



NORTHAMPTON
BOROUGH COUNCIL

CABINET AGENDA

Wednesday, 18 July 2018

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

6:00 pm

Members of the Cabinet:

Councillor: Jonathan Nunn (Leader of the Council)

Councillor: Phil Larratt (Deputy Leader)

Councillors: Mike Hallam, Tim Hadland, Stephen Hibbert, Brandon Eldred and Anna King and James Hill.

Chief Executive

George Candler

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 J Nunn	Leader
Councillor P Larratt	Deputy Leader
Councillor M Hallam	Environment
Councillor B Eldred	Finance
Councillor T Hadland	Regeneration and Enterprise
Councillor S Hibbert	Housing and Wellbeing
Councillor A King	Community Engagement and Safety
Councillor James Hill	Deputy Cabinet Member for Planning

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, 18 July 2018
at 6:00 pm.

George Candler
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

(Copy herewith)

3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

It is the intention that part of this meeting be held in private as it is likely that exempt information as defined in the Local Government Act 1972:

Consideration of the information in public would give rise to the disclosure of exempt information as described in paragraph [3] of Schedule 12A of the Local Government Act 1972 –

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Notice was not given 28 days in advance and therefore permission was granted by the Chair of the Overview and Scrutiny Committee in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulation 2012 (part 2, para 3)

4. DEPUTATIONS/PUBLIC ADDRESSES

5. DECLARATIONS OF INTEREST

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

None

7.  CORPORATE DATA PROTECTION POLICY

(Copy herewith)

8.  MARKETS ADVISORY GROUP

(Copy herewith)

9. 🔑 CREATING A HOUSING DEVELOPMENT COMPANY (DEVCO)

(Copy herewith)

10. FINANCE MONITORING TO MAY 2018

(Copy herewith)

11. 🔑 MUSEUM EXPANSION - APPOINTMENT OF MAIN CONTRACTOR

(Copy herewith)

12. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:- 3**

13. MUSEUM EXPANSION - PRIVATE APPENDIX

(3)

(Copy herewith)

NORTHAMPTON BOROUGH COUNCIL

CABINET

Wednesday, 13 June 2018

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

1. APOLOGIES

Apologies were received from Councillor Hallam.

2. MINUTES

The minutes of the meeting held on the 9th May 2018 were agreed and signed by the Leader.

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

The Leader confirmed that there was an intention that part of the meeting would be held in private as set out in the agenda.

4. DEPUTATIONS/PUBLIC ADDRESSES

There were none.

5. DECLARATIONS OF INTEREST

Councillor Hadland declared a disclosable pecuniary interest in Item 13- "Delapre Abbey Restoration Project" as a Council nominated member of Delapre Abbey Preservation Trust.

6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

6.A REPORT OF THE O&S COMMITTEE - DEMENTIA FRIENDLY TOWN

The Chair of the Overview and Scrutiny Committee submitted his report and elaborated thereon thanking the Scrutiny Officer and the Panel members, specifically the Chair, for their hard work. He noted that Councillor King was already a dementia champion for the Council and commented that the report provided key considerations for a way forwards.

The Deputy Leader congratulated the Scrutiny Panel for their work and noted the extensive amount of expert advisors and witnesses involved, demonstrated the affects that the illness had on people.

RESOLVED:

That the report be noted.

6.B REPORT OF THE O&S COMMITTEE - CEMETERIES

The Chair of the Overview and Scrutiny Committee submitted his report and elaborated thereon thanking the Scrutiny Officer and panel Chair.

Councillor Culbard commented that as a member of the panel, she had observed a number of cemeteries in good order but that the maintenance of some had been below standard. She noted that she considered there was a lack of toilet facilities in cemeteries and wondered if consideration could be given to ways of rectifying the issue.

RESOLVED:

That the report be noted.

6.C REPORT OF THE O&S COMMITTEE - CULTURE AND TOURISM

The Chair of the Overview and Scrutiny Committee submitted his report and elaborated thereon and noted that promotion of the Town could see the installation of blue or claret plaques around places of interest. He suggested that the Town needed to emphasis and promote its heritage and culture and stated that there was a need to engage with partners to promote the town.

Councillor Culbard commented that Northampton was underselling itself and this was evidenced by the lack of promotional information in the Towns' hotels and retail outlets and noted that there was a need for a person to be appointed to drive culture and tourism forward.

The Leader stated that it was an excellent piece of work and noted that there was a need to retain civic pride.

Councillor King commented that tour guides were in place and a number of tourist activities were being extended in the future. Councillor Eldred stated that the need to promote the leisure and heritage experience and Councillor Hadland commented that there could be more use of digital media.

RESOLVED:

That the report be noted.

6.D REPORT OF THE O&S COMMITTEE - REPROVISION OF THE ENVIRONMENTAL SERVICES CONTRACT WORKING GROUP

The Chair of the Overview and Scrutiny Committee submitted his report and elaborated thereon and noted that it was widely felt that the award of contract had been robustly conducted. He commented that in future, it would be of benefit if the Scrutiny Committee were given more input and noted that they would like to monitor the Veolia contract.

The Leader commented that he would welcome ongoing scrutiny of the contract.

RESOLVED:

That the report be noted.

7. NEGOTIATION TO DRAFT A GROWTH DEAL FOR NORTHAMPTON BOROUGH, DAVENTRY DISTRICT AND SOUTH NORTHANTS DISTRICT COUNCILS

Councillor Hadland, submitted a report and thanked officers for the succinct and informative report. He commented that there was an opportunity to negotiate a growth deal, in partnership with two other councils which would be committed to accelerated delivery in return for a package of support and planning freedoms. He explained that there would be a need get the infrastructure in place which would be a positive way forwards.

Councillor Beardsworth commented that the report demonstrated work being undertaken alongside other authorities and noted that anyone who did not want accelerated housing would be lacking in insight and there was a real need to build more affordable housing with infrastructure in place.

Councillor McCutcheon that the proposal would require careful scrutiny and noted that the need for Northampton to determine its own future and commented that he would welcome a growth deal and the planning strengths.

Councillor Hadland report that lessons had been learned from the experience of Joint Planning with other authorities and that discussions were ongoing to ensure that the correct governance would be in place.

RESOLVED:

2.1 That the negotiations on the Heads of Terms as part of developing a Growth Deal be approved and authority be delegated, in the negotiations of details, to the Head of Planning, in consultation with the Cabinet Member for Regeneration and Enterprise;

The Council committing to accelerated housing and employment delivery;

The Government committing to a comprehensive funding package to support upfront infrastructure investment, affordable housing delivery and additional resource capacity;

Agreement of various Planning freedoms, including (amongst others) those relating to five year land supply, the Planning Delivery Test, 5 year review of Strategic Plans and Duty to Co-Operate; and

Agreement of a timescale for delivery and milestones, including agreeing a statutory Strategic Plan.

8. SURRENDER OF LEASE ON LAND AT SIXFIELDS STADIUM, UPTON WAY, NORTHAMPTON

The Leader submitted a report and explained that it was re-affirming the decision to accept the surrender of lease by County Developments Northampton Ltd (CDNL) of their leasehold interest in a parcel of land at Sixfields stadium and noted that there were no financial implications in the decision making.

Councillor Beardsworth questioned how there could have been an oversight in the amount of land that had been surrendered.

The Borough Solicitor explained that external advisors were advising on this and it had transpired that it had been the NTFC lease that was being surrendered and that they had given away more than originally anticipated, which had been discovered when CDNL had gone into liquidation.

The Deputy leader explained that where the mistake had been discovered, the Council had offered to correct the lease and the report was re-affirming that commitment.

Councillor Hadland commented that allegations had been made that the Council had delayed the rebuild of the stand but that this would allow them to progress with the works.

RESOLVED:

2.1 That it be agreed to re-affirm the course of action previously determined, which was

that the Borough Secretary enter into an agreement with County Developments Northampton Limited (CDNL) by which CDNL will surrender their leasehold interest in the land to the east of Sixfields Stadium edged in red on the plan attached to the report ("The Red Land") to the Council.

9. NEW CHARGING ARRANGEMENTS FOR THE PROVISION OF TEMPORARY ACCOMMODATION

Councillor Hibbert submitted a report and noted that he was extremely pleased to see a reduction in the use of temporary accommodation and noted that there was a need to ensure that that temporary accommodation that was provide, was affordable. It was noted that the proposed charges would be based on Northampton's Local Housing Allowance (LHA) rate. He thanked the Housing and Finance Team for their hard work and commitment

Councillor Eldred noted that when the budget had been set in February 2018, this had been an area where a budget could not always be set and noted that officers were trying to collect better data to reflect costs.

Councillor Beardsworth commented that she welcomed the recommendations and noted that there had been a huge increase in homelessness since 2012 and that stated that more should be done to make the Government aware of the financial costs that had been placed on Councils to address this.

Councillor Stone commented it was a very good and much needed report and explained that evictions in private sector housing had increased homelessness. She noted that some land lords were greedy and did not provide adequate accommodation and suggested that the Council needed to look at preventative measures to reduce homelessness.

Councillor Hibbert explained that they were currently very effective in dealing with prevention of homelessness.

RESOLVED:

(a) That, with effect from 2 July 2018, Cabinet agreed to the amount that the Council would charge for temporary accommodation (excluding those homes that are being used as temporary accommodation but form part of the Housing Revenue Account) should be reduced and that, as described in Option 1 in the report, the new charges would be based on Northampton's Local Housing Allowance (LHA) rates and would be as follows:

- Households in Bed & Breakfast will be charged a weekly rent that is equivalent to 120% of the April 2018 one-bedroom LHA rate for Northampton, together with a weekly utilities charge of £13.90; and
- Households in self-contained temporary accommodation will be charged a weekly rent that is equivalent to 150% of the relevant April 2018 LHA rate for Northampton

(b) That a supplementary estimate to fund the net cost of temporary accommodation increasing by £156,000 per annum (£117,000 during the remainder of 2018/19) as outlined in Option 1 (see paragraph 3.3.17) and for this to be funded from the 'MTFP Cashflow' reserve be approved

(c) That it be agreed that the impact of the new charging arrangements had on homeless

households and the Council be kept under review and that, should any further changes be needed, the Cabinet would be asked to approve an amended policy that takes into account those changes.

10. FINANCE AND MONITORING OUTTURN 2017/18

Councillor Eldred, as the relevant Cabinet Member, submitted a report and explained that the General Fund outturn for controllable budgets showed a net underspend of £1.024m.

RESOLVED:

- 2.1 That the provisional outturn for the General Fund and Housing Revenue Account for the financial year 2017/18 as set out at Appendix 1 and Appendix 5 of the report be noted.
- 2.2 That the proposed revenue budget carry forwards detailed in Appendix 2 of the report be approved.
- 2.3 That the use of and contributions to General Fund Revenue Earmarked Reserves as shown in Appendix 3 of the report be approved.
- 2.4 That the net movement in Housing Revenue Account Reserves and working balances as set out at Appendix 6 of the report be approved.
- 2.5 That the outturn for the Council's General Fund and Housing Revenue Account Capital Programmes for 2017/18 and how the expenditure was financed as set out at Appendix 4 and Appendix 7 of the report be noted
- 2.6 That the proposed capital carry forwards into 2017/18 set out in Appendix 4 and Appendix 7 of the report be approved.
- 2.7 That authority be delegated to the Chief Executive in consultation with the Chief Finance Officer to agree any retention of underspends by NPH.

11. EXCLUSION OF PUBLIC AND PRESS

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

The Motion was Carried.

12. SIXFIELDS LITIGATION UPDATE

RESOLVED:

That the recommendations as set out in the private report be agreed.

13. DELAPRE ABBEY RESTORATION PROJECT

RESOLVED:

That the recommendations as set out in the private report be agreed.

The meeting concluded at 8.28pm



NORTHAMPTON
BOROUGH COUNCIL

Francis Fernandes
Borough Secretary and Monitoring Officer
Solicitor MBA; LLM; LLB; LARTPI

Borough Secretary
The Guildhall
St. Giles Square
Northampton NN1 1DE

Tel: (01604) 837334
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Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee
by email only to: cllr.jlane@northampton.gov.uk;

Our Ref: FF
Your Ref:
Please Contact: Mr F Fernandes
Ext/Direct Line (01604) 837334
E-mail: ffernandes@northampton.gov.uk
Date: 10th July 2018

Dear Councillor Lane,

On the 18th July 2018 Cabinet are to consider a report on the expansion of the Central Museum and Art Gallery. Cabinet will be asked to delegate authority to the Director of Customers and Communities in consultation with the Cabinet Member for Community Engagement and Safety and the Borough Secretary, to appoint the main construction contractor for the Central Museum and Art Gallery Expansion Project. Part of the information contained within an appendix to the report will be commercially sensitive.

Therefore, it is the intention that part of the meeting will be held in private as it is likely that exempt information will be discussed as defined in the Local Government Act 1972:

Consideration of the information in public would give rise to the disclosure of exempt information as described in paragraph [3] of Part 1 of Schedule 12A of the Local Government Act 1972 –

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

Regulation 5 of *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012* requires the decision making body to publicise by notice the intention to hold the meeting (or part of it) in private, for at least 28 clear days in advance of the meeting. The notice must

include a statement of the reasons for the meeting to be held in private. At least 5 clear days before the meeting in question, the decision making body must publish another notice of its intention to hold the meeting (or part of it) in private. This notice must also include a statement of the reasons for holding the meeting in private together with details of any representations received by the decision making body and a statement of its response to any such representations.

Regulation 5(6)(a) of the 2012 Regulations states that where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision making body has obtained agreement from the Chairman of the Overview and Scrutiny Committee that the matter is urgent and cannot reasonably be deferred.

In the circumstances, it would be impracticable to comply with the requirement in Regulation 5 to publish the intention to hold part of the meeting in private 28 days in advance of the decision being made. It would be impracticable because:

Any delay in delegating authority to the Director of Customers and Communities, in consultation with the Cabinet Member for Community Engagement and Safety and the Borough Secretary to appoint the main contractor for the Central Museum and Art Gallery expansion project would expose the Council to additional costs risk and delay the commencement of works on the project.

If you are in agreement, a notice will be published on the Council's website setting out the reasons why consideration of this report is urgent and cannot be deferred. (The notice will be in the form of this letter).

If you have any queries about this anticipated decision or you need further explanation about how the procedure outlined above works, please contact me.

Yours sincerely,

FRANCIS FERNANDES
Borough Secretary Monitoring Officer

I agree that the decision referred to in this letter is urgent and cannot reasonably be deferred.

Signed:
Councillor Jamie Lane
Chair of the Overview and Scrutiny Committee

Dated:

Appendices 2



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Corporate Data Protection Policy
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18 th July 2018
Key Decision:	No
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Borough Secretary
Accountable Cabinet Member:	Councillor Jonathan Nunn
Wards:	All

1. Purpose

- 1.1 To advise Cabinet about the General Data Protection Regulations and Data Protection Act 2018 that came into force in May 2018.
- 1.2 To present for approval the Council's replacement Corporate Data Protection Policy [Appendix 2].
- 1.3 To agree the process for future minor updates to the policy.

2. Recommendations

- 2.1 Approve the DRAFT Corporate Data Protection Policy 2018 [option 3.3.1].
- 2.2 Delegate authority to the Data Protection Officer in consultation with the Monitoring Officer to implement future minor version controlled amendments to the approved Corporate Data Protection Policy to ensure the policy remains current and reflects changes in guidance and best practice until such a time as the legislation is replaced and a new policy is required.

3. Issues and Choices

3.1 Report background

- 3.1.1 Recent changes in data protection legislation, (The General Data Protection Regulation 2016 (GDPR) and the UK's Data Protection Act 2018 (DPA 2018)), have triggered the need to replace the current Corporate Data Protection Policy.
- 3.1.2 The General Data Protection Regulation [(EU) 2016/679] (GDPR) strengthens and unifies data controls and protection for all individuals within the European Union (EU) simplifying the regulatory environment.
- 3.1.3 The Data Protection Act 2018 [*Chapter 12, 2018*] (DPA 2018) implements the GDPR and the Law Enforcement Directive (EU) 2016/680) into UK law.
- 3.1.4 The review of the previous 2010 Policy has been delayed whilst the legislative changes, first drafted in 2012, have been enacted. This process concluded when the DPA 2018 received Royal Assent on 23rd May 2018 and the GDPR became enforceable on 25th May 2018.
- 3.1.5 GDPR and DPA 2018 introduce a number of new statutory requirements to Data Protection (DP) legislation which have been incorporated into the policy. These include:
 - 3.1.5.1 New personal data and data processing definitions, data principles and enhanced rights for individuals (data subjects).
 - 3.1.5.2 Changes to the obligations imposed on data processors including third party Data Processors.
 - 3.1.5.3 Obligations to keep data processing records and to audit data processes.
 - 3.1.5.4 The requirement to conduct Data Protection Impact Assessments (DPIA's) when enhancing/delivering systems and/or processes.
 - 3.1.5.5 A statutory duty to investigate all data breaches and report significant breaches to the Information Commissioner.
 - 3.1.5.6 The statutory role and function of the Data Protection Officer.
- 3.1.6 The Information Commissioner's Office (ICO) has produced a [Guide to the GDPR](#) . This is a 'living' document updated regularly by the ICO. The Guide includes links to relevant sections of the GDPR, other ICO guidance and to guidance produced by the EU's Article 29 Working Party to help organisations comply with its requirements.
- 3.1.7 The policy incorporates the recent legislative changes and Information Commissioner guidance into Council policy. It complements the legislation framework and provides an effective internal personal data governance framework for employees and Members.

3.2 Issues

3.2.1 Staff awareness of DP issues will be further supported through roll out of training across the Council to mitigate against any possible data breaches and resultant sanctions or reputational damage.

3.3 Choices (Options)

3.3.1 Approve the replacement Corporate Data Protection Policy.

3.3.1.1 This will provide an effective framework for governing the Council's use of personal data.

3.3.1.2 It is a statutory requirement to adopt a policy. GDPR Article 24(2) requires '*the implementation of appropriate data protection policies by the controller [the Council]*'.

3.3.2 Reject the replacement Corporate Data Protection Policy.

3.3.2.1 There is a risk of significant financial and reputational damage if the new statutory requirements are not adopted into Council policy.

3.3.2.2 The risk of not having an appropriate policy in place would be that the Council is seen not to be taking the importance of privacy rights of individuals seriously.

3.3.2.3 Failure to adopt the new policy will result in the continuation of an outdated policy document that does not fully reflect current legislation and statutory requirements. Poor data practices and possible regulatory sanctions will result.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This policy replaces the Council's existing Corporate Data Protection Policy (revised) approved by Council Leader delegation on 2nd December 2010 and the previous Data Protection Act 1998 Policy Statement approved by the Council's Executive on 11th March 2002.

4.2 Resources and Risk

4.2.1 The policy references the new sanctions for serious data breaches in GDPR Article 83 (6) and DPA 2018 section 157(5) which increase the maximum penalty for serious and large data breaches [non-compliance] from the current £500,000 to a new maximum of 4% of annual turnover or the Sterling equivalent of €20,000,000. Though these are potential maximum fines there is a risk of significant financial and reputational damage if the policy is not adopted and staff retrained.

4.2.2 GDPR Article 38(2) states *'The controller and processor shall support the Data Protection Officer in performing the tasks referred to in Article 39 by providing resources necessary to carry out those tasks and access to personal data and processing operations, and to maintain his or her expert knowledge.'*

4.2.3 There will be a requirement for all staff to attend data protection training relevant to their role. This will be conducted in house with the cost absorbed within existing budgets. However there may be a need to enhance the staff structure supporting GDPR and, if required, this will be presented to Cabinet via CMB.

4.3 Legal

4.3.1 Implementing the requirements of the GDPR is a legal obligation placed upon the Council. Failure to comply with the GDPR could result in financial redress from the Information Commissioners Office.

4.4 Equality and Health

4.4.1 Data protection supports equality and diversity policies and is not expected to impact negatively on protected groups. It is non-discriminatory legislation that provides many of the safeguards disability discrimination legislation relies on and compliments the Human Rights of individuals as enshrined within EU and UK law.

4.4.2 Whilst certain categories of information such as race and ethnicity, religious beliefs and sexual orientation receive further protection to ensure that the security of personal data is maximised, overall the changes require the Council to be more transparent in its use of personal data and proactive in respect of upholding and promoting individuals rights.

4.4.3 The policy has been evaluated under the Council's Equality Impact Assessment procedures.

4.5 Consultees (Internal and External)

4.5.1 The draft policy has been circulated to Heads of Service, Senior Managers and the Leader of the Council for review and comment. Their comments have been incorporated into the DRAFT policy for approval.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 Good governance of personal data is vital for the Council to operate effectively. The information we hold is an asset. If we use it well it provides many opportunities as it helps to make the organisation more efficient, improves the services we offer and engenders trust to members of the public, business partners and staff.

4.6.2 Embedding of the policy will provide assurance to the residents of Northampton that personal data held by the Council will be used lawfully.

4.6.3 Failure to embed a replacement policy, incorporating changes driven by GDPR (2016) and DPA (2018), might result in significant financial redress and reputational damage. This has the potential to undermine the strategic governance underpinning Council services. The policy and supporting training will increase the focus on protecting personal data.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 [The Data Protection Act 2018](#)

5.2 [The General Data Protection Regulations 2016](#)

5.3 [ICO Guide to the General Data Protection Regulations](#)

Appendix 1 – Summary of the key policy changes

Appendix 2 – The draft Corporate Data Protection Policy

David Taylor
Data Protection Officer
8536

Data Protection Policy review

The Northampton Borough Council (NBC) Data Protection Policy has undergone a comprehensive review in response to changes imposed by the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 (DPA 2018) which took effect on the 25th May 2018.

The following areas of the Data Protection Policy have been reinforced within the remit of this comprehensive review:

- The mandatory expectations, responsibilities and sanctions upon the Council, Councillors, Line Managers and employees, imposed within the GDPR and DPA 2018.
- Embedding of 6 Data Principles underpinning legal obligations and demonstrating the commitment of the Council to go further than the letter of the law.
- Definition of Personal Data and Special Categories of personal data as prescribed within the GDPR.
- The natural process and controls underpinning data management:
 - Collection – necessity for Corporate and localised Data Privacy Notices and basis of lawful reasons for processing;
 - Holding – security of data throughout its journey and the requirement for accurate, succinct and verifiable records, utilisation of electronic access controls (passwords and restricted access) and corporate drive structures;
 - Accessing – controls associated with accessing electronic data together with the security and storage requirements of physical data underpinned through the Clear Desk Policy;
 - Processing – expectations for the processing of data summarised within data audits and mapping and Data Privacy Notices together with the introduction of a Protective Markings Scheme;
 - Subject Rights – individual rights for data use, rectification, erasure, restriction, portability, automated decision making and profiling and data breaches, together with individual rights for Subject Access;
 - Sharing – reinforcement of the Data Sharing Code of Practice embedding good practices for the sharing of information, use of Data Sharing (or Processing) Agreements and adherence to National Fraud Initiatives;
 - Transmitting and/or Transportation – assessment of risks associated with the movement of data and methods available for both physical and electronic data transmission/transportation;
 - Encrypting – adoption of layered controls restricting access to systems and data extraction for static and moveable hardware;
 - Assessing and retaining – introduction of Data Privacy Impact Assessments (DPIA) to underpin both the regular review and redesign of processes and systems allowing identification and mitigation of risks associated with change;
 - Destroying and Decommissioning – methodologies for the safe destruction of physical and electronic data, including hardware. Introduction of replacement waste destruction mechanisms and Data Retention Policy;

from initiation of our relationship with our customer and throughout the data processing life cycle encompassing how data is captured, stored, used and shared; including the methodology for secure destruction.

Data Protection Summary Document	
Presented by: David Taylor, Information Governance	18 th July 2018
Prepared by: Julie Ashby, Information Governance	

- Introduction of Guidance Notes, to support Council employees, elaborating on the natural processes underpinning data management.
- Dependency on peripheral Policies; ICT, Data Destruction Policy, Protective Marking requirements.
- Responsibility and accountability for compliance with legislation and the Data Protection Policy through adoption of a controlled and auditable approach.
- Duties of the Data Controller (DC) and Data Protection Officer (DPO).
- Responsibility for the education programme of employees and Councillors at commencement of employment and on a no less than annual basis.

Summary

Following approval, a formal Communication and Audit Strategy will be established and embedded to ensure that all employees within NBC read, understand and comply with the expectations outlined within the Policy.

Appendices

Appendix A – NBC Corporate Data Protection Policy

Data Protection Summary Document	
Presented by: David Taylor, Information Governance	18 th July 2018
Prepared by: Julie Ashby, Information Governance	



NORTHAMPTON
BOROUGH COUNCIL

Corporate Data Protection Policy

18th July 2018

CABINET REPORT COPY

Impact Assessment

The Council strives to ensure equality of opportunity for all, both as a major employer and as a service provider.

This policy has been equality impact assessed to ensure fairness and consistency for all no matter what race, gender, political or religious beliefs a person may be or have or whether able-bodied or not. In particular this policy upholds the rights of individuals including a number of the basic human rights set out in UK and European legislation including the European Convention on Human Rights 1953 (ECHR) and the General Data Protection Regulation 2018 (GDPR).

‘The right of respect for private and family life, home and correspondence’ (Article 8 of the UK’s own Human Rights Act 1998) is a fundamental cornerstone of, and a founding principle of, data protection and the right to expect all Personal data to be handled securely and confidentially.

Document metadata

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1st Golden DP Rule

Treat others Data as though it was your own

When you think about Data Protection remember that we are all data subjects. Think about how appropriately, sensitively and securely you would expect your personal details to be handled and then manage the personal details of others in the same way and in accordance to the law.

GDPR1

Forewords

Jonathan Nunn
Leader of the Council

As more of our information is held on computers it is reassuring for our customers to know that data protection legislation is in place to protect the personal data we use every day.

Data protection legislation is our customers' assurance that the personal information we ask for from them to provide services is collected lawfully, used appropriately, held securely and destroyed responsibly. It also gives customers the right to access the personal data held and to amend it if it's wrong or delete it if possible.

This policy supports the data protection legislation and helps us all to keep the requirements for handling personal data first and foremost in our thoughts as we work.

The residents of Northampton expect their Council to manage the personal data they give us as though it were our own. This is the standard that we strive to achieve on a daily basis.

George Candler
Chief Executive

We all share our personal data with organisations on a daily basis.

When our customers share their personal data with us they have a right to know that the contact details, the copies of documents, the bank details and all other personal information that they provide to us is not governed merely by terms and conditions set by the Council but by laws that give them the right to control how, where and with whom the data is processed.

Life is too short to have to worry about how that data is managed so the new laws strengthened citizens' rights to allow people to take back control of their personal data.

This policy supports those personal data rights by providing a set of rules here by which everyone who works for, with or on behalf of the Council will abide by.

David Taylor
Data Protection Officer



Putting Data Protection first



Information is one of any organisation's 4 main assets. The others being People, Property and Finance.

At Northampton Borough Council we understand this and put residents and customers personal data as our number 1 information asset.

Though our words in this policy and our actions implementing it we strive to demonstrate our commitment to managing your personal data responsibly and appropriately. Our aim is to always put the secure management of the personal data you entrust to us first.

We acknowledge the trust residents and customers place in us as custodians of their personal data. As Data Protection Officer I pledge to do all I can to ensure the Council manages your personal data in an appropriate, secure and complaint way.

To this end I have developed the 'Data Protection 1st' motto to keep the proper management of your personal data at the forefront of everything we do and say.

The Council will also support and use the Information Commissions 'THINK PRIVACY' campaign to keep data protection on everyone's minds and follow Personal Information Promise.



Finally the ICO's 'Your Data Matters' promotion campaign reminds us all that we have a responsibility to ensure our own data is held and processed appropriately.

For example: Use your apps personal settings buttons to ensure only the data you want public is shared.



Please let me know where we get things right or wrong. Both are equally important in helping me ensure the Council continues to manage your **Personal Data First**.

You can contact the Data Protection Officer:

By phone: 01604 83 8539

By email: djtaylor@northampton.gov.uk or dataprotection@northampton.gov.uk

To make a subject access request please email requests@northampton.gov.uk

Introduction

Northampton Borough Council (“the Council”) is fully committed to compliance with the requirements of the **General Data Protection Regulation 2016 (GDPR)** and the **Data Protection Act 2018 (“the DP Act”)**, which came into force on the 25th May 2018.

Obligations and responsibilities under both laws are not optional; **they are mandatory**. There can be harsh penalties (up to 4% of gross international turnover or the Sterling equivalent of €20,000,000) imposed for non-compliance including breaches, loss and misuse. The Council will follow procedures that ensure all staff, elected Members, contractors, agents, consultants, partners or any other person or organisation working for the Council who have access to any personal data held by or on behalf of the Council are fully aware of, and abide by, their legal duties and responsibilities under both laws.

