.54	£ 17.54
CO2 damage £/yr	£ 144.94	£ 308.95	£ 268.16	£ 207.15
TCO for 1 yr (no depr)	£ 664	£ 4,591	£ 3,599	£ 3,089
TCO for 3 yrs inc depr	£ 15,661.82	£ 25,558.99	£ 20,973.21	£ 18,596.38

It can be seen that although the electric and hybrid models incur a higher purchase cost, their TCO over 3 years is considerably less than the diesel and petrol models.

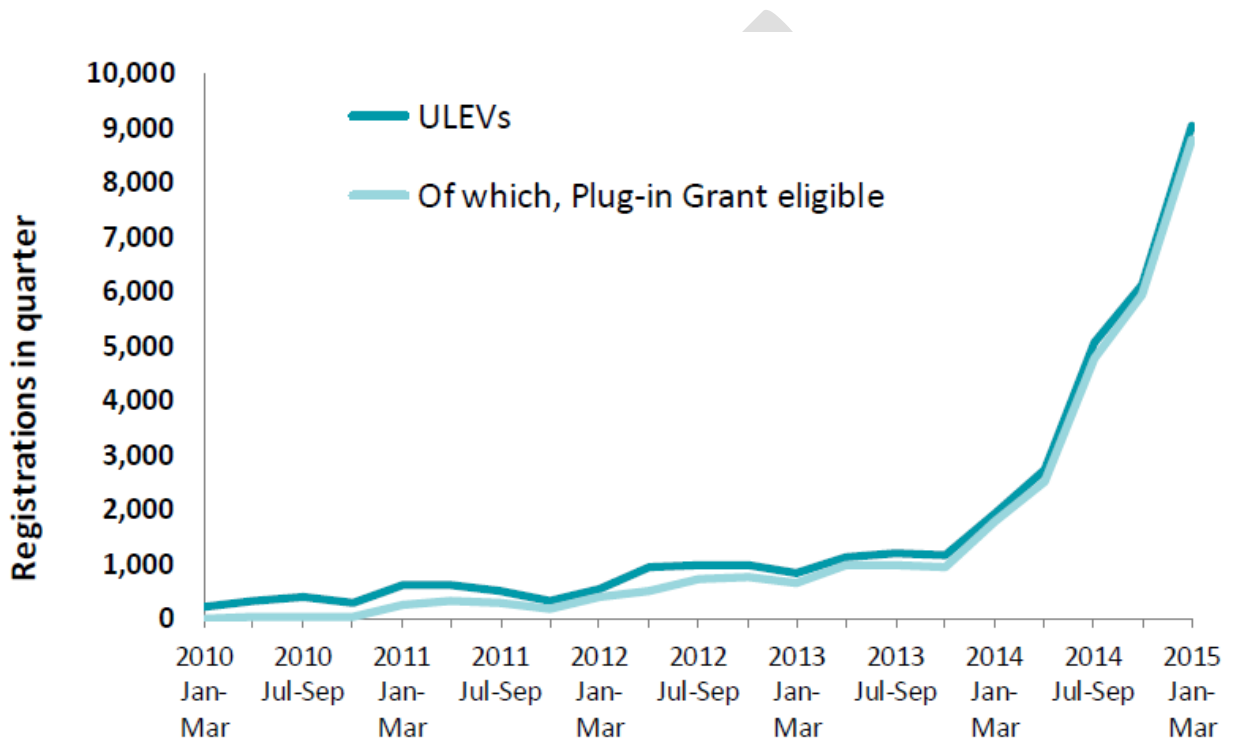
The NLES will also seek to encourage the take-up of low and ultra low emission vehicles through the provision of information and incentives. While still at a relatively low base, there has been an observed increase in the numbers of hybrid cars in Northampton and, although we are yet to see the 5% ownership levels of plug-in cars seen in Norway and the Netherlands, there has been a significant increase in sales of plug-in electric vehicles across Northamptonshire over the last 2 years. Figure 10 shows the registrations of new ultra low emission vehicles in the UK over the last 5 years.

12.4 If Northampton and the region is to play a part in meeting EU obligations in relation to air quality and carbon reduction commitments then steps must be taken to reduce emissions from car exhausts. The Government's strategy: *Driving the Future Today*, has set a target that by 2050 nearly all cars and vans in the UK will be an ultra-low emission vehicles. This will mean a shift-change in the traditional internal combustion engine (ICE) as the predominant power source for vehicles, and although the ICE is likely to remain a feature of the vehicle market for many years to come, other alternative powered vehicles, such as Battery Electric Vehicles (BEV), Fuel Cell

Electric Vehicles (FCEV) and Plug-in Hybrid Electric Vehicles (PHEV), are likely to play a much more significant role if the ULEV target is to be achieved.

12.5 Considerable effort will be required to change the way people think when choosing a car, how cars fit into overall journey-planning, and developing the necessary infrastructure to re-charge / refuel with alternative powers sources, such as electricity or hydrogen fuel cell technology.

Figure 11 – New Ultra Low Emission & Electric Vehicles: UK 2010 – Q1 2015³⁰



12.6 The Government has announced £500m funding between 2015 and 2020 to support a range of initiatives to further stimulate the ULEV market. This is an opportunity to increase the number of ultra-low emission cars on the roads of Northamptonshire and we will work together to promote the uptake of ULEV in the region and access Government funding to support initiatives to achieve this, including:

- Developing the necessary re-charging / refuelling infrastructure to support ULEVs.
- Raising awareness of the environmental, health and financial benefits from driving a ULEV.

³⁰ Vehicle Licensing Statistics: Quarter 1 (Jan – Mar) 2015, DfT (June 2015)

- Policy initiatives, such as preferential parking, to promote uptake of ULEVs.
- Support employers to promote ULEV uptake, for example through car leasing, salary sacrifice and access to pool cars.

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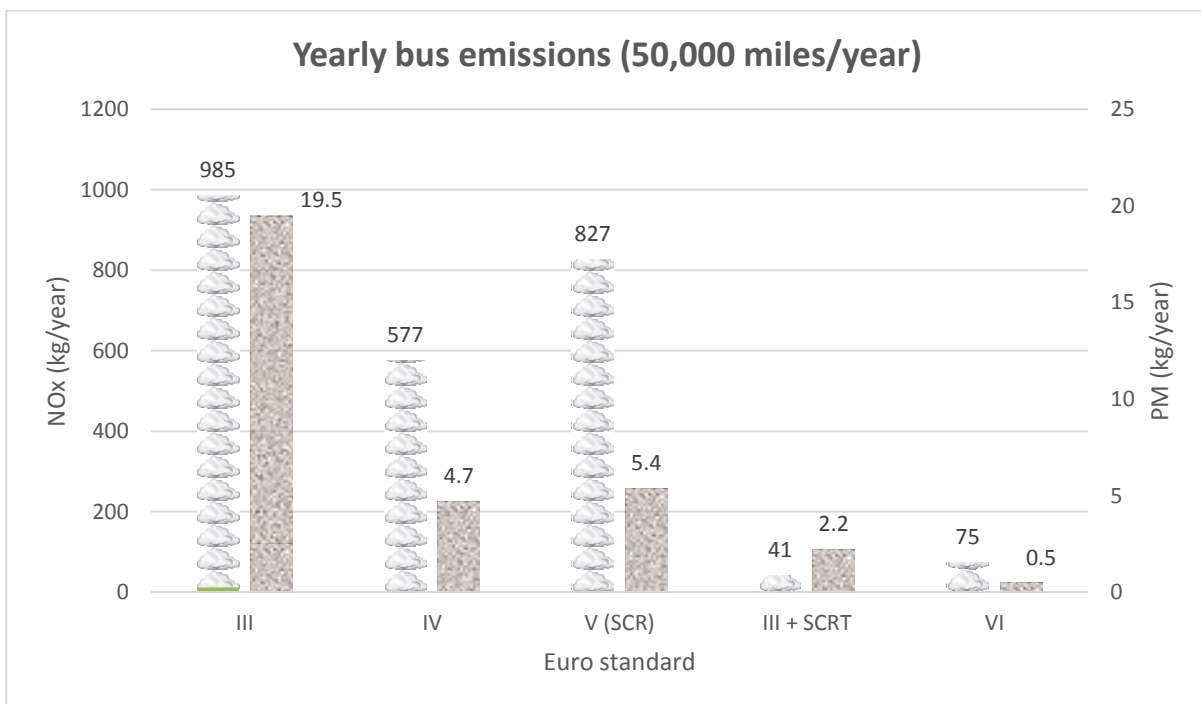
13. Theme 3 – Reducing Vehicle Emissions: *Buses*

