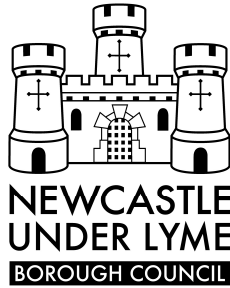


# Public Document Pack



## SECOND SUPPLEMENTARY AGENDA

### BUSINESS

- 6 **Report from the Public Protection Committee held on 31st March 2014 - Age of Hackney Carriage Vehicles – additional information from the meeting held on 31<sup>st</sup> March 2014.** (Pages 5 - 6)
- 9 **Proposed Changes to Electoral Arrangements: Proposed Amendment to the recommendations.** (Pages 7 - 8)
- 10 **STATEMENT OF THE LEADER OF THE COUNCIL** (Pages 9 - 10)  
To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.
- 11 **REPORTS OF THE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES** (Pages 11 - 14)  
**Chairs are requested to submit written reports (where possible) to the Democratic Services Manager by Monday 14<sup>th</sup> April 2014.**  
Transformation and Resources Overview and Scrutiny Committee  
Health Scrutiny Committee
- 12 **REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES** (Pages 15 - 20)  
Licensing Committee  
Public Protection Committee  
Audit and Risk Committee
- 12a Questions to the Mayor, Cabinet Members and Committee Chairs (Pages 21 - 22)

Yours faithfully

\_\_\_\_\_ J S

Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs. Do not stop to collect personal belongings, do not use the lifts.

Fire exits are to be found either side of the rear of the Council Chamber and at the rear of the Public Gallery.

On exiting the building Members, Officers and the Public must assemble at the front of the former Hubanks store opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Attendance Record**

Please sign the Attendance Record sheet, which will be circulating around the Council Chamber. Please ensure that the sheet is signed before leaving the meeting.

### **3. Mobile Phones**

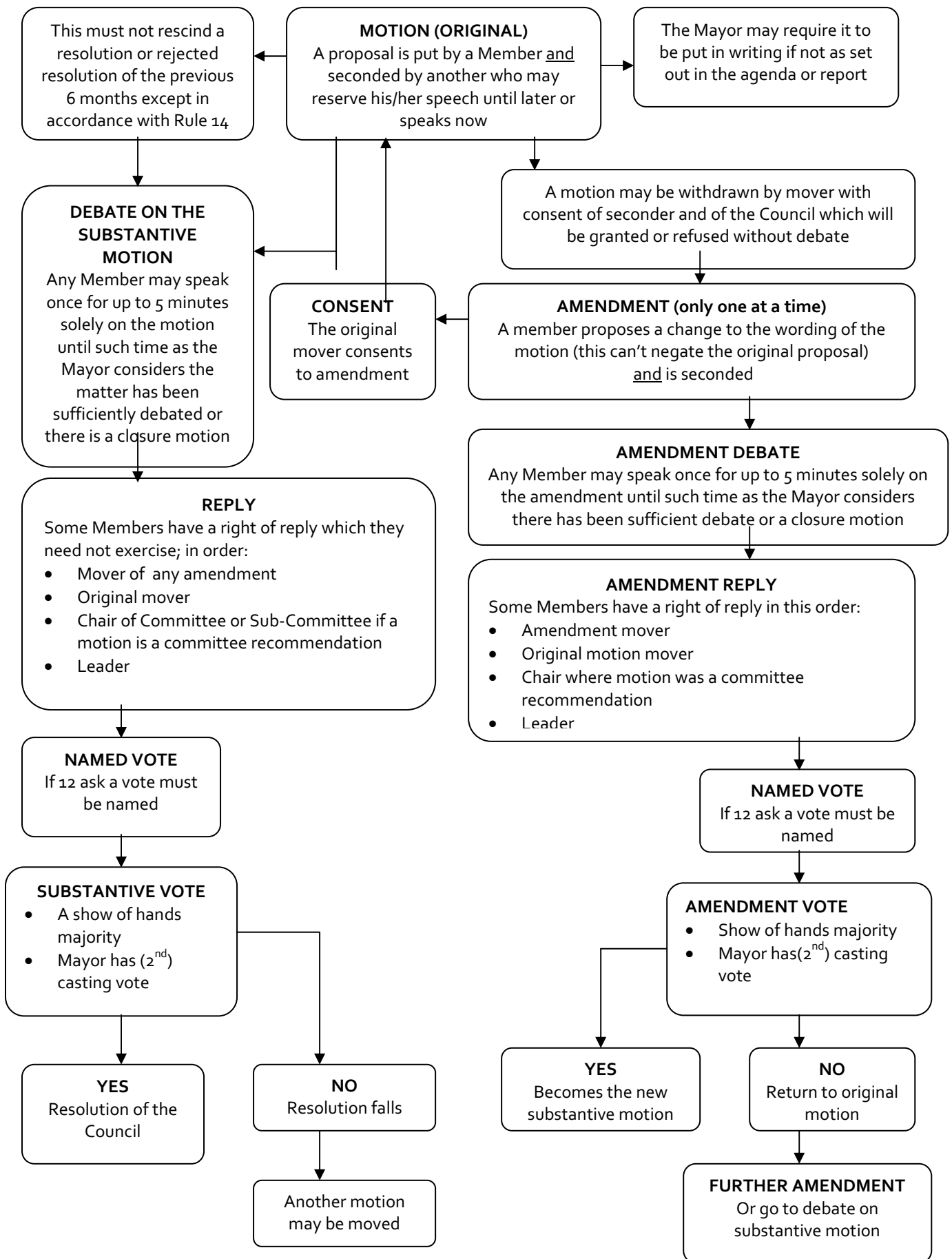
Please switch off all mobile phones before entering the Council Chamber.