All individuals permitted to access personal data in line with their work duties must agree to comply with this policy and agree to undertake any relevant training that may be appropriate to the job, position and work being undertaken. Some departments may also require employees to sign a further undertaking relating to the systems and/or data they will use or have access to.

As well as the Council, any individual who knowingly or recklessly processes data without appropriate consent or proper authorisation, for purposes other than those for which the data is intended, or is deliberately acting outside of their recognized responsibilities may be subject to the Council's disciplinary procedures. This may include dismissal where appropriate, and possible legal action liable to prosecution and, since 1st April 2010, possible criminal conviction under the Criminal Justice and Immigration Act 2008.

Compliance

In order to operate efficiently, the Council has to collect and process personal data about people with whom it works with or for. This may include members of the public, current, past and prospective staff, clients, customers, contractors, partners and suppliers. In addition, the Council may be required to collect and use personal data in order to comply with its statutory obligations.

This personal data must be handled and dealt with in accordance with the GDPR and this policy. There are safeguards within the GDPR and DP Act to ensure personal data is collected, recorded and used with due regard to a natural persons rights, whether it is on paper, computer records or recorded by any other means.

The obligations outlined in this policy apply to everyone listed above who has access to, holds copies of or processes personal data. This includes those who work at / from home or have remote or flexible patterns of working.

Directors, Service Heads and Managers have immediate responsibility and accountability for data protection matters in their own areas of work including:

- Development, implementation and review of departmental data protection procedures that support this policy.
- Ensuring compliance with Information Governance policies and standards established by the Council to support provision of service.

- Ensuring that new information systems, or updates to existing systems, in their work area are designed and tested against the Data Protection Impact Assessment (DPIA) toolkit to comply with this policy.
- Notifying the Data Protection Officer (DPO) of the development of any new/updates to systems in their area of work that process personal data.
- Reporting any data breach immediately to the DPO

Staff at all levels (including consultants, contractors, temporary/agency workers, part time and full time staff) will have immediate responsibility to;

- Work in a manner which will ensure the security and good management of all personal data within the work environment.
- Proactively alert the DPO to suspected poor data protection practices and data processing concerns.
- Report any data breach or suspected data breach immediately to the DPO. Whenever possible this should be before line management and as soon as known.

Elected Members are data controllers in their own right. They have similar responsibilities to that of a DPO as set out in Part 12 of this policy. These include:

- Maintaining with the Council's DPO a valid ICO data processing registration.
- Maintaining a comprehensive privacy statement.
- Ensuring all personal data are processed in line with this policy and good practice.
- Recording all processing activities using case management software provided.
- Reporting breaches and data loss to the DPO immediately.

Elected Members also process personal data in relation to committee work (such as licensing applicant details and residents planning application details). This processing is carried out under the Council's data protection registration.

Elected Members may also process constituents ward data for election purposes. This will be under their party's national or local data protection registration.

The General Data Protection Principles

The GDPR stipulates that anyone processing personal data must comply with **SIX Data Principles** of good practice. These Principles summarised below are fully defined in GDPR Article 5 and are legally enforceable. They must be followed by all data processors at all times.

The Principles require that personal data are processed;

- a) **Lawfully, fairly and transparently.**
- b) **Purpose limitation** – ('Collected for specified, explicit and legitimate purposes').
- c) **Data minimisation** - ('Adequate, relevant and necessary').
- d) **Data accuracy** - ('Accurate and up-to-date').
- e) **Storage limitation** - ('Permit identification for no longer than necessary').
- f) **Integrity and confidentiality** - ('Appropriate security & protection against unauthorised or unlawful processing and against accidental loss, destruction or damage').

Data Protection Promise – going further than the letter of the law

In addition to meeting its legal obligations to safeguard personal data, the Council endeavours to go further than the letter of the law. To demonstrate this commitment to data protection the Council's Management Board have agreed to work in a way that wherever possible and practical supports the Information Commissioners' [Personal Information Promise](#).

Accordingly we promise that we will:

1. Value the personal information entrusted to us and make sure we respect that trust;
2. Go further than just the letter of the law when it comes to handling personal information, and adopt good practice standards;
3. Consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
4. Be open with individuals about how we use their information and who we give it to;
5. Make it easy for individuals to access and correct their personal information;
6. Keep Personal information to the minimum necessary and delete it when we no longer need it;
7. Have effective safeguards in place to make sure personal information is kept securely and does not fall into the wrong hands;
8. Provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
9. Put appropriate financial and human resources into looking after personal information to make sure we can live up to our promises; and
10. Regularly check that we are living up to our promises and report on how we are doing.

Personal data & Special categories of Personal data

The GDPR provides conditions for the collection and processing of all personal data. It also makes a distinction between personal data and "sensitive" personal data now called **special categories of personal data** in **GDPR Article 9**.

Personal data is defined in Article 4 section 1;

'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Special categories of personal data are defined in **GDPR Article 9 1**. as personal data consisting of information as to:

- racial or ethnic origin;
- political opinion;
- religious or philosophical beliefs;
- trade union membership;
- genetic data;
- biometric data;
- physical or mental health or condition;

- sexual life or sexual orientation;

How special categories of personal data can be processed and what conditions must be met before such processing are set out in **Article 9 Paragraph 2 a. to j.**

Although there are clear distinctions between personal data and special categories of personal data, for the purposes of this policy the term 'personal data' refers equally to 'special categories of personal data' unless otherwise stated because additional controls are necessary.

Policy Scope

The General Data Protection Regulation (GDPR), the Data Protection Act 2018 (the DP Act), the 6 Data Principles and the 10 Personal Information Promises form the framework and reference points for the following policy statements. Complying with the policy statements and following the Councils DP Golden Rules demonstrates our commitment to managing all personal data to the very highest standards at all times.

This policy has been approved as corporate policy at Cabinet on 18th July 2018

Compliance with all aspects of this policy is mandatory

The policy is divided into parts for ease of reference. It follows the natural process of data management using the acronym CHAPSSTEAD

- 1. Collecting**
- 2. Holding**
- 3. Accessing**
- 4. Processing**
- 5. Subjects Rights**
- 6. Sharing**
- 7. Transmitting and/or Transporting**
- 8. Encrypting**
- 9. Assessing and retaining**
- 10. Destroying and Decommissioning**

Guidance notes supporting each part and giving detailed compliance advice are available to assist staff and departments comply with their duties and obligations.

This policy is part of a series of interlinked policies relating to information governance, records management, information technologies, access to information requests, risk and security.

GDPR Policy Statements

Part 1

Collecting personal data

2nd Golden DP Rule

Only collect the absolute minimum amount of personal data required to provide the services you deliver.

GDPR2

1 Privacy notice

GDPR Article 13.1 requires the Council to ensure individuals (data subjects) are told:

- a. The name and contact details of the data controller (and details of third party processors and controllers if applicable).
- b. The name and contact details of the Data Protection Officer;
- c. The purpose and legal basis for data processing that the data controller and/or the third party will rely on to make the processing lawful.
- d. The legitimate interests in respect of data processing by the data controller and third parties;
- e. The people or organisations that will process the personal data;
- f. Whether personal data will be transferred or held in another country (and specifically if held outside of the EEA).

The Council will do this in two ways.

Firstly, the Council will maintain its registration with the Information Commissioners Office to hold and process personal data. The Register of Fee Payers is publicly available to view on the ICO website at <https://ico.org.uk/esdwebpages/search> The Council's registration number is Z5256045. In addition the Council will only ever use third party data processors who are similarly registered to hold and process personal data.

Secondly, the Council will publish and make available the following:

Corporate Privacy Statement (CPS)

The Council's Data Protection Officer will ensure the Council publishes and keeps up-to-date a Corporate Privacy Statement in compliance with GDPR Article 13.1.

Departmental Privacy Notices (DPN)

Where departments process personal data, either because of the service they provide or the legislation they work under, they will publish further information about the specific circumstances and context in which the personal data are processed. [Recital 60 & A13.2]

GDPR Policy Statements

Privacy Notices will;

- be written in the same font, size and layout as the rest of the publication,
- be written in plain English,
- state why the personal data is required and how it will be used,
- identify who can access personal data and who it may be shared with,
- say how long personal data will be retained and how it will be destroyed.

GDPR Guidance Note 1 - Details the type of information required in a Departmental Privacy Notice in the form of a template. It also provides advice on drafting privacy notices and how best to make them public and accessible.

3rd Golden DP Rule

A Privacy Statement or Notice, (previously Fair Processing Notices), must be made available when asking for or collecting any personal data

GDPR3

2 Lawful processing

Personal data can only be collected if there is a lawful reason to do so. The 6 reasons are set out in Article 6 of the GDPR and are;

- (a) the data subject has **given consent** to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a **legal obligation** to which the controller is subject;
- (d) processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
- (e) processing is necessary for the **performance of a task** carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

All personal data collected by the Council will meet at least one of these lawful reasons and will be identified within the Councils ICO registration and in each DPN.

A Data Privacy Impact Assessment (DPIA) must be completed before any change to existing or new physical or electronic personal data collecting, holding and/or processing begins, (See part 9, section 28 and GDPR Guidance Note 9).

GDPR Policy Statements

3 Consent

Where there is no legal requirement, legitimate or vital interest, contract or public interest lawful reason to collect, hold and process personal data then the consent of the individual must be obtained at the time the data is collected.

This policy cannot identify or predict all such instances the following examples should assist you determine if consent is required;

- Mailshot database, e.g. to update members of the public on events.
- Membership of a group, e.g. contact details for residents associations.
- Forum, e.g. Landlords Forum, Enterprise Zone or BID.

When seeking consent from individuals you must make it very clear;

- Why you are asking for the data.
- What data you require, usually restricted to names and personal contact details.
- How the data will be held.
- Who will have access to the data.
- How long the personal data will be retained and how you will destroy or delete it.
- A record must be kept of the consent.
- Without exception new consent must be obtained if you intend to use the data for any other purpose or share the data with a new third party or organisation.
- The Council requires consent to be refreshed at least every 2 years.

You should seek the advice of the Data Protection Officer if you identify consent as your only form of lawful processing.

Part 2

Holding personal data

4 Holding data

Personal data will only be held as long as is necessary in line with statutory, industry and best practice retention guidelines (Guidance Note 9).

Personal data will be:

- held securely and only accessed by authorised personnel,
- held in password protected folders and files when restricted access is necessary,
- transported securely or transmitted using secure encryption,
- securely destroyed or deleted when no longer required.

A record of all personal data held and the measures used to protect that data will be maintained by the Council's Data Protection Officer.

GDPR Policy Statements

5 Information security

The Council will ensure appropriate physical and electronic safeguards are in place to protect all personal data held and in its care.

The Council undertakes to have in place a level of data security appropriate to the nature of the data and the harm that might result from a breach of security. Where necessary additional provisions, safeguards and controls will be employed to ensure special categories of personal data can only be accessed by authorised personnel.

This will include, but is not limited to:

- Building entry security passes,
- Password protection on all computers, Laptops and tablets (Part 3, section 9),
- Multi layered and up-to-date antivirus software,
- Encryption of all removable drives and storage media holding personal data (Part 8, section 26),
- Use of secure file transfer protocols sites, secure email transmission or door-to-door courier services when personal data is in transit,
- Physical file control measures both on and off site.

6 Electronic files

Where files are not held in Electronic Document Record Management Systems (EDRMS) or Electronic Case Management Systems (ECMS) then all electronic files must be held on the corporate drive structure. This ensures files and folders are backed up and protected behind the firewalls and that staff that may need access to files you have within the same department can access them. No electronic files whatsoever should be stored on local C Drives. This creates an unacceptable risk of data loss and, in respect of personal data, a possible data breach.

The Corporate drive structure is as follows.

'I' Drive – This drive is for employees personal files relating to you such as timesheets, performance and appraisal, voluntary roles. IT IS NOT A CORPORATE WORK STORAGE AREA. Work data you store here cannot be accessed in your absence.

'J' Drive – This is the joint department shared drive. Almost all of your day-to-day work should be stored here. It provides colleagues with access to information you have created as part of your role and ensures departmental continuity when staff are absent. Personal data such as spreadsheets containing consultation contact data should be password protected to ensure it is not used for a new purpose. ICT can create restricted access folders on this drive, for example for a manager to hold local employee personnel files.

'N' Drive – This is the corporate shared drive, not a departmental drive. The only files that should be held on this drive are:

- Corporate projects.
- Inter department files when they relate to shared work. ICT should be asked to create the folder and set the permissions to only those staff that need access.
- All staff file sharing. E.g. Sometimes it is easier to place a file on the shared drive and link to it in an email, especially when the file is large (over 10mb) or when a file is over 1mb and being emailed to more than 10 staff.
- Corporate messages and work streams such as 'Local Government Review' where the intranet can link to documents that everyone can access.

GDPR Policy Statements

It should also be noted that email is a communication tool and not an electronic document storage solution. Files received via email that need to be retained should be stored either in their case file or in the relevant drive.

7 Diary notes and free text

4th Golden DP Rule

Only write in free text note pads what you'd want recorded about you.

GDPR4

Free text covers, for the purposes of this policy, all notes placed on files relating to an individual or property that would be subject to disclosure as part of a subject access request. This includes:

- Hand written file notes.
- Electronic note pad and file notes (such as in case management systems).
- Meeting notes relating to the data subject.
- Recordings and transcripts.
- All correspondence including letter, emails and memoranda.
- Phone messages (such as on note pads).

Care must be taken to only record factual information about individuals. Do not record opinions or anything else that cannot be substantiated. All free text file notes must be accurate, succinct and above all verifiable.

Remember data subjects have the right to request copies of the personal data the Council holds about them, including notes written onto their case file. What you write is likely to be disclosed if requested.

Table 1 - Free text do's and don'ts

Do's	Don't
Keep text brief. No essays.	Do not use full names except for the data subject's, use initials.
Record facts. Only write what can be substantiated.	Do not include personal thoughts.
Link to evidence where necessary.	Do not record comments that in hindsight you would retract / can't substantiate.

GDPR Policy Statements

8 Personal data audit

All personal data being collected, held and processed will be subject to periodic audit against the agreed data flow process maps by the DPO to ensure good data practices are being followed.

It is essential that any changes to the way personal data is collected, held, accessed, processed, stored, shared, transmitted or destroyed is documented. This is done using the DPIA (see section 12 and GDPR Guidance Note 9)

GDPR Guidance Note 2 – Provides further guidance on how and where to hold personal data. It also includes the Council's Version Control Policy.

Part 3

Accessing personal data

9 Password protection (access controls)

The Council has a number of layers of password protection. Staff and members cannot log on to a PC without first inputting a secure password (with additional layers of password protection for mobile devices). The ICT Policy stipulates and fully defines passwords and their use. The points below summarise those security controls.

- Log in passwords change every 55 days and cannot be reused.
- Passwords must contain a minimum of 9 characters and include lower and upper case, at least 2 numbers and preferably at least one special character.
- Log in passwords must not be shared or written down. They provide the core security to ensure only those accessing the Council IT servers are authorised.
- Set a network password that conforms to three out of the four following rules
 1. Contains upper characters (A to Z).
 2. Contains lowercase characters (a to z).
 3. Contains numerics (0 to 9).
 4. Contains symbols (# £ ! & \$ % £ etc.).
- Change your password immediately if you suspect that its confidentiality has been compromised.
- Other systems containing personal data should also be password protected at the user sign-in screen.
- Spreadsheets and other documents, files or folders containing lists of more than one personal data record should be 'open protected' or held in a restricted access folder, cabinet or server area.
- Never give your password to other members of staff so that they may log in as you in your absence.

GDPR Policy Statements

10 Confidentiality

Personal data is often provided to the Council 'in confidence'. This confidential information is arguably the most valuable information business asset the Council holds.

Staff automatically have duties to ensure that confidential data (and commercially sensitive information) is held securely and not knowingly or recklessly misused. Staff should only access systems and records containing confidential information that are relevant to their work /duties.

Where appropriate, signed declarations of confidentiality should be employed and records kept of signing to further emphasise the importance of the reason why access controls are so important.

5th Golden DP Rule

It is good practice to treat all personal data as provided 'in confidence'.

GDPR5

- Those who use the Council's computer equipment will only have access to the data that is both necessary for the work they are doing and held for the purpose of carrying out that work.
- Do not try to access personal data you should not have access to.
- If you find others accessing or misusing personal data it is your duty to report the issue, in confidence, to the Data Protection Officer.
- In respect of manual / physical files (paper records) - access must be restricted solely to relevant staff and stored in secure locations (e.g. lockable cabinets), to prevent unauthorized access.
- Personal data held electronically must only be accessed in compliance with this and the ICT policy.
- Preventing abuse and discrimination. The Council processes special categories of personal data in respect of staff and residents. The Council will have regard to its various equality and diversity policies to ensure that if instances of abuse or discrimination occur, appropriate action is taken.

NB.

Additional safeguards must be adopted when special categories of personal data are involved and those safeguards documented and shared with relevant staff where appropriate.

GDPR Policy Statements

11 Clear desk

The purpose of a Clear Desk and Office Environment Policy is to ensure that all paper and electronic records containing person identifiable information, or any other confidential/sensitive information (including corporate or commercially sensitive information) are suitably secured when not in use and are not left visible on an unattended desk or computer desktop.

Clear desk is extended to anywhere in a work place environment where personal, confidential and commercially sensitive information can be held and communicated both inside a building, in transit or on site. This includes: at the Council offices, on the move (either walking or in a vehicle), in court, at a customer's property, in a meeting or any other place where data is taken, communicated or held.

Clear desk includes any electronic device or storage media holding or providing access to personal data, confidential data and or commercial data.

The full Clear Desk and Secure Office Environment Policy is contained within GDPR Guidance Note 3.

In summary the personal data measures in the clear desk policy are:

- Computer access must be locked when you are not at your workstation. The simplest way to do this is by holding down the windows key and L at the same time. Your screensaver should also be set to auto lock after a maximum of 15 minutes inactivity with a password required to unlock.
- Computers must be locked or preferably shut down when leaving the office.
- Clear your immediate desk space of all personal data when you are away from your workstation, particularly at lunch or at a meeting.
- Desks must be cleared at the end of each working day of all confidential, commercial or person identifiable information. Personal data must be locked securely in desks, filing cupboards or designated secure rooms at all times, other than when being used by staff.
- Personal data and confidential or commercial information must be securely disposed of in accordance with part 10 of this policy.
- Don't forget your own personal data and personal items (such as keys, handbags, wallets, phones, etc). It is your responsibility as owner to ensure all personal items and documents are safe and secure.
- Mobile network devices (such as laptops, tablets and iPads) and data storage devices must be encrypted and kept locked away when not in use.
- Health & Safety – desks and other work spaces must be sufficiently tidy at the end of each working day to permit the authority's cleaning staff to perform their duties.

GDPR Policy Statements

Part 4

Processing personal data

What is processing?

Article 4 (2) defines processing as:

'any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;'

It covers personal data held:

- electronically (e.g. digital images (static or moving), audio and anything written in all formats) and/or;
- physically (e.g. person or property file).

It is difficult to envisage any operation performed on personal data that does not amount to processing. This includes just storing the personal data on a database or in paper form for future use or reference.

All actions performed on personal data are covered by the Regulations and must be compliant with the GDPR and this corporate policy.

Examples of the Council processing against all of the above definitions are:

- **Collection** – Asking a resident for details to progress their enquiry.
- **Recording** – Keeping a record of interactions with a resident.
- **Organization** – Storing information about a resident in a file relating to them.
- **Structuring** - Organizing personal data into an order such as by issue.
- **Storage** – Keeping personal data in an email folders or case management system.
- **Adaptation or alteration** – Updating a residents records e.g. their preference.
- **Retrieval** - Recovering the information to contact them or work on their case.
- **Consultation** – Keeping a record of a residents' response to a survey.
- **Use** – Processing personal data about a resident for any purpose.
- **Disclosure by transmission, dissemination or otherwise making available.**
- **Alignment or combination** - Merging two or more records about a resident.
- **Restriction** – Password protecting a data about a resident.
- **Erasure or Destruction** – Deleting a personal data file from a computer.

Where a third party processes personal data on the Council's behalf, the third party will be required to act in a manner which ensures compliance with the Act and this policy and have adequate safeguards in place to protect the personal data. To this end the Council will only allow personal data to be processed by 3rd parties registered to hold and process personal data with the ICO and will, before any personal data is provided to the third party processor, put in place a formal and signed Data Processing Agreement.

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12 Processing (using) data

In line with the GDPR Article 5 Principle (a), all information will be ***‘processed lawfully, fairly and in a transparent manner in relation to the data subject’***.

Data must be processed:

- Only for the purpose it was collected for,
- Lawfully and in line with the privacy notice,
- By authorised and trained personnel,
- Using secure auditable processes,
- Respecting the individuals’ rights.

There are a number of ways that processing can be lawful (see part 1, section 2). Consent is one method, but it is important to know that consent is not always required and the Council can lawfully process personal data as long as one of the conditions in Article 6 are met. For example, the Council would be unlikely to collect Council Tax arrears if residents could withdraw their consent for processing their data.

You can find out more about the conditions for processing on the [ICO website](#).

6th Golden DP Rule

Without exception, personal data must not be processed for any additional purposes without notifying the individual and, if required, obtaining their consent prior to the commencement of new or changed processing.

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13 Protective markings

The Council does not currently have an approved Protective Marking Scheme however it is committed to introducing a scheme by 31st March 2020. The Scheme will be based on the [Government Security Classification – May 2018](#) and other local authority Schemes.

In the interim period all employees and members are encouraged to adopt the following:

Interim PROTECTIVE MARKING SCHEME

The Council holds a significant amount of information, some of this information is of a very sensitive nature. The Council also works very closely with other public sector partners who also hold very sensitive information. It is important that at any time the level of sensitivity of a document can be easily and accurately understood by those handling it. This is achieved by the use of protective markings and, in the case of this interim scheme, associated descriptors.

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All documents must be considered as to whether they should be protectively marked, in accordance with the sensitivity of their content and this interim scheme. Protective markings enable a policy to be set around a documents' use and its allowable levels of distribution in all formats. This policy sets out the protective marking to be used at the Council and encouraged with its partners. The protective marking of a document provides people with information on the following aspects of the document:

- a) The correct level of protection the document should be given.
- b) The procedures to be followed regarding the production, dispatch, receipt, handling and destruction of the document.
- c) The severity or impact of the loss or compromise of the document.

DEFINITIONS

CONFIDENTIAL

This is information that carries the highest level of protection that the Council is likely to hold. Information is only 'confidential' if for example it includes information that is likely to impede the investigation of a serious criminal offence. A serious criminal offence is murder, rape or manslaughter.

Please note, this marking has a different meaning to the legal definition of confidential and therefore this Scheme distinguishes the two means by referring to the latter as "Confidential in law".

RESTRICTED

This is information where the release would, or would be likely to cause **significant** harm or prejudice to:

- I. an individual if it contains sensitive personal data,
- II. the Councils, or a third parties, commercial interests,
- III. the investigation or prosecution of a crime, or the apprehension of an offender,
- IV. the effective conduct of public affairs.

Please note that the level of marking may depend on the potential consequences of the release of the information. If any harm or prejudice has the potential to be suffered under the categories listed, then a marking should be applied. If the harm or prejudice is significant then the level should be 'Restricted'. Therefore the term significant is used to judge if the information should be 'Restricted' or 'Protect' in a number of examples.

Significant harm or prejudice means that it would be likely to cause substantial distress or damage. The information would be of both a sensitive nature and be likely to impact heavily on the privacy of a person, an investigation or the commercial interests of a business or company.

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Information that would cause only trivial harm would not require a restricted protective marking.

PROTECT

This is information that would, or would be likely to cause damage or prejudice to:

- I. An individual, if it contains Special categories of personal data or other confidential information that may be detrimental to an individuals' privacy.
- II. The Councils' or a third parties commercial interests.
- III. The investigation or prosecution of a crime, or the apprehension of an offender
- IV. The effective conduct of public affairs.
- V. It would breach the proper undertaking to maintain a duty of confidence. This is not simply a document marked confidential. The information itself must also be confidential in nature.
- VI. Breach a statutory restriction on disclosure.

Examples include: documents containing a large number of names and/or addresses; contracts; staff medical reports; independent living file notes.

INTERNAL USE ONLY

This is all other information not falling under any of the categories above. There are no requirements to mark other documents. However, to assist with operational efficiency documents that would not routinely be disclosed and are primarily for the use of staff only could bear a mark "**Internal Use Only**".

UNMARKED / PUBLIC

Documents unmarked or marked '**Public**' are unrestricted and require no security consideration. They can be freely shared and do not need to be securely destroyed. Information that is published, either on the Council's website, or in paper form, can remain unmarked. Examples include public facing policies, publications, public reports and web documents.

DESCRIPTORS

In order to provide an indication of why documents are marked in the manner that they have been, consideration should be given to marking the documents with a descriptor in addition to the protective marking.

A descriptor is an indication of the reason for the marking. This descriptor should be recorded next to the protective marking (for example **PROTECT - PERSONAL**).

The descriptors that can be used are:

PERSONAL – information that contains personal data of a natural person.

COMMERCIAL – information the release of which would, or would be likely to, prejudice the commercial interests of the Council or a third party.

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POLICY/STRATEGY – information that forms part of a Council policy or strategy or procedure that is normally associated with internal use only.

INVESTIGATION – information that may prejudice a criminal investigation, prosecution or apprehension of an offender.

IN CONFIDENCE – information received under an air of confidence, the disclosure of which would be an actionable breach in law.

Examples

PROTECT – PERSONAL - likely to contain information that if it was comprised would cause distress to an individual.

RESTRICTED – IN CONFIDENCE - may be a whistleblowing statement where disclosure could damage the investigation but also cause distress and possible repercussion to the whistleblower (this would complement the fact that the whistleblower has additional legislative protection rights).

PROTECT – COMMERCIAL – document relates to the tender bid process and requires protection until the contract is awarded.

14 Disclosing data

Personal data must only be disclosed either:

- a) following successful completion of approved data subject question checks* to confirm identity, or
- b) to an individual in response to a Subject Access Request (SAR) (see part 5, section 16), or
- c) to other organisations and persons who are pre-defined as notified recipients within the Council's [Data Protection Notification](#) and with whom the Council has an active Data Sharing Agreement.

If you receive a request for personal data (SAR) you should in the first instance seek advice from the Data Protection Officer who will record and centrally manage under the request process detailed in section 16 and GDPR - Guidance Note 5A.

* When answering a call relating to an account or interaction with Council (such as a housing benefit claim or licence application) it will be necessary to check the identity of the caller before discussing the account with them. There are set questions that should be asked to ensure the caller is the account holder. You should record on the notepad that the DPA check has been carried out. If you are unsure please escalate the call to a more senior member of staff.

7th Golden DP Rule

Never disclose personal data without asking security questions to check a caller's identity before discussing personal account details. If unsure seek authorisation otherwise it may be a breach of data protection.

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15 Data processing records

The Council's Data Protection Officer will maintain records of personal data processing as required by GDPR Article 30 and 32. These will include:

- A central copy of each department's personal data audit.
- A central copy of the departmental Personal data flow maps.
- A copy of all Departmental Privacy Notices.
- A central log of all Data Sharing and Processing Agreements.
- A log of all computer systems that hold and process personal data.
- A central log of all pseudonymised personal datasets.
- A record of all staff authorised to write encrypted files to mobile media devices.
- A corporate log of all hard drives over 250gb.

GDPR Guidance Note 4 - provides details and templates for the data processing records

Part 5

Data subject rights

The *GDPR* provides the following *rights* for individuals, most of which follow on from a subject access request. The *rights* below are hyperlinked to more detailed information about each one on the ICO website.

- A12 - The *right* to be informed in respect of any of the rights Articles below;
- A13 - The *right* to be informed [Corporate Privacy Statement (CPS) and Departmental Privacy Notice (DPN)];
 - A13 - [The right to be informed of the use of 3rd party data](#);
 - A15 - [The right of access \(to get copies of your data\)](#) [[Subject Access Request](#)];
 - A16 - [The right to rectification](#);
 - A17 - [The right to erasure \(deleted\)](#) [be forgotten];
 - A18 - [The right to restrict processing \(limit use\)](#) [manual intervention];
 - A19 - The *right* to be notified [of change or erasure];
 - A20 - [The right to data portability](#) [in a universally readable format, usually .pdf];
 - A21 - [The right to object](#);
 - A22 - [The right to be told of automated decision making and profiling](#);
 - A34 - The *right* to be informed in respect of a data breach.

Any request to take action against one or more of these rights must be passed immediately to the Data Protection Officer.