13.1 Good provision of public transport is critical to improving air quality by providing a viable alternative to car use, reducing the number of individual car journeys. However, to achieve the greatest benefits overall, the public transport fleet should contribute to improving air quality in line with the objectives of the strategy.

Buses - What are the issues?

13.2 Monitoring and modelling show that diesel buses are a significant contributor of NO_x and airborne particulates in the town centre and along certain arterial roads.

Figure 12 – Relative Emissions of Selected European Emission Standards for Buses



13.3 European Emission Standards for buses are designed to progressively reduce emissions of NO_x and PM with the introduction of each new Standard. Unfortunately, some Standards have not resulted in emission improvements when buses operate under real-world driving conditions. Figure 11 shows the relative mass emissions for buses of differing Euro Standards based on Government approved emission factors³¹ at typical urban speeds³². The data shows that the emissions performance of Euro V buses (with SCR) do not appear to be performing well in the real world. However, Euro VI buses appear to be providing significant emissions improvements over previous Euro Standard.

³¹ Copert 4.10

³² Euro III + SCRT taken from Millbrook testing undertaken by Eminox

While it may not be feasible to replace all buses with Euro VI or Low Emission³³ (see Appendix 1 – What is a Low Emission Vehicle) buses, operators can retrofit older Euro III/IV buses with selective catalytic reduction (SCR) technology at a cost of around £13,000 per bus. Thermal Management Units can be fitted to Euro V buses to improve their emissions performance at a cost of around £8,000 - £11,000 per bus.

Setting a Bus Emissions Standard

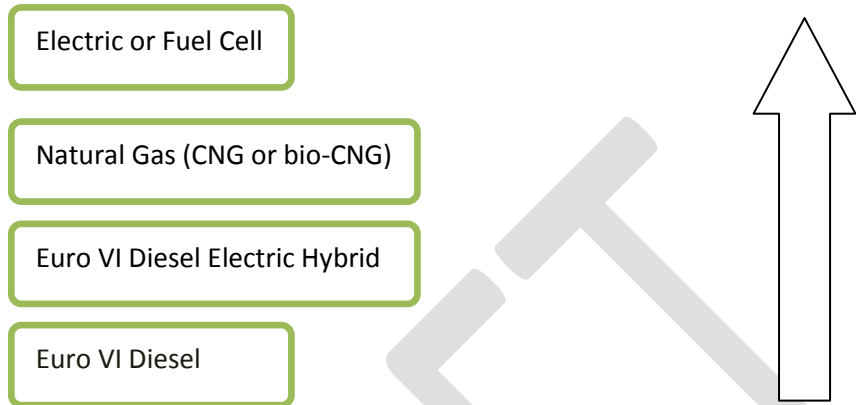
- 13.4 Under the business as usual scenario it is assumed that bus operators will replace 6.7% of their fleet every year (normal investment practice in the bus industry) and when doing so will replace the oldest, poorest emissions buses within their fleet.
- 13.5 While the Borough reserves the right to implement a Low Emission Zone (LEZ) to regulate the emissions of buses accessing the town centre, it is believed that bus emissions can be improved through a partnership agreement with bus operators. Figure 12 outlines a proposed standard that could be implemented by 2018.
- 13.6 The Government has announced £30m of funding for Low Emission Buses³³. The Fund is most applicable where air quality is an issue. Technologies such as electric, natural gas and hybrid are included. Through Partnership Agreements the Borough will actively encourage and support bus operators in Northampton to make applications to this and other funding opportunities to improve air quality.
- 13.7 The Government has announced £5m of funding under the Clean Bus Technology Fund (CBTF, DfT)³⁴ to retrofit Euro III, IV & V buses with technology to improve emissions

³³ <https://www.gov.uk/government/publications/low-emission-bus-scheme>

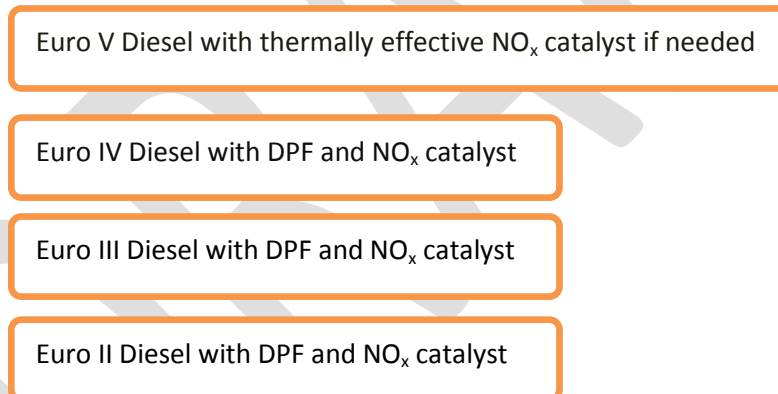
³⁴ <https://www.gov.uk/government/news/5-million-greener-bus-fund-announced-to-tackle-air-pollution>

Figure 13 – Suggested Bus Emission Standard for Northampton

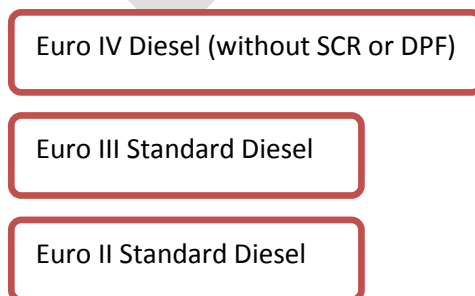
Buses to be replaced by technologies outlined in green (in increasing order of preference)



Existing buses to be retrofitted as outlined in orange



Bus technologies not considered suitable for use in the AQMAs



14. Theme 3 – Reducing Vehicle Emissions: *Commercial Vehicles & Freight*

What are the issues?

14.1. Northamptonshire is a prime location for the distribution of goods - many distribution centres and logistics operators are located within the region, with the freight & logistics sector being a major contributor to the region's economy. Road freight is the most used mode for freight movements in Northampton.

Heavy and light goods vehicles are a significant contributor to elevated pollution concentrations in the urban centre and along arterial routes.

What can be done?

14.2. Freight and commercial activity is potentially one of the most difficult for the Borough to directly influence, given that decisions in relation to the procurement of fleet vehicles is entirely a commercial decision. However, commercial organisations are required to report on CO₂ emissions and are encouraged to reduce their emissions, and from this we will seek to support from commercial operators to reduce transport emissions.

