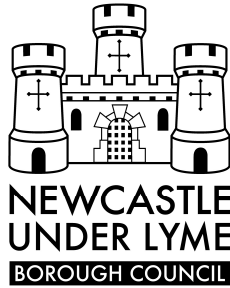


Public Document Pack



SUPPLEMENTARY COUNCIL AGENDA

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG** on **Wednesday, 4th June, 2014** at **7.00 pm**.

BUSINESS

- 2 MINUTES OF THE PREVIOUS MEETING - UPDATED VERSION (Pages 5 - 8)**
To approve as a correct record the minutes of the meeting held on 16th April 2014.
- 15a Calendar of Meetings 2014 - 2015 (Pages 9 - 18)
- 16a Report - Delegation of Authority (Pages 19 - 20)

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. J. ...', written over a horizontal line.

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

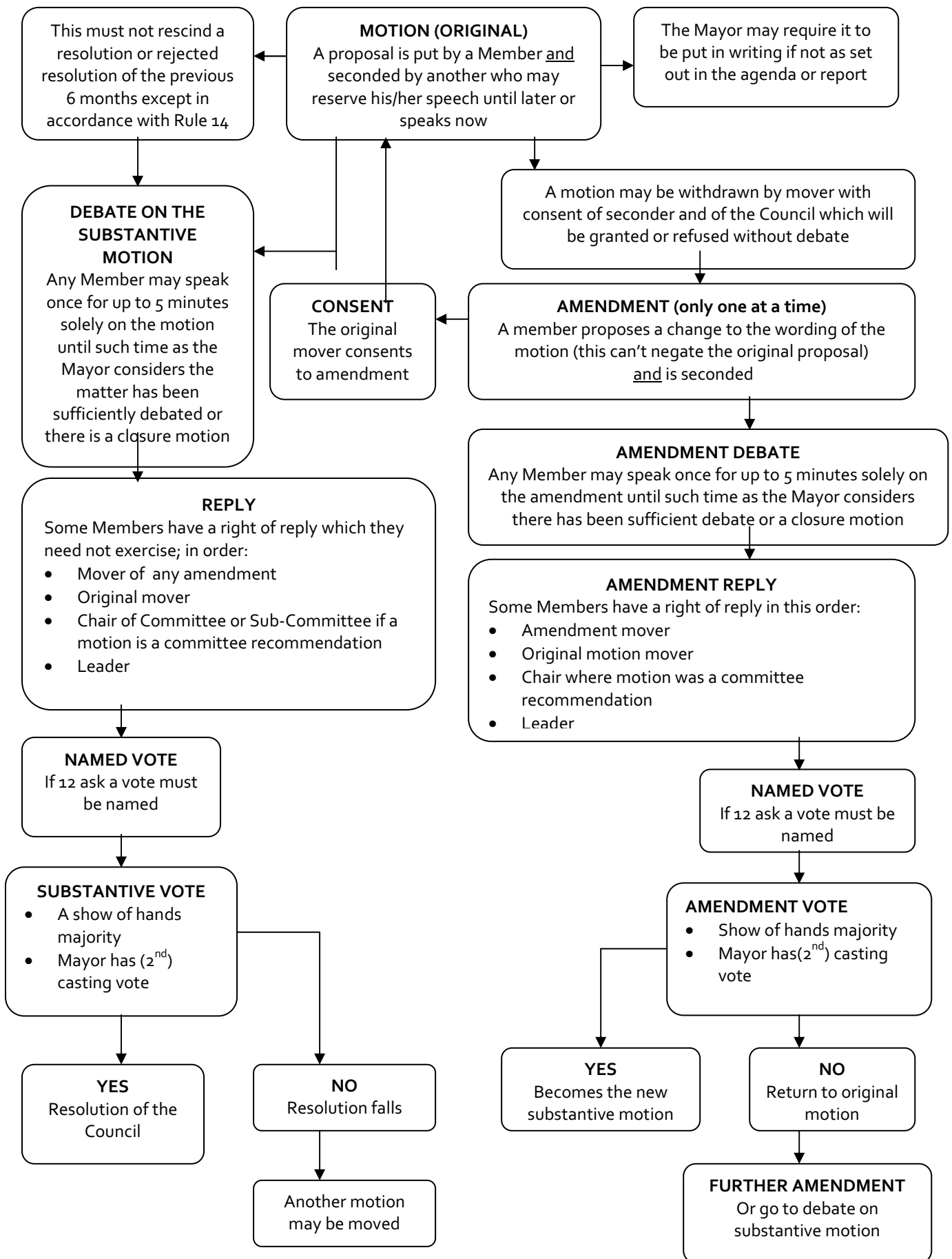
Please switch off all mobile phones before entering the Council Chamber.