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16 Data Subject Access Request (SAR)

Article 15 of the GDPR provide every citizen with the right to request and be provided with copies of the personal data held by the Council about them.

All SAR's are recorded and managed centrally by the Information Governance team and the Data Protection Officer. You should forward any request to a member of the team on the day you receive it. Please note that SAR's can now be made orally such as over the phone or counter as well as in writing. In particular, staff should look for requests hidden in other correspondence such as an emailed complaint.

The Council does has a form (DSAR1) to assist individuals with the request process including a section on the suggested identity documents an individual can provide to prove they are entitled to receive copies of the personal data. Though it is not compulsory for individuals to submit their request on the form it is helpful to ensure all the information required to begin the request is provided.

Though making a request is free, the Council may consider charging for manifestly unreasonable, multiple or frequent requests. In addition, should the personal data be required in a format other than electronic copies on an optical disc (CD ROM, DVD etc.) the Council reserves the right to charge a fee equivalent to the time and resources it takes to respond in that format. (E.g. a charge of 12p per A4 copy will be made to cover the paper, printing and time to print, plus a postage charge at actual secure delivery cost plus £1.50 packaging).

GDPR Guidance Note 5A fully defines the Subject Access Request process including a copy of the request form DSAR1.2.

17 Exemptions to the non-disclosure provisions

At certain times it may be lawful that personal data held by the Council can be disclosed under one of the exemptions to non-disclosure within the Data Protection Act 2018. This section is in two parts. **Part A** relates to information that can be disclosed without the individual's consent, (see **GDPR Guidance Note 5B – Non-disclosure Exemptions**) and **Part B** relates to information that may be exempt from disclosure following a subject access request.

Part A

There are several prescribed exemptions to the non-disclosure provisions within the DP Act 2018. The two main non-disclosure exemptions are copies below.

Schedule 2, Part 1, Section 2,

(1) The listed GDPR provisions and Article 34(1) and (4) of the GDPR (communication of personal data breach to the data subject) do not apply to personal data processed for any of the following purposes -

- (a) the prevention or detection of crime,*
- (b) the apprehension or prosecution of offenders, or*

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(c) the assessment or collection of a tax or duty or an imposition of a similar nature,

to the extent that the application of those provisions would be likely to prejudice any of the matters mentioned in paragraphs (a) to (c).

Schedule 2, Part 1, Section 5,

- (1) The listed GDPR provisions do not apply to personal data consisting of information that the controller is obliged by an enactment to make available to the public, to the extent that the application of those provisions would prevent the controller from complying with that obligation.*
- (2) The listed GDPR provisions do not apply to personal data where disclosure of the data is required by an enactment, a rule of law or an order of a court or tribunal, to the extent that the application of those provisions would prevent the controller from making the disclosure.*
- (3) The listed GDPR provisions do not apply to personal data where disclosure of the data—
 - (a) is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings),*
 - (b) is necessary for the purpose of obtaining legal advice, or*
 - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights,*to the extent that the application of those provisions would prevent the controller from making the disclosure.*

The Council has control processes in place to ensure all such disclosures are managed by Information Governance and authorised by the DPO to ensure that they are legally permissible, recorded and auditable. Staff must not respond to any request for Personal data from anyone, not even the data subject, without first contacting the DPO for advice, no matter how genuine the request appears or how insistent or forceful the applicant may be.

NB.

It should be noted that the DP Act 2018 does not place a requirement on the Council to provide data following a non-disclosure request. It is for requesting organisations to put forward a strong lawful case. The final say is always with the Councils' DPO.

Part B

Under the DP Act 2018 there are some instances where personal data held about an individual are exempt from disclosure to that individual. The Council will review all such exemptions with a view to disclosing as much as is possible without causing harm.

The list is limited to those in the provisions found in the DP Act 2018, Schedule 2, Part 3 onwards. Below are the main reasons the Council may need to consider refusing to disclose personal data under the provisions;

- LPP (Legal Professional Privilege)
- Self-Incrimination
- Management forecasts
- Confidential references
- Exam marks

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- Health and safety
- Exam results
- Medical records (subject to the harm test)
- Accreditation

All exemption disclosure requests are recorded and responded to centrally by Information Governance so that there is a full audit trail.

GDPR Guidance Note 5B – provides further guidance on processing exemption requests and compliant request forms.

Part 6

Sharing Data

18 Data Sharing and Processing Agreements (framework)

The Council follows the ICO [Data Sharing Code of Practice](#). The aim of the code is to help organisations adopt good practice when sharing information and comply with requirements of GDPR and DP Act 2018.

The Council actively encourages the use of Data Sharing (or Processing) Agreements (DSA's) between organisations to formalise and define the way Personal data is shared. This approach ensures that personal data is shared lawfully, responsibly, appropriately and proportionally.

Though there is no one template, the Council uses the Crown Commercial Services (CCS) Framework as the basis for all DSA's (see GDPR Guidance Note 6). New agreements proposed by external organisations and partners must at least include all the points within the CCS framework.

DSA's must be approved and signed off by at least one of the following before they become active:

- Data Protection Officer.
- Monitoring Officer
- Chief Executive (Data controller)

A copy of all signed DSA's must be given to the Data Protection Officer (DPO) so that they can keep a corporate record of all approved DSA's. The DPO must be consulted in respect of any proposed changes to existing DSA's. Changes must be approved in the same way as a new DSA.

The Council is a signatory to a number of County-wide DSA's including the Northamptonshire Partnership Information Sharing Statement, which is available as part of the GDPR Guidance Note 6.

GDPR Guidance Note 6 – provides advice and guidance on Data Sharing and Processing Agreements. It should be read alongside current ICO guidance and A29 Working Party advice and opinions.

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19 Tenders and Contracts

The Council's Contract Lawyer should be consulted whenever a contract includes the collection, holding or processing of personal data.

Though the Council does use some model data protection clauses, such as in the CCS procurement framework, it is often the case that clauses will require tailoring for each individual circumstance.

20 External Data Sharing Agreements

The Council will only consider drawing up a DSA with external partners and organisations that are ICO registered data controllers. To share otherwise would not provide the safeguards required to assure individuals that their personal data was being managed responsibly or in compliance with legal requirements.

Data sharing with external partners, organisations and individuals (such as consultants working for the Council) is controlled and defined through Data Sharing Agreements (DSA's). These can be separate agreements or combined within contracts. Where these are drawn up by a third party the Council's Data Protection Officer and Contract Lawyer should be consulted about the appropriateness and legality of the wording.

The process for agreeing externally drafted DSA's is the same as for NBC agreements. Without an approved DSA in place the Council **cannot** lawfully share Personal data except when there is a specific basis in law to do so.

21 Data Processing Agreements [DP Agreement]

Data Processors now assume direct accountability for the management of the personal data that they process on behalf of other data controllers such as the Council. GDPR Article 28 stipulates in paragraphs

1. *'Where processing is to be carried out on behalf of a controller, the controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject.'*
3. *Processing by a processor shall be governed by a contract or other legal act under Member State law.*

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Therefore the Council **must** have an agreement [contract] in place before any personal data can be passed to another data processor. That agreement must define;

- The specific data to be processed.
- The method of processing.
- The processing controls and security measures.
- The approved methods of secure data transfer.
- The audit and accountability procedures (quality assurance).
- Erasure / destruction process.
- Liability.

The data processor must be registered with the Information Commissioners Office.

A Data Processor cannot permit or use a third party subcontractor to further process that personal data without written authority from the Council and that change being incorporated into a revised DP Agreement.

22 Data Matching and Fraud Detection (National Fraud Initiative)

The Council is required by law to provide personal information data sets periodically to the Audit Commission to assist nationally with data matching exercises under section 68 of the Serious Crime Act 2007. This permits the disclosure of personal data for the specific purpose of the prevention and detection of fraud.

The data matching exercises are conducted as part of the National Fraud Initiative (NFI). There is a statutory Code of Practice and a model Privacy Notice providing further information about the lawful processing of citizens personal data for this purpose. Details of each exercise and the data sets required are available on the Audit Commission's website.

The Council supports the national data matching exercise. It provides all data required for each exercise and follows the relevant codes of practice to ensure the data is transmitted and processed securely at all times.

Part 7

Transmission and Transportation

23 Data movement, access and risk mitigation

The greatest single risk to the security of personal data is during transmission and transportation. Every time data is moved a risk of loss, theft or breach is created. Specific detailed departmental policies must be used to ensure that the security of Personal data is not compromised during the transmission and transportation process. Controls are considered further in sections 24 & 25 below.

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Risk assessment is fundamental to data protection compliance. Under the GDPR, consideration of risk underlies organisational accountability and all data processing.

The identification and classification of risks should include both material and non-material (tangible and intangible) harms. Material harms may require prioritisation over non-material harms, depending on context.

Table 2 below, though not intended to cover every conceivable risk, considers many of the more common ‘data risk triggers’ associated with data movements and some strategies that can be employed to significantly reduce the risk, and in some cases totally eliminate the risk of a data breach. You will need to complete a specific risk matrix as part of you DPIA.

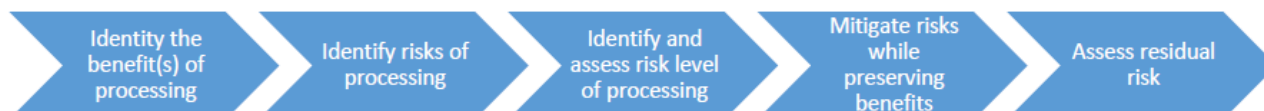


Table 2 – File movement risks

Areas of risk	Specific Risk	Suggested risk mitigation
Physical file movements		
File removed from an archive or store cupboard and cannot be traced. No records of who last had file.	Potential data breach but no evidence of loss. Staff unable to work or update case. File has to be recreated, potentially with new data gathered from individual.	Use markers such as coloured cards to sign and leave in place of file to indicate when it was removed, why and by who. Scan file [to EDRMS] and return/destroy.
Personal data file lost in office. No one knows where it is.	As above.	Use clear desk and office strategies suitable for you specific office environment. Employ file movement logs to track. Use EDRMS to remove the need for physical files.
File taken out of office to meeting.	Potential data loss. File left unattended. File misplaced / taken.	Employ Personal data file recording to sign out and back in. Make the file electronic and place on a secure device or make available via secure location. Send to print in new location; destroy copy after use.
Office move	Files lost in transit.	Log all files before move and check back in after move.
Home working	Transport of physical files. Access to non-staff in the home environment. Burglary.	Only access secure online files from home. Use secure email and password protected files.

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Post	Data lost in post. Wrong data posted. Post incorrectly addressed.	Signed for does not make the postage any more secure, though it does give assurance that someone at the other end has received the information. Courier, particularly same day door-to-door, is about the most secure way to post.
Electronic file movements		
File not found on server	Moved or deleted. Time wasted recovering from back up.	Improve file management controls and training. Consider EDRMS.
Access across network drives	Personal data placed in unsecure shared area	Use secure folders and password protected files in departmental J drives to hold Personal data. Consider EDRMS.
Home working	Particular risks include the storage of data on removable drives such as USB sticks, the holding of data on a laptops and taking files home. Accessing data over insecure network.	Only use encrypted storage devices (NBC enforced policy). Remove rights to access insecure online storage.
FTP e.g. Dropbox	Insecure access. Poor accountability of access. No corporate control or file back up.	Use SFTP (Secure File Transfer Protocol) sites over insecure ones. Virtual Data Rooms provide a high level of secure storage. Huddle and other similar file share sites have secure areas. Beware of where the data is held, particularly in the cloud.
Email	Often overlooked as a transmission risk. Standard email is not a secure way to send Personal information.	Consider password protection. encryption, or secure email such as GCSX depending on the level of risk identified

GDPR Guidance note 7 - provides further advice on how to identify and mitigate Personal data risks and can be used alongside Guidance Note 9 – Data Protection Impact Assessments.

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24 Physical personal data file movements

Lack of control measures used to manage personal data files within the office environment and during archive deposit and retrieval are the biggest single cause of data loss within an organisation nationally. It causes time lost searching for a missing file, delays dealing with customers and can result in embarrassment recreating the file from new data. Under GDPR it also creates a reportable data loss.

Control measures are therefore essential to the smooth running of a modern efficient office and to provide the assurance to members of the public and the regulator that personal data management is a high priority.

There are 4 key areas of risk:

1. Between staff (same department and between departments).
2. Transportation - site visits including client visits.
3. Archive deposit and retrieval.
4. File destruction.

Departments should analyse the tangible and intangible risks in these 4 areas and put in place mitigation procedures. The DPIA can assist you to identify your key risk areas. The Data Protection Officer can assist you to develop and implement your mitigation strategy.

Departments should consider EDRMS as a permanent solution to mitigate the risk of lost physical files.

25 Electronic personal data file transmission

Transmitting personal data inherently creates a risk of data loss. As soon as data moves out of the Council's secure internal network the potential for loss increases exponentially. It is therefore essential that the additional control measures are utilised to reduce or eliminate both the tangible and intangible risks associated with data transmission.

Password protecting – All documents containing personal data should already be password protected with a unique not generic passcode. The passcode should be unrelated to the file name, Data Subject, date of creation, author, department or organisation.

Encryption – In addition to the passcode to open a personal data document, electronic files containing Special categories of Personal data **must** be encrypted or held behind an encryption layer when being transmitted either by email or via online storage.

Emailing – Password protection **must** be used on all email file attachments containing Personal data. GCSX or similar secure email network **must** be used to transmit special categories of personal data or share data with other central and local government departments and agencies.

Online public cloud file storage – This media is only suitable for non-personal data transmission. Personal data **must not** be shared using cloud solutions without explicit permission from the data subject and the Data Protection Officer. Unless cloud based storage for any electronic files and particularly Personal data can be proven to exist only in the UK or wider EEA then its use is strictly forbidden.

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Secure File Transfer Protocol Sites (SFTP) and Virtual Data Rooms (VDR's) – Provided that it can be shown the personal data will be held within the UK or wider EEA then the use of SFTP sites and VDR's is encouraged as a relatively secure way to transfer password protected personal data files.

Part 8

Encrypting personal data

26 Removable media (USB)

To completely remove the risk of personal data breach from the loss, theft or unauthorised access to any data held on a removable media device (RMD) the Council enforces McAfee Endpoint Encryption at user level. All computers and laptops block the downloading of data to all removable drives including hard drives, USB's, memory cards and optical media.

Endpoint encryption initialises a 256 bit AES encryption layer in front of all files and folders on the device. A copy of the software is also installed so that the device can be accessed from any machine. The user creates a unique password which secures the device and protects all data placed on the device behind the encryption layer.

Employees can request permission to use the encryption software where there is a demonstrable corporate need.

- i. Employees complete a request form which is countersigned by their Head of Service who agrees the corporate need.
- ii. The form is then reviewed by the Data Protection Officer (DPO) who uses the DPIA process to evaluate the risk and need.
- iii. If approved endpoint encryption is enabled and training provided to the user.
- iv. Access is reviewed annually and employees not using encryption regularly are contacted and access revoked if the need has changed.

Access can only be provided to PC and Laptop users. Wyse users will need to ask ICT or the DPO to create their drive and download their data. Alternatively departments could nominate their own super user responsible for all encryption in their area.

GDPR Guidance note 8 – details the Council's Endpoint Encryption policy and approval process (commonly called the USB Encryption Policy).

27 Local drive storage

Citizens personal data **must not** be stored on:

- A local PC device drive or memory,
- A laptop,
- Any unencrypted removable media device,
- Any device or storage media not owned by the Council e.g. your own personal devices or that of another person, organisation or partner.

Anyone found to be storing citizens personal data on any of the above will be subject to the Council's gross misconduct procedure.

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Part 9

Personal Data Impact Assessments

28 Data Protection Impact Assessments (DPIA)

Ensuring personal data is processed correctly from the very beginning is critical to the Council's ongoing compliance with its obligation to safeguard personal data.

GDPR Article 35 sets out for the first time in legislation the requirement that all processing activities, particularly new processes and changes to existing processes, **MUST** be subject to a DPIA.

GDPR Article 35 states:

1. Where a type of processing in particular using new technologies, and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of Personal data. A single assessment may address a set of similar processing operations that present similar high risks.

2. The controller shall seek the advice of the data protection officer, where designated, when carrying out a DPIA.

Therefore, and with due regard for the GDPR, ICO Code of Practice and Article 29 Working Party guidance, the Council has produced a DPIA toolkit . This provides a step-by-step approach to evaluate the risks and identify mitigation strategies associated with proposed, new or existing personal data systems to ensure they are GDPR complaint.

Its use is mandatory for the following:

- Any change to an existing manual personal data collection process
E.g. Consultation, survey, petition, membership/contact list
- Any proposed new process that involves the collection of personal data
E.g. Consultation, survey, petition, membership/contact list
- All system upgrades where the system holds any personal data
E.g. Planned software version upgrade
- All proposals for a new or replacement software solution that will hold personal data. *E.g. Implementation of a new case management system or Document Image Processing (DIP) solutions such as EDRMS*

The DPIA toolkit provides help to identify weaknesses or risks in respect of personal data losses or breaches and consider action that needs to be taken to ensure compliance where such compliance is not yet achieved. DPIA applies equally to paper as well as electronic data processing systems.

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Suppliers/contractors must give all reasonable assistance to the Council in the preparation of any DPIA before starting any installation or upgrading process, including:

- A systematic description of the expected processing or change and its purpose.
- The necessity and proportionality of the processing operations.
- The risks to the rights and freedoms of individuals.
- The intended measures to address the risks, including safeguards, security measures and mechanisms to protect personal data.
- The supplier must also put in place appropriate protective measures to protect against a data loss event during the installation.

DPIA has been integrated into the project initiation process and has been embedded into the ICT Governance Board's approval process. From 25th May 2018 no new system that holds or processes personal data will progress until a DPIA has been completed and signed off by the Data Protection Officer and ICT Governance Board as part of the project initiation process. Major issues may mean changes to the project to ensure compliance. Minor issues identified in the DPIA will become part of the project risk register for resolution before project sign off.

GDPR Guidance Note 9 contains the Councils Data Protection Impact Assessment (DPIA) Toolkit

Part 10

Retention, destruction and decommissioning

29 Data retention

GDPR Data Principle (e) – Storage limitation, requires the Council to only keep personal data for only as long as is necessary.

How long data has to be retained will depend on the higher of one of the following factors:

1. **Statutory Requirement**; such as most finance records which are kept for CFY+6FY (current financial year plus 6 financial years).
2. **Best Practice**; Examples may include a Code of Practice issued by a Commissioner or Regulatory or an industry body such as CIPFA.
3. **Business Need**; the need to retain data may be specific to the organisation or the department. Provided the rationale for retention is justified, not excessive and is not less than 1 or 2 above there is no reason why you cannot set your own retention period.

A retention schedule will contain details of how long specific record types should be kept for. Your departmental retention schedule may well be different to another department's for exactly the same data type. This is perfectly acceptable and not unusual. Information

GDPR Policy Statements

Governance and the Data Protection Officer can advise on how long information should be kept.

GDPR Guidance Note 10 includes a copy of the Corporate Retention Schedule and a template for departments to add their own specific retention periods.

30 Reviewing data

Previously, advice under DPA98 was that personal data should not be kept on active files for more than a maximum of 6 years without being refreshed. GDPR brings in the requirement to keep the retention of personal data under constant review for example, a consultation database. At each new consultation individuals must be asked if they wish to remain on the database. Those that do not and those who are undeliverable should be removed. The database remains current and compliant with the GDPR Data Principle.

There are of course exceptions such as Council Tax where a person can remain liable for many years or even decades. Their billing address never changes so the account will only need changing when there is a change of circumstances.

Ideally, as a minimum, data should be reviewed every couple of years.

- Privacy notices state how long personal data will be held for. There must be processes in place to ensure the personal data is erased /securely destroyed at the end of this period. E.g. records of disciplinary action, consultation responses, monitoring data etc..
- Departments must have in place procedures to ensure personal data (such as contact details) are updated regularly. Some departments, such as HR, may do this annually; others will do it as a rolling process such as Housing Tenancy and Planning while some will just note the date the details were put onto the system such as Council Tax.

There is no requirement to update personal data on closed files such as ex-tenant files, though it is good practice to set review periods where data no longer relevant can be destroyed. GDPR compliant EDRM Systems can allocate different retention and deletion rules to each document type indexed and can be used to delete some indexed files in a case whilst leaving others.

Department retention schedules must include review periods where necessary to ensure Personal data is not held longer than necessary.

31 Destroying paper documents and files

Secure destruction of all personal data, special categories of (Sensitive) personal data, confidential, commercial and financial information held by the Council is mandatory.

From August 2018 secure destruction receptacles will be placed on every floor and must be used unless you have a departmental shredder. They must only be used for secure destruction waste.

For larger destruction requirements, such as your yearly archive file destructions, you will need to book and pay for additional receptacles through the Data Protection Officer.

GDPR Policy Statements

32 Deleting electronic files

The rules for deleting electronic files are no different to that of paper records; the retention periods are exactly the same for both. It is easy to forget about electronic documents as they do not clutter the desk or fill a cupboard. They do however require considerable ICT resource to continually back up and store on archive tape.

It is good practice to have electronic files such as old reports, reference material, old Journals etc. that are no longer accessed regularly to be archived to a drive or an encrypted departmental hard drive. They remain accessible to you but corporately the Council is not spending time and resource constantly backing them up. ICT should be advised and a copy of the drive taken and archived for recovery purposes.

You must advise the Data Protection Officer of any new hard drive so that it can be recorded on the hard drive log for audit purposes. The DPO and ICT can advise

33 ICT decommissioning

Wherever possible the Council's ICT Services (currently provided by LGSS) will seek to reuse ICT hardware to maximise the return on investment and minimise waste. Where prudent to do so, ICT Services will look to sell ICT hardware as an alternative to disposal. However where this is not possible the Council will manage the secure disposal of all redundant hardware through specialist decommissioning and destruction companies who comply with both the [Waste Electronic & Electrical Equipment \(W.E.E.E.\) Regulations](#) as well as data protection requirements.

ICT Services clear down and wipe all PC's of user profile data. No corporate data should have been stored on the PC's 'C' Drive (hard drive) however this is also checked and cleared. Printer and other hardware hard drives are wiped before being decommissioned.

Redundant items are then stored and are batch collected and securely destroyed by a special company with all of the relevant haulage and environmental certification. Certificates of secure destruction and WEE Regulation compliant disposal are retained by the Data Protection Officer for a period of 7 years.

Part 11

Non Compliance

8th Golden DP Rule

You must notify the Data Protection Officer immediately if you identify or suspect any personal data misuse. You may also want to consider raising the issue through the Council's Whistleblowing procedure.

GDPR8

GDPR Policy Statements

34 Breaches

The Council is required to proactively report significant data breaches to the Information Commission. To do this, anyone who suspects or finds that a data breach, data loss, data theft or misuse of personal data has occurred should inform the Data Protection Officer (DPO) at the earliest opportunity, preferably on the same day. You should not wait to inform your manager, the DPO will do this as part of the investigation.

Types of suspected data breaches include, but are not restricted to:

- Accidental disclosure of personal data to another person or organization.
- Emailing of personal data to the wrong recipient.
- Inappropriate access to or use of personal data.
- The theft of personal information, either paper based or electronic.
- Accidental loss of personal data.
- Personal data that has not arrived at its destination.
- Fraudulent acquisition of (or attempt to acquire) personal data (blaggers).
- Near misses.

The DPO must investigate the suspected data loss at the earliest opportunity. Each reported breach will receive a unique breach log reference number and will be recorded on a REACTER report and log. Within 3 working days of the suspected breach being notified the DPO will complete the initial investigation and draft report. If the report identifies a significant breach, and after consulting with the Chief Executive and / or Monitoring Officer, the DPO will inform the Information Commissioners' Office of the breach and provide a full report to them within 5 working days. Where appropriate, particularly in respect of theft, the police will also be notified.

Where a breach is shown to have originated from a member of staff it will be dealt with in accordance with the Council's procedure for dealing with poor performance and misconduct. Managers will need to decide what action is appropriate based on the circumstances and may wish to seek advice from HR, the DPO and if necessary Legal Services, (particularly in the case of criminal offences). This will be in addition to the breach report to the ICO.

35 Consequences of non-compliance including data breach

The Information Commissioner (ICO) has a duty to monitor and enforce compliance with GDPR. This includes the power to conduct audits to assess whether an organisation's processing of personal data follows good practice. Following such an audit the Information Commissioner has the power to issue the following notices.

Information notice

Sections 142 – 145 of the DPA 2018. An information notice would require the Council to provide certain information within set time limits to the ICO. It would usually be served to assist the ICO determine if further notices and or action was necessary.

GDPR Policy Statements

Assessment notice

Would require the Council or one of its processors to permit the ICO to carry out an assessment (audit) to ascertain if it is complying with the data protection legislation.

Enforcement notice

If the Information Commissioner decides that there had been or is a failing, he may serve the Council with an enforcement notice (Sections 149 – 153 of the DPA 2018). Failings fall into 4 types, 3 could be applied to the Council.

149(2) The controller or processor has or is failing to comply with the principles, individuals rights, obligations, breach reporting or restricting international transfers.

149(4) The controller does not meet the accreditation requirements, certification or any other GDPR requirement.

149(5) The controller has failed to comply with DPA 2018 section 137 (pay an annual fee).

Penalty notice

Sections 155 – 159 of the DPA 2018. The ICO has the power to issue monetary penalties under GDPR Article 58 if they are satisfied the controller as or is failing or has failed to comply with any of the notices in this section.

The ICO can prosecute those (personally and corporately) who commit criminal offences under GDPR Article 83.4 and 5 or sections 170 – 173 of the DPA 2018. The maximum penalty for such a failing is the sterling equivalent of €10,000,000 (or 2% of annual turnover).

The maximum penalty for a serious and significant data breach is the sterling equivalent of €20,000,000 (or 4% of annual turnover).

The maximum fine for failure to comply with DPA 2018 section 137 is 150% of the annual charge applicable at the time.

In addition, in relation to computer processed personal data, the following offences remain under the Computer Misuse Act 1990:

- Unauthorised access to computer
- Unauthorised modification to contents of computer, and
- Unauthorised access with intent to commit / facilitate the commission of further offences.

36 Corporate responsibility

The data controller for the purposes of GDPR is Northampton Borough Council's Chief Executive. His deputy is The Monitoring Officer.

The person responsible for the day-to-day management of data protection at the Council is the Data Protection Officer, David Taylor, who has a direct reporting line to the data controller in respect of the statutory obligations set out in the General Data Protection Regulation 2016, the Data Protection Act 2018 and detailed in Part 12 of this policy.

GDPR Policy Statements

Part 12

DPO duties & responsibilities

37 The Data Protection Officer

The Council has, under GDPR Article 37 paragraph 1 and DP Act 2016 s69 – s71, appointed David Taylor as the Council's Data Protection Officer (DPO).

The DPO's duties are aligned to those as set out in GDPR Article 39 and the 29 Working Party Guidance (A29WP) on the role and responsibilities for the position.

- a) Ensure the Council's [Data Protection Notification](#) accurately reflects the activities of the Council and is renewed each year (see policy statement 40).
- b) Maintain the Corporate Data Protection Policy and related guidance by ensuring it reflects current legislation and best practice.
- c) Inform, advise and provide guidance and assistance to the data controller, the processor, employees, elected Members, contractors, agents, partners or consultants who have access to any personal information held by or on behalf of the Council in the practical application of the obligations pursuant to the GDPR, to other Union or Member State data protection provisions and this policy and associated guidance.
- d) Monitor compliance.
- e) Provide induction and ongoing corporate training to ensure all data handlers and processors understand, and continue to understand, their responsibilities with regard to all data protection obligations.
- f) Investigate personal data breaches, losses, inappropriate use, theft and malicious cyber incursions and where necessary report such incidents to the data controller, the Information Commissioner and the Police.
- g) Record and manage all requests for access to personal information including subject access and DPA 2018 Sch2, Part 1, (2) & (5) requests.
- h) Keep a log of electronic and manual databases and to review their use periodically for compliance.
- i) Maintain corporate records of data processing processes include data flow maps and a change log.
- j) Provide a Data Protection Impact Assessment (DPIA) toolkit, advise where requested on its use and monitor DPIA performance pursuant to Article 35.
- k) Keep a log of, and regularly review, the continued appropriateness and compliance of all Data Sharing and Data Processing Agreements in place and approve all new agreements in consultation with Legal Services.
- l) Cooperate and liaise with the Information Commissioners Office and act as the contact point for the ICO on issues relating to processing, including the prior consultation referred to in Article 36, and to consult, where appropriate, with regard to any other matter.

GDPR Policy Statements

In order to assist the Data Protection Officer, Council staff must inform the DPO if their department: -

- plans to create a new database, or relevant manual filing system; or plans to purchase or use a third party database to hold Personal information, or
- discovers an unexpected data loss or any potential security breaches.