### **4. Tea/Coffee**

Refreshments will be available at the conclusion of the meeting, or in the event of a break occurring, during that break.

### **5. Notice of Motion**

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



Tariq Mahmood  
Chairman  
Newcastle & Kidsgrove  
Taxi Association

February 28, 2014

Dear Sirs

**Public Protection Committee  
3<sup>rd</sup> February 2014  
Hackney Carriage Age Consultation**

I write on this occasion with regard to the Licensing Officers recommendation that as from 1<sup>st</sup> January 2015 all Hackney Carriage vehicles that are saloon cars will cease to be re-licensed when they are 8 years old.

The Public Protection Committee will recall the resolution at their meeting on 5<sup>th</sup> September 2013 to consult the Hackney Carriage Trade about the proposal to amend the current age policy regarding Hackney Carriage vehicles.

The outcome of the consultation is clear with a combined response letter dated 25<sup>th</sup> December 2013 signed by 87 Hackney proprietors with a further 16 individual letters, disagreeing with the council's proposal and, outlines the reasons for disagreeing. Our covering letter of response is at page 55 of councils' agenda paper item 12.

Therefore we consider the outcome of the councils' consultation with the trade should be fundamental and material to the committee's decision making in this important matter.

However, if the councils' purpose behind the proposal is to assist the council in ensuring safety, reliability and standards in the vehicle in licensees (as stated in the agenda)

Continued.....

Page 2

Our Association propose to the Committee that tis criterion could be achieved by the council adopting a policy whereby if a Hackney Carriage vehicle over 8 years old is presented for the council licensing test and subsequently passes this stringent test, and is therefore deemed safe and fit for purpose, then that same vehicle should also be subjected to **a further MOT test 6 months after the council test date and a pass certificate presented to the councils licensing department**, thus ensuring the council criteria set out in our para five

The public protection Committee should at this stage of developments, take our proposals into consideration.

For any further clarification please do not hesitate to contact me.

Yours sincerely



**Tariq Mahmood**

Tel: 07828298288

## **COUNCIL AGENDA ITEM 9**

### **Proposed Changes to Electoral Arrangements**

Amendment:

1. That consideration be given simultaneously to reviewing the number of councillors, number of wards and ward boundaries in the Borough, consulting the Electoral Commission as required.
2. That a decision on recommendations a) to d) in the item report be deferred until officers have considered these other matters and produced a report.