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.



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COUNCIL

Wednesday, 16th April, 2014

Present:- The Mayor, Mr Eddie Boden – in the Chair

Councillors Miss Walklate, Mrs Heames, Welsh, Mrs Johnson, Studd, Clarke, Cooper, D Becket, Mrs Beech, Cairns, Matthews, Olszewski, Wemyss, Wilkes, Mrs Williams, Williams, Hailstones, Mrs Hailstones, Allport, Eagles, Kearon, Taylor.J, Waring, Miss Olszewski, Loades, Holland, Bailey, Miss Cooper, Jones, Miss Reddish, Robinson, Mrs Shenton, Mrs Simpson, Mrs Heesom, Snell, Sweeney, Mrs Bates, White, Miss Mancey, Mrs Burgess, Eastwood, Baker, Mrs Peers, Plant, Stringer, Stubbs, Turner, Mrs Winfield and Rout

1. **APOLOGIES**

Apologies were received from Cllr Mrs Burnett, Cllr Tagg, Cllr Hambleton, Cllr Mrs Hambleton, Cllr Mrs Cornes, Cllr Fear and Cllr Mrs Astle.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES**

Resolved: That the minutes of the meeting held on 16th April be agreed as a correct record.

4. **MAYORS ANNOUNCEMENTS**

The Mayor thanked Members who had attended the Spring Ball and announced that the tombola and raffle had raised £1718 for my Charity Fund.

5. **FAIR TRADE STATUS FOR THE BOROUGH**

The Mayor welcomed Mrs Hilary Jones to the meeting. Mrs Jones announced that the Fair Trade Status granted to the Borough had been renewed until December 2015 and thanked the Council for the support it had provided to the cause. The Mayor thanked Mrs Jones for all of her work and for the recognition awarded to the Council. The Council Leader also thanked Mrs Jones on behalf of the whole Council.

6. **REPORT FROM THE PUBLIC PROTECTION COMMITTEE HELD ON 31ST MARCH 2014 - AGE OF HACKNEY CARRIAGE VEHICLES**

Draft Minute from the meeting of Full Council held on Wednesday 16th April 2014.

A report was submitted to request that the Council endorse the decisions made by the Public Protection Committee at its meetings held on the 31st March 2014 concerning the Councils policy relating to the age of Hackney Carriage vehicles.

The Chair of the Public Protection Committee stated that he supported the recommendations. The Council had a duty to keep residents safe and the recommendations would contribute to the creation of a cleaner, greener and more sustainable Borough.

Some Members questioned why the age limit of 8 years had been agreed upon. It was stated that this would bring the hackney carriage vehicle policy in line with the private hire vehicle policy thus avoiding any inconsistency in Council Policy.

The Chair of the Public Protection Committee stated that engineering reports had been provided to the meeting of the Committee held on 31st March 2014 which had informed the final recommendation.

Resolved: That the Council ratify the recommendation made by the Public Protection Committee at the meeting held on 31st March 2014.

7. REPORT FROM THE PUBLIC PROTECTION COMMITTEE - ENFORCED SALE DELEGATED AUTHORITY

A report was submitted requesting Council to put appropriate delegations in place for the use of Enforced Sale powers under the Law of property Act 1925 to help achieve the aims of the Empty Homes Strategy 2012 – 17.

Enforced Sale was a tool to help change the ownership of an empty home, currently its use was not in the scheme of delegations. The reason for this report was to ensure appropriate delegations were in place to use the powers in line with the principles contained in the Council's Empty Homes Strategy 2012 – 17 and the Council's vision "To create a borough that is prosperous, clean, healthy and safe".

Resolved: That the power to commence Enforced Sale under the Law of Property Act 1925 be delegated to the Public Protection Committee.