Departments should identify a departmental 'Data Champion' to assist the DPO manage data compliance in their service area.

38 The Notification process

The Council maintains, and will continue to maintain, regular notification of its data processing activities to the Information Commissioners Office (ICO) under section 134 of the Data Protection Act 2018.

Its current registration number for such purposes is [Z5256045](#).

It is the responsibility of the Council's DPO to ensure the Council:

- renews its annual Data Protection Fee on or before the last day of February each year,
- at least annually review its data protection notification to ensure that it reflects the use of personal data within the authority and,
- promptly (within 28 days) updates notified changes to its notification to the ICO.

It may mean that a notification amendment is needed if:

- personal data is no longer needed for an activity,
- new data is to be used for a new activity, or
- changes are made to the way personal data are used in an existing activity.

To enable this process to begin you will need to supply the following information in writing to the Data Protection Officer:

- why (for what **data purpose**) are personal data being processed?
- who is it about (the type of **data subject**)?
- what personal information (**data classes**) is being held?
- who has it come from and who does it go to?
- is information to be sent abroad, and if so where to?

It is your responsibility to ensure changes to the way you collect, hold or process personal data is reported to the DPO. Only after you have supplied written notification of changes can the notification be reviewed and amended if required. You are breaking the law if you knowingly process personal data in contravention of the Council's Notification and the GDPR.

9th Golden DP Rule

Under no circumstances can you begin collecting personal data for a new or amended purpose until the Council's notification has been checked and amended if required by the Data Protection Officer.

GDPR9

GDPR Policy Statements

39 Data complaints & investigations

Individuals expect the personal data the Council holds to be processed and destroyed in a safe and secure environment and in compliance with the GDPR, DP Act and its ICO notification.

Occasionally individuals may have cause for concern that their Personal data has not been managed as they would expect and have the right to complain. All such complaints, whether directed at the Council or one of its data processors, must immediately be passed to the DPO who will investigate and respond in the first instance using, wherever possible the timescales in the Council's Corporate Complaints Policy; that is 3 days for an initial response and 10 days to provide a formal written response.

An appeal to the outcome can be made within three months and will be responded to within 20 working days by the data controller. If the matter is still not resolved the final step is to ask the Information Commissioner to review the case.

If a complaint relates to an alleged data breach the Council will investigate according to its data breach procedure.

40 Training

Data protection training is a crucial element of staff awareness. Staff, both permanent and temporary, need to be aware of their obligations relating to all Personal data they process as part of their Council duties. Failure to adhere to the eight data protection principles can lead to possible disciplinary action and prosecution.

It is the Council's Policy that all staff who hold or process Personal data receive the appropriate training.

Basic data protection training is provided to staff via their induction process departmentally and corporately. Additional training will be provided for all who have access to Personal information to ensure that they know how to:

- Identify and manage personal data and Special categories of personal data
- Keep Personal data safe and secure
- Seek advice in respect of Data Protection queries and complaints

Further in-depth data protection training will be provided for all staff whose main or core function is to process personal data.

- Collect, process and store personal data
- Record keeping, free text and identifying individuals rights
- Reporting a data breach

In addition staff are expected to read this Corporate Data Protection Policy.

41 Policy review

This policy is subject to an annual review including its accessibility to staff and all related advice and guidance.

The review will include tests on the continuing appropriateness of the safeguards and controls already in place.

GDPR Policy Statements

In addition, changes to legislation, national guidance, codes of practice or supervisory body advice may trigger individual policy section reviews and updates.

10th Golden DP Rule

When you think about data protection remember that we are all data subjects. Think about how appropriately and securely you would like your personal details to be handled and then manage the personal details of others in the same way.

GDPR10

Part 13

Annexes

Annex 1 - Compliance Related Legislation

[Computer Misuse Act 1990](#)

[Data Protection Act 2018](#)

[Disability Discrimination Act 1995](#)

[Disability Discrimination Act 2005](#)

[The Environmental Information Regulations 2004](#)

[Freedom of Information Act 2000](#)

[General Data Protection Regulations 2016](#)

[The Human Rights Act 1998](#)

Annex 2 - Links to other associated legislation

[Civil Contingencies Act 2004](#)

[Copyright, Designs and Patents Act 1988](#)

[Criminal Justice and Immigration Act 2008](#)

[Defamation Act 1996](#)

[Electronic Communications Act 2000](#)

[Public Interest Disclosure Act 1998](#)

[Regulation of Investigatory Powers Act 2000](#)

[The Re-Use of Public Sector Information Regulations 2005](#)

[Serious Crime Act 2007](#)

Annex 3 - References

[The Information Commissioners Guide to Data Protection](#)

[Legal guidance on Data Protection](#)

[Article 29 Working Party Guidance](#)

[Article 29 Working Party Opinions](#)

GDPR Policy Statements

Annex 4 - Contact details

At Northampton Borough Council	The Data Protection Regulator
David Taylor Data Protection Officer Northampton Borough Council The Guildhall St Giles Square Northampton, NN1 1DE	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF
Telephone : 01604 83 8536 Email: djtaylor@northampton.gov.uk	Tel: 0303 123 1113 Live Chat: ICO live chat Website: https://ico.org.uk/your-data-matters/raising-concerns/

Annex 5 - Guidance Notes to this Policy

The following GDPR Guidance Notes support this policy and provide further information, useful tips, implementation information, templates and forms.

GDPR-GN01 – Corporate Privacy Statement and Departmental Privacy Notices (templates).

GDPR-GN02 – How and where to hold Personal data and Version Control Policy.

GDPR-GN03 - Clear Desk and Secure Office Environment Policy.

GDPR-GN04 – The Protective Markings Policy and details and templates for the data processing records.

GDPR-GN05A – Subject Access Requests including a copy of the request form DSAR1.2.

GDPR-GN05B – Guidance on processing exemption requests and compliant request forms.

GDPR-GN06 – Data Sharing and Processing Agreements including DSA & DPA templates.

GDPR-GN07 - Identifying and mitigating Personal data risks.

GDPR-GN08 – The Council's Endpoint Encryption (USB) policy and approval process.

GDPR-GN09 – Data Protection Impact Assessments Toolkit

GDPR-GN10 - Retention Schedules and Destruction Guidance

THE 10 GOLDEN DATA PROTECTION RULES

- 1. Treat others data as though it was your own.**
- 2. Only collect the minimum amount of personal data**
- 3. Publish your Departmental Privacy Notice**
- 4. Only write what you'd want recorded about you**
- 5. Treat all personal data as provided 'in confidence'**
- 6. Only use personal data for the purpose it was collected for**
- 7. Never disclose personal data without asking security questions**
- 8. Notify the DPO immediately if you suspect misuse or a data breach, loss or cyber attack**
- 9. The DPO must approve all new personal data collection**
- 10. Manage others data as you would want you data managed**

**THINK
PRIVACY**

Annex 7 - The Information Commissioners Personal Information Promise (PIP)

Promise
**I (name and title),
on behalf of (name of organisation)
promise that we will:**

1. value the personal information entrusted to us and make sure we respect that trust;
2. go further than just the letter of the law when it comes to handling personal information, and adopt good practice standards;
3. consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
4. be open with individuals about how we use their information and who we give it to;
5. make it easy for individuals to access and correct their personal information;
6. keep personal information to the minimum necessary and delete it when we no longer need it;
7. have effective safeguards in place to make sure personal information is kept securely and does not fall into the wrong hands;
8. provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
9. put appropriate financial and human resources into looking after personal information to make sure we can live up to our promises; and
10. regularly check that we are living up to our promises and report on how we are doing.

Signed
Signed
(name and title)

Date



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information



IT'S IN YOUR HANDS!

We are all responsible for ensuring that customer and employee personal data is kept secure and confidential. Extra care must be taken with any information that needs to be sent or taken off-site. Think Privacy.

Appendices
3



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Market Advisory Group - Consultation to update Terms of Reference
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18th July 2018
Key Decision:	NO
Within Policy:	YES
Policy Document:	NO
Directorate:	Directorate of Customers and Communities
Accountable Cabinet Member:	Cllr Phil Larratt
Ward(s)	Castle Ward

1 Purpose

The purpose of the report is:

- 1.1 To advise Cabinet of the outcome of the recent consultation undertaken on the composition and Terms of Reference of the Market Advisory Group; and
- 1.2 To seek approval from Cabinet to amend the Terms of Reference and composition of the Market Advisory Group taking account of the recent consultation outcome.

2 Recommendations

- 2.1 That the results of the recent consultation with Market Traders (shown as Appendix 1) are considered and are taken into account in any final decision made by Cabinet and Council.
- 2.2 That to reflect the outcome of the consultation, subject to approval by Full Council of relevant changes to the Council's constitution, the Market Advisory Group's composition is changed as follows:-

- a) that the Chair be the Cabinet Member with responsibility for Market Liaison, (instead of an independent Chair nominated by the Leader of the Council);

and the Terms of Reference are further amended as follows:

- b) that reference is made to the group meeting biannually (instead of monthly); and
- c) that reference to the independent review of the market is removed as this has now been completed

as set out in the draft revised Terms of Reference at Appendix 2.

- 2.3 That Full Council is recommended to amend the Responsibility for Functions section in part 3 of the Constitution to amend the composition of the Market Advisory Group as referred to in paragraph 2.2a) above.
- 2.4 That Full Council is recommended to amend the Scheme of Delegations to Officers in the Constitution to delegate the powers currently delegated to the Town Centre Manager in respect of market matters (Part 8, Part B, paragraph 5.1), to the Markets Manager, as set out in Appendix 3.

3 Issues and Choices

3.1 Report Background

- 3.1.1 The Market Advisory Group was established in March 2012 following an independent review of the market.
- 3.1.2 The Market Advisory Group was established to work with market traders, the local business community and other key stakeholders to improve the viability and vitality of Northampton's Market.
- 3.1.3 The purpose of the Market Advisory Group was to advise the Leader of the Council and the Cabinet Member leading on Market Matters with regard to the governance, strategic direction and operational management of the Market.
- 3.1.4 The recommendations from the independent review of the Market carried out in 2012 have all now been implemented.
- 3.1.5 The composition of the Market Advisory Group is set out in the Constitution. It comprises, "three Members of the Council appointed broadly in line with political balance by the Chief Executive in consultation with the Leader of the Council and an independent person nominated by the Leader of the Council to be the Chair".
- 3.1.6 The current Terms of Reference of the Market Advisory Group state that the frequency of meetings will be monthly or as determined by the Chair and that lay members such as subject experts and local business proprietors will be co-

opted as necessary and appropriate. All traders currently have an open invitation to attend.

- 3.1.7 Northampton Borough Council commissioned a market health check by NABMA (National Association of British Market Authorities) in May of 2017 which recommended that the Market Advisory Group be reviewed as to its aims to make it more trader focussed.

3.2 Issues

- 3.2.1 Over the past two years, attendance at the Market Advisory Group has declined significantly and as a result the Cabinet Member with responsibility for market matters asked all traders and stakeholders to feedback so that the Market Advisory Group could understand the reason(s) for this.
- 3.2.2 Following the feedback received, a consultation exercise was undertaken with all market traders. The consultation exercise was carried out by the Market Officer speaking to each individual trader and recording their comments.
- 3.2.3 The details of the consultation questions and the results of the consultation are shown at Appendix 1.
- 3.2.4 The outcome from the consultation was that Market Traders supported a move from monthly meetings to bi-annual meetings chaired by the Cabinet Member with responsibility for Market Liaison.

3.3 Choices

3.3.1 Option 1

- a) Keep the existing Market Advisory Group composition and Terms of Reference.
- b) Advantages: This worked well following the 2012 Market review and the action plan developed was implemented successfully.
- c) Disadvantages: The Market Advisory Group has become poorly attended, lacking in direction and the market review recommendations have now been implemented.

3.3.2 Option 2

- a) Change the frequency of the meetings to Quarterly (from monthly), continue to invite all traders and have the meeting chaired by the Cabinet Member with responsibility for Market Liaison (instead of by an independent Chair nominated by the Leader of the Council).
- b) Advantages: This provides an opportunity to refresh the market strategy and to re-invigorate trader engagement.

- c) Disadvantages: The meetings would be too frequent for all traders to attend due to the long hours they work, distances they travel and having to make arrangements to look after their stock.

3.3.3 Option 3

- a) Change the frequency of the meetings to bi-annually (from monthly), invite all traders and have the meeting chaired by the Cabinet Member with responsibility for Market Liaison (instead of by an independent Chair nominated by the Leader of the Council).
- b) Advantages: This provides an opportunity to refresh the market strategy and to re-invigorate trader engagement. This is the preferred frequency for traders and aligns with their main trading periods at Christmas and summer and reflects the outcome of the recent consultation with traders.
- c) Option 3 is the preferred and recommended option. This is because the traders have been consulted and the majority (59%) support this option and it will increase trader engagement and provide an opportunity to refresh the market strategy.

3.3.4 Constitution

If Cabinet accepts the recommendation in paragraph 2.2 of this Report (ie Option 3), the Constitution will need to be amended to reflect the change in the composition of the Market Advisory Group. Cabinet is therefore recommended to recommend to Full Council that the Responsibility for Functions section in part 3 of the Constitution be amended to change the composition of the Market Advisory Group as referred to in paragraph 2.2a) of this Report.

3.3.5 Delegated Powers to Officers

It is further recommended that Full Council is recommended to amend the Scheme of Delegations to Officers in the Constitution to delegate the powers currently delegated to the Town Centre Manager in respect of market matters (Part 8, Part B, paragraph 5.1), to the Market Manager, as set out in Appendix 3.

The Market Manager now holds responsibility for the delivery of these duties and on a daily basis is present on the Market.

3.4 Next Steps

- 3.4.1 The Terms of Reference and Constitution will be amended if the recommendations are approved, subject to Full Council agreeing the change to the Constitution.
- 3.4.2 The first meeting of the Market Advisory Group will be planned to take place after the relevant Full Council Meeting.

4 Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this report.

4.2 Resources and Risk

4.2.1 There are no financial implications arising from this report. The Market Advisory Group will make proposals that, if implemented may have resource implications. Such implications will be managed in accordance with the Council's financial procedures and any risks arising will be appropriately managed.

4.3 Legal

4.3.1 Cabinet has been asked to consider this report as the Market Advisory Group are responsible for advising the Executive. The recommended changes to the Constitution must be approved by Full Council.

4.4 Equality and Health

4.4.1 A Community Impact Assessment has been completed.

4.4.2 The consultation exercise was undertaken in a way that ensured it was accessible to all consultees. The Market Officer visited each trader to give them a copy of the consultation and to gather their responses.

4.4.3 Any actions arising from proposals made by the Market Advisory Group will be subject to appropriate equality impact assessment before and during implementation.

4.5 Consultees (Internal and External)

4.5.1 A consultation exercise was undertaken with stakeholders from the market to seek their views on the current Market Advisory Group, its effectiveness and any proposed changes. The findings of this consultation were taken full account of in the development of the proposed changes.

4.5.2 A further consultation exercise is currently underway in relation to determining the retail offer that people want from the market, as well as gathering information on how often people shop there and what additional products they would like to see sold in future. There is also an opportunity to suggest how the market could be made more attractive to potential new traders.

4.5.3 The results of the consultation exercise will be known by the end of July and will be used to inform future changes and developments through the Market Advisory Group and ensure that the market remains a key aspect of the town's retail offer.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 Improving the Market is an important component of the ambitious Town Centre regeneration programme.

4.7 Other Implications

4.7.1 None

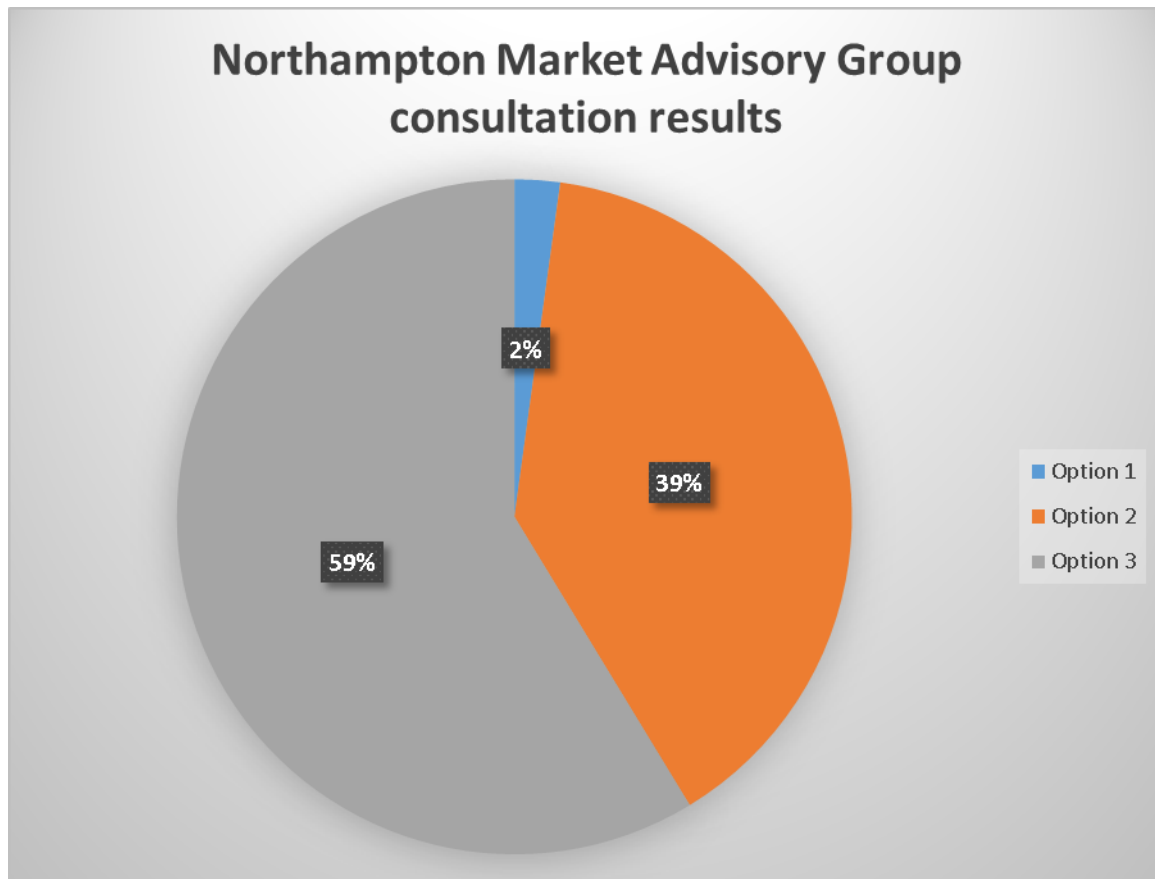
5 Background Papers

None

Julie Seddon
Director of Customers and Communities
Ext. 7402

Choice of options given to market traders with regard to the composition of the Markets Advisory Group

- a) Carry on with the existing Market Advisory Group in its current format
- b) Change to quarterly all trader meeting chaired by the incumbent Cabinet Member with responsibility for Market Liaison
- c) Change to bi-annual all trader meeting chaired by the incumbent Cabinet Member with responsibility for Market Liaison



Comments received in response to consultation with reference to the existing Markets Advisory Group arrangements

- I read with interest your letter dated November 28th 2017 (ref.: PL/CB/0426) regarding the MAG and the activities of [REDACTED]. I can state categorically that neither of these characters represent me or my views in any way, shape or form whatsoever! In fact, you would be hard-pressed to find anybody on the market who's views they do represent..
- The main problem with holding the MAG meetings after a work day is that people are tired and, in many cases, facing an awkward journey home. Those with families, of course, also have other responsibilities at home, too. I would suggest that the meetings somehow be incorporated into the working day, perhaps staggering it so that as many traders as wish to can attend in the comfort of knowing that their stall is safe and being looked-after. This might help. However, although I personally am not a fan of social media, I am conscious that it is the modern way of communicating to large numbers of people very quickly. This is surely an area that needs looking into and exploiting? [REDACTED]
- Thank you for your letter that you have sent to all traders. I am very concerned about this and asked for a copy of the agenda which I have now got and after reading this I can confirm that this agenda (that of the independent chair) is not my agenda and I was not spoken to by anyone to ask about the agenda. If I had of done I would not of asked for some of the points to be put on it and would not want them looking at either.
- It actually frightens me to think that the people that attended the last meetings are in charge of the meetings, giving ideas and making decisions about the market. They don't represent me and never ask me my views or ideas so it's a complete waste of time
- You were disappointed with the turnout at the MAG meeting on 22/11/2017 but surely not surprised. I have felt that for many years that MAG was little more than a self interest group than a forum for traders. Rather than reformed it should be scrapped and replaced.
- Maybe a return to the old NMTF (National Market Traders Federation) style of committee would make sense. I think [REDACTED] would be the ideal candidate to approach to arrange this. His family have traded here for over 100 years so he is technically the longest serving trader and [REDACTED] is still young enough to have an active interest in the future of the market
- I would like to make clear that NO-ONE represents me or my views, and I have never been shown or informed of any agenda concerning the market. My only agenda is to keep my business trading on the market.
- I was unaware of the meeting until the afternoon on the actual day and was unable to attend. I did attend one a few months ago, but felt disillusioned afterwards!

- I feel that meetings are poorly attended because historically nothing happens quick enough! and everyone who attends only has their interests at heart.

- 5.2.1 The taking of such action as is required or is incidental to the Council's car parking functions.
- 5.2.2 The taking of such action and the serving of all necessary documentation as may be incidental to the functions of the Council pursuant to the Road Traffic Act 1991.

Appendices

None



CABINET REPORT

Report Title	Establishment of a Council-owned Housing Development Company (DevCo)
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18 July 2018
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Chief Executive's
Accountable Cabinet Member:	Councillor Stephen Hibbert
Ward(s)	All

1. Purpose

- 1.1 The purpose of this report is to consider the case for setting up a wholly Council-owned subsidiary to support the direct delivery of new homes and, potentially, other associated development in the Borough of Northampton.

2. Recommendations

2.1 It is **recommended** that Cabinet:

- (a) Approves the principle of establishing a Council-owned Development Company (DevCo) to build homes for sale and rent, together with associated development;
- (b) Approves the principle of funding the initial start-up costs of the DevCo and agrees that a sum of up to £20,000 is made available from Reserves;

- (c) Supports and commits to the principle of PWLB borrowing being loaned to the DevCo, and agrees that work should start on identifying initial projects and working up scheme costs and viability; and
- (d) Receives a further report in October 2018 when Cabinet approval will be sought for approval of the DevCo's Business Plan and Legal & Governance structure and the establishment of the DevCo.
- (e) Delegates to the Chief Executive (in consultation with the Cabinet Member for Housing & Wellbeing, the Chief Finance Officer and the Borough Secretary & Monitoring Officer) the authority to set up a Development Company, appoint initial directors and implement the Legal & Governance structure.

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 21 February 2018, the Cabinet approved a new, 3-track approach to housing delivery that will expand the range of options available to the Council and Northampton Partnership Homes (NPH) to maximise the supply of new homes.
- 3.1.2 The 3-track approach comprises new build within the Housing Revenue Account, new build within a Community Benefit Society (CBS) and new build within NPH.
- 3.1.3 At the same meeting, the Cabinet agreed that this approach would not preclude the Council from considering other options such as forming a Housing Development Company (DevCo) either on its own or with appropriate partners such as NPH.
- 3.1.4 The delivery of new homes and associated development is fundamental to sustaining economic growth, supporting communities and meeting housing need in a sustainable way in Northampton. However, in order to meet Northampton's needs, it is necessary to substantially increase the net number of additional dwellings provided in the borough each year between now and 2029.
- 3.1.5 A Council-led housing delivery vehicle will not only complement the work that the Council is already undertaking with NPH (through the Housing Revenue Account) and private sector partners but it will also help to accelerate the delivery of new homes in the Borough. Cabinet approval is required, however, for the Council to progress plans to set up such a vehicle.
- 3.1.6 Establishing a DevCo to deliver new homes is an increasingly popular model because of its flexibility and freedom to operate. Unlike the CBS – which precludes the Council from having a controlling interest – the DevCo is controlled by the Council which is able to speed up, or slow down, delivery and provide the Council with better financial returns if, in due course, it is able to generate an ongoing surplus.
- 3.1.7 Northampton's DevCo would be owned and funded by the Council. One of the main benefits of this model is that the the company's development ambitions would not be constrained by the limitations of the HRA borrowing cap.

- 3.1.8 It is proposed that the DevCo's vision would be for the Council – working proactively and collaboratively with NPH – to create and deliver a house building programme that produces aspirational housing (energy efficient homes, built to the 'Homes designed for Life' standard) and acts as an exemplar for the housing market, but with the overarching aim of increasing housing supply in the Borough.
- 3.1.9 One of the key benefits of this Council-owned company is that it could implement segmental pricing in order to allow a suitable mix of social, affordable and commercial rented homes including, if required and appropriate, key worker homes.
- 3.1.10 It is proposed that the DevCo focuses activity around the following:
- **Private rented accommodation** – create more choice and household stability through longer term tenancies, acting as an exemplar for the rented market whilst retaining the units as an asset for the DevCo
 - **Developing homes for sale** – contribute towards meeting local demand, influencing the pace and type of house building through site acquisition and development whilst contributing to the company's long term financial sustainability
 - **Retirement housing, including extra care housing** – support the ageing population in the borough by expanding choice and, in turn, create movement in the housing market by freeing up family sized accommodation
- 3.1.11 The DevCo could address a number of the Council's other priorities (subject to them being proved to be financially viable) including the purchase of empty properties.
- 3.1.12 Although the Right to Buy would not apply to the tenants living in homes developed by this type of company, it should be borne in mind that the Government may at any point change the legislation around the Right to Buy.
- 3.1.13 Where the Council is financing or transferring land to the DevCo, the Council could decide – either in its capacity as lender or through the shareholders agreement – to set the parameters for the tenancies that will be offered, the rent levels that will be charged, any allocations / nominations agreements that will be introduced and the employment of local labour in relation to the activities of the company and any procured works. The overall mix and tenure for any scheme would be considered on a site by site basis.
- 3.1.14 Depending on the size and nature of the scheme – and in order to ensure a high quality landlord service – any tenanted property would be managed by the Council's Social Lettings Agency or the Council's partner, NPH.

3.2 Choices (Options)

- 3.2.1 Cabinet could choose to support the creation of a DevCo, with associated set up costs and the principle of borrowing to lend to the DevCo.
- 3.2.2 Cabinet could choose not to approve the creation and funding of a DevCo.

- 3.2.3 Cabinet could choose an alternative model for increasing the delivery of additional homes in the Borough.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The development of new affordable housing remains a key priority for the Council.
- 4.1.2 Whilst the existing New Build programme continues to meet its targets, the programme is limited by the rules relating to the HRA debt cap. Also, the Council only has powers to let rented property on a secure tenancy or fixed term basis and it has no power to deliver assured shorthold tenancies through its HRA.
- 4.1.3 A company structure would be required to meet the Council's aspiration to provide sub-market private rented accommodation that is able to meet the housing needs of, for example, families that are threatened with homelessness.
- 4.1.4 Although the Council has identified the need for a range of affordable housing tenures, addressing the demand for affordable rented housing remains the priority.
- 4.1.5 In June 2018, the Government invited local authorities in areas of high affordability pressure – including Northampton – to bid for increases in their HRA borrowing caps in 2019-20, 2020-21 and 2021-22, and a share of a £1.67 billion affordable homes programme which includes investment for social rented homes. The Council and NPH will be submitting bids to both programmes.
- 4.1.6 In light of these recent developments, it is recommended that the Council continues to fund the majority of the Council's development programme through the HRA.

4.2 Resources and Risk

Financial implications

- 4.2.1 Funding for any development could be provided through borrowing from the Public Works Loan Board (PWLB) or from other financial institutions. The margin on these loans could generate additional surpluses for the General Fund whilst offering the DevCo competitive loans secured against its housing stock.
- 4.2.2 If the DevCo undertakes market activities, it will need to ensure that any loans are lent at a market rate and therefore a margin is added on to the PWLB rates. However, if the DevCo focuses on affordable housing (including intermediate rent or keyworker accommodation) then the loan would not need to be provided on commercial terms. If the company carries out both types of activities, it will require separate loan agreements.
- 4.2.3 The DevCo would be subject to Corporation Tax on any surplus of its activities. The financial modelling for the Business Plan would contain a detailed tax analysis.