Proposed by Cllr Nigel Jones

Seconded by Cllr Marion Reddish

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

1. **REPORT TITLE** Cabinet Report to Council

**Submitted by:** Cllr. Gareth Snell

**Portfolio:** Leader of the Council

**Ward(s) affected:** N/A

### **Purpose of the Report**

To provide an overview of the actions of the Cabinet and individual portfolio holders since the last full meeting of the Council.

### **Recommendations**

**To note the report and its contents accordingly and consider any questions.**

### 1. **Background**

Since the last meeting of the Council, the Cabinet has met twice. Once on the 5<sup>th</sup> March 2014 and once on the 2<sup>nd</sup> April 2014.

The agenda for both of those meetings were distributed to all members prior to the meeting and decisions sheets from those meetings are available from Democratic Services, via the member's website.

### 2. **Overview and Scrutiny Co-ordinating Committee**

I attended the Overview and Scrutiny Co-ordinating Committee as part of the ongoing Portfolio Holder Question Time to answer questions in my capacity as Leader on all aspects of the Council and the work that my administration is doing.

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Classification: NULBC UNCLASSIFIED

Agenda Item No11

Report of the Chair of Transformation Resources Overview and Scrutiny Committee

Meeting held 26<sup>th</sup> March 2014

The Committee was in receipt of a detailed report about the proposed Better Care Fund and to assist Members in their understanding of the proposals, and the scheme, which it is hoped, will bring about a more integrated approach to overall health care management, Hugh Evans attended and answered a whole range of questions. There was a particular interest in how the scheme would be funded and members were informed that stakeholder had reacted very positively towards the scheme.

Members received an up to date report from the Constitution Review Working Group, summarising it's findings and conclusions from the work it has been carrying out. Many of these amendments have been seen previously by the Committee but there were a number of comments recommendations made the main ones being as follows:

- That the Health and Well-Being Scrutiny Remit include the proposed Better Care Fund
- To remove "Overview" from the new title of this committee to now read "Finance, Resources and Partnerships Scrutiny Committee".
- That at Public Question Time any right to reply or follow-up to questions, be specifically excluded.

The Deputy Leader attended to answer members questions relating to his portfolio.

Finally the Committee briefly reviewed the work plan for the current year.

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## Health Scrutiny Chair's report to full Council 16 April 2014

Representatives from the UHNS and Healthcare at Home Ltd attended the meeting to inform the committee and answer questions about a new initiative launched on January 20 to give patients the option to complete their housing treatment in their own home, receiving care from nursing and therapy staff under the guidance of a UHNS consultant. This was in response to an increase in the number of emergency admissions and aim to relieve some of these on-going pressures whilst improving the experience for the patient.

The service will run for an initial three years and is expected to release capacity for up to 41 patients at any one time. It will be available to patients in General Medicine, Care of the Frail Elderly, Respiratory Medicine, Renal, Neurosciences and Trauma and Orthopaedics. Patients must fit the inclusion criteria for the speciality and be referred by the consultant.

Members were given an update on the proposal to set up a UHNS Joint Committee with other local authorities representing North Staffordshire (including invitations to Staffordshire County Council, Stoke-on-Trent, Staffordshire Moorlands District council and Stafford District Council). This was in response to the concerns of the impact around the future of the Mid-Staffordshire NHS Foundation Trust and the impact of these proposals on North Staffordshire health provision. Letters were sent to the Leaders of the these authorities and Stoke-on-Trent and Stafford expressed an interest, whilst Staffordshire Moorlands and Staffordshire County Council declined. Letters have now been sent out to the appropriate chairs to arrange a meeting to discuss the role of such a committee.

Members were updated on the review of the Health scrutiny Committee by the Transformation and resources Overview and scrutiny Committee. The recommendations of this committee to be referred to Full Council were:

- That the Health scrutiny Committee expands its remit to include health improvement and alcohol and drug issues with new terms of reference agreed which should not contradict the Joint Code of Working with the County Council
- That the membership of the committee is extended to 11 members and that a vice chair is appointed.
- That the Staffordshire county Council is notified of the new arrangements
- That the committee is renamed the "Health and Well-Being Scrutiny Committee"

Cllr John Williams attended the meeting to answer questions related to health in his capacity as Portfolio Holder for Planning and Assets. The main issue was around how planning can have an impact on the health of Newcastle residents, but improvements were constrained by legislation.

A request was made by the County Council representative to initiate a piece of work in relation to community based health services in Newcastle-under-Lyme. Members were in full agreement and it was recommended members meet to discuss in detail this issue and develop a work plan and include priorities.

Cllr. Colin Eastwood

Chair of Health Scrutiny committee

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## Licensing Chairs report to full Council 16<sup>th</sup> April 2014

The Licensing committee met on the 10<sup>th</sup> April 2014

The Committee were briefed on the Governments Alcohol Strategy to ban below cost selling to tackle the availability of below cost alcohol. Subject to Parliamentary approval the ban was due to come into force on the 6<sup>th</sup> April 2014 as an additional mandatory condition on a premise licence and club premise certificate.

At the end of January 2014 the Government introduced to Parliament the Deregulation Bill which included six amendments to the Licensing Act 2003.

The six areas include the following:

Changes to the number of Temporary Event Notices permitted per year  
an increase from 12 to 15.

Abolishment of Personal Licences.

The Government has withdrawn this item for further discussions with partners regarding their suggestions to further develop and tighten the existing system.

Liqueur confectionary sales now permitted to under 16s.

Late night refreshment exemptions.

Reporting of loss or theft of a licence.

It is no longer a requirement to report to the police the loss or theft of a licence before copies can be issued.

Exhibition of films in community premises.

It is no longer considered regulated entertainment if the following conditions are satisfied:

Prior written consent for the entertainment to take place at the community premises has to be obtained.

The entertainment is not provided with a view to profit.

The entertainment takes place in the presence of an audience of no more than 500 persons.

The entertainment takes place between 8am and 11pm on the same day.

Where recommendations have been made by either the relevant licensing authority or the film classification body, the admission of children is subject to such restrictions as are necessary to comply with the recommendation.

If both bodies make recommendations then those of relevant licensing authority are to be complied with.

The Local Government Association has issued a report “Open for Business: Rewiring Licensing” calling for a consistent, simple, system which can address the public’s and businesses concerns. It argues that business and council’s have to deal with an outdated and complex licensing system.

Every three years the council has to review its Sex Establishment Policy, it was last reviewed in February 2011.

The committee agreed to send out for consultation the council’s existing policy.

After the consultation period the committee will review the results, draw up a draft policy and present it to the next available full council meeting with recommendations for adoption.

The committee were briefed on consultation document received from the Home Office on fees under the Licensing Act 2003.

As part of the Governments proposals to rebalance the Licensing Act, they recognise that some licensing authorities face significant deficits in carrying out their licensing functions. The current fees were set nationally in 2005 and are based on the national non-domestic rateable value and have been unchanged since.

The chair and vice chair met with two licensing officers to discuss the councils response to the consultation, it was agreed that the current use of non-domestic rateable value bands as a criteria for variable fee amounts should be abandoned but felt that if the fees were set nationally councils would be less likely to be challenged.

Trevor Hambleton  
Chair of Licensing



Report to Full Council from the Public Protection Committee.

Meeting held 31<sup>st</sup> February 2014

### **Clean Neighbourhoods and Environment Act 2005. Fixed Penalty Notices - Littering Offences**

Consideration was given to a report advising of actions taken in respect of littering offences within the Borough and seeking authorisation to institute legal proceedings against Fixed Penalty Notice Holders referred to in the agenda. The committee resolved that legal proceedings be instituted in relation to those persons referred to in the agenda.

### **Standards for Hackney Carriage and Private Hire Vehicles**

Consideration was given to a report outlining the standards of maintenance of Private Hire and Hackney Carriage vehicles licensed by this authority.

The Council's Fleet Manager circulated a report outlining the number of taxi-test failures and highlighted the fact that there was only a 35% pass rate of the vehicles undertaking the taxi test.

Members discussed the issues and a request was made for the provision of a breakdown of the serious and minor failings; separation of Hackney Carriage and Private Hire Vehicles to assess which had the poorer pass rate, details of any persistent offenders and also, ages of the vehicles. The committee resolved that, in view of the additional information presented at the meeting and the request for additional information, the item be deferred to the next meeting of 23 June, 2014.

### **Age profile Hackney Carriage Fleet**

Consideration was given to a report concerning the age profile of the Hackney Carriage Fleet prior to consideration of the proposal to amend the Council's policy in connection with the age of saloon-type Hackney Carriage Vehicles.

The Committee had previously requested further information relating to the number of vehicles that would be affected in the first year.

A number of Hackney Carriage Drivers were in attendance and raised concerns that, the differences in ages of Hackney and Private Hire could cause a migration of Private Hire to Hackney at a time where there had been a significant loss of trade. The trade also proposed that two tests per year be considered and agreed that vehicle standards would be subject to further report.

After consideration from the committee, they decided that there should be parity between the Private Hire and Hackney Carriage fleet. The committee felt that this age restriction would continue its work to improve the safety of the vehicles – linked to the council's corporate priorities ie. Creating a cleaner, safe and sustainable Borough.

The reason for the resolution is to improve the standards for Hackney Carriage saloon vehicles and to achieve parity with the same vehicles licensed as Private Hire.

### **Fly tipping offence**

Consideration was given to a report advising Members of action taken in respect of a fly-tipping offence within the borough and to seek the Committees authorisation to institute legal proceedings. The committee resolved that legal proceedings be instituted in relation to the fly tipping offence.

### **Cateries Report 2014**

Members considered a report regarding the reviewing of licensing standards for catteries.

The Animal Boarding Establishments Act 1963 requires anyone wishing to keep a boarding establishment to be licensed by the local authority. Ten catteries are currently licensed by the borough.

### **Resolved:-**

- (i) That the Committee confirms its support, in principal, to updating the licensing standards and approves further research by officers and consultation with businesses to determine its impact.
  
- (ii) That a further report be submitted to the next meeting detailing officer's findings and a final decision made as to whether the benefits of adopting new standards outweigh any adverse impact it may have on businesses.

### **Clean Neighbourhoods and Environment Act 2005, Fixed Penalty Notices.**

Consideration was given to a report advising Members of actions taken in respect of littering offences within the borough.

Members raised concerns regarding the litter left behind by the recycling teams when collecting recycling as some items were being left behind. The Council's Head of Environmental Health Services was requested to raise this issue at their next contract meeting. The committee resolved that the information be received.

### **Draft Enforced Sale Delegated Authority**

Members considered a report relating to the use of Enforced Sale powers to achieve the aims of the Empty Homes Strategy 2012-2017. Enforced Sale would help to change the ownership of an empty home. The committee resolved that it be recommended to Full Council that the power to commence the Enforced Sale procedure set out under the Law of Property Act 1925 be delegated to the Public Protection Committee.

Agenda Item no.12

Report of the Chair of the Audit and Risk Committee

Meeting held 7<sup>th</sup> April 2014

The committee received the regular report regarding Corporate Risk Management and members asked that consideration be given to planning issues to ensure that no significant areas had been missed.

Two policies were approved in relation to anti fraud, anti corruption and anti money laundering and a report was received regarding protecting the public purse. Members were asked to note the requirements of the Code of Corporate Governance which is available in the members area on the Council's intranet site. A letter from the Chair and Vice Chair informing Members of this, has been (or is in the process of being) sent out to all members.

The Council's Auditors, Grant Thornton provided Members with two reports, the first of which was detailing the Audit Plan for 2013-14 (a considerable amount of this has already been completed). The second item was their report to the Members of the Audit Committee which detailed the ongoing changes to the Audit Commission and other issues that relate to councils generally. These did not raise any serious issues.

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**Question Submitted by Cllr Stephen Sweeney**

Can the leader confirm or deny allegations made in the Sentinel Newspaper regarding the reason that Matt Taylor resigned from the council

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