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PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE IN THE COUNCIL CHAMBER BY NO LATER THAN 6.45PM.

SUPPLEMENTARY 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, 17th September, 2014** at **7.00 pm**.

BUSINESS

(i) Apologies

4a CHANGES TO COMMITTEE MEMBERSHIP (Pages 5 - 8)

9 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES (Pages 9 - 14)

Chairs are requested to submit written reports to the Democratic Services Manager by (TWO DAYS BEFORE MEETING)

- a) Finance, Resources and Partnerships Scrutiny Committee
- b) Active and Cohesive Communities Scrutiny Committee
- c) Economic Development and Enterprise Scrutiny Committee


The Cleaner, Greener and Safer Communities Scrutiny Committee and the Health and Wellbeing Scrutiny Committee have not met since the last Council meeting.

10 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES (Pages 15 - 18)

Chairs are requested to submit written reports to the Democratic Services Manager by (two days before meeting).

- a) Audit and Risk Committee
- c) Licensing Committee

Yours faithfully

A handwritten signature in black ink, consisting of a horizontal line followed by a stylized, cursive signature.

Chief Executive

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<u>REPORT TITLE</u>	Changes to Committee Membership
<u>Submitted by:</u>	Head of Business Improvement, Central Services & Partnerships
<u>Portfolio:</u>	Communications, Policy and Partnerships
<u>Ward(s) affected:</u>	N/A

Purpose of the Report

To request that Council agrees to the requested changes to the Membership of the Economic Development and Enterprise Scrutiny Committee, Audit and Risk and the Planning Committee.

Recommendations

1. That the following changes in membership of committees are agreed as follows:

- I. That Cllr Simon White stand down as Vice Chair of Economic Development and Enterprise Scrutiny Committee but remain as a member.**
- II. That Cllr Billy Welsh be replaced by Cllrs Mrs Gill Williams on the Economic Development and Enterprise Scrutiny Committee.**
- III. That a Vice Chair of Economic Development and Enterprise Scrutiny Committee be appointed as soon as possible (Nominations Cllrs Ian Wilkes and Mrs Gill Williams).**
- IV. That Cllr Mrs Sandra Hambleton be appointed to the Audit and Risk Committee.**
- V. That Cllr Billy Welsh replace Cllr Simon White on the Planning Committee.**
- VI. That Cllr Mrs Sandra Simpson be appointed to the Planning Committee.**
- VII. That a Vice Chair be appointed to the Planning Committee (Nomination: Cllr Bert Proctor).**

Background

Appendix 4 of the Council's Constitution (Scheme of Delegation) Section 22 states that:

'the Chief Executive in consultation with the Leader of the appropriate political group can make appointments to all committees other than the Cabinet to give effect to the rules of political balance'.

This section of the Constitution relate, therefore, to the recommendations set out in this report.

Issues

The following proposals are outlined in this report for Council approval and relate to membership of the Council's committees:

Committee Membership Changes: Economic Development and Enterprise Scrutiny Committee, Audit and Risk and the Planning Committee.

The following changes to Committee membership have been requested by the Leader of the Labour Group and, as these changes do not relate to matters of political balance, then the decision is one for Council to take:

Economic Development and Enterprise Scrutiny Committee:

- Councillor Simon White stand down as Vice Chair of Economic Development and Enterprise Scrutiny Committee but remain as a member of that Committee.
- Councillor Mrs Gill Williams to replace Cllr Billy Welsh on the Economic Development and Enterprise Scrutiny Committee.
- To appoint a Vice Chair of Economic Development and Enterprise Scrutiny Committee (Nominations Cllrs Ian Wilkes and Mrs Gill Williams).

Audit and Risk Committee:

- Councillor Mrs Sandra Hambleton to be appointed to the Audit and Risk Committee.

Planning Committee

- Councillor Billy Welsh to replace Councillor Simon White on the Planning Committee.
- Councillor Mrs Sandra Simpson to be appointed to the Planning Committee.
- Councillor Bert Proctor to be appointed as Vice Chair of the Planning Committee.

Legal and Statutory Implications

The Local Government and Housing Act 1989 (“the 1989 Act”) imposes political proportionality requirements in respect of the appointment of committees (other than the Cabinet).

Specifically, section 15 of the Act requires that four principles be followed in allocating committee seats:-

- (a) All seats on a committee cannot be allocated to the same political group;
- (b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
- (c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;
- (d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.

In order to fulfil these requirements in the order stated, and particularly to achieve the best fit of requirement (d) while maintaining requirement (c), it is usual for a small number of manual adjustments to be required to the allocations for individual committees.