- 4.2.4 The overriding principle of establishing a Council-owned DevCo is that there would be no overall cost, over the life of the Business Plan, to the Council and that, depending upon the delivery model chosen and subsequent performance, the Council could benefit from the following:
- Any dividends (surplus after tax) from the company
 - Any capital growth in the value of the property portfolio
 - A premium on the loan repayments
 - Council Tax and New Homes Bonus payments as new units become occupied
- 4.2.5 The operating costs of running the company would need to be determined as part of the Business Plan and these will include any specialist advice or support that is required from support services such as Legal, HR and Finance.
- 4.2.6 The investment in the delivery of housing will form part of the wider Council investment strategy that is being developed.

Risk management

- 4.2.7 Property development carries inherent risk in terms of the potential for cost escalation (due to site conditions, design issues, material and wage inflation) as well as uncertainties around market demand and movement in property values.
- 4.2.8 All of these factors and more will need to be reflected in a thorough approach to risk management and mitigation. A full risk analysis will be developed as part of the business model that is developed and presented to Cabinet in the next report.

4.3 Legal

- 4.3.1 The Council may exercise its general power of competence under the Localism Act 2011 to establish a DevCo as a limited liability, wholly owned housing delivery company of the Council
- The company would be a separate legal entity.
 - The company can hold property and assets, sue and be sued and enter into contracts in its own right
 - There are potentially onerous statutory duties on the part of directors who owe fiduciary duties to the company.
 - The directors (whether de jure, de facto or shadow) may be liable for wrongful or fraudulent trading and may face proceedings for disqualification if the company fails.

4.3.2 As part of the process, detailed consideration should be given to developing clear documented policies, business plans, financial appraisals and processes by which sites are identified for development and/or acquisition as well as a policy and procedure which will determine when an identified site is not pursued, or alternatively identified as a “windfall” and to the governance policy which will regulate the company.

4.4 Equality and Health

4.4.1 The action that is proposed in this report will help to improve the housing conditions and life chances of people with protected characteristics, including homeless people, people with disabilities and families with children. It will therefore have a positive impact on Equality and Diversity.

4.4.3 Maximising the supply of new homes is part of the Council’s commitment to improving communities and our town as a place to live. In its operation of the DevCo, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and help to create a fairer society.

4.5 Consultees (Internal and External)

4.5.1 Housing and Planning Officers at Northampton Borough Council, together with Councillors and a wide range of stakeholders, have been supportive of the proposal to maximise the supply of new homes and accelerate the delivery of housing.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The action proposed in this report will help meet 2 of the priorities in the Council’s Corporate Plan:

- **Housing for Everyone:** By helping to maximise the supply of new homes, the establishment of the DevCo will improve housing choice and help people to meet their housing needs in decent housing.
- **Working Hard and Spending your Money Wisely:** Establishing a Council-owned Development Company (DevCo) will help to maximise the supply of new homes, accelerate the delivery of new housing and increase the income received from Council Tax and New Homes Bonus. It may also enable the Council to receive a premium on the loan repayments.

Appendices

None

Background Papers

Cabinet Report - Maximising the supply of new homes – 21 February 2018

Phil Harris
Head of Housing and Wellbeing
01604 837871

Appendices:
2



CABINET REPORT

Report Title	Finance Monitoring to 31 May 2018
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18 July 2018
Key Decision:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Management Board
Accountable Cabinet Member:	Cllr B Eldred
Ward(s)	N/A

1 Purpose

- 1.1 This is the first monitoring report for 2018/19, covering the period up to 31st May 2018.
- 1.2 Reports will be presented to Cabinet on a bi-monthly basis and will include:
- Revenue – any significant issues requiring action and details of the actions being taken.
 - Budget Risks, including any unachievable savings.
 - Budget Changes and Corrections
 - Capital – progress on key projects
 - Capital appraisals and variations requiring approval or approved under delegation.

2 Recommendations

- 2.1 That Cabinet notes the contents of the report and notes that future reports will set out the actions being taken by Corporate Management Board to address issues arising.
- 2.2 That Cabinet approve the General Fund budget changes set out in Appendix 1.
- 2.3 That Cabinet approve an increase to the General Fund Capital Programme of £0.301m to fund the increased cost of Environmental Services vehicles.

3 Issues and Choices

3.1 Report Background

- 3.1.1 Whilst it is early in the financial year, there are a number of issues to be addressed in relation to the General Fund revenue budget. These are detailed below.

3.2 Key Financial Indicators

Dashboard Indicator Description	Variation from Budget	
	General Fund	Housing Revenue Account
	£m	£m
Controllable Budgets	1.047	(0.072)
Debt Financing and Recharges	0	0
Total	1.047	(0.072)

3.3 General Fund Revenue Budget (Red)

- 3.3.1 The overall forecast overspend is largely as a result of the continuing pressures on homelessness.
- 3.3.2 Homelessness - The current forecast overspend on benefits as a result of increased homelessness is £1.2m. During the last couple of years, the number of households applying to the Council for assistance under the homelessness legislation has doubled and, between March 2016 and March 2018, the number of households living in temporary accommodation more than quadrupled from 66 to 267 and currently remains around this level. As well as trying to reduce the number of homeless households in temporary accommodation – by preventing homelessness, increasing the supply of affordable rented housing and making it easier for people to find and keep suitable private rented accommodation – the Council is seeking to reduce the net cost of providing temporary accommodation by establishing a private sector leasing scheme and building, acquiring or creating suitable, lower cost temporary accommodation.
- 3.3.3 Environmental Services Budget Corrections and Other Changes - The finalisation of the new ES contract highlighted a number of detailed budget areas that require correction in order to be consistent with the contract. These are listed in Appendix 1.

Additional income from recycling credits and section 106 funding of activities included in the new contract is partially offset by the costs of enhanced highways grass cutting, amounting to a net budget reduction of £0.501m. Had these budgets been included in the 2018/19 budget setting in February then the net increased cost of ES would have been lower and the annual drawdown of reserves required to offset the capital financing costs would have been £0.5m. This reduced call on reserves for this purpose will be utilised to fund other corrections required.

- 3.3.4 Microsoft Licences - The Head of Customer and Cultural Services has recently been notified of an increased cost of these licences from £0.132m in 2017/18 to £0.27m in 2018/19. She is investigating whether or not this is the cost for just NBC, or also for partners such as NPH and the Leisure Trust. If the latter then the appropriate share of costs will need to be charged to these partners. The current budget of £0.065m requires an increase of up to £0.2m.
- 3.3.5 Other budget corrections shown in Appendix 1 relate to additional Planning staff to be funded from increased fee levels, a budget for business rates in relation to the Guildhall Road buildings and a sinking fund for Delapre Abbey.
- 3.3.6 Earmarked Reserves - Any unfunded budget corrections or supplementary estimates will be a call on the MTFP Cashflow Reserve. This needs to be protected as far as possible in order to fund Unitary transition costs. A robust and balanced 2019/20 budget is essential in order to go into the new unitary with a sustainable budget position for the current NBC services. Any ongoing budget increases will therefore increase the level of savings that must be achieved as part of the 2019/20 budget process.

3.4 HRA Revenue Budget (Green)

- 3.4.1 There are currently no significant issues to report in relation to the HRA, minor underspends are being forecast.

3.5 Capital Programme

3.5.1 General Fund Capital Programme

- 3.5.1.1 The General Fund capital programme is currently forecast to spend up to the latest budget of £26.4m. This includes the carry forwards approved by Cabinet in June and the schedule of in-year changes approved under delegation as shown in Appendix 2
- 3.5.1.2 The finalisation of the Environmental Services contract has identified that the enhanced specification for grass cutting on for highways verges requires additional vehicles at a cost of £0.301m. Cabinet approval is sought for the necessary increase in the capital programme. The £0.06m annual cost of funding these additional vehicles is included in the budget corrections set out in Appendix 1.
- 3.5.1.3 Any further additions to the capital programme, including any strategic property purchases, will be subject to the development of a robust business case. In line with Financial Regulations, any proposed additions to the programme greater than £0.25m and/or requiring additional funding from Council resources, will be brought to Cabinet for approval.

3.5.2 HRA Capital Programme

- 3.5.2.1 The approved HRA Capital Programme for 2017/18 stands at £25.69m. The forecasts to date show no significant underspends or overspends.
- 3.5.2.2 141 Right to Buy Receipts – The target use in 2018/19 of £4.7m is currently forecast to be exceeded through a combination of new-build and conversion schemes.

3.6 Choices (Options)

- 3.6.1 Cabinet is asked to note the reported financial position and agree the recommendations. There are no alternative options, other than not to agree the recommendations..

4 Implications (including financial)

4.1 Policy

- 4.1.1 The Council agreed a balanced budget for the Capital Programme and Revenue Budgets for both the General Fund and the HRA in February 2018. Delivery of the budget is monitored through the budget monitoring framework.

4.2 Resources and Risk

- 4.2.1 This report informs the Cabinet of the forecast outturn positions for capital and revenue, for both the General Fund and HRA, as at the end of May 2018. It also highlights the key risks identified to date in delivering those budgets.
- 4.2.2 All schemes included in the capital programme, or put forward for approval, are fully funded, either through borrowing, internal resources or external funding arrangements.

4.3 Legal

- 4.3.1 There are no direct legal implications arising from this report.

4.4 Equality and Health

- 4.4.1 There are no direct equalities implications arising from this report.
- 4.4.2 A full Community/Equalities Impact Analysis has been completed for the 2018/19 Budget and is available on the Council website.

4.5 Consultees (Internal and External)

- 4.5.1 Heads of Service, Budget Managers and Management Board are consulted as part of the budget monitoring process on a monthly basis.

4.6 How the Proposals Deliver Priority Outcomes

- 4.6.1 Regular financial monitoring is a key control mechanism and contributes directly to the priorities of sustaining “effective and prudent financial management” and being “an agile, transparent organisation with good governance”.

4.7 Other Implications

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

5 Background Papers

- 5.1 Cabinet and Council Budget and Capital Programme Reports February 2018

Stuart McGregor, Section 151 Officer, 01604 838347

Appendix 1

General Fund Revenue Budget Changes 2018/19

	£k	£k
Additional Income:		
Garden Waste Recycling Credits	(585)	
Dry Materials Recycling Credits - increased rate per tonne	(25)	
Section 106 Funding	<u>(100)</u>	
		(710)
Additional Costs - Higways Grass Cutting:		
Increased Contract Cost	149	
Vehicles - capital financing costs	<u>60</u>	
		209
Approved Supplementary Estimates:		
Additional Costs - Increased NBC Finance Capacity		50
Other Increases Required:		
Microsoft Licences	200	
Planning - Additional Staffing	96	
Business Rates - Guildhall Road	50	
Delapre Abbey Sinking Fund	<u>50</u>	
		396
Net Budget Reduction		<u><u>(55)</u></u>

Cabinet 18th July 2018**General Fund Capital Budget Changes April to June 2018****Approved under Delegation**

Reference	Scheme Title	2018/19 £	Comments
BA673-03 2018-19	Hardingstone Rec. Provision of Additional Play Equipment	40,000	Supply and installation of play equipment funded through S106 contributions
BA673-06 2018-19	Shelfleys Park Play Area Safety Surfacing	5,400	New park play area safety surfacing funded partly through S106 contributions
BA673-07 2018-19	St. Crispins Community Play Area Safety Surfacing	21,000	New park play area safety surfacing funded through S106 contributions
BA673-09 2018-19	Hardingstone Recreation Ground Play Area Safety Surfacing	6,729	New park play area safety surfacing funded through S106 contributions

Requiring Cabinet Approval

BA257 V01 2018-19	Procurement of Vehicles & Equipment For The ES Contract	300,845	Additional purchase of vehicles to allow for more frequent cutting of grass on highways
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Appendices
1



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Museum Expansion – Appointment of main construction contractor
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18 th July 2018
Key Decision:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Directorate of Customers and Communities
Accountable Cabinet Member:	Cllr Anna King
Ward(s)	All

1. Purpose

- 1.1 The purpose of this report is to seek delegated authority to appoint the main construction contractor for the Central Museum and Art Gallery expansion project.

2. Recommendations

- 2.1 That Cabinet delegates authority to the Director of Customers and Communities, in consultation with the cabinet member for Community Engagement and Safety and the Borough Secretary, to appoint the main construction contractor for the Central Museum and Art Gallery Expansion Project provided that the total cost of the successful contractor's tender is within the approved capital budget of £6.7m.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Northampton Museum and Art Gallery (NMAG) is a highly respected regional museum best known for its world class shoe collection. Located in Northampton's Cultural Quarter at the top of Guildhall Road, it already plays a significant role in the cultural life of the town and county.
- 3.1.2 Cabinet agreed at its meeting on 12th September 2012 to the sale of a valuable Egyptian limestone statue of Sekhemka on the condition that all the proceeds received by Northampton Borough Council from the disposal be used for improvements to the museum service and/or other cultural or heritage projects.
- 3.1.3 Northampton has a rich heritage and culture that is important to its residents and the town. The town has a wealth of resources that collectively interpret the town's history and culture, including historic buildings, monuments, parks and other special places.
- 3.1.4 A crucial component in bringing these elements together to tell Northampton's story is the museum service; its buildings, staff and collections. NMAG hosts one of the world's largest collections of shoes and related material alongside significant fine and decorative art, archaeology, social history, military history, costume, ceramics, geology and ethnography. The shoe collection is recognised by the Arts Council as a Designated Collection, meaning it is of national and international significance.
- 3.1.5 The development of the museum presents a significant opportunity to begin to realise the depth and breadth of interpretive potential existing across the town, and creates a strong foundation from which goals, objectives and strategies for cultural and heritage renewal can be built.
- 3.1.6 In order for the museum to contribute fully to the council's aspirations it must be relevant to the social, cultural, environmental and economic wellbeing of the town. The existing museum building has not been fit for purpose for many years, suffering from under investment and the service has suffered from a lack of a clear vision as to what its animating purpose was. There have been notable areas of success and many real achievements, but these have been piecemeal and lacked an overall focus and clear strategic intent.
- 3.1.7 The extension of NMAG into the former Gaol Block will enable the museum to become a leading regional museum in the heart of the cultural quarter. It will focus on the history and heritage of Northampton; local, national and international art; and the internationally important shoe collection. The longer term strategic aim is to achieve National Museum status for the shoe collection through the Arts Council England (ACE) Accreditation Scheme. A previous application for National status in 2010 was unsuccessful and the NMAG expansion project addresses the areas for improvement identified by ACE. An application for National status will be contingent on regaining accreditation and completing Phase 2 of the NMAG expansion project.

- 3.1.8 Cabinet agreed at its meeting on 10th September 2014 to an extension of the Northampton Museum and Art Gallery (NMAG) funded by the Councils share of the monies received from the sale of the statue of Sekhemka. Cabinet also agreed to the proposed acquisition from Northamptonshire County Council (NCC) of the Gaol Block of County Hall. The Gaol Block has now been acquired and has been vacated to enable a number of invasive surveys to be carried out prior to the commencement of building works.
- 3.1.9 At the same time that the council purchased the Gaol Block from NCC, it also purchased the Guildhall Road Block, which is the building immediately adjacent to NMAG on Guildhall Road. The purchase of this building was not mainly for the museum expansion project but instead was for more general strategic purposes. The Guildhall Road Block is now likely to be disposed of, except for a section of the building, from the staircase to the museum, which will form part of the museum expansion project.
- 3.1.10 The approved overall capital budget for the Central Museum Development is currently £6.700m. This budget was originally approved by Cabinet at its meeting on 15th July 2015 with a value of £6.800m, but £0.100m was subsequently redirected to the Abington Park Museum, with the reduced £6.700m budget for the Central Museum Development approved by Council in February 2016.
- 3.1.11 Cabinet agreed at its meeting on 13th September 2017 to start a formal tender process in relation to the appointment of a main construction contractor for the Central Northampton Museum and Art Gallery Expansion Project; and to appoint Creative Good Ltd to provide exhibition design services for the Central Northampton Museum and Art Gallery Expansion Project.

3.2 Issues

- 3.2.1 Adapting historical buildings, such as the Old Gaol Block, creates many construction challenges. This is compounded by the higher security, environmental and aesthetic requirements of a museum building. Many technical problems need to be resolved and the architectural and structural integrity of the building must be maintained while modern features are added. These can often be in conflict or present significant challenges that would not be faced by a new build project.
- 3.2.2 Retrofitting modern plumbing, HVAC (heating, ventilation and air conditioning), and electrical and communications systems require delicate surgery to the existing skin and skeleton of the historical building. Meeting modern code requirements, such as fire safety, security, and accessibility without detracting from the building's historical appearance is a major challenge.
- 3.2.3 A number of value engineering exercises have been undertaken to date by the project team and validated by independent Quantity Surveyors employed by Northampton Borough Council.

3.2.4 In addition, five cost plan reviews have been undertaken by Quantity Surveyors employed by Northampton Borough Council at set points during design development to ensure the project was keeping within budget. These have provided a degree of certainty around the projected costs and the final tenders received have been consistent with the estimated projected costs.

3.3 Contractual Issues

3.3.1 A number of frameworks were considered with regard to procurement. The Project Board, following advice from NBC's Procurement team, chose to proceed with a framework which allowed the Council to select a number of suitable contractors from a list of pre-vetted contractors (suitable for the type of project).

3.3.2 The contractors themselves are free to choose if they wish to be considered for any particular project. The selected contractors then provide a competitive tender. The final selection process is based on scoring against pre-set criteria, including costs.

3.3.3 The selected contractors were originally given six weeks to return their tenders. This was extended by a further two weeks following a request from one of the contractors which was approved by the project board.

3.3.4 A sufficient number of competitive bids were received from the approved contractors to test the competitiveness of the market.

3.3.5 The Council is using an amended form of the JCT Design and Build Contract. Some of the standard legal clauses within that contract have been revised by one of the Council's specialist construction advisors, inserting additional bespoke clauses that should provide additional assistance to the Council if a dispute were to arise.

3.3.6 The tenderers had a number of items within their returns that merited further investigation and further exchange of correspondence to clarify costs and ensure the robustness of the tender figure. These exchanges have included site visits to clarify exactly the nature of the offer and to avoid any future confusion leading to increased costs or disputes.

4 Next Steps

4.1 The design team comprised of the key consultants appointed by the Council (the lead designers and the project quantity surveyor) and the mechanical, electrical and structural engineering consultants will all undertake a final evaluation of the tenders against the criteria set out in the tender documentation, which is weighted 60% for cost and 40% for quality.

4.2 Once the evaluation process is complete and the winning contractor has been identified, the council will send the winning contractor a Letter of Intent or, if time allows, the final version of the Contract.

- 4.3 The Quality Surveyor (QS) already employed by the council on this project will remain with the council throughout the project to assist the Project Manager with the control of costs, other variations, monthly valuations etc.

5 Implications (including financial implications)

5.1 Policy

- 5.1.1 There are no policy implications arising from this report.

5.2 Resources and Risk

- 5.2.1 The approved capital budget available for the project is currently £6.700m, funded from the Council's share of the receipts from the sale of the Statue of Sekhemka. Approximately £650,000 of the budget has already been spent.
- 5.2.2 Bids are now known to be coming in within the identified budget. The primary focus is therefore on understanding the offer in order to reduce the risk of future increases in cost or disputes.
- 5.2.3 The Northampton Museum and Art Gallery Expansion Project Business Case is attached at appendix 1. As it contains a small amount of commercially sensitive information that cannot be made publicly available, some minimal redactions have been made.
- 5.2.4 The business case will be refined to reflect the final costings once the evaluation process has been finalised and the winning bid identified.

5.3 Legal

- 5.3.1 The Procurement Framework to provide a main contractor is compliant with the Public Contract Regulations 2015 and the tender process has been managed by the Council in collaboration with the Procurement team and an independent construction legal advisor. All contracts for the said work will be overseen and managed by Legal Services.

5.4 Equality and Health

- 5.4.1 A detailed audience survey has been undertaken by the Audience Agency. The findings have been used to inform a robust and detailed community impact assessment.

5.5 Consultees (Internal and External)

- 5.5.1 A consultation exercise was undertaken with stakeholders in the museum service and the wider public to seek their views on how funds from the sale of Sekhemka should be utilised. The findings of this consultation were taken full account of in the development of designs for the museum extension.
- 5.5.2 The Audience Agency findings will also be used to inform the design and flow of the museum extension.

5.6 How the Proposals deliver Priority Outcomes

- 5.6.1 One of the council's 5 priorities is "celebrating our heritage and culture" The extension of NMAG will make a significant contribution to this priority.
- 5.6.2 The extension of NMAG is an important component of the ambitious Town Centre regeneration programme and proposals for the Cultural Quarter.

5.7 Other Implications

- 5.7.1 None

6. Background Papers

Cabinet Report dated 12st September 2012

Cabinet Report dated 10th September 2014

Cabinet Report dated 15th July 2015

Cabinet Report dated 13th September 2017

Northampton Museum and Art Gallery Expansion Project Outline Business Case (Part confidential)

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Business Case

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Section 1 Executive Summary

1.1 Issue

Northampton has a rich cultural heritage that is important to its residents and the town. The town has a wealth of resources that collectively interpret the areas distinct history and culture, including historic buildings, monuments, parks and other special places.

A crucial component in bringing these elements together to tell Northampton's story is the museum service. Northampton Museum & Art Gallery (NMAG) hosts one of the world's largest collections of shoes and related material, significant fine and decorative art, and unique archaeology, social history, local and military history collections that tell the story of Northampton. The shoe collection is recognised by the Arts Council as a Designated collection, meaning it is of national and international significance.

In order for the museum to contribute fully to the council's aspirations it must be relevant to the social, cultural, environmental and economic wellbeing of the town. The existing museum building has not been fit for purpose for many years, suffering from under investment lack of a clear vision. There have been notable areas of success and many real achievements, but these have been piecemeal and lacked an overall focus and clear strategic intent.

The museum requires significant refurbishment and updating to enable the service to actively support the vision and regeneration aims that Northampton Borough Council has for the town centre and the cultural quarter.

1.2 Anticipated Outcomes

The Expansion project will transform the existing museum building and expand into the Old Gaol Block building immediately behind, and into part of the adjacent Guildhall Road Block. This is a strategic expansion of the existing building, which will enable the museum to deliver the following

- Public Programme – more diverse and larger high quality exhibitions and events programme
 - Retain audiences and attract diverse new audiences
 - Provide experiences that enrich Northampton and the lives of our visitors
 - Reinforce the role of the museum as one of learning and engagement
 - Increase access to the museum and its collections
- Significantly enhance and improve the visitor experience through improved exhibitions, facilities, retail and F&B offer
 - To increase footfall, both local and regional audience
 - Commercial opportunities through secondary spend

- Improved event and activity facilities to increase and engage with wider audiences
- Place visitors and collection at the heart of what we do through new ways of working and engaging with audiences
 - The new museum presents an opportunity to refocus the service aims and objectives and ways of working to be more outward looking and audience focused
- Improve accessibility across the estate based on Universal Design Principles, including a focus on being a ‘dementia friendly’ museum
 - The existing museum does not conform to good and modern design principles and suffered from access issues
- Increase self-generated income through improved and expanded corporate and private hire, retail, F&B and income generating events
 - Increasing the size of the museum will inevitably increase operating costs, both fixed costs through operating a larger building, and public programme costs to service the larger temporary exhibitions gallery and wider public programme.

These objectives will guide the creation of exciting new galleries, learning zones, public spaces and visitor facilities, all aspiring to a high standard of design, and access, marking a step-change in the way Northampton Museum thinks about its spaces, visitor facilities, income generating opportunities, and the way visitors engage with its collections.

1.3 Recommendation

Develop the existing museum and expand into the Old Gaol Block and part for Guildhall Road Block. This will

- Deliver councils vision of high quality visitor attraction
- Provide building and exhibitions that meet need of diverse range of audiences
- Provide for increased income generation
- Support council regeneration and development objectives
- Respond to Arts Council and Heritage Lottery Fund direction
- Significant asset to deliver the vision for the Cultural Quarter

1.4 Justification and Objectives

One of the council’s 7 corporate priorities is “Love Northampton - Enhancing leisure activities for local people and encouraging participation”. The extension of NMAG will make a significant contribution to this priority.

The extension of NMAG is an important component of the ambitious town centre regeneration programme and proposals for the Cultural Quarter.

The key outputs of the project are:

- New iconic visitor attraction for Northampton

- National standard special exhibitions gallery capable of hosting national museum standard exhibitions
- Dedicated schools and activity space
- Great Hall – events and functions space
- Cafe
- Museum shop including a focus on work by Northamptonshire artists, makers and creative businesses
- Improved building infrastructure – improved quality of environmental performance across galleries and collection spaces
- New and improved entrance and foyer, opening sightlines and creating a more welcoming experience

Key outcomes and benefits of the project are:

- Improved and enhanced visitor experience
- Significant cultural and community facility for Northampton
- Great resilience and sustainability through increased income generation.
- Boost to the local economy
- Higher public profile for Northampton and the museum
- Organisation and building attractive to sponsors and funders
- Greater engagement with audiences and key stakeholders to shape the future direction of the museum
- Reputational rebuilding

1.5 Scope

The project will see the expansion of the Northampton Museum and Art Gallery on Guildhall Road into an adjoining building known as 'The Old Gaol Block' and part of the Guildhall Road block. The main elements of the project are:

- Major new temporary exhibitions gallery
- New shoe gallery
- New entrance and reception
- Café
- Shop and selling gallery
- Dedicated schools and activity space
- Central Hall major events space
- Refurbished art gallery
- New visitor facilities (toilets etc.)
- Loading bay and logistics

1.6 Limitations

The project does not have limitations as this project expands on current operations and service provision. The purpose of the project is to provide an enhanced public offer and focus on expanding visitor facing services, primarily exhibitions, events, activities, retail, F&B offer and schools services and activities.

The project is at an advanced stage and many of the dependencies have been resolved or are no longer valid, e.g. successful planning application. Path dependencies, particularly relating to the build and exhibition design, are not considered here.

- Successful tender exercise for main contractor that delivers project to the available budget
- Retention of key staff on temporary contracts to the end of the project
- Base budget for museum service maintained
- Any potential value engineering does not compromise income generation potential or operational capabilities

Section 2 Reason for project

2.1 Why is the Project Needed?

Describe the reasons for the project

The primary focus of this business case is on building the financial and top line strategic case for the museum development. It must be emphasised that it is on the basis of the mission-related objectives of heritage preservation, collections care, education, and community-building value, that the museum should be seen to merit financial support from council and other sources.

The recommendations and assumptions are not intended to diminish the emphasis on mission, but rather their objective is to increase the museum's ability to achieve its mission through more self-generated income, maintaining existing audiences and developing new ones.

Northampton has a rich cultural heritage that is important to its residents and the town. The town has a wealth of resources that collectively interpret the areas rich history and culture, including historic buildings, monuments, parks and other special places.

A crucial component in bringing these elements together to tell Northampton's story is the museum service, its buildings, staff and collections. Northampton Museum & Art Gallery (NMAG) hosts one of the world's largest collections of shoes and related material alongside significant fine and decorative art, archaeology, social history, local and military history, costume, ceramics, geology and ethnography. The shoe collection is recognised by the Arts Council as a Designated collection, meaning it is of national and international significance.

The development of the museum presents a significant opportunity to begin to realise the depth and breadth of interpretive potential existing across the town, and creates a strong foundation from which goals, objectives and strategies for cultural and heritage renewal can be built.

In order for the museum to contribute fully to the council's aspirations it must be relevant to the social, cultural, environmental and economic wellbeing of the town. The existing museum building has not been fit for purpose for many years, suffering from under investment and the service has suffered from a lack of a clear vision as to

what its animating purpose was. There have been notable areas of success and many real achievements, but these have been piecemeal and lacked an overall focus and clear strategic intent.

Limited investment has meant few opportunities to develop the aspirations and operate a more dynamic service to encourage cultural interest and has limited opportunity to generate income to contribute towards the running of the museum. Some improvements were made to the reception and Shoe Lounge area in 2012, which led to a small increase in private and corporate hire, but there has been no major investment in developing the galleries, public spaces or stores at the museum. In 2015 the collections housed in the Fetter Street stores were relocated to allow the Vulcan Works project to progress. This moved the majority of the collections from a centralised store to 'holding' storage at the Guildhall, ultimately to be moved to the new museum development in one of the next phases.

The museum requires significant refurbishment and updating to enable the service to actively support the vision and regeneration aims that Northampton Borough Council has for the town centre and the cultural quarter. Current issues that have held the museum service back and plan to be addressed within this project include:

- Outdated, dilapidated and uninspiring displays that do not reflect the interests or aspirations of audiences.
- Outdated interpretation that does not take advantage of advances in interpretive techniques
- Small and poor quality temporary exhibitions spaces that are unable to host significant touring exhibitions
- Limited and poor quality display equipment which hampers production of high quality in-house generated exhibitions focusing on the museum's collections and the stories of the town
- Poor visitor facilities that do not present a good image of the museum
- Unattractive and poor event and corporate hire facilities limiting commercial opportunities
- Limited opportunities for self-generated income – underperforming shop and limited facilities for events and activities
- Inadequate facilities for schools and educational groups
- Museum service not attractive to other museums or organisations for major partnership projects

Visitor numbers to the main museum site have been in decline for a number of years. This is as a result of wider issues with the town centre and issues with the museum offer, identified above. The state of the museum means it is not able to contribute fully to the town's cultural, heritage and economic aspirations and without significant investment will remain an untapped reservoir of opportunity to realise the cultural and historic ambitions for the town.