14.3. Examples of what can be done include:

- Seeking opportunities to increase the take-up of alternative fuels and technologies by HGV and LGV operators, for example natural and bio gas refuelling stations could be supported at key locations near to the strategic road network (possibly in conjunction with bus operators).
- Working with commercial fleet operators to use whole-life costing during vehicle procurement to promote the economic as well as environmental and health benefits from low emission HGVs and LGVs.
- Using the Northampton Air Quality & Planning Technical Guide (see Theme 2 – Creating a Low Emission Future) to ensure that new commercial developments incorporate facilities for low emissions vehicles, such as electric charging points and minimum Euro emission standards for fleet vehicles.
- Encourage more freight to be transported by rail for long-haul journeys.
- Using sustainable procurement criteria to reward those businesses which have a lesser impact on the environment.
- Minimising emissions in urban areas from HGVs and LGVs – the so-called “last mile” of deliveries – for example through the use of freight consolidation centres and consideration of Low Emission Service Delivery Plans.

15. Theme 3 – Reducing Vehicle Emissions: *Taxis and Private Hire Vehicles*

What are the Issues?

- 15.1. There are 809 taxis (hackney carriages and private hire vehicles) currently operating in Northampton, with the majority being diesel cars. Most taxi journeys take place within the urban centre with some high-use taxis covering in excess of 30,000 miles each year. Although they make up only a small proportion of the overall vehicle numbers in the region, taxis do emit a higher proportion of NO_x and particulate emissions in key areas so contribute disproportionately to poor urban air quality.
- 15.2. Taxis and private hire vehicles are also used by many people, which provides an opportunity for them to be used to expose passengers to new alternative fuels and technologies, such as electric vehicles.

What can be done?

- 15.3. As with other commercial operations, we have a limited influence over the types of car which taxi and private hire operators buy. However, there are opportunities to influence taxi and private hire operators to reduce emissions from the vehicles they operate. Areas that could include the following:
- Investigate the potential for setting vehicle emission standards for taxis through the licensing system
 - Work with taxi and private hire companies to apply for Government funding (for example the £20m ULEV Taxi Grant Scheme announced in 2015³⁵) to support ULEV taxis and private hire vehicles.
 - Using our taxi licensing function to promote incentivise the uptake of ultra-low emission taxis and private hire vehicles, for example by designating ULEV taxi ranks in high demand areas.
 - Demonstrating the potential fuel savings and financial benefits from operating ULEV taxis and private hire vehicles
 - Working with taxi and private hire operators to develop rapid electric charge-point network in suitable locations.
 - Using public sector transport contracts to promote low emission taxis.
- 15.4. If encouragement is not effective or widely supported, the option remains for us to specify the type of vehicle entering the fleet which could result in a speedier uptake of cleaner vehicles.

³⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/382190/taxis-preliminary-guidance.pdf

16. Theme 3 – Reducing Vehicle Emissions: *Local Authority Fleet*

- 16.1. Local authority fleet operations are an ideal opportunity to ‘lead by example’ and influence public vehicle purchasing decisions.
- 16.2. The NBC Fleet is managed under contract hire through Specialist Fleet Services (SFS) and comprises refuse collection vehicles and around 85 car derived vans. The vans are a minimum Euro 5 Standard. Fleet operation contracts are reviewed regularly and provide an opportunity to specify vehicle emission standards and also assess the potential for introducing ultra low emission vehicles.
- 16.2. The Cleaner Road Transport Vehicles Regulations 2011 require public sector organisations to consider the energy use and environmental impact of vehicles they buy or lease. A key concept of the Regulations is the consideration of **whole life costs** whereby the operational costs over a vehicle life, including pollution damage costs, are taken into account rather than just the purchase price. This helps to redress the issue of low emission vehicles costing more than conventional vehicles, while potentially having lower operating costs that outweigh the purchase increment.
- 16.3. In order to achieve compliance with the above Regulations and to public sector procurement teams a Public Sector Vehicle Procurement Guide has been produced as a supporting document to the NLES.

Funding for Low Emission Vehicles

- 16.4. The Government recognises that public sector organisations are leaders within their communities and funding streams do become available to assist with the capital funding of low emission vehicles, for example under the Governments Plugged-in-Fleets initiative³⁶. Northampton will use these available funding streams as a means of reducing emissions from their fleet operations and will support other fleet operators to secure funding where appropriate
- 16.5 NBC will look at innovative approaches to securing funding for accelerating the uptake of cleaner fuels and technologies, including partnerships with the private sector and funding through developer section 106 contributions

Producing Renewable Transport Fuels from Waste

- 16.6 NBC will look at the potential for using organic waste in the Borough to produce biomethane through anaerobic digestion (AD). Biomethane is a renewable low emission fuel for heavy vehicles, including lorries³⁷ and buses with the potential to achieve operational cost savings. Further information on local AD facilities and natural gas/biomethane refuelling facilities can be found on the Gas Vehicle Hub³⁸

³⁶ <https://www.gov.uk/government/publications/ultra-low-emission-vehicles-getting-wider-public-sector-fleets-ready>

³⁷ <https://www.gov.uk/government/publications/low-carbon-truck-trial-first-year-executive-summary>

³⁸ <http://www.gasvehiclehub.com/>

Glossary of Terms

AQMA	-	Air Quality Management Area
AQAP	-	Air Quality Action Plan
CDV	-	Car derived van
CO ₂	-	Carbon Dioxide
CVTF	-	Clean Vehicle Technology Fund
DEFRA	-	Department for the Environment, Food and Rural Affairs
DfT	-	Department for Transport
DPF	-	Diesel Particulate Filter
EEV	-	Environmentally Enhanced Vehicle
Euro Standard	-	European Emission Standard
FTA	-	Freight Transport Association
HDV	-	Heavy Duty Vehicle ie bus or lorry
HGV	-	Heavy Goods Vehicle ie lorry
LES	-	Low Emission Strategy
NHS	-	National Health Service
NO ₂	-	Nitrogen Dioxide
NO _x	-	Oxides of Nitrogen ie a mixture of Nitrogen Dioxide, Nitric Oxide and Nitrous Oxide
OLEV	-	Office for Low Emission Vehicles
PHE	-	Public Health England
PM	-	Particulate Matter
PM ₁₀	-	Particulate Matter less than 10 microns in size
PM _{2.5}	-	Particulate Matter less than 2.5 microns in size
RCV	-	Refuse Collection Vehicle
RHA	-	Road Haulage Association
SCR	-	Selective Catalytic Reduction

- TCO - Total Cost of Ownership
- ug/m³ - micrograms per metre cubed
- ULEV - Ultra Low Emission Vehicle ie below 75 g/km CO2
- WHO - World Health Organisation
- WLC - Whole Life Costs

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Appendix 1 – What is a Low Emission Vehicle