8. REVIEW OF THE COUNCIL'S CONSTITUTION

A report was submitted in relation to the Council's Constitution. The purpose of the report was to improve the efficiency and accessibility of the Constitution and to ensure that it was up to date and fully complied with the law.

An amendment was submitted in relation to substitutes.

Resolved: That all the recommendations contained within the report be agreed along with the amendment in relation to substitutes.

9. PROPOSED CHANGES TO ELECTORAL ARRANGEMENTS

A report was submitted to advise the council of proposals regarding changes to the election cycle for Newcastle under Lyme Borough Council and to outline the steps that needed to be taken should the Council choose to amend this cycle.

An amendment was moved by Cllr Jones

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.

The amendment was seconded by Cllr Miss Reddish.

A vote was taken on the amendment:

16 voted in favour of the amendment and 31 voted against the amendment therefore the amendment fell and debate returned to the original recommendations.

The recommendations were moved and seconded and a vote was taken with 32 Members voting in favour and 4 voting against.

Resolved:

a) That consultation on proposals to change the election cycle from thirds to whole council elections be commenced.

b) That subject to agreement to (a), the consultation runs from the start of July 2014 until the end of August 2014.

c) That a report on the outcome of the consultation be brought back to a special meeting of the Council in October 2014.

d) That the Council determines at that special meeting whether to move to whole council elections or whether to retain the current cycle of elections by thirds.

10. STATEMENT OF THE LEADER OF THE COUNCIL

A report was submitted by the Council Leader to provide an overview of the actions of the Cabinet and individual portfolio holders since the last full meeting of the Council.

Resolved: That the report be noted

11. REPORTS OF THE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES

Verbal and written updates were received from the Chairs of the Overview and Scrutiny Committees.

Resolved: That the updates be received.

12. REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES

Verbal and written updates were received from the Chairs of the Regulatory Committees.

Resolved: That the reports be received.

13. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

A question had been submitted by Cllr Sweeney asking whether the leader could confirm or deny allegations made in the Sentinel Newspaper regarding the reason that Matt Taylor had resigned from the council.

The Leader stated that he was not aware of the allegations made in the Sentinel.

14. MOTIONS OF MEMBERS

A motion had been submitted by Cllr David Loades, the motion was seconded by Cllr Sweeney.

The motion stated:

This Council believes that there has been insufficient scrutiny of the sites which have been put forward for disposal in the Asset Management Strategy and calls for the immediate formation of a cross party working group to review all of the processes involved in identifying land for disposal.

A vote was taken on the motion with 17 voting in favour and 29 voting against.

Resolved: That the motion not be carried.

15. RECEIPT OF PETITIONS

A petition was submitted by Cllr Wemyss on behalf of the residents of Miles Green.

THE MAYOR, MR EDDIE BODEN
Chair

1. **REPORT TITLE** **Calendar of Meetings 2014/2015**
- Submitted by:** **(Democratic Services Manager)**
- Portfolio:** **(Communications, Policy and Partnerships)**
- Ward(s) affected:** **All**

Purpose of the Report

To agree the Calendar of Meetings for 2014 - 2015

Recommendations

That Council agree to the dates and times of the meetings as listed at appendix A.

Reasons

Appendix 7 of the Council's Constitution states that

'The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.'

The calendar of meetings for 2014/2015 is attached at appendix A for approval.

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Calendar of meetings – 2014/2015 (meetings commence at 7 pm unless otherwise stated)

| June 2014 | | | | |
|---|---|--|--------------------------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 2 Group Meetings | 3 | 4 Annual Council | 5 | 6 |
| 9 Grants Assessment | 10 Planning | 11 Scrutiny Chairs' Group | 12 Sports Council | 13 |
| 16 Labour Group Meeting | 17 Finance, Resources & Partnership Scrutiny CAWP | 18 Cabinet | 19 | 20 |
| 23 Public Protection | 24 Planning | 25 Cleaner Greener & Safer Scrutiny | 26 | 27 |
| 30 10.00 am Employees Consultative Active & Cohesive Scrutiny | | | | |
| July 2014 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| | 1 | 2 Economic Development | 3 Member Development | 4 |
| 7 | 8 CAWP | 9 Health & Well Being Scrutiny | 10 | 11 |
| 14 Labour Group Meeting | 15 Planning | 16 Council | 17 Staffing Committee | 18 |
| 21 Audit & Risk | 22 Standards | 23 Cabinet | 24 Licensing | 25 |
| 28 6.00 pm Joint Parking | 29 CAWP | 30 | 31 | |

| August 2014 | | | | |
|---|-------------------------------|--|----------------------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 4 Public Protection | 5 Planning | 6 | 7 | 8 |
| 11 | 12 | 13 | 14 | 15 |
| 18 | 19 CAWP | 20 Scrutiny Chairs' Group | 21 | 22 |
| 25 Bank Holiday | 26 Planning | 27 | 28 | 29 |
| | | | | |
| September 2014 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 1 Finance, Resources & Partnership Scrutiny | 2 6.00 pm Joint Parking | 3 Economic Development Scrutiny | 4 | 5 |
| 8 Labour Group Meeting | 9 CAWP | 10 Cabinet | 11 Sports Council | 12 |
| 15 Group Meetings | 16 Planning | 17 Council | 18 | 19 |
| 22 Public Protection | 23 Grants Assessment | 24 Health & Well Being Scrutiny | 25 | 26 |
| 29 Audit & Risk | 30 CAWP | | | |

| October 2014 | | | | |
|--|----------------|---|-----------------------------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| | | 1 Cleaner Greener & Safer Scrutiny | 2 Member Development | 3 |
| 6 Active & Cohesive Scrutiny | 7 Planning | 8 | 9 AGM Sports Council | 10 |
| 13 Labour Group Meeting | 14 | 15 Cabinet | 16 | 17 |
| 20 10.00 am Employees Consultative Standards | 21 CAWP | 22 Scrutiny Chairs' Group | 23 Licensing | 24 |
| 27 | 28 Planning | 29 | 30 | 31 |
| November 2014 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 3 6 pm Joint Parking & Public Protection | 4 | 5 Finance, Resources & Partnership Scrutiny | 6 | 7 |
| 10 Labour Group Meeting | 11 CAWP | 12 Cabinet | 13 Staffing Committee | 14 |
| 17 Audit & Risk | 18 Planning | 19 Health & Well Being Scrutiny | 20 | 21 |
| 24 Group Meetings | 25 | 26 Council | 27 | 28 |
| | | | | |

| December 2014 | | | | |
|--------------------------------------|---------------------|--|---|--------------------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| | 2 CAWP | 3 Economic Development Scrutiny | 4 Finance, Resources & Partnership Scrutiny Budget Consultation | 5 |
| 8 Labour Group Meeting | 9 Planning | 10 Cabinet + Transformation BC Comments | 11 Sports Council (provisional) | 12 |
| 15 Grants Assessment | 16 | 17 Scrutiny Chairs' Group | 18 | 19 |
| 22 Public Protection | 23 CAWP | 24 | 25 Bank Holiday | 26 Bank Holiday |
| 29 Office Shut | 30 Office Shut | 31 Office Shut | | |
| January 2015 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| | | | 1 Bank Holiday | 2 |
| 5 Labour Group Meeting | 6 Planning | 7 Health & Well Being Scrutiny | 8 Member Development | 9 |
| 12 6pm Joint Parking | 13 Scrutiny Café | 14 Cabinet | 15 Licensing | 16 |
| 19 10am Employees Consultative | 20 CAWP | 21 Finance, Resources & Partnership Scrutiny | 22 | 23 |
| 26 Public Protection | 27 Planning | 28 Standards | 29 | 30 |

| February 2015 | | | | |
|---|-------------------------|---------------------------------------|-----------------------------------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 2 Labour Group Meeting | 3 | 4 Cabinet (Budget) | 5 | 6 |
| 9 | 10 CAWP | 11 | 12 Staffing Committee | 13 |
| 16 Audit & Risk | 17 Planning | 18 Scrutiny Chairs' Group | 19 | 20 |
| 23 Group Meetings | 24 | 25 Council (Budget) | 26 | 27 |
| | | | | |
| March 2015 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 2 6pm Joint Parking | 3 CAWP | 4 Cleaner Greener & Safer Scrutiny | 5 | 6 |
| 9 Active & Cohesive Scrutiny | 10 Planning | 11 | 12 SPOAS Council (Provisional) | 13 |
| 16 Finance, Resources & Partnership Scrutiny | 17 Public Protection | 18 Economic Development Scrutiny | 19 | 20 |
| 23 Labour Group Meeting | 24 CAWP | 25 Cabinet | 26 | 27 |
| 30 Grants Assessment | 31 Planning | | | |

| April 2015 | | | | |
|---|----------------|---------------------------------------|-----------------------------|-------------------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| | | 1 | 2 Member Development | 3 Bank Holiday |
| 6 Bank Holiday | 7 | 8 Scrutiny Chairs' Group | 9 | 10 |
| 13 Group Meetings | 14 CAWP | 15 Council | 16 Audit & Risk | 17 |
| 20 10am Employees Consultative Standards | 21 Planning | 22 | 23 | 24 |
| 27 | 28 | 29 Health & Well Being Scrutiny | 30 | |
| May 2015 | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 4 Bank Holiday | 5 CAWP | 6 | 7 Elections | 8 |
| 11 | 12 Planning | 13 | 14 Staffing Committee | 15 |
| 18 Labour Group Meeting | 19 | 20 Annual Council | 21 | 22 |
| 25 Bank Holiday | 26 CAWP | 27 | 28 | 29 |
| | | | | |

| June 2015 | | | | |
|-------------------------------|----------------|---------------------------------|-----------------|---------------|
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 1 | 3 Planning | 3 | 4 | 5 |
| 8 | 9 | 10 | 11 | 12 |
| 15 | 16 CAWP | 17 Scrutiny Chairs' Group | 18 | 19 |
| 22 Labour Group Meeting | 23 Planning | 24 Cabinet | 25 | 26 |
| 29 Public Protection | 30 | | | |

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1. **REPORT TITLE** **Delegation of Authority to the Public Protection Committee**
- Submitted by:** **(Chief Executive)**
- Portfolio:** **Communications, Policy and Partnerships**
- Ward(s) affected:** **(All)**

Purpose of the Report

To put appropriate delegations in place for the Public Protection Committee to formulate, implement and amend licensing policy relating to private hire vehicles and drivers, hackney carriage vehicles and drivers and private hire operators.

To put appropriate delegations in place to allow the Public Protection Committee to attach conditions to private hire and hackney carriage driver and vehicle licences and to private hire operator licences.

Recommendations

- a) That the Council's constitution be amended at Part 3, Appendix 1, Annex 2 to read as follows:

Public Protection Committee

To exercise the duties and powers of the Council in relation to licensing and registration functions. To include the revision of existing policies relating to hackney carriage vehicle and hackney carriage driver licences, private hire vehicle, driver and operator licences and the formulation and implementation of all new taxi, private hire and private hire operator policies.

- b) That the Council's constitution be amended at Appendix 4 under Licensing Functions, paragraph (2) to include the power to impose conditions on hackney carriage licences and hackney carriage driver licences.
- c) That the Council's constitution be amended at Appendix 4 under Licensing Functions, paragraph (3) to include the power to impose conditions on private hire vehicle licences, private hire driver licences and private hire operator licences.

Reasons

The Public Protection Committee deals with matters relating to taxis and private hire licences at each meeting and it is thought best placed to make policy decisions relating to taxi and private hire matters.

1. **Background**

The Public Protection Committee is due to start work on the formulation of a new taxi and private hire policy for the Borough and the ability to make decisions in relation to policy would help to move this process along without the need to bring each policy amendment or each new policy to full council for approval. The final policy, once completed will be subject to a full consultation process which will include circulation to all elected members for comment.

2. **Issues**

At the moment only Full Council can make decisions in relation to taxi and private hire licensing policy.

3. **Options Considered**

Council could consider whether to leave the responsibility for taxi and private hire policy as a Council decision. However it is felt that this responsibility is best delegated to the Public Protection Committee where the experience and expertise for dealing with licensing matters lies.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- creating a cleaner, safer and sustainable Borough
- transforming our Council to achieve excellence

7. **Legal and Statutory Implications**

In order for Public Protection Committee to legally deal with the proposals it is necessary for Council to delegate the relevant matters and for the Terms of Reference for the committee and the Scheme of Delegation within the Constitution to be amended.