The establishment of the Northampton Cultural Quarter will provide a driving force for regeneration of the town. It presents an opportunity to celebrate both the town's rich history and to showcase its unique contemporary offer. This project is critical in realising the ambitions for the Cultural Quarter and translating the vision for the museum service into reality and to provide a cultural 'hub' for the town and to encourage interest and economic growth to the town centre.

There has been recognition for a number of years that the museum service has needed a transformational change so that the service can deliver in a way and in an environment that supports the cultural plans of the town and showcases the cultural heritage of the town.

This is a summarised chronology of the events to date which demonstrate that the service has over time been trying to address the needs required. However, without a major transformational change the service will not be able to undertake the major shift required to become more audience focused and deliver high quality exhibitions and visitor engagement activities. Increasing visitor numbers and engagement are key to the future success of the museum service and in helping increase visitors to the town centre, with the knock on economic impact for the town.

This business case focuses on the position as at early 2018. There have been many different schemes to improve the service over the years but these have been very limited as they were aimed on 'what can we do better with what we have' rather than investing in the future of the service and developing a coherent vision for the museum service. This is not to be critical of how the service has been run or developed over the years, rather a recognition of the difficulties faced by the service and the constraints of existing resources and infrastructure. The stark reality is that in order to create a service fit to meet the challenges of the future there needs to be significant investment to create a visionary museum service that can deliver on the council strategic vision and be a showcase for Northampton's rich heritage and culture.

The sale of Sekhemka and subsequent loss of Arts Council Accreditation is another key driver for the project. A decision was taken by the council to sell the Ancient Egyptian statue of Sekhemka from the museum collections to provide match funding for a major Heritage Lottery Fund bid. The Arts Council regarded the sale as a financially motivated disposal and that the sale contravened Arts Council and Museums Association guidelines. As a result Northampton Museum and Art Gallery and Abington Park Museum had their Museum Accreditation removed for a minimum period of 5 years.

The Heritage Lottery Fund advised they would not accept any bid using match funding from Sekhemka, and any future bid would require the council to have shown 'good faith' and spent all monies received from the sale of Sekhemka on the development of the museum service.

The impact of this has been significant, with the museum ineligible for any Arts Council funding streams and almost all other major museum funding bodies refusing to consider grant applications from Northampton Museums until accreditation is attained. In the three years up to the sale of Sekhemka the museum service had been in receipt of grants to the value of just over £600K. In the three years following loss of accreditation the museum has received £0 in grants. These grants would have been to support ring-fenced projects, such as 'Virtually Shoes', the last ACE funded project for the museum, which digitised the entire shoe collection.

Of major significance was being ineligible to apply for National Portfolio Organisation status. This is committed four year funding from the Arts Council to support day to day operational and running costs. This is the new 4 year funding formula introduced

by ACE, and only open to accredited museums. The museum service will be in the process of applying for re-accreditation when the next funding round is open, and it looks unlikely the museum will be considered for the next 4 year funding window.

Detailed below is the chronology of key events that have supported progressing the museum service over the years. The vision for improvement has been at the heart of the service for such a long time but there hasn't been the funding to support the vision.

Date	Chronology Summary
2013	<ul style="list-style-type: none"> • Cabinet report 16th January 2013 announces the designation of an area of the town centre as the Northampton Cultural Quarter. The museum is identified as a key cultural venue, along with NN, Royal & Derngate and 78 Derngate.
January 2014	<ul style="list-style-type: none"> • High level appraisal for the Cultural Quarter undertaken by Focus Consultants • High level options appraisal stated the need to build critical mass in the Northampton Cultural Quarter and develop its potential to be a key economic, social and cultural driver for the town
September 2014	<ul style="list-style-type: none"> • Cabinet decision to acquire buildings and expand museum • Decision was taken to expand as this would deliver much greater benefits over refurbishment of existing museum • Opportunity arose to acquire buildings from NCC. This was a 'now or never' opportunity to purchase the Old Gaol Block to enable expansion of the museum. • The purchase of the Guildhall Road Block was regarded as a strategic purchase to expand scope and commercial opportunities for the council and ensure use was appropriate for the Cultural Quarter. If this opportunity was missed it would be unlikely to arise again
September 2014 – December 2015	<ul style="list-style-type: none"> • NBC negotiate purchase of Old Gaol Block and Guildhall Road Block • For a number of reasons, there was a lack of surveys and due diligence in the acquisition of buildings and this has resulted in costs to be borne by NCC • Cabinet report recommends "once a robust business case has been developed that supports the proposed acquisition, delegate to the Director of Regeneration, Enterprise and Planning, in consultation with the Cabinet Member for Regeneration, Enterprise and Planning, authority to negotiate the acquisition from Northamptonshire County Council of the Guildhall Road Block of County Hall"
July – October 2015	<ul style="list-style-type: none"> • Arts Council review panel removes accreditation for Northampton Museum & Art Gallery and Abington Park Museum due to the sale at auction of the Sekhemka statue. The way the council progressed the sale was deemed to have not met the Arts Council guidelines for financially motivated disposals • Accreditation was removed for a minimum period of five years • The council reaffirmed its position that, despite the loss of accreditation, all proceeds from the sale would be invested in the new museum development.

Date	Chronology Summary
November 2015	<ul style="list-style-type: none"> • Meeting with HLF to discuss submission of Stage 1 HLF bid. Council was advised not to submit bid as match funding from Sekhemka was not regarded as meeting ethical requirements • Advised to show 'good faith' and spend all of Sekhemka monies on development and come back with a stage 1 bid when NBC had regained accreditation and with new source of match funding • Regaining accreditation is viewed as an essential element of the project and for the ongoing operation of the museum service
November 2015	<ul style="list-style-type: none"> • Decision taken by project board after consultation with Chief Executive and Leader to move forward with project on the basis of developing a 'full scheme' and then develop a first phase of the project within the budget available • The focus of phase 1 was agreed to be on visitor facing and income generating elements for the service
January 2016 – August 2016	<ul style="list-style-type: none"> • Outline architectural plan developed • Incorporated full design requirements of the museum service • Costing exercise completed for the full project, totalling £20m, excluding exhibition costs • Using these costings Phase 1 works were identified and a more detailed Feasibility Cost plan developed. The initial costs for Phase 1 was £9.2m. Two cost engineering exercises were undertaken and costs brought down to the £6.3 m budget available
September 2016 – January 2017	<ul style="list-style-type: none"> • Designs advanced and feasibility costings refined • Initial work undertaken under SCAPE framework • Following budget review, decision taken to move forward under LGSS framework and appoint main contractor at later date
January 2017 – March 2018	<ul style="list-style-type: none"> • Museum closed and objects removed February 2017 to enable invasive survey works and allow staff to focus on museum development • Designs advanced and high level of invasive building surveys undertaken • Planning application submitted and approved • Tender documents completed and project out to tender

What is Aiming to Change?

The current museum offer suffers from a number of problems:

- **Existing museum offer is dated, static and unchanging**
 - Galleries and public spaces have been developed over a period of time are disjointed, of varying quality and do not create a good overall visitor experience
 - The small temporary gallery offered limited changing exhibitions. Unable to host large scale touring exhibitions to broaden appeal
 - The core galleries are old, dated and unchanging (history galleries are over 25 years old)
 - The museums digital presence is poor, with utilitarian unengaging web pages, often a visitors first point of contact with the museum, and a scattergun approach to use of digital channels that have been

- developed in an ad hoc manner with no strategic thought as to how best use, develop or stop using different platforms
 - Digital offer in the museum is non-existent
 - Lack of repeat visits with little to attract new audiences
- **Limited capacity for self-generated income**
 - Basic shop offer
 - No catering provision
 - Limited corporate and private hire facilities
 - Limited events programme
 - Lack of development of commercial opportunities – e.g. temporary exhibition tie-ins and utilisation of unique assets e.g. shoe collection
- **Poor access**
 - Building is disjointed and lacks clear visitor routes
 - Galleries are accessed off a steep staircase or via a lift hidden away at the back of the building.
 - Lift access sends visitors to the back of the gallery spaces leading to difficulty in visitor orientation and exhibit arrangement
 - The museum has no dedicated car parking
- **Not family friendly**
 - Family offer primarily events and activities and occasional special exhibitions. Little to engage families on a general visit
- **Poor marketing**
 - The museum has suffered for many years from poor and un-coordinated marketing effort and low visibility
 - Lack of visibility in the town centre – signage and wayfinding is poor
 - Lack of cohesion to marketing and promoting the Cultural Quarter offer
- **Reputational**
 - The museum and council have suffered significant reputational issues on a national scale due to the sale of the Sekhemka statue. This has impacted negatively on visitor perceptions and relationships with other museum services e.g., loan of a Canaletto painting from the National Gallery was withdrawn in the weeks after loss of accreditation
- **Poor visitor facilities**
 - Limited toilet facilities
 - Drinks machine only catering offer
 - Inadequate activity and lecture space, noisy and with poor visitor comfort
 - Physical and intellectual access is not up to the required standards for a modern museum
- **Lack of activity space and facilities for schools**
 - Poor quality and limited activity space.
 - Restricted ability to host events and activities
 - Poor quality facilities for schools, restricting numbers and impacting on quality of offer

The museum as stands is outdated and requires significant investment to begin to transform the building and provide a museum investment to update in how it operates in meeting the needs of its customers and of the town and so this is a transformational project and the areas for change include 4 key strategies:

1. Develop a Resilient and Sustainable Museum Service

- To be economically sustainable
 - Increase and diversify the museum's self-generated income, reduce operating costs and seek efficiencies
 - Museums have high fixed costs and decreases in core revenue funding have disproportionate impacts on the public facing elements
 - Greater commercial attractiveness and opportunity will increase the ability to generate income
- To develop social sustainability
 - Develop the museum into a 'Third Place' - accessible, welcoming, comfortable and engaging
 - A place not only to learn about and celebrate Northampton's rich history and the internationally important shoe collection, but to engage in wider social and community activity.
 - Building firm and long term relationships with audiences and stakeholders, particularly local and county residents
 - Diversifying audiences beyond the traditional museum goer
 - Maintaining long-term relationships with audiences, community groups and cognate bodies
 - Build repeat visits through an engaging public programme
 - Build a sense of ownership and engagement
 - Create meaningful volunteering opportunities that engage and excite
- Environmental sustainability
 - Reducing environmental impacts, particularly energy consumption

2. Enhance Perceptions of Northampton

- To develop the museum as a beacon of local pride
 - Celebrating Northampton's rich history
 - Be **THE** national and international centre for shoe heritage
 - Be a cultural and social hub for the town
- The museum to be a cultural icon and attraction that has a sustainable, varied and engaging cultural offer
- A unique venue for hosting MICE activity (Meetings, Incentives, Conventions and Events), which will in turn generate additional spending in the broader local economy

3. Unlock Potential; to be seen as a key cultural attraction

- A destination attraction, attracting more visitors through significantly improved permanent exhibitions and a changing programme of high profile and engaging temporary exhibitions
- An integral component of the Cultural Quarter and a significant and positive addition to the town centre offer of culture, leisure and retail
- To offer a unique experience that will bring visitors to Northampton and encourage them to stay longer, generating additional spending at retail, restaurants and other attractions
- Diversification of public programming (exhibitions, events, activities) to

develop more informal learning and social opportunities and to expand on what it means to be a museum

- The museum will be a key attractant for visitors and help change perceptions and build Northampton's
 - Tourism is the 5th largest industry in the UK
 - Museums and galleries are key drivers for British tourism
-

4. Attractive Sponsorship and Fund Raising Proposition

- To build relationships with stakeholders, sponsors and key funders. The museum must be able to position itself as an engaging and attractive offer that clearly appeals to their needs and aspirations
- Enable local and regional companies to demonstrate social responsibility
- Engage sponsors with a variety of audiences, through an attractive exhibition and events programme
- Create stand-out campaigns by aligning sponsors with one of Northampton's most prestigious cultural institutions

Fundamentally by having all of the aspects of the project implemented will turn around the current issues and areas of negativity with the museum service

Current	After Project Implemented
Outdated, dilapidated and uninspiring displays	<ul style="list-style-type: none"> • New shoe gallery, major temporary exhibition gallery and dedicated art gallery • Exhibition programme and content which appeals and engages with a wider audience • Engage audiences in content development to enable greater engagement and representation of people's lives
Small and poor quality temporary exhibitions space	<ul style="list-style-type: none"> • Creating a major exhibitions space: • 380m² gallery space capable of hosting major touring exhibitions • Changing programme of exhibitions better able to target and develop new audiences • New display equipment and infrastructure to produce high quality in-house generated exhibitions • Flexible space that enables wide range of audiences and stakeholders to engage with the museum, from co-curation to more reactive exhibitions

Limited visitor facilities	<ul style="list-style-type: none"> • New entrance and reception • New toilets • Significantly improved circulation and visitor orientation
Inadequate and low income generating retail offer	<ul style="list-style-type: none"> • New café including out-door terrace • Extended shop with improved range of museum specific merchandise • Unique selling gallery focusing on Northamptonshire artists and makers
Unattractive and poor event and corporate hire facilities limiting commercial opportunities	<ul style="list-style-type: none"> • New activity space capable of hosting a wide range of activities and events • Focus on schools and wider family and adult events and activities out of hours and in school holidays • Great Hall space capable of hosting up to 170 people for lectures, events, performances, banquets and entertaining • Link space, café and terrace present extended opportunities for events and corporate and private hire

What are you trying to solve?

The museum development is driven by the vision and mission statements for the museum service

Vision

To be a focus for Northampton's arts, heritage and culture and the international centre of excellence for shoe heritage, valued and enjoyed by all

Mission

Using our collections, knowledge and expertise, we engage people with Northampton's rich history, culture, art and our world class shoe collection

Project Scope

The project will see the expansion of the Northampton Museum and Art Gallery on Guildhall Road into an adjoining building known as 'The Old Gaol Block' and part of the Guildhall Road block. The main elements of the project are:

1. **Major new temporary exhibitions gallery**
 - 380m² gallery space fitted out to Government Indemnity Scheme standards. Capable of hosting major touring exhibitions
2. **New shoe gallery**

- New shoe gallery showcasing the internationally important Designated shoe collection
- 3. **New entrance and reception**
 - Re-modelled entrance and reception space that better reflects the content and aspirations of the museum.
- 4. **Café**
 - New café facility with 72 covers, plus outdoor terrace. Focus on visitor offer during the day and ability to cater events and functions.
- 5. **Shop and selling gallery**
 - Expanded shop and new selling gallery adjacent to the reception. Focus on Northampton artists and makers
- 6. **Dedicated schools and activity space**
 - Wet and dry activity space for use by schools, artists, events and activities
- 7. **Great Hall**
 - Space for major events and activities, corporate and private hire
- 8. **Refurbished art gallery**
 - Dedicated art gallery. Focus on NMAG collection, local artists and touring art exhibitions
- 9. **New visitor facilities (toilets etc.)**
 - Improved and expanded visitor facilities, including new toilet block, seating and circulation routes
- 10. **Loading bay and logistics**
 - Secure loading bay with adequate access for trucks to enable easy transfer of exhibitions, objects and supplies

The Project Vision

The project vision has been in place since the Cabinet report of January 2013 where it was agreed that the proposed refurbishment and expansion of the museum is one of the most significant development opportunities identified for the cultural quarter.

The cabinet report of March 2015 reaffirmed the vision of 2013 to transform the museum within a 10 year time frame through:

- An ambitious expansion of the museum building
- Reimagining all of the exhibits
- Significantly enhanced public programmes and events and exhibitions
- Creating the physical infrastructure to enable large scale temporary exhibitions and to host major touring exhibitions.

Project Objectives

The objectives for this project are the driving force for the scope of this project:

The Expansion project will transform the existing museum building and expand into the Old Gaol Block building immediately behind, and into part of the adjacent

Guildhall Road Block. This is a strategic expansion of the existing building with the following objectives:

- Public Programme – exhibitions and events
 - Retain audiences and attract diverse new audiences
 - Provide experiences that enrich Northampton and the lives of our visitors
 - Reinforce the role of the museum as one of learning and engagement
 - Increase access to the museum and its collections
- Significantly enhance and improve the visitor experience through improved exhibitions, facilities, retail and F&B offer
 - To increase footfall, both local and regional audience
 - Commercial opportunities through secondary spend
 - Improved event and activity facilities to increase and engage with wider audiences
- Place visitors and collection at the heart of what we do through new ways of working and engaging with audiences
 - The new museum presents an opportunity to refocus the service aims and objectives and ways of working to be more outward looking and audience focused
- Improve accessibility across the estate based on Universal Design Principles, including a focus on being a ‘dementia friendly’ museum
 - The existing museum does not conform to good and modern design principles and suffered from access issues
- Increase self-generated income through improved and expanded corporate and private hire, retail, F&B and income generating events
 - Increasing the size of the museum will inevitably increase operating costs, both fixed costs through operating a larger building, and public programme costs to service the larger temporary exhibitions gallery and wider public programme.
- Museums are not self-supporting organisations and require other sources of funding to be sustainable. The primary funding sources of museums are generally local authorities with grant funding from organisations such as the Arts Council, HLF and DCMS.
 - External funding is almost exclusively dependent on being an accredited museum. In the three years prior to loss of accreditation the museum service achieved over £600k in grant funding and zero grant funding since the loss of accreditation.

These objectives will guide the creation of exciting new galleries, learning zones, public spaces and visitor facilities, all aspiring to a high standard of design, and access, marking a step-change in the way Northampton Museum thinks about its spaces, visitor facilities, income generating opportunities, and the way visitors engage with its collections.

Out of the Project Scope

- There are no specifics out of scope
- The scope is clear within the outline business case which was presented to the Northampton Alive Board in December 2017

What Assumptions Have Been Made at the Outset

There are number of significant assumptions with this project. These are strategic and financial assumptions based on the background of this project

Project funding

- The assumption is that the capital receipts from the sale of Sekhemka will be used to fund this project

Reputation

- The Arts Council have been clear that all monies received from the sale of Sekhemka must be spent on the museum service. Failure to do so will result in further sanction and extension of the period of removal of accreditation
- The Heritage Lottery Fund have stated they will only entertain future capital bids once the museum service regains accreditation and all of the Sekhemka receipts are spent on the first phase of the museum development.
- The council and the museums reputation has been severely damaged across the heritage and culture sector. The museum development is the principal step in restoring our reputation and rebuilding links with the wider museums and heritage sector.

Strategic Alignment

The Cabinet report of January 2013 states

“The establishment of the Northampton cultural quarter will provide the driving force for the regeneration of the town. It presents an opportunity to celebrate both the town’s rich history and to show case its unique contemporary offer”

and

“The proposed refurbishment and expansion of the museum is one of the most significant development opportunities identified for the cultural quarter”

2.2 Business justification

One of the council’s 7 corporate priorities is “Love Northampton - Enhancing leisure activities for local people and encouraging participation”. The extension of NMAG will make a significant contribution to this priority.

The extension of NMAG is an important component of the ambitious town centre regeneration programme and proposals for the Cultural Quarter.

The key outputs of the project are:

- New iconic visitor attraction for Northampton
- National standard special exhibitions gallery capable of hosting national museum standard exhibitions
- Dedicated schools and activity space
- Great Hall – events and functions space
- Cafe
- Museum shop including a focus on work by Northamptonshire artists, makers and creative businesses
- Improved building infrastructure – improved quality of environmental performance across galleries and collection spaces
- New and improved entrance and foyer, opening sightlines and creating a more welcoming experience

Key outcomes and benefits of the project are:

- Improved and enhanced visitor experience
- Significant cultural and community facility for Northampton
- Great resilience and sustainability through increased income generation.
- Boost to the local economy
- Higher public profile for Northampton and the museum
- Organisation and building attractive to sponsors and funders
- Greater engagement with audiences and key stakeholders to shape the future direction of the museum
- Reputational rebuilding

2.3 Business options

The Current Service

Northampton Museum and Art Gallery (NMAG) is the one of the most important cultural services provided by Northampton Borough Council and one of the key cultural institutions in Northampton and Northamptonshire, being the largest museum service in the county with major collections of historic, aesthetic and social significance. This includes the Arts Council Designated shoe collection, meaning it has been assessed as being of national and international importance.

NMAG hosts one of the world's largest collections of shoes and related material alongside significant art, archaeology and local history collections, artefacts connected to local and military history, costume, ceramics, natural history and ethnography.

The museum has four permanent galleries focusing on shoes and the history of Northampton. It runs a varied programme of temporary exhibitions, events and activities, which can have a broader scope. There is an active schools programme, with sessions delivered onsite and offsite.

2.3.1 Current business operating model

Prior to closing for the expansion works, the museum operated on the following basis.

- NMAG was open from Tuesday to Saturday (and on Bank Holiday Mondays) between 10am and 5pm. On Sundays it opened between 12pm and 5pm
- Staffing complement was 17.5 FTE covering a range of roles, primarily, management, curatorial, education, commercial, marketing, visitor services and facilities management

Primary activities were:

- Temporary exhibitions programme - 6 to 9 exhibitions per year
- Education – onsite active learning sessions and offsite loans boxes programme
- Events and activities – programme of talks, tours, workshops, performances and family activities
- Corporate and Private Hire – Shoe Lounge and Function room available for hire
- Retail – small shop selling a range of museum related items
- Public and academic enquiries
- Object loans to other museums e.g. V&A

2.3.2 Options Analysis

High-level full cost breakdowns for each option are detailed in Appendix 1

Do Nothing – continue as is	Option 1 - High Level Option Review
Do nothing – continue as is	Central museum site remains closed. No new investment, additional expenditure, management, policy or other changes
Pros:	<ul style="list-style-type: none"> • Remaining capital available for investment in other areas of museum service
Cons:	<ul style="list-style-type: none"> • Loss of significant cultural attraction in town • No significant museum service provision
Risks:	<ul style="list-style-type: none"> • Accreditation – high risk museum will not regain accreditation
Issues:	<ul style="list-style-type: none"> • Reputational – council does not deliver in promises • Loss of accreditation and damage to reputation was for nothing
Cost Implications:	<ul style="list-style-type: none"> • Sunk costs of £500K

Deliver Project	Option 2 – Preferred Option High Level Option Review
Deliver Project	Develop the existing museum and expand into the Old Gaol Block and part for Guildhall Road Block
Pros:	<ul style="list-style-type: none"> • Delivers councils vision of high quality visitor attraction • Provides building and exhibitions that meet need of diverse range of audiences • Provides for increased income generation • Supports council regeneration and development objectives • Responds to Arts Council and Heritage Lottery Fund direction • Significant asset to deliver the vision for the Cultural Quarter
Cons:	<ul style="list-style-type: none"> • Adaptive reuse of historic buildings more expensive than new build
Risks:	<ul style="list-style-type: none"> • Budget increases after tender exercise
Issues:	<ul style="list-style-type: none"> • Estimated build budget over capital available
Cost Implications:	<ul style="list-style-type: none"> • Increase in capital budget required

2.3.3 Recommended Option – Option 2

The recommended option is to deliver the project as proposed.

- Delivers councils vision of high quality visitor attraction
 - Cultural quarter - create an attractive, cosmopolitan cultural environment focused around the town's four key arts venues
 - New museum - driving force for regeneration of the town. It presents an opportunity to celebrate both the town's rich history, showcase the world class shoe collection and become a venue for high profile touring exhibitions
- Supports council regeneration and development objectives
 - Contributor towards councils economic regeneration priorities
 - Thriving cultural life is a significant attraction for businesses looking to locate in the area
- Provides building, infrastructure and facilities that meet need of diverse range of audiences
 - Accessibility – improve physical and cognitive accessibility to create a barrier free cultural facility
 - Cultural and social inclusion – be a venue for all Northampton's residents, reflective of their lives, needs and aspirations
 - Building fit for purpose – meets the needs of the museum, its collections and its users
- Sustainable museum through increased income generation to support increase in operating costs
 - Public programme of exhibitions and events to drive increased visitor numbers and repeat visits
 - Shop – destination shop, known for its unique museum related offer and as a showcase for Northampton and Northamptonshire artists and makers
 - Café – a unique café offering locally sourced food and drink. A destination in its own right and able to cater for out of hours events and activities
 - Corporate and private hire – a unique venue like no other in Northampton, combining a heritage and contemporary atmosphere and ambience
- Responds to Arts Council and Heritage Lottery Fund direction
 - Arts Council England – regaining accreditation is dependent on all receipts from Sekhemka being invested in the museum service, and maintenance of accreditation standards in the 5 year interregnum. Future grant funding is dependent on regaining accreditation and thus imperative for the future financial stability of the museum service
 - HLF – clear direction has been given that any future HLF bid will be dependent on regaining accreditation and showing all receipts from Sekhemka sale have been spent on the first phase of development

Procurement methodology - how will the option be delivered?

Advice was taken from LGSS Procurement as to a suitable procurement route to take the project forward. A framework developed for the County Council was recommended which allows the Council to select a number of suitable contractors from LGSS's list of pre-vetted contractors (suitable for the type of project) by a process of mini-competition. NBC Board chose to proceed with the LGSS Framework as this allowed the desired design and build contract to be progressed under a successful framework process. It would enable the project to be completed retaining the specialist consultants (architects and exhibition designers) currently engaged on the project, with minimal increase in timescale and under a proven procurement methodology.

The LGSS Framework to provide a main contractor is compliant with the Public Contract Regulations 2015 and the tender process will be managed by the Council in collaboration with LGSS Procurement and an independent construction law legal advisor.

The form of contract is the JCT Design and Build. Some of the standard legal clauses with that contract have been revised by NBC's legal advisors to further assist the Client.

The tendering contractors will be given 8 weeks to return their tenders (all have confirmed that this is the time that they require).

The procurement route was approved at Cabinet September 2017.

Section 3 Project implementation

3.1 Delivering the project

This project will be delivered in line with the NBC approved programme and project management governance framework. The Governance structure will be through the NBC Northampton Alive Programme Board, the Corporate Delivery Group and the NBC Management Team.

As in accordance with the PPMG, Management Board will be making the strategic decisions that are recommended to Cabinet for the final approval.

3.2 Key objectives

The key objectives of the business are

- Improve perceptions of Northampton as a place to live, work and visit
- Create a sustainable museum service
- Unlock potential of the museum service as a key cultural attraction
- Attract sponsorship and enable fundraising to support ongoing development work

3.3 Key product deliverables and outcomes

Key outputs of the project are:

- New iconic visitor attraction for Northampton

- National standard special exhibitions gallery capable of hosting national museum standard exhibitions
- Dedicated schools and activity space
- Great Hall – events and functions space
- Cafe
- Museum shop including a focus on work by Northamptonshire artists, makers and creative businesses
- Improved building infrastructure – improved quality of environmental performance across galleries and collection spaces
- New and improved entrance and foyer, opening sightlines and creating a more welcoming experience

Key outcomes of the project are:

- Improved and enhanced visitor experience
- Great resilience and sustainability through increased income generation.
- Boost to the local economy
- Higher public profile for Northampton and the museum and reputational rebuilding

3.4 Key measures

Benefit: New iconic visitor attraction & improved visitor experience

How will this be measured?

- Visitor numbers
- Visitor surveys – visitation (local, regional, tourist, VFR etc.) and visitor satisfaction
- Unique web hits and social media engagement
- School bookings
- Public programme – event attendance
- Temporary exhibition programme – attendance

Detail of Benefit: Income generation & Sustainability

How will this be measured?

- Retail spend per head
- Income from percentage Café turnover/cafe spend per head
- Event income
- Corporate hire bookings and income
- Sponsorship
- Donations
- Volunteer hours
- Engagement local artists/makers and retail sales

Detail of Benefit: Boost local economy

How will this be measured?

- Construction phase – number local suppliers and contractors
 - Local business impact – visitation surveys and modelling
 - Engagement local artists/makers and retail sales

Detail of Benefit: Reputational Rebuilding

How will this be measured?

- Sponsorship and fundraising targets
- Philanthropic donations
- Partnerships with major museums, universities and cognate bodies
- Grant income
- Positive press stories
- Regain Arts Council accreditation (2020)

3.5 Assumptions

Key assumptions for the project:

- No further funding for Phase 1 of the project will be available
- Subsequent phases will be met through sponsorship, fundraising and grant applications
- Increased operating costs will primarily be met through self-generated income and efficiency savings and any increase in base budget will be kept to a minimum
- Additional temporary staff will be required to support the project development, project management, curatorial and interpretation

3.6 Constraints

The project does not have limitations as this project expands on current operations and service provision. The purpose of the project is to provide an enhanced public offer and focus on expanding visitor facing services, primarily exhibitions, events, activities, retail, F&B offer and schools services and activities.