The Councils Constitution states in Part 2, Section 4.4 (v) under Functions of the Full Council:

'Agreeing and/or amending the responsibilities of committees, deciding on their composition and making the initial appointment in each Council year to them in accordance with the statutory rules requiring political proportionality and compliance with the wishes of the political groups'

And at Appendix a 2(d);

'Agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them subject to the Local Government (Committees and Political Groups) Regulations 1990. In the event of changes to political balance, the Chief Executive shall have the authority to amend the appointments to comply with the rules of political balance in accordance with the wishes of the group leaders'

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**Active and Cohesive Community Scrutiny
Committee**

No meeting since last full council

Kidsgrove Sports Centre Working Group

Meeting on the 13 August 2014

Briefing notes, Background Information, Cabinet report, Proposed refurbishment and alterations, Sports England provision in Newcastle under Lyme. Refer to minutes

Two site visits on 18/26 August 2014

Meeting on the 27 August 2014

Site visits findings refer to minutes. Options to consider, A was not an option, B was put back to the final meeting, C was not an option and D was not an option B/E/F are for the next meeting. Refer to minutes

CHAIR
CLLR REGINALD BAILEY

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Finances, Resources and Partnership Scrutiny Committee

Report to Council (meeting 17th September 2014)

Meeting held 1st September 2014.

Members received updates in relation to the progress of the Task and Finish group looking at concurrent funding and also the Cabinet resolutions relating to the former Keele golf course.

Members reviewed the Financial and Performance Management Report for Quarter 1 (to 30.6.14). It was noted that there were some significant shortfalls in relation to income streams and there were concerns that although these have so far been offset by positive variances in other areas, such items may not necessarily continue to be available later in the year to offset any ongoing shortfalls.

Since the previous meeting in June, considerable information has been given to Members regarding the points raised at that meeting relating to Performance Management and a report summarising this information was presented and discussed. Officers also provided case studies to enhance the understanding of Members particularly in relation to Air Quality Management and Food Hygiene.

There were no questions for the Leader at Portfolio Holder(s) Question Time.

Next scheduled meeting 5th November 2014.

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Economic Development and Enterprise Scrutiny Committee
Report from Meeting held on September 3rd 2014

The meeting was attended by David Taylor from Midland Heart Limited. Questions were answered regarding the progress of the new Newcastle Housing Advice Service. Key Performance Indicator figures were presented and approved. It was agreed that the Committee shall receive the KPI figures to be scrutinised on a Quarterly basis in the future.

It was agreed to accept the Joint Housing Policy Review. However concerns were raised that the perception is that Aspire is “breaking away” from Newcastle-under-Lyme Borough Council. It was agreed that our concerns would be raised with Aspire. It was agreed to recommend the extension of the successful Double Ticket Refund Scheme on Council-run car parks and to recommend that the Town Centre Partnership should be allowed to offer free parking after 3 pm in the run-up to Christmas.

It was agreed that the LEP’s Planning Concordat should be commended to the Cabinet.

The latest trading and footfall figures for the Town Centre Partnership were presented. However these statistics were indecipherable to the Committee. The Town Centre Manager has been asked to attend the next meeting to explain. The revised Action Plan for Kidsgrove Town Centre Partnership was presented. However despite requests for attendance neither the Borough Council’s representative on the CIC nor the Chair of the CIC were present. As a number of members had expressed a wish to ask questions of clarification it was decided to postpone discussion on this item to the next meeting.

It was decided to retain the HS2 Working Party despite the disappointing lack of information from Stoke-on-Trent City Council regarding the progress of its proposal for an alternative route.

Dave Stringer
Chair

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Chairs Report of the Audit & Risk Committee – 21 July 2014

Prior to the committee meeting of the 21 July 2014 members of the Audit & Risk Committee received training on the 16 July 2014. Training was delivered internally by officers and related to the role and function of the committee and an overview of the Statement of Accounts.

The meeting held on the 21 July 2014 was the first meeting of the committee in the current municipal year and it received 13 reports.

Committee members were reminded of the Terms of Reference and also provided with a copy of the work plan for the forthcoming year.

Health and Safety Annual Report April 2013 – March 2014 provided the committee with an update on the progress that had been made during the previous year, most notable was the completion of a large amount of training in respect of Health and Safety and a revision of the Corporate Health and Safety Policy.

The Council's External Auditors, Grant Thornton provided an update to the committee with regards to their responsibilities as external auditors and progress with regards to their audit on the statement of accounts. In addition they presented a report with regards to the audit fees for 2014/15 which will remain the same as the previous year.

Members of the Committee were then asked to approve the Risk Management Policy and Strategy for 2014/15, the current policy had been reviewed and updated to reflect the new corporate priorities.

The committee received the Annual Treasury Report in relation to 2013/14 as included on tonight's Council Agenda. In accordance with CIPFA best practice Treasury Management reports are presented to committee twice yearly to inform members of the council's treasury management activities.

The Council's draft statement of accounts for 2013/14 was presented to the committee for consideration. At the time of being presented to the committee the statement of accounts were in the process of being audited. The finalised statement of accounts will be submitted to the committee for formal scrutiny and approval at the next meeting of the committee which is scheduled for the 29 September 2014.

A number of reports were then submitted by the Audit Manager which included the following;

Quarterly Report – Adoption of Internal Audit High Risk Recommendations and summary of Assurance for Quarter 4 2013-14 – this provided assurance to the committee with regards to the implementation of audit recommendations across the council and that there were no issues or areas of concern.

Annual Report of the Internal Audit Service 2013-14 – this report provided a summary of the work undertaken by Internal Audit during 2013-14 and detailed the outturn performance indicators for year. It was reported that 92% of the Audit Plan had been completed, productivity of the section was good at 79% and that 89% of the recommendations made had been implemented.

Review of the Effectiveness of the Audit committee 2013-14 – in order to demonstrate good governance it is important that the Council is able to demonstrate that it has an effective audit committee. The report provided the results of the self-assessment that had been completed using the CIPFA best practice guidance. Evidence used to demonstrate the effectiveness was made available to members on the members' website. The report concluded that the audit committee was effective and could be relied upon when considering the Annual Governance Statement for 2013-14.

Review of the Effectiveness of the System of Internal Audit 2013-14 – this report provided members with details of a self-assessment that had been completed against the Public Sector Internal Audit Standards (PSIAS). Under the Accounts and Audit Regulations 2011 the Council is required to undertake an annual review of the effectiveness of Internal Audit and the PSIAS provides a detailed checklist to demonstrate compliance with this. This was the first year that the PSIAS had been introduced and used for this purpose. In completing the first assessment there are a number of new requirements that need to be developed and an action plan detailing these was presented to members alongside the report. In addition evidence to demonstrate compliance was made available to members via the members' website.

The Annual Governance Statement 2013-14 - the production of the annual governance statement is reliant on the availability of relevant and reliable evidence, part of which refers to the reports detailed above. This report detailed the work that had been undertaken in order to produce the annual governance statement (AGS). Under the Accounts and Audit Regulations we are required to publish an AGS alongside the Statement of Accounts and it is used to emphasise the importance of embedding internal controls and risk management throughout the organisation. The AGS was approved by the committee for inclusion with the Statement of Accounts and was subsequently signed off by the Chief Executive and the Leader of the Council. The evidence used to compile the AGS was also made available to members via their website.

Chairs Report of the Licensing Committee

Chuchu's Kebab and Balti House, 87 Hanbridge Ave., Bradwell.

New Premise Licence granted.

Cooperative Food group, 93 Clayton Rd., Clayton.

The licence was agreed after taking all the evidence into account.

Review of Licence of the Limestone Vaults, Newcastle.

Staffordshire Police wanted a review of the licence under the prevention of public nuisance and the protection of children from harm. The sub-committee met to consider this review, however prior to the actual meeting Staffordshire Police and the solicitor representing Lyme stone Vaults discussed the review and came to an agreement. The sub-committee agreed to the terms and condition imposed on the Licence. The sub-committee expressed their concerns that an agreement wasn't agreed before the actual Review meeting.

Review of Premise Licence for The Robin Hood Inn, High St. Rookery, Kidsgrove.

this Review was to take place on 9th September, however because the sub-committee was not quorate the review was cancelled until Wednesday 17th September.

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Question 1

To be asked by Councillor Sweeney

Would the portfolio holder explain what the following statement that appeared on the 23rd July 2014 Cabinet agenda item 18 Contract for Corporate Cleaning Services paragraph 5.3.1 means?

“The budget shortfall will be met by re-aligning funds from the building cleaning holding account to meet both the 10% saving identified in 2.7 above and the projected 10% saving identified 5.1 above”

Question 2

To be asked by Councillor Sweeney

The following item appeared on the cabinet of 10th September 2014. Item 4 Performance Management Report Appendix A

“Overtime budget is overspent as no changes have yet been implemented to deliver the 2014/15 savings target of £100000”

Can the portfolio give an update on the latest position?

Question 3

To be asked by Councillor Loades

Can the portfolio holder confirm that the current skilled staffing in Streetscene is adequate to not only meet the needs of the council but also to support the recent desire to attract outside contracts for this department to tender for

Question 4

To be asked by Councillor Holland

According to the Sentinel (21 August 2014), the Borough Council has "phased out zero hour contracts". In fact, the Council employs three members of staff at the Borough museum on zero-hour contracts.

Would the Leader say that this is too many, not enough, or about the right number of staff for the Council to be employing on zero hours?

Question 5

To be asked by Councillor Holland

The Leader of the Council has an important role in guiding the work of the Council, including the taxation of the hardworking people of our Borough, and the provision of public services.

When will the Leader be moving from the City of Stoke-on-Trent, where he lives and pays Council Tax, to the Borough of Newcastle-under-Lyme?

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