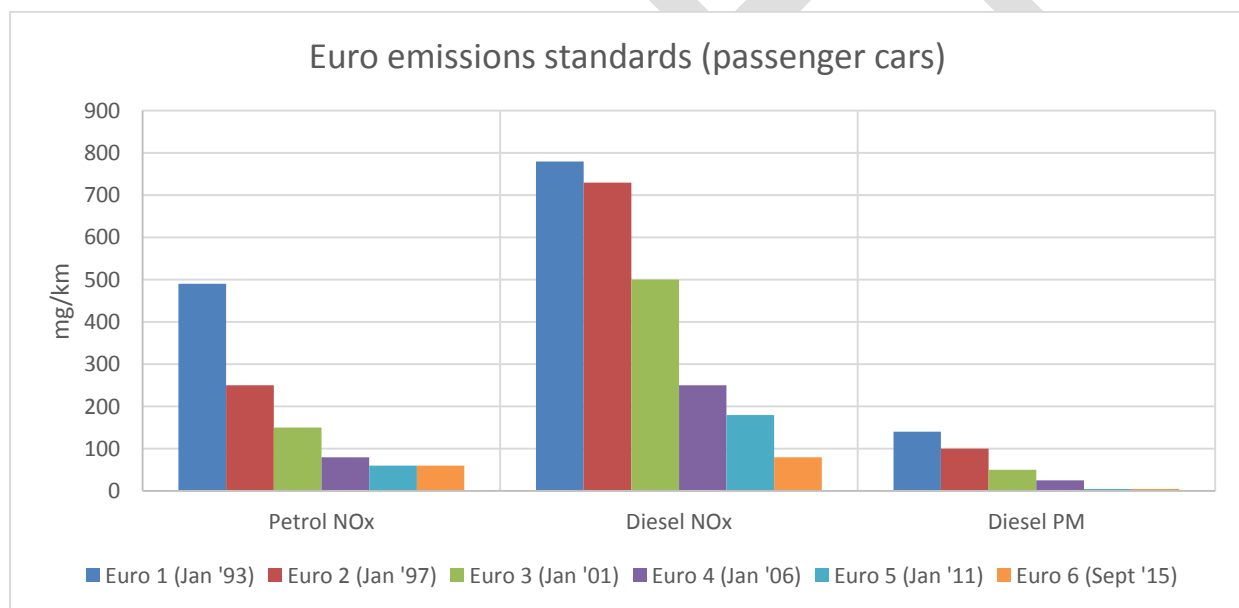
In considering what a low emission vehicle is, it is necessary to first consider what 'emissions' should be considered, and then how low counts as 'low'.

In the context of vehicles, emissions fall into two types. The first is emissions affecting air quality – currently³⁹ these are the oxides of nitrogen (NO_x) and particulate matter (PM). The second is greenhouse gas (GHG) emissions, mainly carbon dioxide (CO₂) but also methane, nitrous oxide and some others, usually measured together with CO₂ as overall CO₂e (equivalent).

Air quality

The emerging definition of 'low' emissions, in terms of NO_x and PM, is the Euro 6/VI⁴⁰ standard. Figures 1 and 2 below show how the European statutory standards have progressed over time, for cars and heavy duty vehicles (trucks and buses) respectively⁴¹.

Figure 1: Evolution of Euro emissions standards for passenger cars



Three key points can be noted from the graph above. First, diesel cars have far higher NO_x emissions than petrol cars, although the latest Euro 6 standard is only slightly higher for diesel than petrol. Second, there is no PM standard for **petrol**

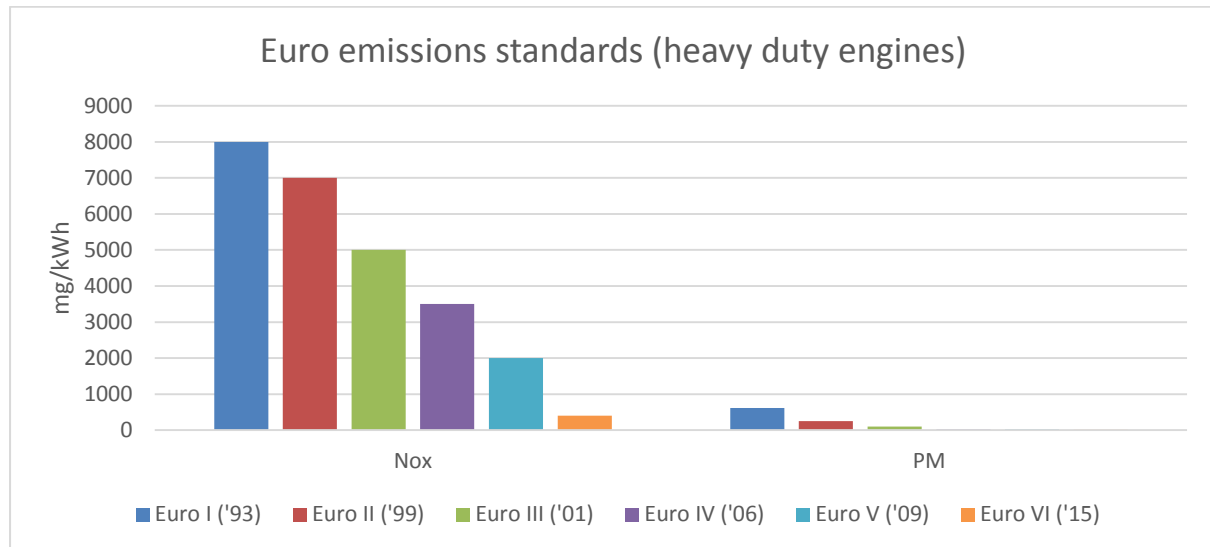
³⁹ There are several other types of exhaust emission that are regulated because of air quality concerns, especially carbon monoxide (CO) and unburned hydrocarbons (HC). However, effective technologies to control these have been in place for many years, and so they are not a current policy/technology issue.

⁴⁰ Euro emissions standards for cars and vans are represented by numbers 1-6, whereas for heavier vehicles they are designated by Roman numerals I-VI.

⁴¹ There are separate standards for vans at various GVW, but these are similar to those for cars and are not shown for the sake of clarity. It should be noted that for heavy duty vehicles, only the engine is tested, and pollutants are measured in terms of mg per unit of power (mg/kWh) rather than per km in the case of cars/vans.

engines – this is because PM emissions from petrol engines are inherently very low. Finally, the Euro 6 standard for NO_x for diesel cars is less than half the Euro 5 standard.

Figure 2: European emissions standards for heavy duty engines (mg/kWh).



These will mostly be diesel, but the same standards would apply to larger engines running on other fuels such as gas or biofuels.

The key thing to note from Figure 2 above is that the standard for NO_x has been lowered even more from Euro V to Euro VI than was the case for passenger cars.

The standards shown above are those that vehicle and engine manufacturers are required to meet over a standard test cycle. It has always been acknowledged that these standard cycles were not a perfect representation of real world driving, but the full effect of this has only recently become apparent, as the introduction of Euro 4 and 5 vehicles failed to improve air quality as expected. More recently still, portable emissions monitoring (PEMS) has become easier and cheaper, and so several studies have tested vehicles in real world driving to assess the true difference between the test cycle and on-road performance.

Figure 3: Real world NO_x emissions of passenger cars (g/km) vs Euro standards

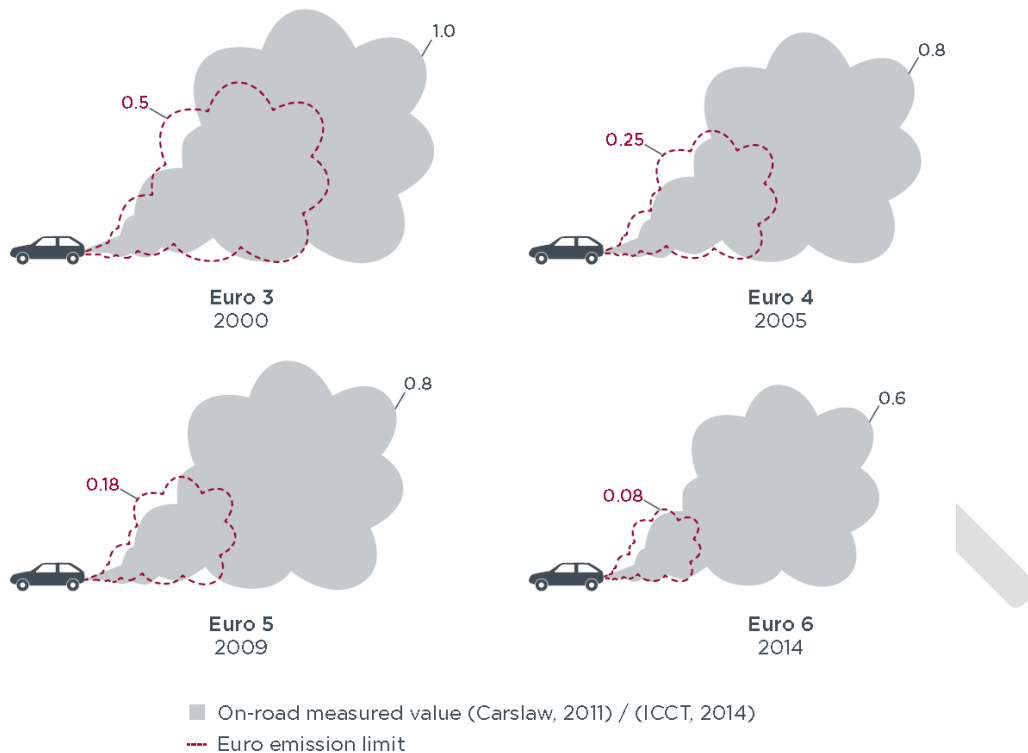


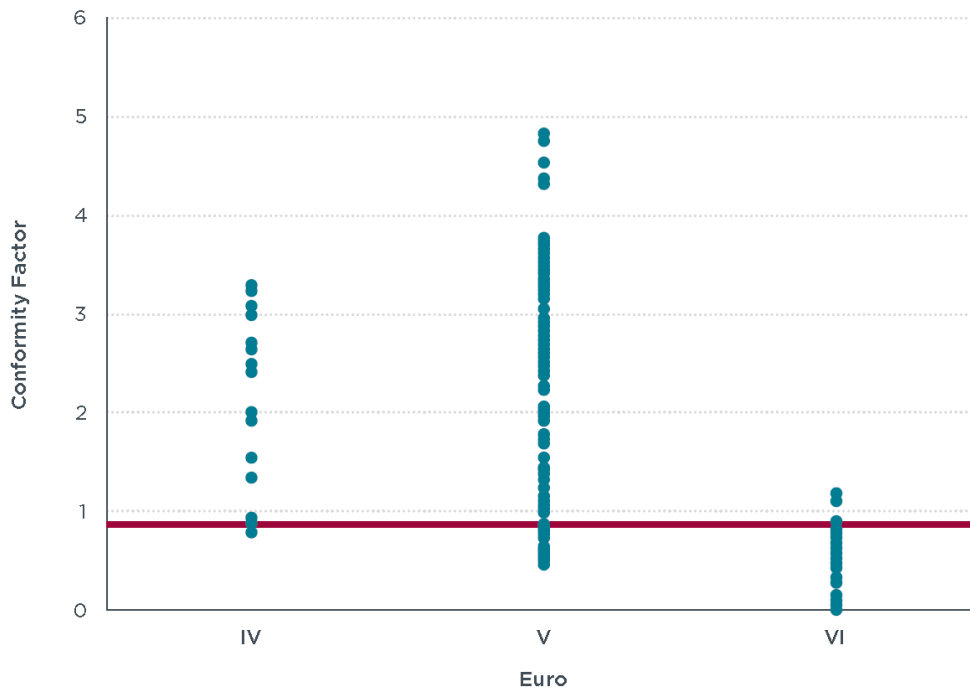
Figure 3 above shows the results of two studies on the real world performance of diesel cars. It can be seen that from Euro 3 to Euro 6, the emissions limits for NO_x were lowered by 85%, and yet the actual NO_x emitted in real world driving has only decreased by about 40%. The graphic above was taken from an ICCT study⁴², in which 15 new Euro 6 cars were tested. Although most of the vehicles failed to meet the standard in real world driving, one of them did achieve it, showing that the technology does exist. There are plans to introduce an element of PEMs into the Euro 6 test process from 2017, and this will hopefully force all manufacturers to improve their approach.

The picture for heavy duty vehicles is more optimistic, as can be seen in Figure 4 below. Taken from a separate report by the ICCT⁴³, this shows the results of 210 tests on 38 different vehicles, including buses, rigid trucks and articulated trucks. Each dot represents a test, with 22 tests of Euro IV, 133 of Euro V and 55 of Euro VI. The 'conformity factor' is the ratio of the result to the standard limit, so a value of '2' means the vehicle was emitting double what it should for its Euro standard, and any value under '1' would mean it was cleaner than its Euro standard would require.

⁴² "Fact sheet: Real-world emissions from modern diesel cars", October 2014, www.theicct.org

⁴³ "Briefing: Comparison of real-world off-cycle NO_x emissions control in Euro IV, V, and VI", March 2015, www.theicct.org

Figure 4: Performance of heavy duty engines against Euro standards



The figure clearly illustrates the problem with Euro IV and V – these vehicles are typically emitting several times what they should, with Euro V particularly bad. Research suggests the reason for this is that the standard test cycle includes very little driving with the engine at low temperatures or idling, where the catalysts used are less effective, despite this being common in real world urban use.

The picture for Euro VI is much more optimistic. For Euro VI, changes were made in the test cycle, and manufacturers were also required to include monitoring equipment that would constantly monitor exhaust gases in use, and put the engine into partial shut-down if limits were exceeded. It would appear from the results in Figure 4 that this has been effective, and indeed that at Euro VI level heavy duty vehicles may for the first time be less polluting than passenger cars and vans.

For the fleet manager or policy maker looking to promote ‘low emission vehicles’ with a view to improving air quality, there are the following take-away messages:

- Diesel cars, even brand new models, probably still have poor emissions performance (although this is likely to improve after 2017).
- Petrol cars are a better option. Emissions will be broadly related to fuel consumption, so more efficient cars, and hybrids, will be better. ‘Zero emissions’ vehicles, i.e. electric (or hydrogen), emit nothing during driving so are the best choice for urban areas.

- In the case of buses and trucks, Euro VI is very clean in practice. As with cars, emissions will be related to fuel consumption, so more efficient vehicles will further improve emissions performance.

Greenhouse Gas (GHG) emissions

The definition of ‘low’ GHG emissions is more difficult to pin down. Air quality is a local problem, so emissions control is mainly a concern on the vehicle itself, at point of use. Climate change is a global problem, so GHG emissions need to consider the whole lifecycle of the fuel – an electric car can’t have ‘low’ emissions if the GHG emissions at the power plant are more than an equivalent car would have generated running on petrol.

A low GHG emissions technology needs to offer a significant reduction in emissions compared to the best available ‘conventional’ technology, which is usually a modern diesel engine. For several recent funding opportunities, the UK government has required a minimum GHG saving of 15% vs diesel to qualify, on a ‘well-to-wheels’ basis (i.e. taking the whole lifecycle of the fuel/energy into account). Some technologies just manage about 15%, whereas others can achieve considerably more, which is why the latest round of funding for low emission buses has moved to a sliding scale.

A wide range of technology approaches are available to lower GHG emissions, most of which lower energy use and therefore running costs as well. The principles of the main technologies are explained in the table below, followed by a table that summarises the technology options by vehicle type, along with their main costs and benefits.

Low emission technologies

<p>Parallel hybrid (Hybrid Electric Vehicle or HEV)</p>	<p>This is the type of vehicle most synonymous with the term ‘hybrid’, with the Toyota Prius the most well-known example. This type of hybrid has a conventional engine drive-train driving the wheels, but has a separate, parallel, electric drivetrain (battery and motor(s)) also helping to drive the wheels. Commonly one set of wheels is driven by the conventional engine and the other by the electric motor. All of the energy used by the electric drivetrain is gathered from regenerative braking – i.e. allowing the wheels to push the electric motor, generating electricity while using the electrical resistance of the motor to slow the car.</p> <p>The electric motor will generally operate at times of peak load, such as acceleration. The biggest benefit in terms of fuel economy is to allow the vehicle to have a downsized conventional engine, thus</p>
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	<p>saving fuel all the time while still having the performance of a vehicle with a larger engine.</p> <p>This type of hybrid is best suited to urban driving, with frequent acceleration and deceleration. For this reason the Toyota Prius is one of the most popular taxis in the UK. In motorway conditions however, there is little opportunity to collect electrical energy, and the downsized engine may be less efficient than a larger equivalent.</p>
<p>Plug in hybrid (PHEV)</p>	<p>The term plug-in hybrid normally refers to a parallel hybrid fitted with a larger battery pack, and the ability to charge from an external source of electricity. The 'plug-in' Prius, for example, has a battery about four times larger than the non-plug-in Prius, meaning it can be driven just by the electric motor for 12.5 miles.</p> <p>Since most journeys, especially in urban areas, are quite short, this type of vehicle can operate in pure electric mode for much of the time. However, if necessary it can be used for longer journeys, operating in the same way as a parallel hybrid once it's all electric range is used up.</p>
<p>Series hybrid (or Range Extended Electric Vehicle - REEV)</p>	<p>Like a parallel hybrid, a series hybrid has an electric drivetrain and a 'conventional' engine. However, in a series hybrid the conventional engine is only used to generate electricity to extend the range of the battery, not to directly drive the wheels. The Vauxhall Ampera and BMW i3 are the best known series hybrids in the UK market.</p> <p>The advantage of the series approach is that in theory the conventional engine can be redesigned once it no longer has to drive the wheels. As it is only generating electricity, it can be made smaller, lighter, and more efficient at a single power output. Meanwhile only the very efficient electric motor(s) are actually used to drive the wheels.</p> <p>In practice, series hybrids tend to have larger batteries than plug-in (parallel) hybrids, hence they are seen as Range Extended Electric Vehicles (REEVs). Charged from the mains, the Ampera has a range of around 50 miles before the range extender needs to kick in. This type of vehicle offers more opportunity to redesign the chassis and the conventional engine, and manufacturers are only just starting to exploit these possibilities fully, particularly BMW with the i3.</p>
<p>Battery electric</p>	<p>A Battery Electric Vehicle (BEV) is a straightforward electric vehicle with only electric motors driving the wheels and a battery to store energy. Typical range on one charge is around 100 miles, but the</p>

(BEV)	<p>top of the range Tesla S can achieve 270 miles (with a £90,000 price tag).</p> <p>The battery of a BEV is charged from an external source. Most BEVs (cars) can charge from a standard plug socket, but this usually takes 6- 8 hours, and a heavy duty (blue) plug is recommended for regular use. Dedicated charging posts are able to deliver a 'fast' charge in 3-4 hours. 'Rapid' chargers can deliver an 80% charge in around 30 minutes, but not all BEVs can accept this level of charge, and installing rapid chargers is expensive as they draw so much current that local electricity grids often need upgrading to support them.</p>
Gas	<p>Internal combustion engines can run on natural gas from the UK gas grid. A modern gas engine is very similar to the latest petrol engines, using spark plugs to ignite the gas, and a 3-way catalyst to remove CO, hydrocarbons and NOx from the exhaust. The efficiency is also similar to a petrol engine.</p> <p>Natural gas, or methane, is the cleanest burning fossil fuel in terms of carbon emissions. 'Biomethane' is methane produced through anaerobic digestion of organic material, and so is a renewable fuel with very low lifecycle greenhouse gas emissions.</p> <p>Gas can be stored on a vehicle either in compressed or liquefied form. Compressed gas needs to be stored in pressurised tanks, and takes up over three times as much volume as petrol or diesel (for the same amount of energy), which will limit the practical range of the vehicle on a single fill. Liquefied gas has double the energy density of compressed gas, giving longer vehicle range, but must be stored in a special tank at -162°C. Over a period of days, the gas will warm up and 'boil off' so such vehicles need to be in constant regular use.</p>
Hydrogen fuel cell	<p>A hydrogen fuel cell vehicle is driven by electric motors, but uses a fuel cell in place of a battery. A fuel cell is a device which can create electricity continuously through the chemical reaction of a fuel. A hydrogen fuel cell reacts hydrogen with oxygen in a controlled way, to create a stream of electrons (rather than an explosion and lots of heat, as usually happens when hydrogen reacts with oxygen).</p> <p>The advantage of a fuel cell vehicle is that it is essentially an electric vehicle that can be refuelled at a filling station.</p> <p>There are still several major obstacles to fuel cell vehicles. The most immediate is the cost of fuel cells themselves, which is still</p>



	<p>very high. The second is the ability to store hydrogen – compressed hydrogen has a very low energy density, so several tanks are needed to achieve the same range as a conventional fuel tank. This need not be a huge problem if fuelling stations are common, but as yet there are very few they are quite expensive. Finally, hydrogen is only really an energy ‘carrier’ – the well-to-wheel emissions reductions achieved by a hydrogen vehicle depend on the way the hydrogen is created.</p>
<p>Novel hybrid (flywheel, air, hydrogen)</p>	<p>While most hybrid vehicles use an electric drivetrain, this does require a battery, which is both heavy and expensive. For this reason many engineers have looked at alternative ways of harvesting braking energy and re-using it to improve overall vehicle performance.</p> <p>Flywheels store kinetic energy by accelerating a spinning wheel to tens of thousands of RPM. Although automotive flywheels have been considered theoretically for a long time, they were first made a practical reality with the KERS (Kinetic Energy Recovery System) developed for Formula 1. Since proving the concept in racing, they have been further developed for buses, which have a continuous stop-start drive-cycle well suited to the technology. Two different manufacturers are in the process of bringing these buses to market.</p> <p>Another way of storing braking energy is to use it to compress air in a small pressurised tank. This air can then be used to give a moderate engine efficiency boost by driving a supercharger. A more ambitious system, soon to be put into production by Peugeot, is a full parallel hybrid with a larger compressed air tank and a hydraulic motor which can drive the wheels. Similar to an electric plug-in hybrid, the compressed air tank can be charged/filled from an external source, and the vehicle can drive for short distances on air alone.</p> <p>One novel system uses electrical energy from regenerative braking to generate hydrogen using a small electrolyser. This hydrogen is then fed back into the engine along with the fuel, boosting engine performance and thus reducing fuel consumption.</p>




Other technologies that don't quite count as 'low emission':




<p>LPG (liquid petroleum gas)</p>	<p>Liquid Petroleum Gas is a mixture of propane and butane, and is a co-product of the production of refined petrol and/or natural gas (methane). Like natural gas it can be used in an engine very similar to a petrol engine – in fact since manufacturers no longer produce LPG-specific vehicles, all LPG vehicles are now converted from petrol. LPG attracts a lower rate of fuel duty than petrol and diesel, and there is a national network of filling stations, so there are still a significant number of people choosing it on cost grounds.</p> <p>LPG offers around a 15% GHG saving vs petrol, and was supported as a low emissions option by the government. Given that diesel engines are inherently more efficient than petrol, the rise of diesel in the car market has wiped out most of the benefit from using LPG. However, new sources of renewable LPG have become available recently, as a by-product of some biofuel production processes, which could offer significant extra GHG reductions.</p>
<p>Mild hybrid</p>	<p>'Mild' hybrids capture energy from regenerative braking, and feed it back into the electrical systems of the vehicle. This recovered electrical energy is not therefore used to directly power the wheels, but will increase fuel economy by reducing the work the engine has to do to recharge the battery via the alternator.</p> <p>In vehicles where the engine has to support a high auxiliary electrical load, mild hybridisation can have a big impact on fuel consumption. This would be true for passenger cars in hot countries where the air conditioning is in constant use. This approach is increasingly being used in larger vehicles, switching refrigeration units to run on batteries for example, and switching refuse truck compactors and bin lifts from hydraulic systems powered by the engine, to electrical operation with much of the energy coming from the continuous stopping and starting of this type of vehicle.</p> <p>The advantage of this approach is that the energy collected from braking can be used without fitting a second, expensive, electric drivetrain. However, the benefits to be gained are limited unless there are significant demands for electricity in the vehicle.</p>
<p>Dual fuel</p>	<p>One drawback of both gas and LPG is that although they are cheaper and cleaner than diesel, they require an ignition source. Diesel engines are more efficient than petrol engines because diesel can be made to ignite when compressed, whereas petrol requires a spark. Due to the different thermodynamics of the processes involved, 'compression ignition' engines are about 25%</p>

	<p>more efficient than 'spark ignition' engines, which is why diesel vehicles are cheaper to run even though diesel is more expensive than petrol.</p> <p>'Dual fuel' engines attempt to burn gas or LPG with diesel efficiency, by injecting a mixture of diesel and gas into the cylinder. The droplets of diesel ignite under compression, thereby also igniting the gas.</p> <p>Dual fuel engines can only substitute gas for diesel effectively when operating at a high, steady load, such as motorway driving. Dual fuel systems for modern engines are only coming onto the market in small numbers as yet, and the effect of the systems on emissions, especially NOx and methane, is still poorly understood.</p>
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Low emission vehicles – suitability and availability by vehicle type

Cars	 <p>[BMW i3]</p>	<ul style="list-style-type: none"> • Passenger cars are available in a full range of hybrid and electric models. • From an urban air quality point of view, vehicles that can run in full electric mode in urban areas (BEV, PHEV, REEV) are the surest option until Euro 6 tests are improved, but any small petrol car will be very clean. • For fleets running vehicles every day in urban environments, BEVs already offer a good economic payback.
Taxis		<ul style="list-style-type: none"> • [See notes for cars above, which also apply to taxis.] • Due to their mostly urban use, the Toyota Prius has already become one the most popular choices for taxis.

	<p>[Toyota Prius]</p>	<ul style="list-style-type: none"> • While gas is not really an option for private cars, due to a lack of fuelling infrastructure, black cabs with gas engines are available and being used where access to a fuelling station can be arranged. (As in Reading, where taxis have been given access to the bus company's fuelling station.)
<p>Small vans</p>	 <p>[ENV200]</p>	<ul style="list-style-type: none"> • There are several all electric small vans available from Nissan, Renault and Peugeot, but no hybrids. • The VW Caddy is available in the UK in a gas variant. • There are currently no factory production hybrid or electric vans in the 2.5-3.5t GVW range (Transit size).
<p>Large vans and minibuses</p>	 <p>[Fuso Canter hybrid]</p>	<ul style="list-style-type: none"> • In the 3.5-7.5t GVW range there are a small number of hybrid options, notably the Fuso Canter (pictured). • Gas versions of the Mercedes Sprinter and Iveco Daily are available and can offer cost savings vs diesel.
<p>Rigid trucks (15-26t)</p>	 <p>[Eurocargo CNG]</p>	<ul style="list-style-type: none"> • Gas is the only low emissions technology available for this type of vehicle – the Iveco Eurocargo is the only readily available model. • Typical mileages for this type of truck are too low to offer economic payback on this type of gas truck if the cost of a fuelling station is included. However, it may be economic for a mixed fleet, where

		<p>more of the cost of refuelling infrastructure is recovered from other vehicle types using more fuel.</p>
<p>Refuse collection vehicles</p>	 <p>[Econic CNG]</p>	<ul style="list-style-type: none"> • Mercedes and Scania make gas fuelled RCVs. The high fuel consumption of these vehicles makes economic payback relatively quick, even with the cost of refuelling infrastructure. • Some manufacturers, including Volvo, are developing hybrid options, as this is suited to the stop-start nature of their use. Recovered braking energy may also be used to power bin-lifts and compactors, rather than the vehicle.
<p>Buses</p>	 <p>[Optare Solo Flybus]</p>	<ul style="list-style-type: none"> • A full range of low emission technologies are available for buses – hybrid, plug-in-hybrid, electric, flywheel hybrid, gas and hydrogen. • The stop-start drive-cycle and high mileage make all options suitable for buses – the best fit needs to be assessed on a case-by-case basis.
<p>HGVs</p>	 <p>[Volvo FM methane-diesel]</p>	<ul style="list-style-type: none"> • Electric and hybrid are not suitable technologies for long-haul trucks as the batteries required would be too heavy, and there is little opportunity to recover braking energy. • Gas is a viable option, but is limited as most hauliers require engines of 400+ bhp, and the most powerful gas engines currently available are around 330

		<p>bhp.</p> <ul style="list-style-type: none">• Several hauliers are switching to dual fuel vehicles, as these offer cost and emissions savings while still providing the safety net that they can run on diesel if the gas runs out.
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Appendices

1



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Acquisition of Property in the Cultural Quarter
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	8 th June 2016
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Regeneration, Enterprise & Planning
Accountable Cabinet Member:	Regeneration Enterprise and Planning - Cllr Tim Hadland
Ward(s)	Castle

1. Purpose

- 1.1 The purpose of this report is to seek the authority of Cabinet to the principle of the strategic acquisition of the property known as 9 Guildhall Road, to support the Cultural Quarter.

2. Recommendations

- 2.1 That Cabinet approve the principle of the acquisition by this Council of the freehold interest in the property, known as 9 Guildhall Road shown edged red upon the plan at Appendix 1.
- 2.2 That Cabinet authorises the Director of Regeneration Enterprise and Planning to approve the terms of the acquisition in consultation with the Cabinet Member for Regeneration Enterprise and Planning.
- 2.3 That Cabinet approves the inclusion in the Council's Capital Programme for 2016/2017 of up to £462,000 (inclusive of statutory acquisition costs) to support this purchase, subject to prior approval by the Director of Regeneration Enterprise and Planning and the Chief Finance Officer following due diligence and a sufficient business case to support this.

- 2.4 That Cabinet approves the drawdown of up to £462,000 from the Council's Strategic Investment Reserve as the funding source for the acquisition of 9 Guildhall Road.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The property known as 9 Guildhall Road, is shown edged red on the plan at Appendix 1. It was formerly a hotel and later County Council administrative offices. During the last 3 years it has been used by "NN" –the Northampton arts group as exhibition & performance space, workshop/studios and for informal café arrangements.
- 3.1.2 Cabinet previously approved the acquisition of this building on 10th June 2015 at a price of £360,500 inclusive of statutory costs.
- 3.1.3 The property is owned by Northamptonshire County Council ("NCC") and let to NN on a lease expiring in September 2017.
- 3.1.4 The Council wishes to see this property brought within its ownership to support the continued regeneration of the Cultural Quarter, where it occupies a key position, and to control potential re-development or alternative use.
- 3.1.5 Since the last report to Cabinet lengthy negotiations with the County Council have taken place.
- 3.1.6 These have resulted in terms being provisionally agreed between NCC and this Council for a purchase of the property, with the existing tenant in place.
- 3.1.7 As part of NCC due diligence we have been advised that NCC has obtained a valuation from independent chartered surveyors of the property and that this establishes the open market value subject to the existing tenancy with a reversion to vacant possession at £500,000. This would indicate that the proposed acquisition represents value for money. We have requested that a full copy of this report be released to NBC.

3.1 Issues

- 3.1.1 The property provides accommodation for "NN" which and is subject to an existing agreement with them which runs up to September 2017. Prior to the expiry of this agreement there would be a need to review the best uses of the property in the medium to long term.

3.3 Choices (Options)

- 3.3.1 The Council could choose not to purchase the property. But the opportunity for the Council to have full control of this building to support its regeneration and cultural objectives would however be lost.
- 3.3.2 The Council could choose to purchase the property to support its existing uses. Owning the building would also offer a number of different opportunities for the Council to bring forward positive development in the longer term to support the Cultural Quarter and wider town centre.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are none specifically.

4.2 Resources and Risk

4.2.1 **Capital:** Capital costs of up to £462,000 (inclusive of stamp duty land tax on provisionally agreed price) would need to be incurred in this purchase and this expenditure would form part of the approved capital programme for 2016/2017 – provided a fully developed business case is first produced and approved by the Director.

The source of capital funding would be from the Council's Strategic Investment Reserve which was established for the purpose of strategic asset purchases and invest to save projects. This acquisition would be for strategic asset purchases reasons initially. However, in the future there may be some opportunities to generate revenue streams from the acquisition to demonstrate invest to save credentials.

4.2.2 **Revenue:** The property currently generates no income. There are current revenue expenditure responsibilities for the landlord to meet under the terms of the existing lease that expires in 2017. These are principally related to liabilities for external repairs. It is not known what the current levels of expenditure by NCC are, but various works were completed in 2012 by NCC to assist the commencement of the present use. The Council will undertake its due diligence on these costs prior to purchasing the property, with any additional costs to be funded from within existing budgets. The income and expenditure position in the future would clearly depend on a number of factors, including any renewal lease and terms in that – if one was granted. The impact of potential options will be assessed through the development of the business case.

4.2.3. **Risk:** Capital renewals to the property could require significant expenditure in the medium term. There are various building elements and services that are at or nearing the end of their useful life.

4.3 Legal

4.3.1 The Council would need to exercise appropriate due diligence in completing any purchase.

4.4 Equality

4.4.1 There are none specifically. The property would remain open to the general public on the same basis whilst the existing lease remains in place.

4.5 Consultees (Internal and External)

4.5.1 By virtue of the existing lease, the occupation and use of the property would remain the same after purchase as it is now. Ward Councillors and other consultees would be consulted, in the future, if firm proposals for alternative use of the property were developed.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The strategic acquisition of property interests within this locality is consistent with both the Council's Cultural Quarter and wider town centre regeneration strategy.

4.7 Other Implications

4.7.1 There are none specifically.

5. Background Papers

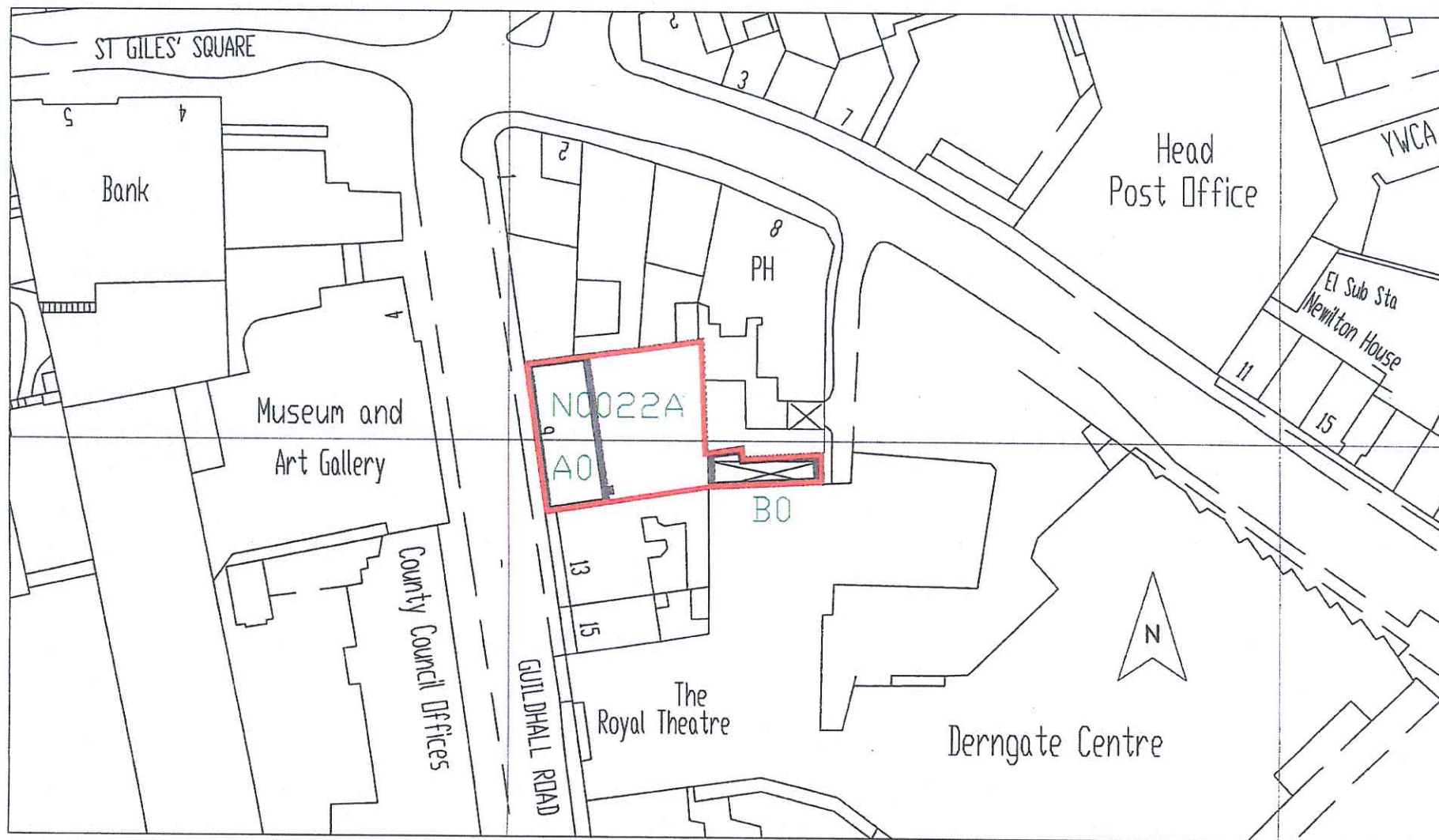
None

Appendices

1. Site Plan

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Title:	No 9 Guildhall Road Northampton	Scale:	1:500
		Date:	8th March 2012
		Drg No:	N0022A/A3 rev 2