3.7 Dependencies

The project is at an advanced stage and many of the dependencies have been resolved or are no longer valid, e.g. successful planning application. Path dependencies, particularly relating to the build and exhibition design, are not considered here.

- Successful tender exercise for main contractor that delivers project to the available budget
- Retention of key staff on temporary contracts to the end of the project (5FTE)
- Base budget for museum service maintained
- Any potential value engineering does not compromise income generation potential or operational capabilities

3.8 Assessing project impacts

3.8.1 Equality Impact Assessment

An Equality Impact Assessment is ongoing and a significant amount of work being undertaken to ensure the project helps the museum to increase and diversify its audiences, both physically at the museum building but also virtually as well. The museum development presents a significant opportunity to broaden access, participation and representation.

The museum has commissioned the Audience Agency to undertake detailed audience research on needs, wants and motivations. This will be used to inform the museum development.

A core focus of the museum development is to engage with difficult and hard to reach audiences, under-represented groups and non-users. The Activity Plan Co-coordinator post is engaged in community outreach and engagement and consultation exercises with key community groups over the development

of the project to help inform the overall museum development and future public programme.

3.8.2 Environmental Impact Assessment

A full environmental impact assessment has not been carried out for this project.

Full ecological surveys and archaeological surveys were completed as part of the development process and to satisfy requirements of the planning application.

An initial BREEAM assessment was undertaken under the guidance of a fully qualified and registered BREEAM assessor.

The total estimated additional cost necessary to achieve BREEAM 'Very Good' will make the Northampton Museum and Art Gallery Phase 1 refurbishment and new extension project unaffordable.

Exemption from BREEAM has been agreed for the Phase 1 works, with the intention to implement BREEAM in subsequent phases.

3.8.3 Staff Impact Assessment

A new staffing structure has been developed to enable the operations of the museum service at both sites, Northampton Museum and Art Gallery and Abington Park Museum. It is proposed a full staffing review and restructuring is undertaken towards the end of 2018.

Focus of staffing will be on visitor facing activity - public programming and income generation becoming a greater focus across all roles. Expertise will continue to be developed in these areas if the service is to develop and grow over the coming years.

Staffing will be more project based and less hierarchical and it is recognised that a significant transformation of services is likely to have an impact upon staff. This impact will be monitored through the completion of a Staff Impact Assessment. This is a "live" document and will be updated at key milestones throughout the lifespan of the project. This is an initial analysis of the SIA the museum project and provides baseline information. As the project develops the information will need to be reassessed.

Staff structure and costings are shown in Appendix 1 as part of the financial analysis.

3.8.4 Initial Risk Consideration

The project risk register is reported to the Museum Project board on a monthly basis with the risks being managed by the Project Managers.

If there are any corporate risks then these would be escalated to the Corporate Risk register via the Corporate Governance and Risk Manager and ultimately to Management Board.

3.9 Major project implementation timescales

The following project plan is derived from the model plan, which had been shared with potential contractors. All agreed it was a feasible programme and so no issues with the broad timeframe. The final detailed programme will be confirmed on the appointment of the main contractor. The following programme from award of tender on 6th August should be taken as advisory, with final programme confirmed at this date.

Milestones/Deliverables	Target Date
Appoint Main Consultants	05/06/17 - 07/07/17
Concept Design Finalisation - Stage 2	07/06/17 - 14/07/17
Exhibition Concept Design - Stage 2	13/06/17 - 03/10/17
Planning & Developed Design - Stage 3	14/07/17 - 21/11/17
Exhibition Developed Design - Stage 3	04/10/17 - 23/02/18
Tender Design & Docs - Stage 4.1	31/07/17 - 09/11/17
Tender Design & Docs - Stage 4.2	09/11/17 - 2/04/18
Tender Period	2/04/18 - 25/05/18
Receive and Analyse Tenders	28/05/18 - 31/05/18
Award Contract	6/8/18
Exhibition Tender Design & Docs - Stage 4	29/01/18 - 06/12/18
Construction & Handover - Stages 5,6	06/08/18 - 02/12/19
Exhibition Fit-Out & Handover - Stages 5,6	07/12/18 - 21/08/19
Snagging - Areas I (Galleries)	21/08/19 - 05/09/19
Snagging - Areas II (Other Areas)	24/07/19 - 07/08/19
Handover to Client	08/08/19 - 08/08/19
Object Installation	22/08/19 - 15/11/19
Soft Opening/training/defects	15/11/19 - 29/11/19
Official Museum Opening	29/11/19 - 29/11/19

3.10 People resource plan

Role	Name (if known)	Effort (days)	Cost Estimate (+ / - 20%)	Backfill Required Yes/No
Project Manager – Build & Technical	Edmond Calnan	5	Post funded through Assets	No
<ul style="list-style-type: none"> Manages main contractor and all building aspects of the project 				
Project Manager - Museums	Edel Millar	5	£54,000	No

Role	Name (if known)	Effort (days)	Cost Estimate (+ / - 20%)	Backfill Required Yes/No
<ul style="list-style-type: none"> Manages museum exhibitions and visitor facilities design and development, and fit out 				
Interpretation Manager	Cassandra Killington	5	£39,355	No
<ul style="list-style-type: none"> Manages exhibition development process and acts as lead for the museum with exhibition designer 				
Project Curator – Art	Elizabeth Socci	5	£26,000	No
<ul style="list-style-type: none"> Art Curator responsible for developing art gallery exhibitions and public engagement 				
Project Curator – History	Louise Hannam	5	£26,000	No
<ul style="list-style-type: none"> History Curator responsible for developing history gallery exhibitions and public engagement 				
Activity Plan Co-ordinator	Alice Morgan	5	£36,332	No
<ul style="list-style-type: none"> Responsible for all aspects of audience engagement and development for the new museum. Include outreach and in-reach work and developing links with community groups and other cognate bodies. 				

Section 4 Governance

4.1 Governance

4.1.1 Programme Board Members

Role	Name	Title
Executive	Julie Seddon	Director of Customers and Communities
Project Support	Marion Goodman	Head of Customer and Cultural Services
Client Lead	Nick Gordon	Cultural Services Manager
Legal	Jackie Buckler	Contracts and Procurement Advisor
Finance	Antony Russel	Group Accountant

4.1.2 Key Project Team Members

Role	Name	Title
Client Lead	Nick Gordon	Cultural Services Manager

Role	Name	Title
Project Manager – Build & Technical	Edmond Calnan	Project Manager - Technical
Project Manager - Museums	Edel Millar	Project Manager - Museums
Site Manager	Stuart Docker	Senior Regeneration Officer
Interpretation	Cassandra Killington	Interpretation Manager
Collections	Jane Seddon	Collections Manager
Commercial	Tara DeFabrizio	Commercial & Business Development Manager
Public Programme	Debra Cox	Public Programme Manager
Lead Curator – Shoes	Rebecca Shawcross	Senior Shoe Curator
Lead Curator – History	Louise Hannam	Project Curator – History
Lead Curator – Art	Beth Socci	Project Curator - Art
Audience engagement and development	Alice Morgan	Activity Plan Co-ordinator

4.1.3 Quality Assurance and Risk Management

Role	Name	Title
Risk Management	Nick Gordon	Cultural Services Manager
Quality Assurance	Alice Turrell Jo Bonham	Governance Team

4.2 Communications

The purpose of the Communications Strategy is to set out the timetable and arrangements for communicating key messages and project information. This includes responsibilities for delivery, identification of products to be communicated and the key stakeholder's audience for each communication.

The strategy will include a press / media plan, setting how information will need to be managed into the public domain. This will include a continuous press campaign giving a 'drip feed' features on all key stages of the project development and completion in 2019.

The strategy will state how communication within the delivery teams will be structured, with a clear timetable of meetings and a communication feedback process.

A clear programme of consultation with specific community groups / organisations and key stakeholder groups will be instigated to further ensure complete community involvement with the delivery of this project.

The Communications Strategy sets out the communications opportunities and risks resulting from this change of circumstance. The strategy:

- Identifies key messaging for presentation to members of the public and the media
- Highlights the reputational risks to the Borough Council
- Seeks to mitigate those risks by anticipating their potential impact
- Outlines a comprehensive programme of communication to inform stakeholders of progress on the project

Objectives

The aim of this document is to set out the communications opportunities and risks resulting from this change of circumstance. It will:

- Identify key messaging for presentation to members of the public and the media
- Highlight the reputational risks to the Borough Council
- Seek to mitigate those risks by anticipating their potential impact
- Outline a comprehensive programme of communication to inform stakeholders of progress on the project

Strategy

This will be achieved by:

- Creating a timetable of proactive communications for both internal and external audiences
- Ensuring that the communications department is in receipt of all relevant information from the outset and that the cabinet member is kept apprised of the situation
- Preparing communications well ahead of time
- Ensuring communications are carried out in a timely fashion
- Making sure that all communications take into account the wider financial and development contexts

Target audiences

- See stakeholder analysis

Key messages and risks

Key messages

- The new Northampton Museum & Art Gallery extension will allow for improved exhibitions
- With the ability to host much more of the museum's footwear collection, there is capacity to improve links with educational establishments working in that arena
- Corporate hire capability will improve engagement with the venue
- Extension of the space supports Northampton Borough Council aspirations for a regionally-significant cultural quarter
- The closed museum space offers an opportunity for staff to consider new and improved ways of encouraging the public to engage with the historic collection

Risks

- The new tender process will fail to identify a contractor willing to deliver the project to a fixed budget
- Unforeseen issues within the Gaol Block and Guildhall Road Block will cause further delays to the project
- The sale of Sekhemka could continue to mar communication of project successes
- Following delivery, visitor numbers might prove lower than hoped
- Continued boycotting by Arts Council England could hamper plans for future phases of the project

Communications channels

- Internal newsletter and intranet
- Social media
- Website
- Press conferences
- Tours
- Press releases
- Media interviews
- Members
- Staff
- Development partners

Timescales

A full programme will be developed for the appointment of the main, when the build programme and key milestones are identified.

These will help inform a more detailed plan of action on when individual communications should go out, to who and how.

4.2.1 Key Stakeholders

Role	Name	Interest/Influence
Council Leader	Jonathan Nunn	High/High
Cabinet Lead	Anna King	High/High
Deputy Leader	Phil Larratt	High/High
Chief Executive	George Candler	High/High
Director Customers & Communities	Julie Seddon	High/High
Head of Customers and Culture	Marion Goodman	High/High
Head of Economic Development and Regeneration	Paul Walker	High/High
Legal	Jackie Buckler	High/Medium
Senior Finance Business Partner	Antony Russel	High/Medium
Communications	Craig Forsythe	High/Low
Principal Planning Officer	Wendy Rousell	Medium/Low
Principal Building Control Officer	Lee Hunter	Medium/Low
ICT Service Delivery Client Advisor	Andrew Brightwell	Medium/High
Cost Consultant (CS2)	Terry Harding	High/Low
History advisory Panel	Panel of academics and local historians	High/Medium
Shoe Advisory Panel	Panel of academics and shoe industry representatives	High/Medium
Schools Panel	By invitation. Focus on Northampton schools	Medium/Medium
Architect	William Assheton	High/High
Architect	Tom Jagger	High/High

Role	Name	Interest/Influence
Exhibition Designer	Jonathan Keight	High/High
Main Contractor	TBC	High/High
Audience Consultation	Audience Agency	High/Medium
Audience Focus Groups	Audience Agency	High/Medium
General Public	NBC Communications	Medium/Low
Arts Council	TBC	High/Medium
Heritage Lottery Fund	Jonathan Platt	High/Low
Museums Association	Sharon Heal	High/Low

Section 5 Conclusion

It is recommended that the museum project continue as per Option 2.

The project is currently out to tender and the activities are laid out in section 3.9 Major project implementation timescales. The plan outlined will take considerable time and effort and the project team are committed to undertaking the plan to achieve their vision of developing an inclusive, sustainable, centrally located museum in the heart of Northampton's cultural quarter, that is a vibrant and welcoming cultural and social hub for all our visitors, a resource for schools, and a major tourist destination.

Appendix 1 Project Financial Analysis

1.0 Financial Analysis

The precis below, comparing past three years of museum operation with the first full year of operation in 2020/21 shows that

- The running costs of the central museum will increase with the new expanded museum;
- There will be an increase in commercial income generated by the central museum, but this on its own will not cover the additional cost;
- However, further commercial income is generated by Abington museum which allows the service to continue to operate with only a 10% increase in the budget envelope;
- General service costs remain the same, with the major cost of staffing remaining broadly the same, but with an increase in staff and changed staffing profile, and with a significant increase in the spend on Exhibitions to reflect the increased activity across the exhibitions programme.

	Average of last three years			
	Museum Service	Central Museum	Abington Museum	Total
Staff	678,298	171	0	678,469
Facilities Management	0	154,453	25,748	180,201
Exhibitions	6,837	0	0	6,837
Learning	2,464	0	0	2,464
Collections	2,670	0	0	2,670
Marketing	22,792	0	0	22,792
Grants	34,000	0	0	34,000
Public Programming	16,819	-7,323	-7,323	2,173
Commercial	0	-17,069	-10,463	-27,532
Total	763,880	130,232	7,962	902,074

	2020/21 - first full year of operation			
	Museum Service	Central Museum	Abington Museum	Total
Staff	715,634	0	0	715,634
Facilities Management	0	296,641	23,880	320,521
Exhibitions	100,000	0	0	100,000
Learning	8,700	0	0	8,700
Collections	7,600	0	0	7,600
Marketing	19,000	0	0	19,000
Grants	25,000			25,000
Public Programming	-43,890	0	0	-43,890
Commercial	0	-47,362	-42,183	-89,545
Total	832,044	249,279	-18,303	1,063,020

2.0 Continuation Budget 2018/19 to 2022/23 financial Year

The following sets out the assumptions and top line description of budget spend. Where appropriate this is covered on a line by line basis. This covers the build and fit out period to November 2019, and assumes Northampton Museum and Art Gallery will open to the public and be fully operational from December 2019. The budget is for the whole service, including Abington Museum

This budget analysis is as comprehensive as possible and is based on analysis of past budgets, actual costs and quotes. Some budget lines, primarily utilities, are based on estimates according to best information available and will be adjusted as the project progresses.

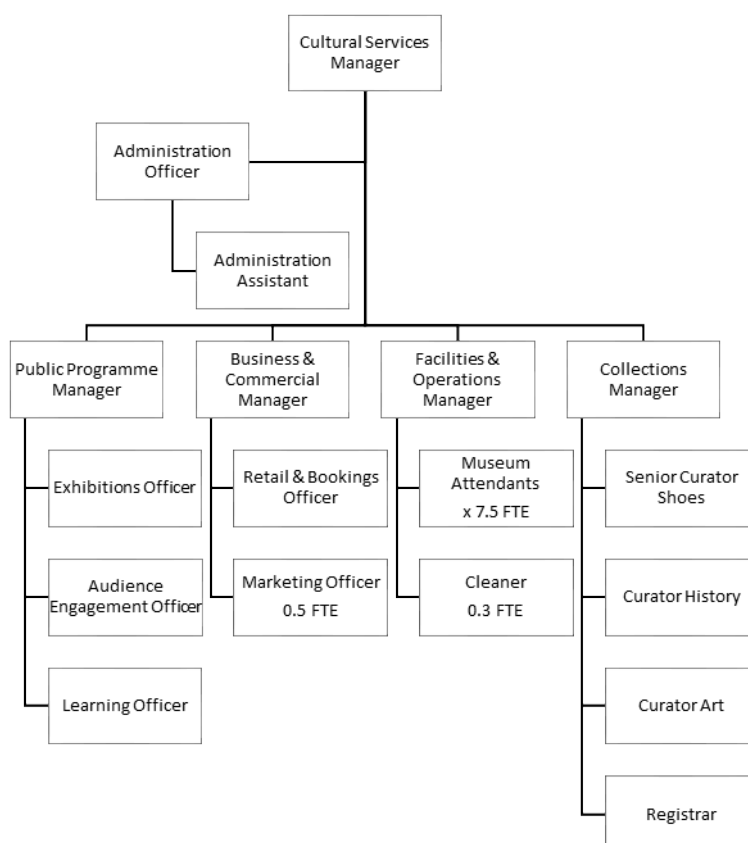
	2018/19	2019/20	2020/21	2021/22	2022/23
<u>Staffing costs</u>					
Staffing costs	655,601	710,278	713,384	731,530	743,185
<u>Premises costs</u>					
Gas	17,000	18,000	24,310	24,790	25,920
Electricity	34,000	40,000	54,700	55,800	56,900
NNDR, etc.	113,133	113,133	140,284	140,284	140,284
Building Cleaning	480	860	2,000	2,000	2,000
Cleaning & Rubbish Removal	500	1,900	4,550	4,550	4,550
Fire & Burglar Alarms	11,000	11,000	11,000	11,000	11,000
Fixtures & Fittings	10,000	10,000	10,000	10,000	10,000
Insurances	18,000	18,000	18,000	18,000	18,000
Premises insurances	28,802	28,802	28,802	28,802	28,802
Telephones, etc.	4,800	4,900	5,111	5,248	5,388
Water Charges	4,473	4,517	5,564	5,842	6,133
Total Premises costs	242,188	251,112	304,321	306,316	308,977
<u>Supplies & Services</u>					
CCTV Equipment & Maintenance	1,600	1,600	1,600	1,600	1,600
Clothing, Uniforms & Laundry	3,000	1,000	1,000	1,000	1,000
Equipment Hire	1,050	3,050	3,050	3,050	3,050
Furniture, Equipment & Tools	12,630	7,630	7,630	7,630	8,130
Hired Transport & Plant	0	1,000	5,000	5,000	5,000
Materials	17,150	16,050	22,825	19,025	29,025
Mobile Phones	250	250	250	250	250
Organ'al Subscriptions	1,300	1,300	1,300	1,300	1,300
Printing	23,915	51,915	47,915	57,915	57,915
Stationery	1,200	1,200	1,200	1,200	1,200
Travel & Subsistence	1,000	1,200	1,500	1,500	1,500
Vehicle Allowances	1,120	1,320	1,620	1,620	1,620
Performing Rights Payment	0	500	500	500	500

	2018/19	2019/20	2020/21	2021/22	2022/23
Professional Services	29,600	67,600	85,450	93,950	93,950
Pest Control	400	400	400	400	400
Advertising & Publicity	1000	5000	3000	3000	3000
Total Supplies & Services costs	95,215	161,015	184,240	198,940	209,440
<u>Grants</u>					
NN Grant	25,000	25,000	25,000	25,000	25,000
Total expenditure	1,018,004	1,147,405	1,226,945	1,261,786	1,286,602
<u>Income - Commercial</u>					
Shop	1,186	4,446	14,928	15,375	15,837
Selling Gallery	0	1,933	4,800	5,040	5,292
Selling Exhibitions	67	67	67	67	67
Café	0	4,195	17,394	17,394	17,394
Abington Refreshments	1,079	1,133	1,190	1,250	1,312
Corporate & Private Hire	9,500	11,215	13,268	14,044	14,812
Weddings	4,084	14,400	28,800	35,000	45,000
Licencing & Image Rights	1,296	1,361	1,429	1,500	1,575
Memberships	0	1,680	3,150	2,100	2,100
Donation Boxes	500	500	1,000	5,500	5,700
Total income commercial	17,712	40,929	86,026	97,270	109,089
<u>Income - Public Programming</u>					
Workshops & Courses	7,500	7,500	17,800	17,800	17,800
Museum Events	4,080	4,080	5,830	5,830	5,830
Lectures & Symposiums	6,500	6,500	12,500	12,500	12,500
Fairs	9,400	9,400	12,200	12,200	12,200
Performances	3,600	3,600	7,200	7,200	7,200
Schools	4,000	5,000	12,500	13,000	13,500
Rental Income	0	0	16,000	16,000	16,000
Total income public programming	35,080	36,080	84,030	84,530	85,030
Total Income	52,792	77,009	170,056	181,800	194,119
Total net cost of running service	965,212	1,070,396	1,056,889	1,079,986	1,092,483
Base budget	931,439	922,229	932,156	942,360	966,297
Budget Gap – Growth Bid	-33,773	-148,167	-124,733	-137,626	-126,186

2.1 Staff

	STAFF	2018/19	2019/20	2020/21	2021/22	2022/23
1	Salaries	514,024	560,422	553,563	568,138	574,669
2	Salaries Overtime Non-Cont'D	13,606	13,606	13,606	13,606	13,606
3	Salaries Enhancements	2,189	2,189	2,189	2,189	2,189
4	Wages Overtime Non-Contractd	8,458	8,458	16,916	16,916	16,916
5	Corporate Sickness Saving	-5,201	-5,201	-5,201	-5,201	-5,201
6	Vacancy Factor	-11,998	-11,998	-11,998	-11,998	-11,998
7	National Insurance	46,230	47,067	49,712	50,599	50,352
8	Superannuation	84,373	91,815	90,677	93,361	98,732
9	Employee Related Insurances	3,920	3,920	3,920	3,920	3,920
10	Vehicle Allowances	1000	1000	1000	1000	1000
11	Mobile Phones	250	250	250	250	250
12	Travel & Subsistence	1000	1000	1000	1000	1000
	Total	657,851	712,528	715,634	733,780	745,435

Proposed Staff Structure for Museum post opening



Lines 1 – 9 Staffing Costs

As part of the renovation and expansion project, a fundamental review has been undertaken of the operating model for the museum and a new business plan being developed. As well as expanding the size of the museum, a new, more entrepreneurial approach is needed, including a significant development of existing and new income streams, to develop a more resilient service, less dependent on core council funding.

The proposed staffing structure is designed to meet the demands of the core business and broad strategic direction of the service. The focus is on developing a significant public programme of high profile changing exhibitions programme exhibitions and a diverse events and activities programme with a focus on increasing visitor numbers and users at the two museum sites. Another key focus is on much greater engagement with local audiences through outreach and in-reach activities so as to better understand their needs and aspirations. This work will help shape the public programme, including generating content and co-curation for exhibitions and development of the collections, particularly social history and shoe collections. This will become especially important with the advent of the new unitary authority and the need to engage with the wider residents of West Northamptonshire area.

2.2 Management Team

The management structure reflects the four core areas that are the focus of the museum service. The senior management of the museum comprises the Cultural Services Manager, Collections Manager, Public Programme Manager and Commercial and Business Development Manager. There are four core teams in the museum service comprising Collections, Public Programme, Commercial and Facilities.

Curatorial

The new museum service requires additional dedicated curatorial posts which have been lost during previous restructures. As well as shoes, the new museum will have a specific focus on the history of Northampton and art and requires two subject specialists in these areas to augment the curatorial expertise maintained in shoes. These posts will lead on curatorial care, exhibition development, research and collections development. These two posts were created as temporary posts for the museum development and are being made permanent.

2.3 Public Programme

The public programme team are responsible for all exhibitions, formal and informal learning programmes and museum events. The new museum will have a much expanded public programme, with a major new temporary exhibitions gallery and changing art gallery at the main museum site, with changing exhibitions at Abington Park Museum. This is one of the biggest step changes for the service, moving from 6 small – medium size exhibitions a year to 3 major temporary exhibitions, 3 – 4 art exhibitions at the main museum and 3 changing exhibitions at Abington. This represents a significant increase in activity, involving curatorial in developing exhibitions and Museum Attendants with exhibition changeover.

The Audience Engagement Officer post is a key post for the vision for the museum and how it becomes more responsive and engaging with its audiences. This post is key in audience development and engaging audiences with the museums work

though events and dedicated projects, with a focus on expanding audience involvement with exhibition and collections development.

2.4 Commercial

The Business and Commercial Manager will focus on weddings, corporate hire, F&B and major non-museum events. The new post of Retail and Bookings Officer will focus on the museum shops, selling gallery, e-commerce and manage ticketing sales for all events and activities across the museum. The Marketing Officer will be responsible for direct marketing of all aspects of the museums public programmes and special projects across print and social media. They will work closely with the main Council Communications team for press engagement and any PR or communications involving councillors.

2.5 Facilities and Operations

The Facilities and operations team are responsible for buildings and visitor services. Visitor Services function is the public face of a museum greeting visitors, answering questions, acknowledging visitor comments and concerns, providing a quality experience for all visitors and general security and safety. The role of the Visitor Services function is essential in ensuring a welcoming, safe and enjoyable atmosphere for visitors, and a positive and enthusiastic engagement with the museum.

A staffing rota for NMAG and Abington Park Museum has been developed to determine the number of staff required. The increase in size of the team reflects the larger size of the museum and the significant increase in the museum and corporate events. The FOH staff will work across the service to enable maximum flexibility. Staff increases for 7 FTE Museum Attendants to 7.5 FTE after one year to reflect the projected increase in out of hours activity, principally weddings, corporate hire and museum courses and workshops. In addition a roster of casual staff will be maintained to support core staff with out of hours and major events.

Lines 10 - 12

Figures in line with previous year's expenditure. Travel and subsistence is a de minimis figure and we would look to increase this figure.

2.6 Facilities Management

	Service Total	2018/19	2019/20	2020/21	2021/22	2022/23
1	Gas	17,000	18,000	24,310	24,790	25,920
2	Electricity	34,000	40,000	54,700	55,800	56,900
3	NNDR, etc.	113,133	113,133	140,284	140,284	140,284
4	Building Cleaning	480	860	2,000	2,000	2,000
5	Cleaning & Rubbish Removal	500	1,900	4,550	4,550	4,550
6	Fire & Burglar Alarms	11,000	11,000	11,000	11,000	11,000
7	Fixtures & Fittings	10,000	10,000	10,000	10,000	10,000
8	Insurances	18,000	18,000	18,000	18,000	18,000
9	Premises insurances	28,802	28,802	28,802	28,802	28,802
10	Water Charges	4,473	4,517	5,564	5,842	6,133
11	CCTV Equipment & Maintenance	1,600	1,600	1,600	1,600	1,600
12	Clothing, Uniforms & Laundry	1,500	2,000	1,000	1,000	1,000
13	Furniture, Equipment & Tools	10,000	5,000	5,000	5,000	5,000
14	Printing	2,000	2,000	2,000	2,000	2,000
15	Professional Services	4000	5000	5000	5000	5000
16	Telephones, etc.	4,800	4,900	5,111	5,248	5,388
17	Stationery	1,200	1,200	1,200	1,200	1,200
18	Pest Control	400	400	400	400	400

Note figures are aggregate for Northampton Museum and Art Gallery, Abington Park Museum, and were applicable, Blackthorn stores.

Line 1 Gas

Gas costs have been increased to allow for increased size of the building. 2017/18 spend was £14,126. The increase to £24k in 2020/21 is to allow for full year effect with an assumed 2% a year increase after that.

Figures are estimates based on previous costs. New more efficient plant may reduce costs. Once contractor has been appointed and M&E fit out agreed costs will be reviewed with the consultant.

Line 2 Electricity

Electricity costs have been increased to allow for increased size of the building. 2017/18 spend was £15,748. The increase to £40k in 2020/21 is to allow for full year effect with an assumed 2% a year increase after that.

Figures are estimates based on previous costs. New more efficient plant and use of LED lighting in galleries rather than halogen lights are anticipated to reduce costs. Once contractor has been appointed and M&E fit out agreed costs will be reviewed with the consultant.

Line 3 NNDR

The NNDR figure is derived from the current charge for the existing museum buildings. A pro-rata increase of 24% has been included to account for increase in sqm of the building footprint for the new build, the Old Gaol Block and the section of the Guildhall Road Block that forms part of the museum extension. NBC Assets are

working to arrange a valuation for the new building and this figure will be updated following assessment.

Line 4 Building Cleaning

Building cleaning covers cleaning products for day to day cleaning of the building and supplies for the public and staff WC's. A 15% uplift has been allowed for the increased floor area for cleaning and increased use of consumables in the WC's. The museum uses the new council waste supplies contract to procure cleaning and sanitary products.

This does not include the costs of staff time - this is included in the overall staffing costs. Staffing includes 0.2FTE cleaner shared with the Guildhall, who will be responsible for toilet, bins and office cleaning. Museum Attendant are responsible for cleaning the galleries and general areas.

Line 5 Cleaning and Rubbish Removal

Covers bulk waste removal, sanitary bins and window cleaning. Costs are based on existing provider. Increase in budget, based on quotes and pro-rata increases, has been allowed for window cleaning, primarily the inclusion of the extra cleaning required for the new glazed extension, increase in provision of sanitary bins and increase in bulk waste at both NMAG and Abington Park Museum.

Line 6 Fire and Burglar Alarms

Covers annual maintenance, Redcare lines and first response call out and attendance for three buildings, NMAG, Abington Park Museum and Blackthorn Stores. The allowance for call out and any repairs to systems not covered under annual maintenance has been reduced as new systems will be in place that will not have the level of failure and extra maintenance requirements of the existing system. Alarm systems maintenance and monitoring is currently provided by three companies and these will be consolidated under one new contract to achieve savings as part of the new museum development. The possibility of covering the museum with the Guildhall and broader Assets alarm contracts will be explored when they go out to tender for renewal.

Line 7 Fixtures & Fittings

The fixtures and fittings budget is used across both sites for purchase and replacement of new fixtures and fittings across both sites. This includes public areas, exhibition galleries, collection stores, offices and workrooms. The budget primarily covers planned work, ongoing light bulb replacement, and replacement of damaged or worn fixtures and fittings across the estate, where not covered under Assets responsibilities. New LED lighting across the NMAG site and in new gallery installations at Abington will help reduce costs and enable a more strategic and planned approach to maintenance and replacement of fixtures and fittings across the estate.

Line 8 & 9 Insurances

Insurances are negotiated independent of the museum and costs allocated to the museum budget. Forecast based on 17/18 costs.

Line 10 Water Charges

An uplift in water charges has been included to reflect increased in line with increased water usage, primarily through greater number visitors using of WC's and the provision the café facility.

Line 11 CCTV Maintenance & Equipment

NMAG and Abington Park Museum both operate CCTV systems. These have been off the shelf solutions and been repaired and maintained on an ad hoc as needed basis. New systems are being installed at NMAG and a new base unit at Abington Park Museum with ongoing annual maintenance contracts to ensure continued security for visitors, staff and collections.

Line 12 Clothing, Uniforms and Laundry

With the launch of the new galleries at Abington Park Museum a uniform form for front of house staff is being introduced. This will be rolled out to the new museum when it opens. Budget to cover uniforms for existing staff and new starters and ongoing associated laundry costs and replacements due to wear and tear.

Line 13 Furniture, Equipment Tools

Facilities costs for equipment and tools for facilities management purposes. Replacement and repair costs for furniture – chairs, tables etc.

Line 14 Printing

Costs for staff printing and photocopying through MFD devices. Budget line has been reduced to reflect higher level of printing as part of the new museum development process.

Line 15 Professional Services

For hire of professional services, primarily moving services for collections, furniture and operational equipment.

Line 16 Telephones etc.

Phone charges

Line 17 Stationery

General staff stationery supplies

Line 18 Pest Control

Charges for pest control, primarily pigeon control and cleaning at Abington Park Museum.

2.7 Exhibitions

Service Total	2018/19	2019/20	2020/21	2021/22	2022/23
Equipment Hire	0	2,000	2,000	2,000	2,000
Furniture, Equipment & Tools	0	1,000	1,000	1,000	1,000
Hired Transport and Plant	0	1,000	5,000	5,000	5,000
Materials	5,000	10,100	10,500	10,500	15,500
Printing	10,000	35,000	30,000	40,000	40,000
Professional Services	10,000	50,000	50,000	60,000	60,000
Travel & Subsistence	0	200	500	500	500
Vehicle Allowances	0	200	500	500	500
Performing Rights					
Payments	0	500	500	500	500
Total	25,000	100,000	100,000	120,000	125,000

Exhibitions production and hire represents the single largest increase in budget provision. A key driver for the new museum has been the introduction of a major temporary exhibitions gallery, capable of hosting significant touring exhibitions and fitted out to Government Indemnity Scheme standards, (principally environmental and security standards).

Exhibitions are planned and programmed 18 month – 2 years in advance and more detailed budget profiles drawn up as part of the exhibition development process. Spending on temporary exhibitions varies considerably depending on many different factors. The profile outlined here is indicative as bought in/touring exhibitions, in-house generated exhibitions, and art hangs have very different budget profiles.

The budget figure identified has come about through consultation with museums services with comparable exhibition provision and programmes (Bristol, Derby, Leicester), and consideration of fees and on costs for touring exhibitions through the Touring Exhibitions Group costings and analysis of past expenditure. It is based on one in-house generated and two touring temporary exhibition per year and three art hangs in the main museum and one changeover of the temporary exhibition space at Abington.

Direct comparison with other museum exhibition programmes is difficult as all the museums determine their costs in different ways, have different infrastructure, and crucially have different staffing structures.

Bristol has a number of temporary exhibition spaces in various venues across the city, the two main spaces are Bristol City Museum and Art Gallery and MShed¹. Temporary exhibition space at Bristol City Art Gallery is 200m² and MShed has a space 300m².

The exhibitions team produce 6 exhibitions a year at these two venues with a budget of approximately £195,000, with small 2D exhibitions costing £5,000 and large scale 3D object rich exhibitions costing up to £80,000. The exhibitions team includes a 3d

¹ <https://www.bristolmuseums.org.uk/bristol-museum-and-art-gallery/>

designer and graphic designers so charges for this are not included in the £195,000 budget.

Leicester Museums Service² has one major temporary exhibitions gallery of approximately 350m² and a smaller 150m² space. They run a mixed programme of exhibitions with 3 exhibitions in the main gallery and 3 – 4 in the smaller gallery. The budget is in the region of £180,000, and seek additional project specific grant funding. They have a dedicated exhibition design and technical team with one designer and two technicians, not included in this budget.

The Waterhall is part of Birmingham Museum and Art Gallery³ and houses temporary and modern art exhibitions. The exhibition space is 400m². In 2016 -17 financial year they ran a programme of two in-house curated exhibitions and one external, with a budget of £72,000.

² <https://www.leicester.gov.uk/leisure-and-culture/museums-and-galleries>

³ <http://www.birminghammuseums.org.uk/bmag>

2.8 Public Programme

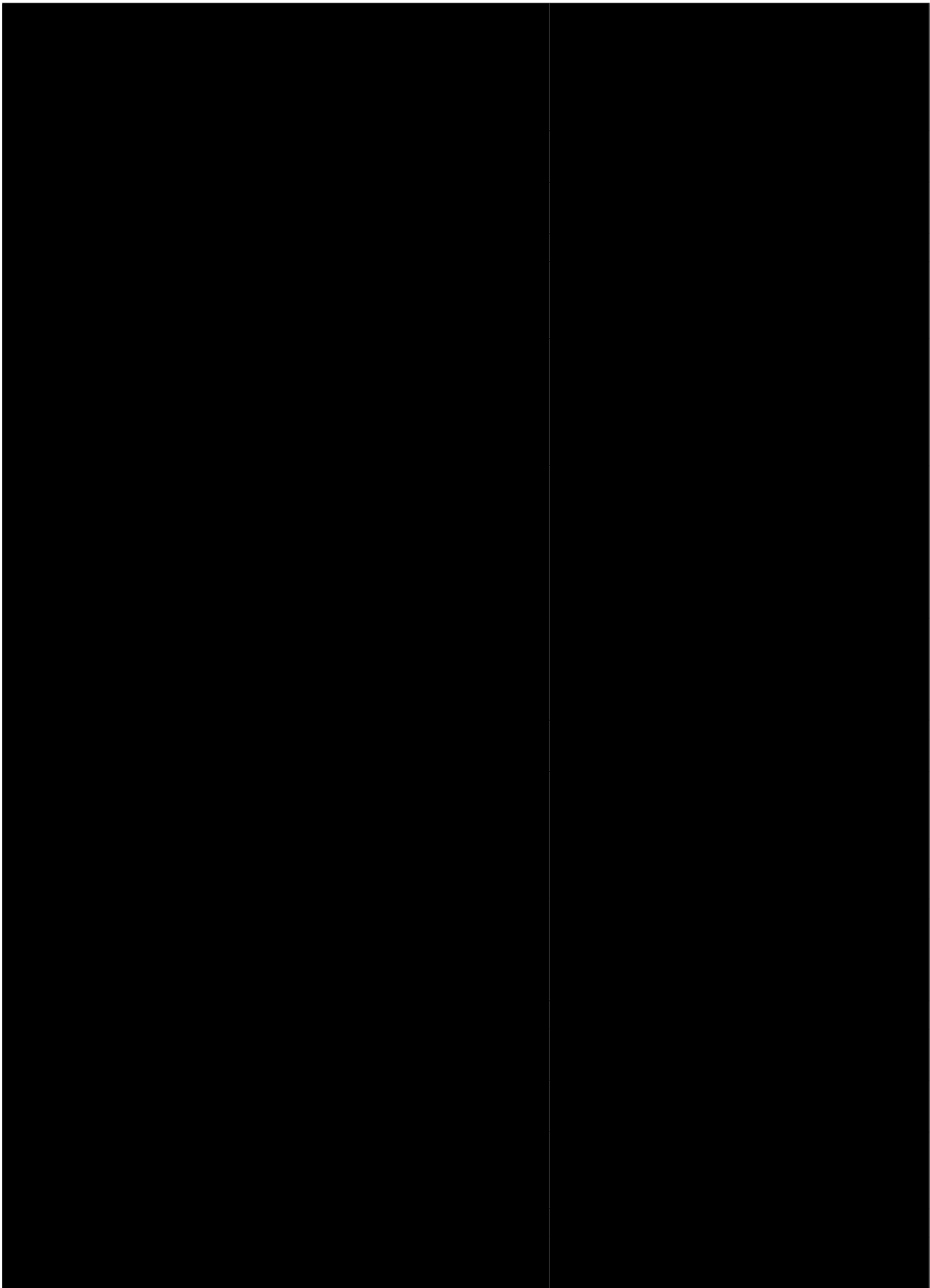
2.9 Events and Activities

As with exhibitions, public programme figures have been developed on a model programme basis. The budget covers NMAG and Abington Museum and the profile will change annually, though less so than exhibitions. The budget has been costed on the basis of previous events and activities.

Note that not all museum events will generate a profit, some will be at a net cost. After exhibitions, the public programme is the primary way museums engage with audiences. Museums choose to host events for several reasons: extend visitor engagement through educational and entertainment activities; support membership and sponsorship programmes; support institutional requirements to generate secondary income and contribute to funding; and further promote the museum's brand.

Many events are developed as income generating activities and a balance is sought between funded and income generating events. For all events all opportunities for generating income either directly through ticketing, or through secondary spend in shop or F&B offer, are considered.

The model programme is outlined below. Note this is indicative of the events programme to show costs, gross and net income of a range of events and activities across the year.





Outreach

The figures from financial year 2020/21 onwards include an increased budget for outreach and community engagement work of £5,000.

2.10 Collections

Collections	2018/19	2019/20	2020/21	2021/22	2022/23
Furniture, Equipment & Tools	1000	1000	1000	1000	1000
Materials	3800	3800	3800	3800	3800
Professional Services	1500	0	1500	0	1500
Organ'l Subscriptions	1300	1300	1300	1300	1300
Total	7600	6100	7600	6100	7600

Curatorial work is at the heart of everything the museum does, both in terms of activities and programmes, vision and purpose. The collections and curatorial functions have borne the brunt of budget reductions over the last 10 years and most significant collections work has been funded through grants, principally Arts Council, Renaissance in the Regions (as was) and HLF. With the loss of accreditation this source of funding has been reduced to zero.

The collections budget covers materials for storage and general collections care of objects, preventative and interventive conservation, books and references, organisational subscriptions.

The re-profiling of the budgets has focussed on identifying resources for the collections, particularly for the designated shoe collection. It is imperative that the museum is able to demonstrate sufficient resource, financial and staff, is allocated to the care, development, interpretation and access to the collection. The budget identified should be viewed as a de minimis budget and covers only the minimum identified for basic collections care and development. Work on business planning have identified a core budget requirement of £27k for collections care and development (£12k of this is professional conservation work by specialist contractors) and it is considered a priority area for increase in budget.

2.11 Marketing

Marketing	2018/19	2019/20	2020/21	2021/22	2022/23
Advertising & Publicity	1000	5000	3,000	3,000	3,000
Printing	11,000	11,000	11,000	11,000	11,000
Professional Services	5,000	5,000	5,000	5,000	5,000
Total	17,000	21,000	19,000	19,000	19,000

The role of the Marketing function at a museum is to attract, engage and retain existing and potential target markets, audiences and stakeholders through: identifying their needs and motivations; developing products or delivering benefits that will satisfy or enhance their experience; communicating the museum vision, message and activities; and monitoring and evaluating all activities.

The marketing budget is based on existing costs and allowed for an increase in budget to reflect increased marketing activity to promote the museum. Costs in the 2015 to 2017 financial years were between £13k and £16k. Costs are primarily design and print costs for the What's On, promotional posters and flyers and professional distribution. A small but increasing level of spending has been directed at social media, primarily promoting events and activities on Facebook.

Budget covers

Pre-opening and for opening – work with NBC Communications to establish all marketing, press and PR strategies (e.g. advocacy, branding, customer relationship management, visitor experience, market research, etc.) and in particular, develop a marketing communications strategy to establish the new museum development and wider museum service in the marketplace and promote the launch.

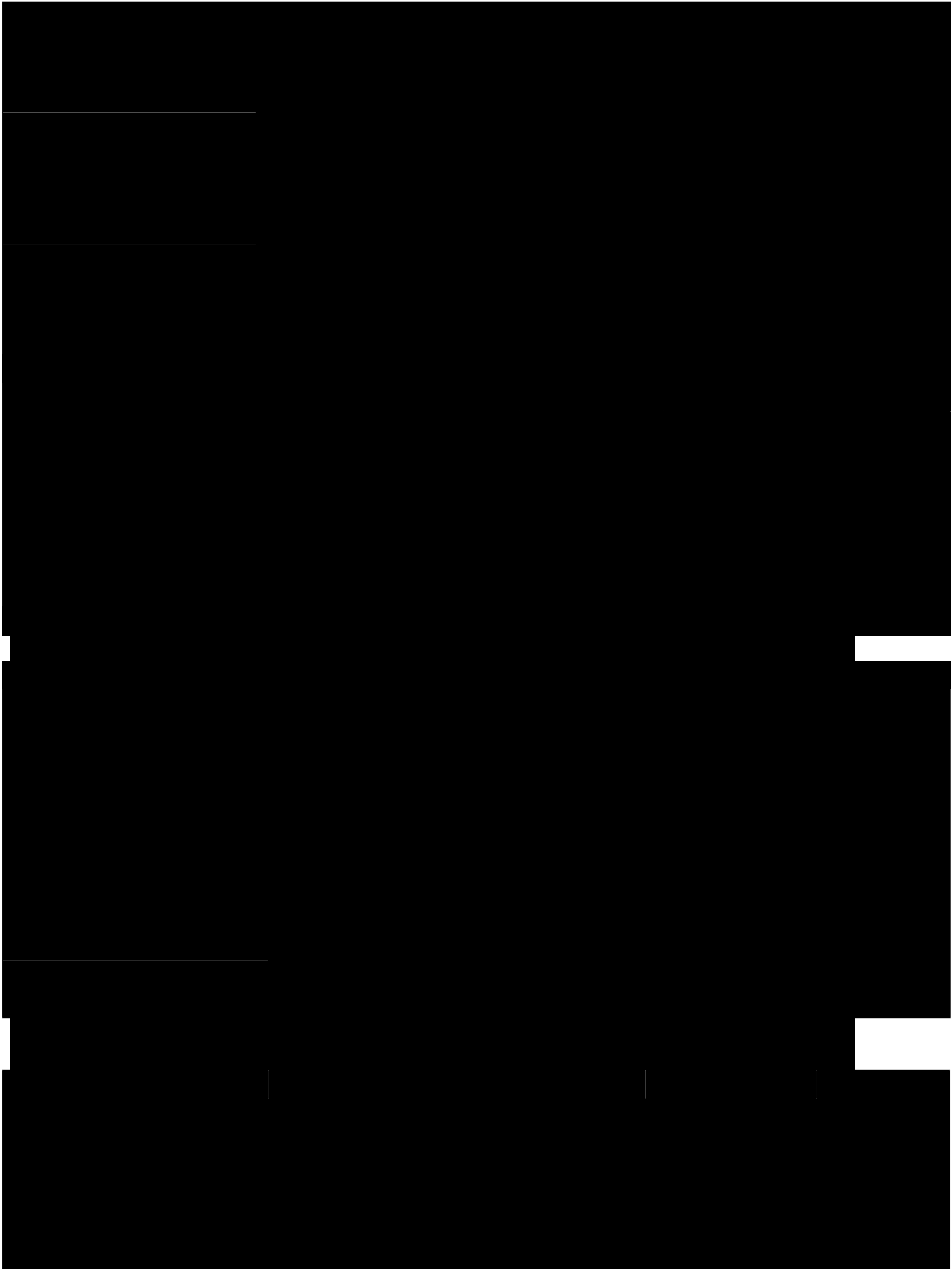
Long term (five-year period from the opening of the museum) – ongoing marketing, press and PR activities in relation to the museum, events and exhibitions.

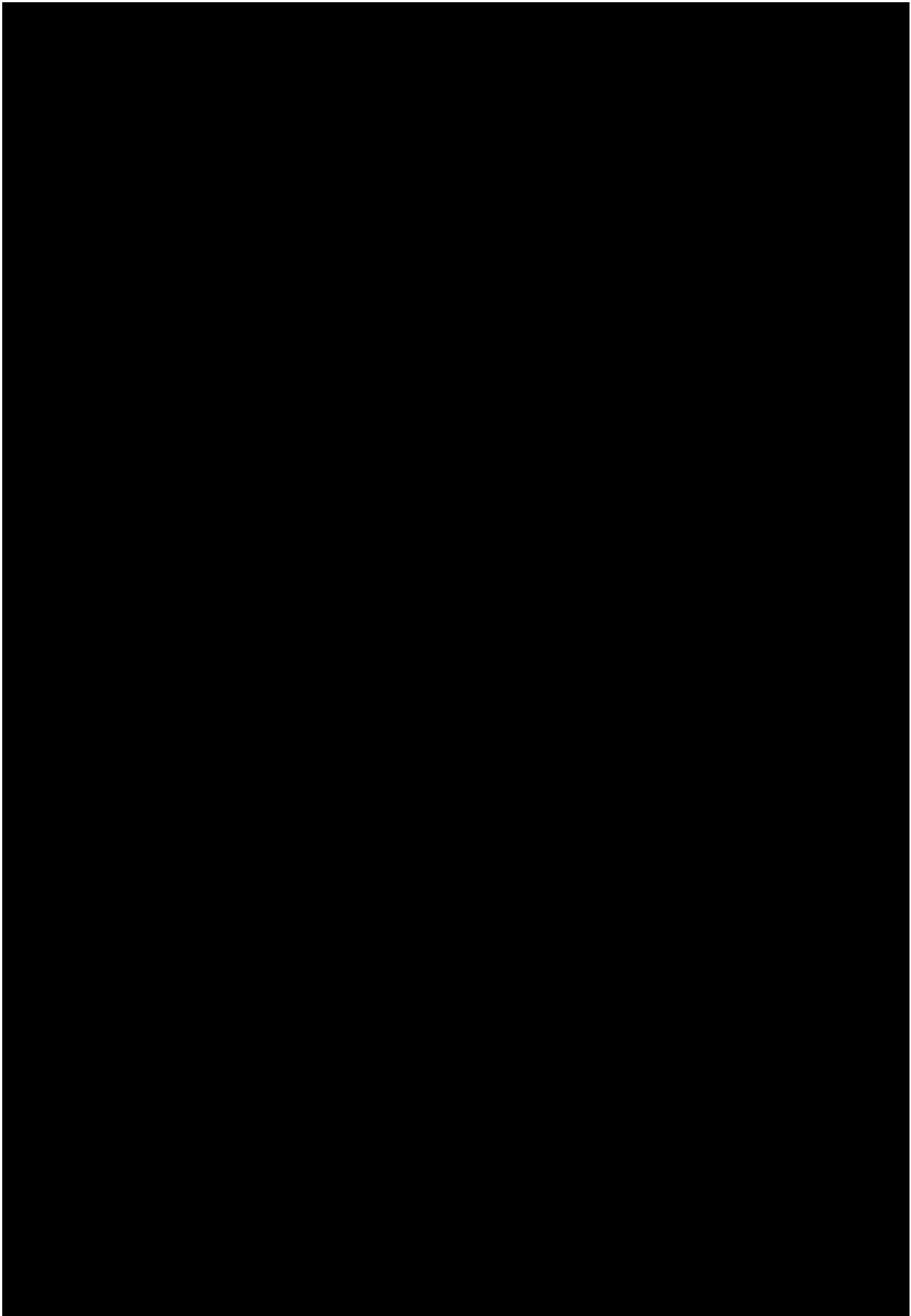
Comparator costs for marketing are £72k spent by Derby Museums⁴ and £50k by the Peoples Museum, Manchester⁵.

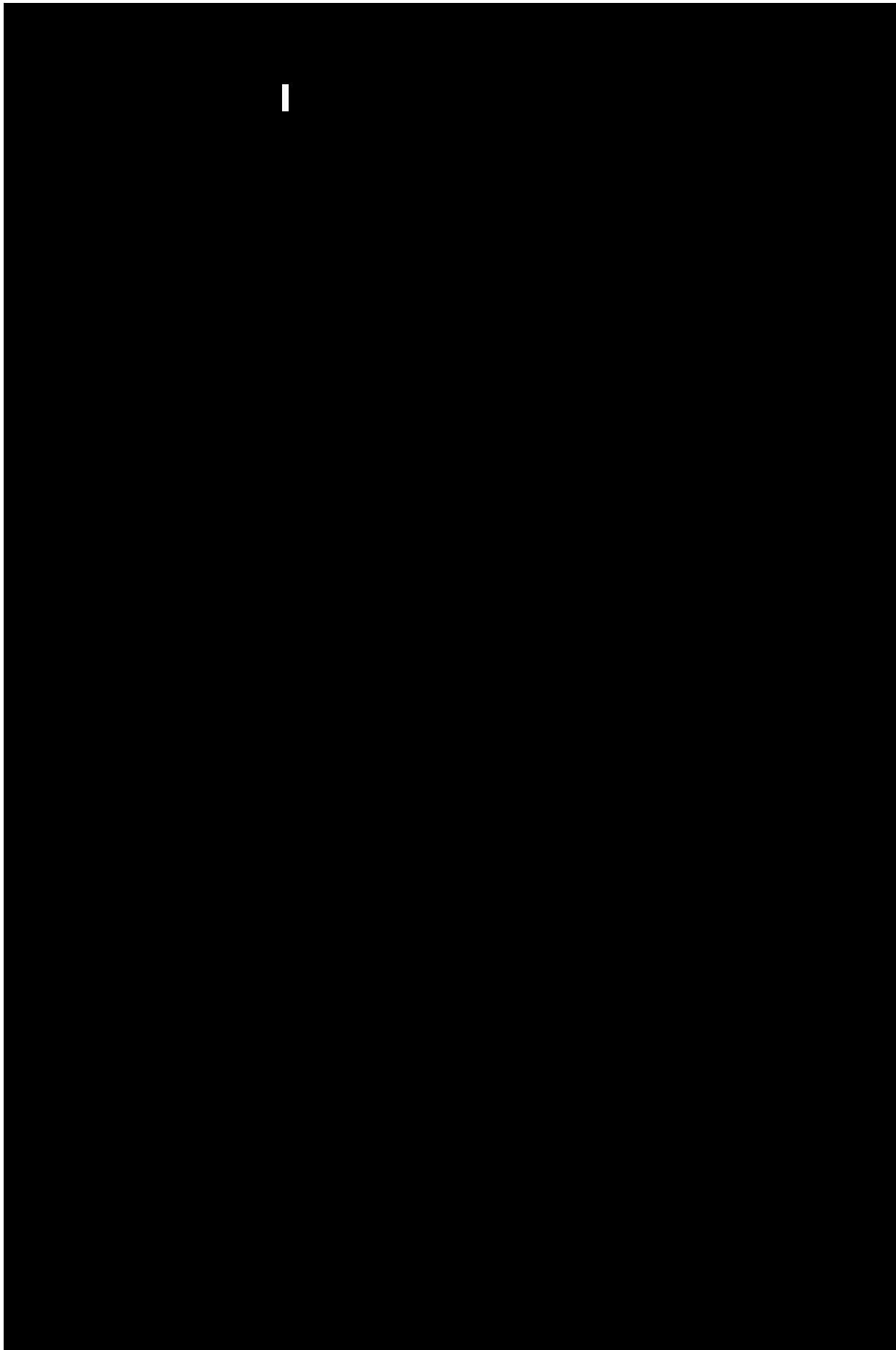
⁴ https://www.derbymuseums.org/wp-content/uploads/2017/12/0333_Derby-Museums-Annual-Review-2016-17_digital.pdf

⁵ <https://phm.org.uk/wp-content/uploads/2018/05/PHM-2018-2022-Business-Plan-FINAL.pdf>

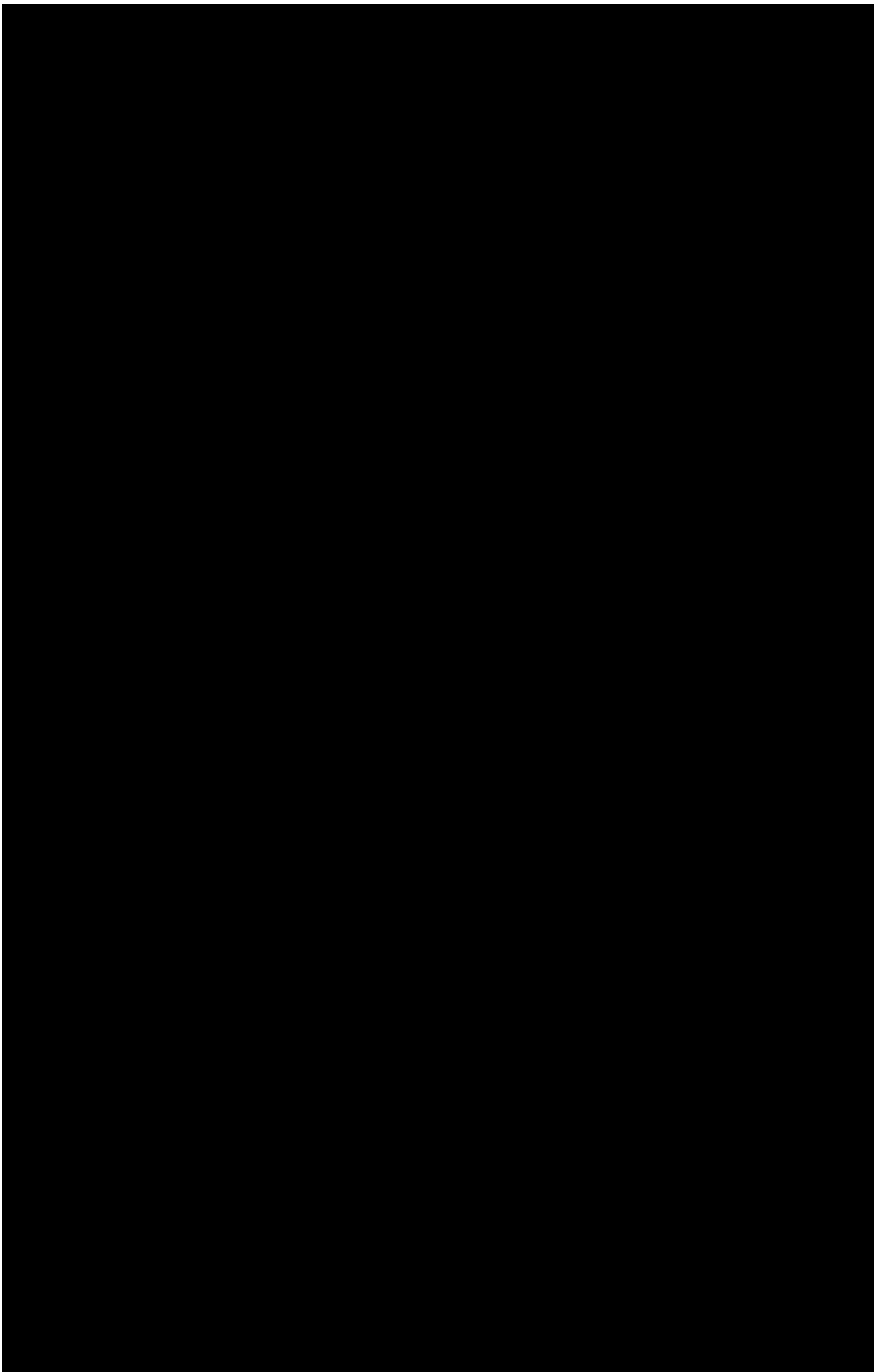
2.13 Commercial







⁶ <https://www.turpinsmale.co.uk/>





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted