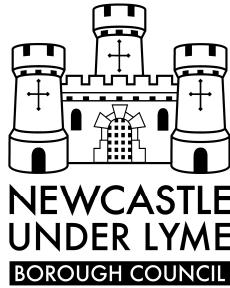


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PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

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

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, 16th April, 2014*** at ***7.00 pm***.

BUSINESS

- 1 Apologies
- 2 Declarations of Interest
- 3 MINUTES (Pages 5 - 10)
To approve as a correct record the minutes of the meeting held on 26th February 2014.
- 4 Mayors Announcements
- 5 Fair Trade Status for the Borough
- 6 Report from the Public Protection Committee held on 31st March 2014 - Age of Hackney Carriage Vehicles (Pages 11 - 32)
- 7 Report from the Public Protection Committee - Enforced Sale Delegated Authority (Pages 33 - 44)
- 8 Review of the Council's Constitution (Pages 45 - 56)
- 9 Proposed Changes to Electoral Arrangements (Pages 57 - 60)
- 10 STATEMENT OF THE LEADER OF THE COUNCIL
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

Chairs are requested to submit written reports (where possible) to the Democratic Services Manager by Monday 14th April 2014.

- a) Overview and Scrutiny Co-ordinating Committee
- b) Transformation and Resources Overview and Scrutiny Committee
- c) Active and Cohesive Communities Overview and Scrutiny Committee
- d) Cleaner, Greener and Safer Overview and Scrutiny Committee
- e) Economic Development and Enterprise Overview and Scrutiny Committee
- f) Health Scrutiny Committee

12 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES

- a) Planning Committee
- b) Licensing Committee
- c) Public Protection Committee
- d) Audit and Risk Committee

13 MOTIONS OF MEMBERS

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.

14 RECEIPT OF PETITIONS

To receive from Members any petitions which they wish to present to the Council.

15 STANDING ORDER 18 - URGENT BUSINESS

To consider any communications which pursuant to Standing Order No18 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

Yours faithfully

A handwritten signature in black ink, appearing to be 'SJA', is written over a horizontal line. Below the line, there is a small dash.

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

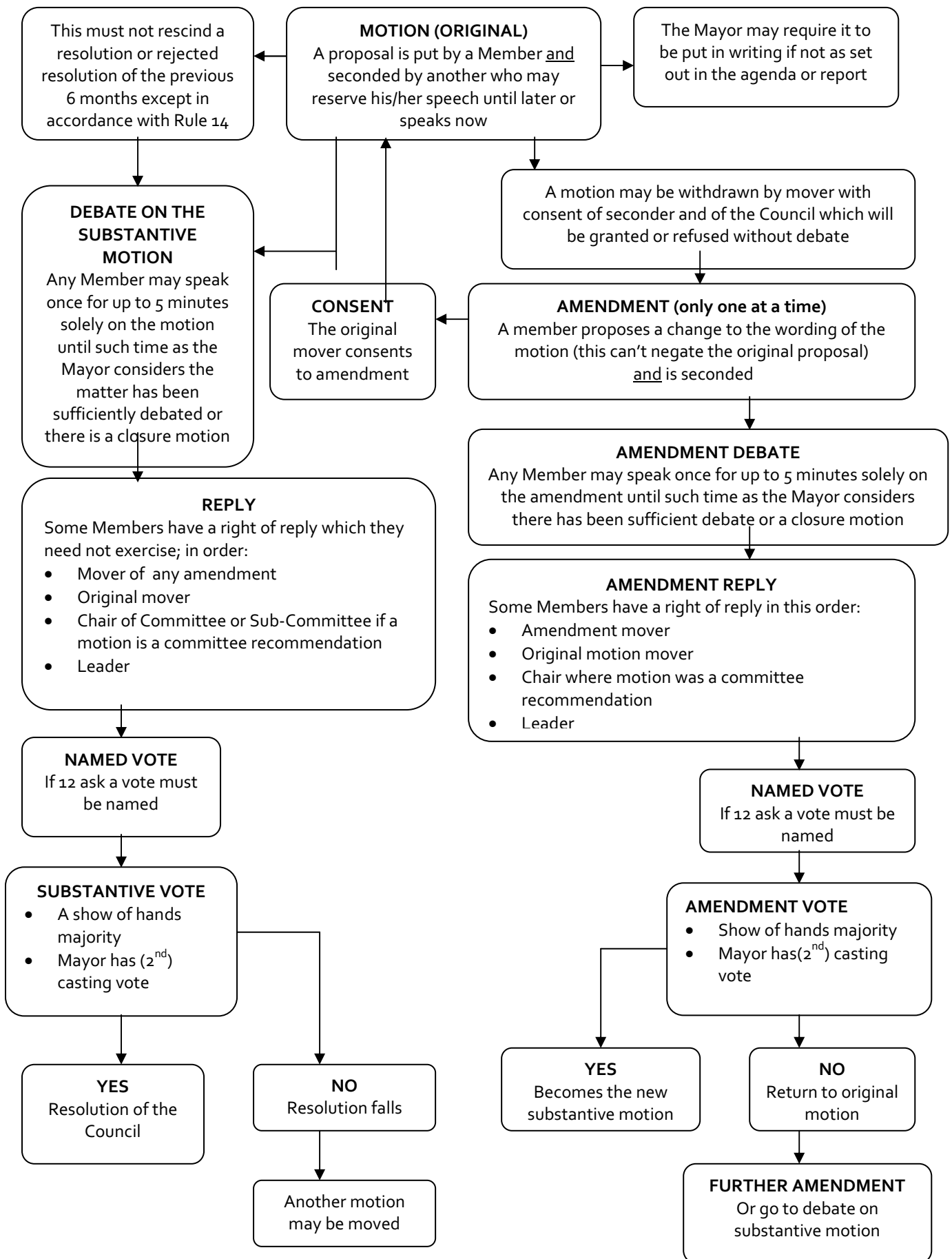
Please switch off all mobile phones before entering the Council Chamber.

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.



MEETING OF THE FULL COUNCIL

Wednesday, 26th February, 2014

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

Councillors Miss Walklate, Mrs Cornes, Welsh, Mrs Johnson, Studd, Mrs Burnett, Clarke, D Becket, Mrs Beech, Bannister, Hambleton, Matthews, Olszewski, Mrs Hambleton, Wemyss, Wilkes, Mrs Williams, Williams, Mrs Astle, Fear, 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, Tagg, Mrs Bates, White, Miss Mancey, Mrs Burgess, Eastwood, Miss Baker, Mrs Peers, Plant, Stringer, Stubbs, Taylor.M, Turner and Mrs Winfield

1. APOLOGIES

Apologies were received from Cllr Howells, Cllr Cairns, Cllr Mrs Heames, Cllr Cooper and Cllr Miss Rout.

2. MINUTES

Resolved: That the minutes of the meeting held on Wednesday 27th November be agreed as a correct record.

3. MAYORS ANNOUNCEMENTS

The Mayor invited all Members of the Council to join him at the Annual Civic Mass that was to be held on Sunday 2nd March 2013 from 9.30am.

Tickets for the Spring Ball were also now available and could be purchased from Peter Whalan.

The Newcastle Male Voice Choir would be performing a concert in aid of the Mayor's Charity Fund at Newcastle Methodist Church on Saturday 12th April 2014 from 7.30pm.

4. REPORT FROM THE PUBLIC PROTECTION MEETING HELD ON 3RD FEBRUARY 2014

Resolved: That Council confirm the recommendations of the Public Protection Committee made at the meeting held on 3rd February 2014.

5. APPOINTMENTS OF MONITORING OFFICER, SCRUTINY CHAIR AND OUTSIDE BODY REPRESENTATIVE

Resolved: (a) That the Audit Manager (Elizabeth Dodd) be appointed as the Council's Monitoring Officer with immediate effect.

(b) That Cllr Sandra Hambleton be appointed to the Staffordshire County Council Corporate Parenting Panel as the Borough Council Representative.

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(c) That Cllr Paul Waring be appointed as the Chair of the Transformation and Resources Overview and Scrutiny Committee.

(d) That Council note the changes in committee membership.

6. REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2014 - 2015

Members received a report setting out the recommendations of Cabinet for the Revenue and Capital Budgets for 2014/15 and set out the recommendations for setting the 2014/15 Council Tax.

The Portfolio Holder for Finance and Resources introduced the report and moved the recommendations listed in Appendix A (a to n).

An amendment was submitted by Cllr Sweeney and was seconded by Cllr Loades. A copy of the amendment was circulated to members.

The amendment was as follows:

'After the words".....set out in appendix a" add

To raise £13,500 by capping car mileage rates paid to council staff to the HM Revenue and Customs rate of 45p per mile (over nine months further to statutory consultation period of 90 days) in 2014/2015 which will rise to £18,000 over a full year.

To raise £10,000 by the abolition of the 7th cabinet member and a return to daytime cabinet meetings along with our withdrawal from the cooperative innovation network.

To raise £30,000 by withdrawing our financial support to the Town Centre Partnership.

To raise £50,000 by reducing our revenue investment fund to £50,000.

To support our local community centres and their management committees by increasing their repairs and maintenance budget to the sun of £103,500 funded by the savings identified above.

Cllr M Taylor declared an interest in the amendment due to his employment as the Town Centre Manager. Cllr Taylor left the meeting whilst discussions on the amendment were held.

A named vote was taken on the amendment as follows:

| | | | |
|-------------------|----------------------------|--------------------|------------------|
| Allport – Against | Fear – For | Peers – For | Waring – Against |
| Astle – Against | Mrs Hailstones - For | Plant – Against | Welsh – Against |
| Bailey – Against | Hailstones – For | Reddish – Abstain | Wemyss – Abstain |
| Baker – Against | Mrs Hambleton – Against | Robinson – Against | White – Abstain |
| Bates – Against | Hambleton – | Shenton – Against | Wilkes – Abstain |

| | | | |
|--------------------|--------------------------|--------------------|------------------------|
| | Against | | |
| Becket- Abstain | Heesom - For | Simpson – against | Mrs Williams – Against |
| Beech – Against | Holland – For | Snell – Against | Williams – Against |
| Boden - Against | Johnson – Against | Stringer – Against | Winfield - Against |
| Burgess – Against | Jones - Abstain | Stubbs – Against | |
| Burnett – Against | Kearon – Against | Studd – Abstain | |
| Clarke – Against | Loades – For | Sweeney – For | |
| Miss Cooper – For | Mancey – For | Tagg – For | |
| Cornes – Abstain | Matthews – For | J Taylor – Against | |
| Eagles- Against | Olszewski – Against | Turner – Against | |
| Eastwood - Against | Miss Olszewski – Against | Walklate - Abstain | |

Against: 32

For: 12

Abstain: 9

The amendment was rejected and debate returned to the substantive motion.

Members thanked all officers who had been involved in the preparation of the budget and complimented them on a job very well done under difficult circumstances.

The substantive motion had already been moved by the portfolio holder it was seconded and a named vote requested. The results of the vote were as follows:

| | | | |
|---------------|--------------------------|-----------------|-------------------|
| Allport – For | Fear – Abstain | Peers – Abstain | Waring – For |
| Astle - For | Mrs Hailstones - Abstain | Plant – For | Welsh – For |
| Bailey – For | Hailstones – Abstain | Reddish – For | Wemyss – For |
| Baker – For | Mrs Hambleton – For | Robinson – For | White – For |
| Bates – For | Hambleton – For | Shenton – For | Wilkes – For |
| Becket - For | Heesom - Abstain | Simpson – For | Mrs Williams –For |
| Beech – For | Holland – Abstain | Snell – For | Williams – For |
| Boden - For | Johnson – For | Stringer – For | Winfield - For |
| Burgess – For | Jones - For | Stubbs – For | M Matthews - for |
| Burnett – For | Kearon – For | Studd – For | |

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| | | | |
|-----------------------|----------------------|-------------------|--|
| Clarke – For | Loades – Abstain | Sweeney – Abstain | |
| Miss Cooper – Abstain | Mancey – Abstain | Tagg – Abstain | |
| Cornes – For | Matthews – Abstain | J Taylor – For | |
| Eagles- For | Olszewski – For | Turner – For | |
| Eastwood - For | Miss Olszewski – For | Walklate - For | |

For: 42
Abstain: 12

Resolved: That the Council approves the recommendations set out in Appendix 'A'.

7. **TREASURY MANAGEMENT STRATEGY 2014/2015**

A report was submitted requesting approval of the Treasury Management Strategy for 2014/15, including the Prudential Indicators, Investment Strategy and Minimum Revenue Provision Strategy contained within it.

Resolved:

- (a) That the Treasury Management Strategy Report for 2014/15 be approved.
- (b) That the Prudential Indicators contained within the report be approved.
- (c) That the Investment Strategy contained within the report be approved.
- (d) That the Minimum Revenue Provision Strategy contained within the report be approved.

8. **CAPITAL STRATEGY**

A report was submitted for members to consider and approve the Capital Strategy 2014 to 2017.

Resolved: That the Capital Strategy be approved.

9. **LOCALISM ACT - PUBLICATION OF A PAY POLICY STATEMENT FOR 2014/2015**

Members received a report in relation to The Localism Act 2011 which required local authorities to prepare and publish a pay policy statement for each financial year. The statement set out the authority's policies relating to the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

Resolved: That the Pay Policy Statement attached at Appendix A to the report be approved and published on the council's website by 31 March 2014.

10. **STATEMENT OF THE LEADER OF THE COUNCIL**

Members received a report from the Leader of the Council on the activities and decisions of Cabinet and items included on the forward plan.

Resolved: That the report be received

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

Written and verbal reports were provided by the Chairs of the Overview and Scrutiny Committees.

Members wished to send their best regards to Cllr George Cairns who was currently unwell.

Resolved: That the reports be received.

12. **REPORTS OF THE CHAIRS OF THE STATUTORY COMMITTEES**

Written and verbal reports were provided by the chairs of the Statutory Committees.

The Chair of the Planning Committee thanked officers for their dedicated work and time spent in relation to the Baldwins Gate application. Other members also thanked the Chair of the Committee for his work in relation to the application which had included a site visit and a decision made under difficult circumstances.

Resolved: That the reports be received.

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

The following question had been submitted by Cllr Becket:

Taking into account of the Environment Agency objection to building on a Level 3a Flood Zone, the officer recommendation to defer in order to explore a solution acceptable to all parties, and the events in Somerset and the Thames/Severn valleys why did the leading group not show leadership and accept officer recommendations to defer the Aldi application. The effect of the vote is to take the decision concerning Newcastle Flood Plains out of local hands to be decided at Westminster.

The Leader responded that there was no whip in relation to the Planning Committee and that reasons for the decision would need to be sought from individual members.

The following question had been submitted by Cllr Holland:

I asked the Leader at the last meeting of Council (Minutes, item 5), why his administration had dithered and vacillated in dealing with the Ryecroft site, which the Council owns in partnership with the County Council. He responded at that meeting that it was the County Council that was responsible for the lack of movement, and promised to publish minutes of a meeting between him and SCC representatives that prove he is right. Will the Leader please produce those minutes?

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The Leader confirmed that the information would be produced by the following Friday.

THE MAYOR, COUNCILLOR EDDIE BODEN
Chair

1. **Public Protection Committee Decision in Relation to the Age of Hackney Carriages**

Submitted by: Head of Business Improvements, Central Services, and Partnerships

Portfolio: Safer Communities

Ward(s) affected: All Wards

Purpose of the Report

To request that 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.

Recommendation

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

Reasons

The decision made by the Public Protection Committee relates to a matter of Council policy and as such falls within the remit of full Council to endorse prior to any implementation.

1. **Background**

On the 5th September 2013 the Public Protection Committee resolved that consultation should be undertaken to seek the views of those concerned following a proposal from officers that the Councils age policy for Hackney Carriages be amended.

Following the consultation the Public Protection Committee met on the 31st March 2014 and resolved that:-

It be recommended to full Council that as from 1st January 2015, all hackney carriage vehicles that are saloon cars will cease to be relicensed when they are eight years of age.

A copy of the reports considered by the Committee are attached as an Appendix.

2. **Issues**

All Councils have a duty to periodically review the policies and procedures for licensing Hackney Carriage and Private Hire vehicles.

The Council has a duty to protect the public and to ensure that the vehicles that it licences shall be in a suitable mechanical condition, shall be safe, and comfortable.

2. **Options Considered**

No other options were considered by the Committee

4. **Proposal**

- That the Council ratify the decisions of the Public Protection Committee

5. **Reasons for Preferred Solution**

To improve the standards of Hackney Carriage saloon vehicles, and to achieve parity with the same vehicles licensed as Private Hire.

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

- Creating a cleaner, safer and sustainable Borough

7. **Legal and Statutory Implications**

The power to ratify these decisions lies with the Council

8. **Equality Impact Assessment**

Button in his book on Taxis – Licensing Law and Practice states that “Whilst it is accepted that older vehicles can be used successfully as hackney carriages.....the purpose of any age limit is to try and ensure that the licensed vehicles are safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.”

Members will recall that the over-riding purpose behind the proposal is to assist the Council ensure the safety, reliability, and overall standards of the vehicles it licences.

9. **Financial and Resource Implications**

There have been objections from Hackney Carriage drivers in relation to the detrimental affect such a change could mean for them.

10. **Major Risks**

Possible challenge from the Hackney Carriage Trade if the policy is amended

13. **Earlier Cabinet/Committee Resolutions**

Public Protection Committee 3rd February 2014, 31st March 2014

14. **List of Appendices**

Agenda Item 11a from the 3rd February 2014
Agenda item 11 from 31st March 2014

15. **Background Papers**

Public Protection Agenda 3rd February 2014
Public protection Agenda 31st March 2014

PUBLIC PROTECTION COMMITTEE
3RD FEBRUARY 2014

Submitted by: **Head of Business Improvement and Partnerships**

Hackney Carriage Age Policy-Consultation

Recommendation

That the the proposal in connection with the amendment relating to the Councils current age police in connection with Hackney Carriages be adopted and that the dates for commencement be as follows:-

- (a) firstly that from April 1st 2014 in relation to applications to licence Hackney carriage vehicles that are purpose built and wheelchair accessible, the vehicles shall be less than 5 years of age when first tested. These vehicles will continue to be relicensed on passing consecutive annual tests
- (b) Secondly that as from the 1st January 2015 all hackney Carriage vehicles that are saloon cars will cease to be relicensed when they are 8 years of age.

1. Background

1.1 The Committee will recall the resolution at their meeting on the 5th September 2013 to consult the Hackney Carriage Trade about the proposal to amend the Council's current age policy regarding Hackney Carriage Vehicles.

1.2 A copy of the report is attached at page 49

All Hackney Carriage proprietors were written to asking their views on the proposal. The proposal is that:-

Saloon type vehicles will be less than 5 years of age when tested **but** will cease to be relicensed when they are **8 years** of age.

As for those vehicles purpose-built for Hackney Carriage purposes the proposal is that these types of vehicle must be less than 5 years of age when first tested **but can remain licensed for as long as they continue to pass consecutive annual tests**".

2. Issues

2.1 All Council's have a duty to periodically review the policies and procedures for licensing Hackney Carriage and Private Hire Vehicles.

2.2 The responses from the Consultation are :-

Firstly, a petition with 87 signatures .The petition disagrees with the proposal and outlines the reason for disagreeing. It also proposes that other types of vehicles be considered for licensing as Hackney Carriages.

A copy of the petition can be seen at page 55

Secondly, 25 individual replies have been received, these fall into 3 categories:

| | |
|--|----|
| a) Responses rejecting the proposal | 16 |
| b) Responses agreeing with the proposal | 3 |
| c) Letters returned with no indication of any view on the proposal | 6 |

The majority of responses disagree with the proposal, the objection to the proposal is mainly based on the financial implication the change in the age policy would have for Hackney Carriage owners.

Other reasons given for objecting to the proposal are that modern cars are more reliable and have a greater longevity.

It is also the view of some of the objectors that the Council should maintain the current policy for licensing Hackney Carriages.

Button in his book on Taxis – Licensing Law and Practice states that “Whilst it is accepted that older vehicles can be used successfully as hackney carriages.....the purpose of any age limit is to try and ensure that the licensed vehicles are safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.”

Members will recall that the over-riding purpose behind the proposal is to assist the Council ensure the safety, reliability, and overall standards of the vehicles it licences.

3. Proposal

That the committee resolve to adopt the proposal, and that the dates for commencement be as follows:- firstly that from April 1st 2014 applications to licence Hackney carriage vehicles that are purpose built and wheelchair accessible, the vehicles shall be less than 5 years of age when first tested. These vehicles will continue to be relicensed on passing consecutive annual tests

.Secondly that as from the 1st January 2015 all hackney Carriage vehicles that are saloon cars will cease to be relicensed when they are 8 years of age.

The Committee can resolve to:

- (i) Adopt the proposal
- (ii) Amend the proposal
- (iii) Reject the proposal (and by so doing continue with the inequality between Hackney Carriage and Private Hire).
- (iv) Defer making any decision to explore any alternative method of achieving parity in terms of the age policy for both types of vehicles.

4. Recommendation

That the Committee adopt the proposal.

5. Equality Impact Assessment

The issues of inequality have been highlighted in the report.

6. Financial Implications

Failure to address the inequality may lead to an implication of a financial nature.

7. Reasons for the Preferred Solution

To continue to review the Council's policy relating to Hackney Carriage Vehicles.

8. Legal and Statutory Implications

Under section 47(1) Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider to be reasonably necessary. A high Court case in 1992 held that it was possible under Section 47(1) to impose age limits to improve the reliability, safety and overall standards of the vehicles licensed by the Council.

9. Background Papers

The original Committee report from 5th September 2013.

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PUBLIC PROTECTION COMMITTEE
Thursday 5th SEPTEMBER 2013

HACKNEY CARRIAGE AGE POLICY

Submitted by: **Head of Business Improvement and Partnerships**

Purpose

For the Committee to consider whether to amend the permitted age limit for licensed vehicles and to recommend that the Hackney Carriage Trade be consulted as part of the ongoing review of the Council's Taxi Licensing Policy.

Recommendation

That Hackney Carriage Proprietors be consulted on the proposals contained in this report and a further report on the outcome be submitted to a future meeting of this Committee.

1. **Background**

1.1 Currently Private Hire Vehicles must be less than 5 years old when they are presented for 1st registration with the Council and are licensed until they are a maximum of 8 years old. Hackney Carriage Saloon Vehicles must be less than 5 years old on 1st registration and may remain licensed so long as they continue to pass the vehicle test. Purpose built Hackney Carriages may be up to 10 years old on 1st registration and may remain licensed for so long as they pass the vehicle test.

1.2 The following resolutions reveal how the present conditions have been arrived at:-

9th February 1993 – Resolution 1322/93 Environmental Health Committee relating to Private Hire Vehicles - Private Hire Vehicles Licences – Conditions.

A detailed report on the Council's present policy in respect of the licensing of Private Hire Vehicles and in particular on the age of vehicles currently licensed was submitted for consideration.

Members were advised of a trend for applicants to attempt to licence vehicles which are in excess of 5 years old at first registration and did not fall into the category of being in the condition of a 5-year old vehicle.

It was recommended that, in order to avoid future problems of this nature and to upgrade the condition of the Private Hire Vehicles, the condition be amended so as to exclude the licensing of all vehicles over 5 years at first registration and that no vehicles over 8 years old, except mini buses, will be considered for renewal.

Resolved:

That the amended licence conditions for Private Hire Vehicles as detailed in the report be approved with effect from 1st January 1994.

February 1995 – Resolution 1374/95, Hackney Carriage – Conditions.

A detailed report on the Council's present policy in respect of the licensing of Hackney Carriage Vehicles and in particular on the age of vehicles currently licensed was submitted for consideration. It was proposed that no vehicles over 5 years old at first registration should be licensed and that no vehicles over 8 years old, except purpose-built vehicles should be considered at renewal.

Resolved:

That there be no change to the present policy.

No record can be found of any earlier resolution allowing Hackney Carriage Saloon Vehicles to be re-licensed regardless of its age. However it is implicit that it existed by the wording of the Resolution of 1374/95.

Members will recall that on the 30th November 2009 an item concerning the age of hackney carriages was considered and a resolution was made to defer the matter to a future date. A copy of the original item can be seen at Appendix 1 (page 53).

2. **Issues**

- 2.1 There needs to be parity between Private Hire Vehicles and Hackney Carriage Vehicles otherwise the Council may be at risk of a challenge in the Courts. It is difficult to rationalise why for example an 8-year-old Ford Mondeo is not suitable to continue as a Private Hire Vehicle, yet the same vehicle could continue to be licensed if it were a Hackney Carriage. The only difference between the two types of vehicles is the method by which they are booked by the passenger.
- 2.2 Members of the Private Hire Trade are understandably swapping to Hackney Carriage to take advantage of the unlimited access to Hackney Carriage Licences, and, because of the favourable age policy. Should this trend continue it is feasible that in the future the Council will be licensing an ever increasing fleet of ageing Hackney Carriage saloon vehicles.
- 2.3 The Court Case Newcastle City Council-v-Berwick-upon-Tweed Borough Council has served to educate the Taxi trade as a whole that Hackney Carriages can take Private Hire bookings from outside its controlling district, and as a consequence, where an authority has no limit on the number of Hackney licences and has an age policy that allows vehicles to remain licensed regardless of its age, that authority will be licensing a disproportionate number of Hackney Carriage Vehicles purely to carry out pre-booked work (private hire) outside of its controlled district.
- 2.4 Vehicles which have been purpose-built for use as Hackney Carriages, which have better access for the disabled, should retain an age policy which provides an incentive that encourages applicants to provide this type of vehicle.

3. **Options Considered**

- 3.1 To consult Hackney Carriage Proprietors on the proposal to amend the age condition for Hackney Carriage Saloon Vehicles to bring it in line with that of Private Hire Vehicles;
- 3.2 To consult Hackney Carriage Proprietors on the proposal that purpose built Hackney Carriage Vehicles should be less than 5 years old on 1st registration but otherwise permit that the vehicle continue to remain licensed for so long as it passes the vehicle test.

3.3. To make no amendment to the Hackney Carriage Vehicle Policy.

4. **Proposal**

4.1 That a consultation with the Hackney Carriage Trade be undertaken commencing the 1st October 2013 for a period of 12 weeks on the proposal that the saloon vehicles policy for the licensing of Hackney Carriages be revised to reflect that of Private Hire Vehicles, which is, that vehicles must be less than 5 years of age when tested and will cease to be licensed when they are 8 years of age.

As for those vehicles purpose-built for Hackney Carriage purposes, the policy be amended so that these types of vehicles be less than 5 years of age when tested but can remain licensed for as long as they continue to pass consecutive annual tests. This would then preserve the incentive for operators to invest in these disabled access vehicles.

5. **Reasons for Preferred Solution**

5.1 To continue to review the Council's conditions relating to Hackney Carriage Vehicles.

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

In line with the Council's objectives – Creating a Clean, Safe and Sustainable Borough.

7. **Legal and Statutory Implications**

Possible challenge from the Hackney Carriage Trade if the policy is amended

8. **Equality Impact Assessment**

9. **Financial and Resource Implications**

Cost of carrying out the consultation

10. **Key Decision Information**

11. **Earlier Committee Resolutions**

12. **Background Papers**

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APPENDIX 1

CONFIDENTIAL

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE
PUBLIC PROTECTION COMMITTEE

30 November 2009

1. HACKNEY CARRIAGE AGE LIMITS (RESOLUTION 365/10)

Purpose

To inform this Committee of the results of a consultation undertaken with Newcastle's Hackney Carriage owners about the Council's proposed change of Policy in relation to the age of Hackney Carriage Vehicles.

Recommendation

That, notwithstanding the replies and the consultation the proposed changes to the Policy be adopted.

1. Background

- 1.1 Committee may recall that at its meeting held on 21 September 2009 they considered an item, which proposed changes to the Council's policy on the licensing of Hackney Carriage Vehicles. Specifically the age at which vehicles can first be licensed and when they should cease to be licensed.

2. Issues

- 2.1 The holders of Hackney Carriage licences were consulted about the changes and of the 47 who were consulted 18 replied as individuals, 23 signed a petition, and a letter was received from the Newcastle and Kidsgrove Hackney Carriage Association (See Appendix A).

All the replies indicated no support for the proposed changes. However, there was some acceptance that there should be an age when vehicles should cease to be licensed.

- 2.2 The Council currently has 3 types of vehicles licensed as Hackney Carriages.

1. Those that are purpose-built, i.e. designed and built to a specification laid down by the Public Carriage office.
2. Those that are a conversion from another type of vehicle, usually a van or M.P.V. and have a certification or type approval known as M1, which is a standard laid down by V.O.S.A.
3. Finally, Saloon Cars.

- 2.3 Objections to the proposal were mainly one of cost; however the amounts of money quoted in the replies used the most expensive scenario, that of purchasing a new vehicle.

There is no requirement for a vehicle to be new when making an application for a Hackney Carriage licence. In the last 14 years of all the vehicles licensed as Hackney Carriage's only 2 have been new vehicles.

Research by your officers has shown that a saloon car suitable for licensing can be purchased for less than £5000 (examples provided at Appendix B have been sourced from the auto-trader web site).

Examples of purpose-built and M1 conversions sourced from Taximart web site are shown as follows:

V.W. Transporter M1 conversion 2006 model £16,995
Eurotaxi M1 conversion wheelchair access 2005 £7,495
Eurobus M1 conversion wheelchair access 2005 £6,395

Using these prices as a guideline and the fact that the proprietors will spend less on the upkeep and maintenance of a newer vehicle and the fact that it may have some residual value when it ceases to be licensed helps to show that the proposal is not as financially damaging as the replies indicate.

In your officers view implementing the changes would have the effect of upgrading and modernising the Council's Hackney Carriage fleet, and would go towards creating a greener and safer fleet.

3. **Links to Corporate Priorities**

In line with the Council objective, creating a greener & safer Borough.

4. **Financial Implications**

None.

5. **Implications for Crime and Disorder**

None.

6. **List of Appendices**

A – replies to consultation
B – saloon cars suitable for licences.

Newcastle Under Lyme Hackney Carriage Association

Dated; 25 December 2013

Re; Age restriction policy proposal response

Please note we the undersigned;

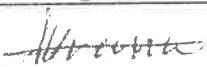
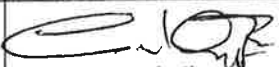

- Strongly disagree with the proposed introduction of Age restrictions to Hackney Carriage Vehicles
- The current policy on Age of Hackney Carriage Vehicles is appropriate and very sensible
- The current vehicles in operation are well maintained and of very good standard; and any change to current policy will have no significant benefit to the public
- Introduction of any new age restriction will result in higher cost burden to the drivers, which risks forcing some of derivers out of business under extremely difficult current financial clement.

Re; Type of Hackney Carriage Vehicles Policy

Please note we the undersigned;

- Propose updating of the current outdated Policy on Type of Hackney Carriage Vehicles, that restricts the fleet just to 'saloon type' vehicles
- There is a high demand for inclusion of MPV (Multi-Passenger Vehicles) and People Carriers to the current policy of Type of Hackney Carriage Vehicles (up to 9 seated capacity)
- Those licence holders with saloon Type vehicles should have option to introduce MPV's and People Carrier's or vice versa
- Incorporation of MPV's and People Carrier's will present a great opportunity to introduce a much better mixed of taxi fleet offer to the public; and meet the demand for larger families and groups of people especially at the weekends.

Many Thanks.

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| IKRAM ULHAQUE |  | 009346 | 6439 |
| CARL GARY PHILLIPS |  | 009263 | 8454 |
| ABDUL AZIZ |  | F10 74107 | 9731 |

25 December 2013

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| HASSAN KHADAR KHAIL | | 009899 | 10309 |
| ASIF KHAN | | 010927 | 9397 |
| AVSIZ AHMED | | HD131 | 10425 |
| WALI KHAN GHALZAI | | 009921 | 9585 |
| TAHIR MEHMOOD | TAHIR MEHMOOD | HD0135 | 8788 |
| TAIDUL ISLAM | Taidul Islam | HD0805 009587 | 9791 |
| MUHAMMAD ZULFIQAR | | 009351 | 9412 |
| TARIQ MEHMOOD | T. MEHMOOD | 009743 | 10509 |
| M. NAEEM KHAN | Naeem | HD0120 | 10595 |
| TAHIR MAHMOOD | | HD0158 | 9436 |
| Khalid Malik | Khalid | HD008588 | 8453 |
| Ismet SAYEILI | | 009819 | 8436 |
| NIGEL HAYWARD | | 009538 | 9852 |
| MOHAMMED ZABIR | M. Zabir | 009452 | 10697 |
| JAWID AKHTAR | J. AKHTAR | 010103 | 10449 |
| MOHAMMED IMRAN | | 009493 | 9920 |
| RAZIQ HUSSAIN | Raziq Hussain | HD0137 | 9319 |
| HASANU ZAMAN CHY | H. Z. Chy | 009221 | 9261 |
| SAJJAD AKBAR KHAN | Sajjad Akbar Khan | HD0159 | 6597 |
| Steve WATKINS | | 010245 | 8435 |
| SAJID HUSSAIN | S. HUSSAIN | HD0130 | 10675 |
| M. Ullah | M. Ullah | 10568 | 10831 |
| S. HUSSAIN | S. HUSSAIN | 10432 | 009758 |
| M. A. QAYUM | | 009257 | 10307 |

25 December 2013




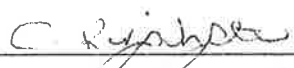
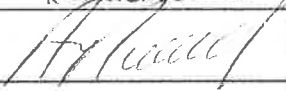
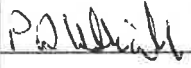
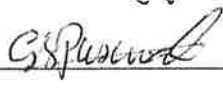
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| RAZI BUTT | | 010134 | 10529 |
| MOHAMMED SAFFAR | M. SAFFAR | HD0146 | 8H26 |
| RASHAD Hussain | | HD10473 | 10417 |
| R.M. Ali zadi | R.M. Ali zadi | 010893 | 9017 |
| Mr D Malik | | HD10390 | 10411 |
| Mr F Shabir | | 009945 | 10055 |
| MR. Kashif Raja | | HD10470 | 9350 |
| ABDUL RAUF | | 010630 | 9876 |
| SHAKEEL AHMAD | | 010050 | 10566 |
| BILAL AMIN | | 008578 | 10015 |
| M. SHABIR | | 009262 | 9266 |
| MR. MUGHAL | | 010061 | 10136 |
| MR AMJID ZADI | | HD0097 | 9560 |
| MR. Mahbubur Rahman | | 009783 | 9505 |
| ASHIQ Hussain | A Hussain | 077077 | 23798 |
| M. TAJ | M. Taj | 009433 | 8457 |
| SYED ANWAR | Syed Anwar | HD0142 | 9455 |
| ABDUL-HALIM | | HD0136 | 8430 |
| Raja Zahir AHMED | Rahmed | 009027 | 10687 |
| ZEEZHAN MUNIR | | 009818 | 9832 |
| FARHAN MUNIR | | 009816 | 9832 |
| TERESA JONES | T. Jones | 009814 | 8423 |
| ZARAR: SAEED | | 009368 | 9509 |
| SYED. MOBASSHIR | (A) Hussain | 009248 | 10029 |

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| SHEERAZ HUSSAIN | | HD0155 | 9846 |
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| ILIAS AYNA AHMED | | 010041 | 89480 |
| ATEEQ UR REHMAN | | 010108 | 10252 |
| SHAHID MAJEED | | 010530 | 10388 |
| ZULFIKAR HUSSAIN | Z. HUSSAIN | HD0160 | 10640 |
| RAJA IZAR KHAN | I. Khan | 009781 | 10742 |
| ASIF M MALIK | | 010073 | 10385 |
| MD. ABDUL AWAL | | HD0165 | 9456 |
| MUKBUL HUSSAIN | | HD0148 | 9487 |
| ZAFAR IQBAL | | 009813 | 9812 |
| Wahed Ahmed | | 009254 | 9458 |
| USMAN RAZ SHAH | | 009536 | 9794 |
| SASSAD HAIDER | | 010201 | 10364 |
| Muhammed Faisal | | 010635 | 10676 |
| MARSOOD ASOB | | 010601 | 9944 |
| Syed, Aminul Hossain | | HD0157 | 10215- |
| JAVED IQBAL | J. IQBAL | 009431 | 10085 |
| Mohammad Sheraz | | 009223 | 10282 |
| TAWAB KHAN | | 009301 | 10208 |
| ABID HUSSAIN | A-HUSSAIN | 009440 | 9475 |
| MUHAMMAD RIAZ | | HD10512 | 8422 |
| MAHJIB HUSSAIN | | HD0144 | 10329 |
| Ashtaq Ahmed | | 010229 | 11111 |




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| DAVID HARTCOCK |  | 9739 | 8415 |
| PETE BELL |  | 8586 | 8414 |
| DAVE TWISATS |  | 8595 | 9941 |
| CHRISTINE KIESCHSTEIN |  | 008594 | 8424 |
| ANDY DAVIES |  | 9467 | 8434 |
| P. HOLLINGSWORTH |  | 8598 | 8424 |
| GURDIP SINGH PURWAL |  | 009537 | 10306 |
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HEADING **Dealing with Empty Homes through Enforced Sale**

Submitted by: **Gillian Taylor**

Portfolio: **Economic Development, Regeneration, & Town Centres**

Ward(s) affected: **All**

Purpose of the Report

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.

Recommendation

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

Reasons

Enforced Sale is a tool to help change the ownership of an empty home, currently its use is not in the scheme of delegations. The reason for this report is to ensure appropriate delegations are 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".

1. Background

- 1.1. The Empty Homes Strategy 2012 – 17 identifies Newcastle-under-Lyme's approach for returning empty homes to use. This is a two stage approach starting with encouragement, support and persuasion, moving on to considering enforcement options. The enforcement options are detailed in the Empty Homes Strategy and range from requiring works to ensure the property is not a detriment or a danger to the neighbourhood moving on to more serious measures such as enforced sale.
- 1.2. This can be used where despite the best efforts on the part of the Council properties remain empty for long periods of time. These are the properties that are most likely to cause problems in the immediate neighbourhood, such as encouraging anti-social behaviour, affecting the fabric of neighbouring properties, negatively affecting property prices and generally becoming a blight on the community.
- 1.3. The Council's Scheme of Delegation does not currently include provisions for Enforced sale which are set out in the Law of Property Act 1925 and so an amendment to the Scheme of Delegation is required in order to facilitate the use of this to implement the strategy.

2. Issues

- 2.1. Enforced Sale is used to bring about a change in ownership. There are two key prerequisites:
 - that bringing the property back into use has sufficient priority within the context of the Empty Homes Strategy, and

- that there is an outstanding debt against the property owed to the Council; this debt may be through work in default charges or Council Tax arrears that are the subject of a County Court Final Charging Order.
- 2.2. Work in default charges may arise from the Council having to carry out works to the property to prevent its condition affecting adjoining properties or the neighbourhood. If the debt can not be recovered from the owner the usual debt recovery procedures will be followed with a charge being registered against the property.
 - 2.3. Where an outstanding debt is registered as a charge against the property the Council can enforce that charge and has all the powers and remedies available to a mortgagee under the Law of Property Act 1925. This means that the Council can obtain a court order allowing the property to be sold with all secured debts, being paid out of the sale proceeds.
 - 2.4. Many of the Council's charges have priority over any others registered. Thus, the Council's ability to recover costs will not be affected by the amount of equity the owner has in the property.
 - 2.5. Figures for 2012/13 demonstrate that the number of properties left vacant for over two years is increasing. This represents a wasted resource and blights local communities. Enforced sale demonstrates to our residents, who are affected by such properties, that the Council will act to improve their neighbourhood and demonstrates to owners that it will not tolerate properties simply being left to deteriorate.
 - 2.6. The council tax return for 2013 identified 1, 275 empty properties in the Borough of which 757 had been empty for longer than six months. This is an increase from the 2012 figure of 679 and the 2011 figure of 655, although there have been changes to the categorisation of empty homes which may have contributed to this increase. There are about 15 long term empty properties that are seriously dilapidated and affecting the local neighbourhood. It is expected that enforced sale will be used infrequently but officers consider that it is essential to have it available as part of the full range of enforcement powers.

3. Option considered and preferred solution

- 3.1. The Council could consider whether to leave the responsibility for the use of enforced sale and compulsory purchase as a Council decision. It is recommended that the responsibility for enforced sale is delegated to the Public Protection Committee as this would align to their current remit. Due to the financial commitment required for Compulsory Purchase it is recommended that this is not delegated.
- 3.2. The proposed action is consistent with the Empty Homes strategy 2012 – 17 and the Housing Standards and Public Health Enforcement Policy.

4. Outcomes Linked to Corporate Priorities

- 4.1. Returning Empty Homes back in to use contributes to the delivery of the Corporate Priority of a clean safe and sustainable borough.

5. Legal and Statutory Implications

- 5.1. Enforced sale is a legal process under the Law of Property Act 1925, requiring strict adherence to the correct steps and notifications. The owner, if they can be identified, is kept fully informed of the process and their rights. The owner can if they wish stop the process by paying the debts owed or voluntarily selling the property.

6. Equality Impact Assessment

- 6.1. Enforced sale recommendations will be solely based on the physical condition of the property and past history of compliance by the owner. There are therefore no differential equality impacts identified within this report.

7. Financial and Resource Implications

- 7.1. Enforced Sale is essentially a debt recovery process which recoups debts owed to the Council; costs incurred in the process are also recoverable. At no time will the Council take ownership or responsibility for the property.
- 7.2. The owner may pay the debt before the process is completed, this will ensure the debt is repaid but the Council will not be able to recover staff costs incurred.
- 7.3. Empty properties brought back into use form part of the new homes bonus so such action can additionally attract government payments.

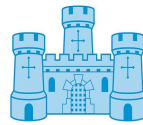
8. Major Risks

- 8.1. There is a risk that the owner pays the debt and stops the process at a late stage. This does still achieve the aim of recouping debts and highlights to the owner that the Council is serious in endeavours to prevent homes standing empty. Sensitive handling of media will be necessary to prevent a risk of adverse comments from an owner affected by enforced sale. There is a risk the property is still not brought back into use in a timely fashion depending on the actions of a new owner. However the risk of this is significantly reduced than had no action been taken.
- 8.2. There is also a risk in not taking appropriate action, or at least considering it, arising from neighbour and police complaints.

9. Background papers

Empty Homes Strategy 2012 - 2017
Team Procedures for Enforced Sale and Compulsory Purchase – Jan 14

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Housing and Regeneration

Team procedures for Enforced Sale and Compulsory Purchase

1. Background

The Empty Homes Strategy identifies Newcastle-under-Lyme's approach for returning empty homes to use. This is a two stage approach starting with encouragement, support and persuasion, moving on to considering enforcement options. The enforcement options are detailed in the Empty Homes Strategy and range from requiring works to ensure the property is not a detriment or a danger to the neighbourhood moving on to more serious measures such as enforced sale and compulsory purchase.

2. When to consider Enforced Sale

There are two key prerequisites, that;

- returning the property to use has sufficient priority within the context of the Empty Homes Strategy.
- there is an outstanding debt against the property owed to the Council, this debt may be through work in default charges or Council Tax arrears.

Work in default charges may arise from the Council having to carry out works to the property to prevent its condition affecting adjoining properties or the neighbourhood. If the debt can not be recovered from the owner the usual debt recovery procedures will be followed with a charge being registered against the property.

3. Enforced Sale Legislation - Law of Property Act 1925

Where an outstanding debt is registered as a charge against the property the Council can enforce that charge and has all the powers and remedies available to a mortgagee under the Law of Property Act 1925. This means that the Council can obtain a court order allowing the property to be sold with all secured debts, being paid out of the proceeds.

Many of the Council's charges have priority over any others registered. Thus, our ability to recover costs will not be affected by the amount of equity the owner has in the property. However, if there is only a small amount of equity and it appears that the proceeds of a sale would be insufficient to recover funds due, other options may be considered more appropriate.

Appendix 1 sets out the statutory provisions where the registration of the land charge will take priority over other registered charges and also where interest can be claimed on the monies outstanding.

4. Enforced Sale Process

Where enforced sale is considered the appropriate action a report should be compiled seeking permission to proceed. Use of the Law of Property Act 1925 is not within the

constitution, therefore only Cabinet can approve its use or delegate this decision to the Public Protection Committee. This report should include;

- details of the owner or interested parties,
- copies of relevant correspondence with the owner,
- summary of activities to date to bring the property into use,
- details of outstanding debts,
- condition of the property and impact it being empty is having on the neighbourhood.

If approved to proceed the matter will be referred to Legal Services, legal processes will then include;

- Serving a notice under the Law of Property Act 1925 requiring payment of monies due within 3 months
- Writing to the owner, and any other chargees, advising the Council intends to enforce a sale. This letter should contain a statement of how the action is proportionate in accordance with The Human Rights Act 1998.
- Once default of payment is apparent, the Council can submit evidence to land registry applying for registration of the Charge.

When the Charge has been registered by the Land Registry, the property can be marketed for sale.

If the property is not registered with land registry the legal process is more complex and only certain debts can be registered.

5. Enforced Sale - Marketing of the Property

Usually properties will be sold by auction as this demonstrates the best price possible. The Council's legal, surveyors and marketing costs can be deducted from the sale price.

6. Likelihood of Success

An owner or interested party can stop the enforced sale at any point by occupying the property, selling it voluntarily or paying off the debt. The first two still achieve the aim of the Empty Homes Strategy; the third will not directly but should demonstrate the Council's commitment to dealing with empty homes. Compulsory purchase may be considered if the property continues to be empty.

7. When to consider Compulsory Purchase

Compulsory purchase should be considered an action of last resort where there is no other realistic prospect of the property being brought back into use. Factors taken into consideration will be:

- length of time the property has been empty,
- history of compliance by the owner,
- previous enforcement activity carried out,
- detrimental impact the property is having on the area,
- impacts on adjoining and neighbouring properties,
- nuisance arising from the property including anti social behaviour and squatting,
- concerns identified by the police.

8. Legislative Basis for Compulsory Purchase Orders

The Housing Act 1985, section 17 gives Local Authorities the power to acquire buildings and land through compulsory purchase for the purposes of providing housing accommodation.

9. Compulsory Purchase Process

Where compulsory purchase is considered the best option a report must be prepared for Council. This is due to the serious nature of the action, potential cost implications and to meet the terms of the constitution. This report should include:

- a description of the property and its condition,
- description of the impact the property is having on neighbouring properties and the local community,
- land registry details of all owners and persons with an interest in the property,
- details of all actions to encourage the owners / interested parties to return the property to use,
- details of enforcement action taken to return the property to use,
- statement of why compulsory purchase is considered a suitable option,
- Statement that all previous attempts have failed to bring the property to use and no further ones can be identified apart from Compulsory Purchase,
- the Council's proposals for the property if successful,
- financial implications.

If agreed Legal Services will proceed with preparing the necessary paperwork for an application to the appropriate Government Office and notifying people identified as having an interest in the property. If a Compulsory Purchase order application is unopposed, the Government Office will normally issue a decision within two months. If it is opposed a public enquiry will be held.

Statements and evidence will need to be presented at any Public enquiry to support the Council's case. The Council is responsible for paying the administrative costs and expenses for the Inquiry.

If successful a General Vesting Declaration is made allowing the Council to take possession.

10. Compulsory Purchase - Marketing of the Property

Usually properties will be put up for sale by auction as this demonstrates the best price possible. This should be done as soon as possible after possession.

11. Compulsory Purchase - Compensation

Ultimately the owner is entitled to the full market value of the property.

12. Human Rights Act 1998

Consideration of the provisions of the Human Rights Act 1998 must be taken account of by the Council for both actions. In particular, Part 1, Article 8 "the right to respect for... private and family life..., home and... correspondence", and Protocol 1, Article 1 "peaceful enjoyment of... possessions", need to be balanced against the general benefits and rights of neighbours and the surrounding community.

A statement that the intended action of the Council in exercising its powers is proportionate, in accordance with the Act, should be included in reports.

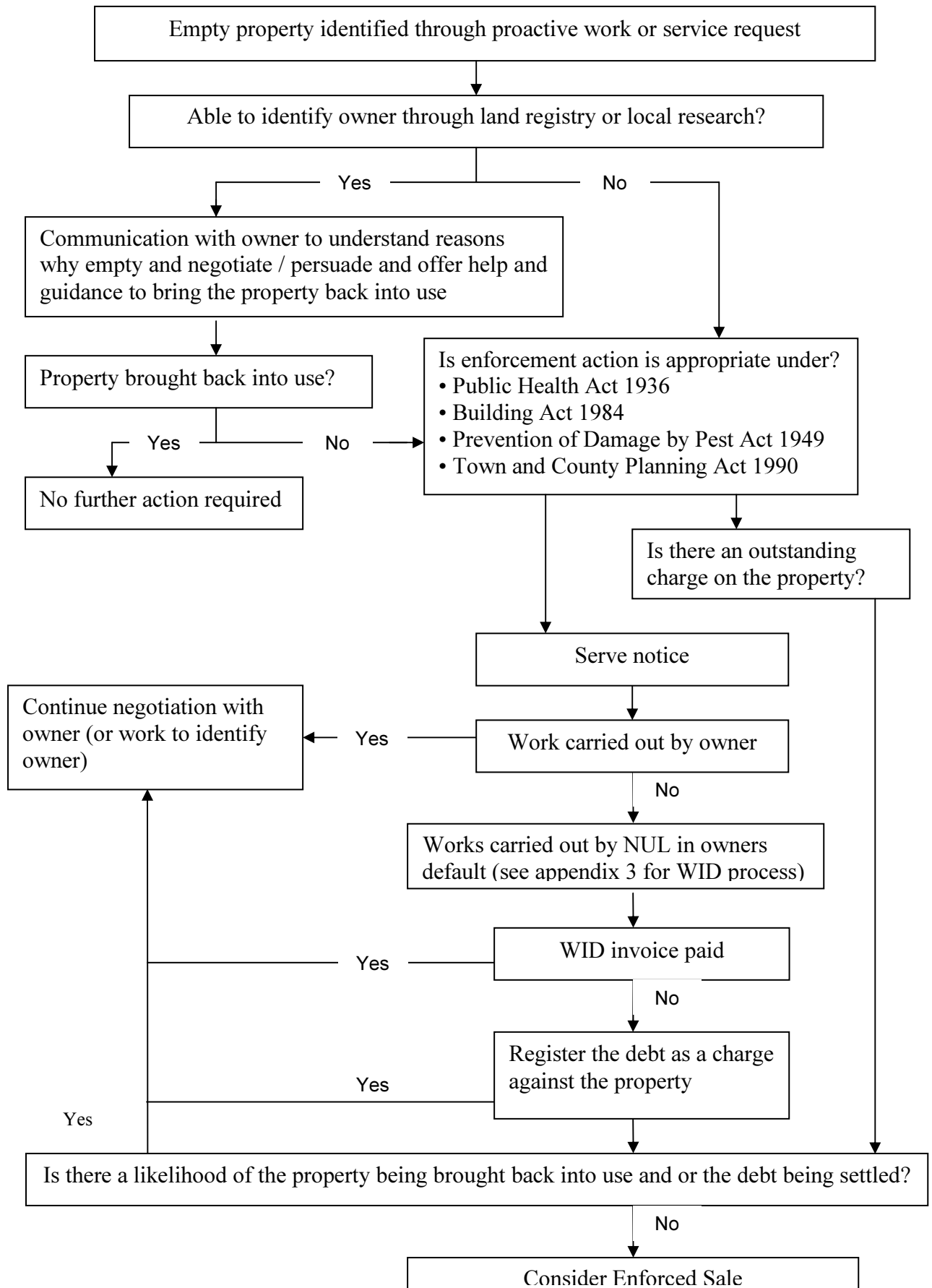
13. Procedure Summary

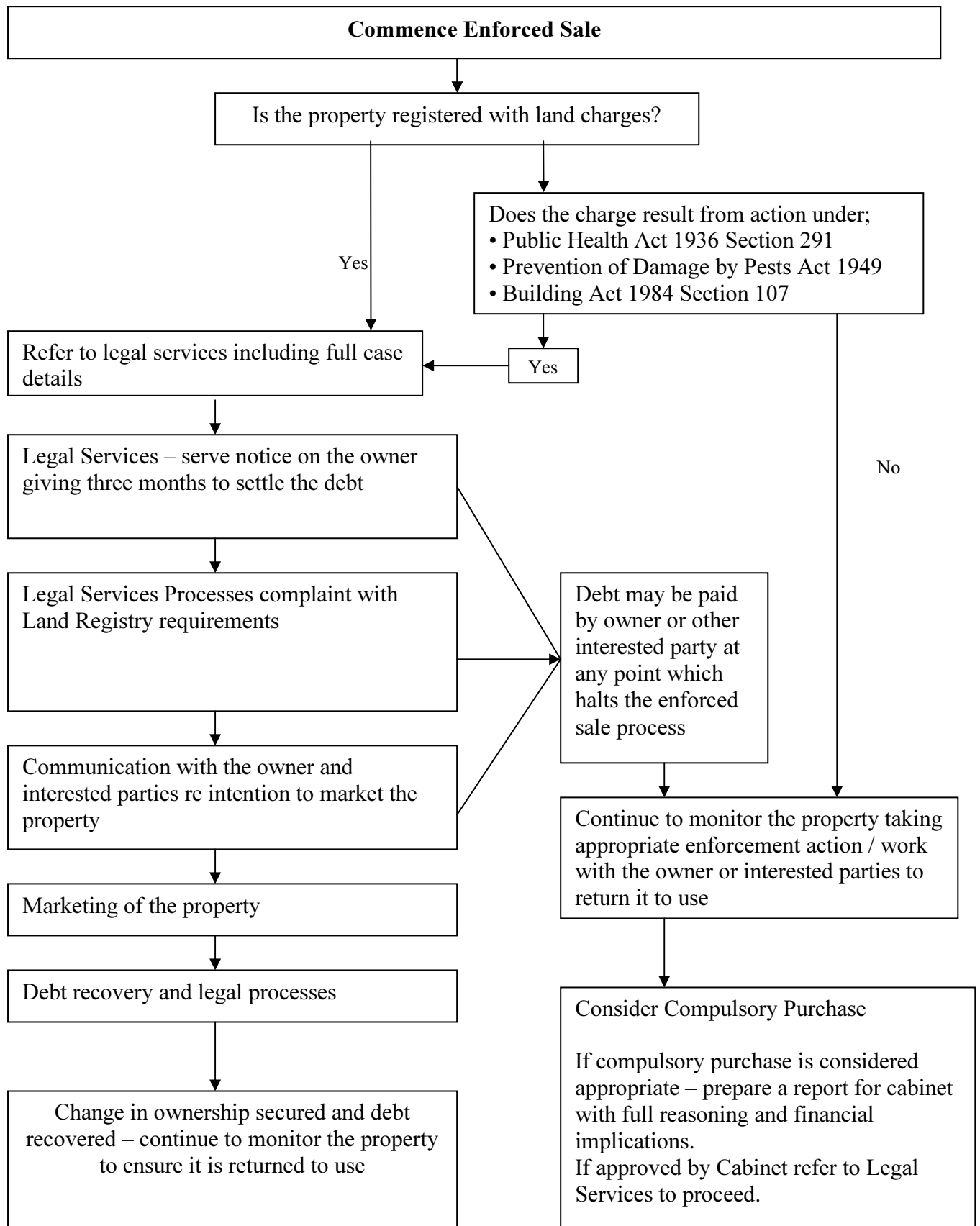
The flow chart in Appendix 2 gives a summary of the responsibilities and activities involved under the Empty Homes Strategy. Appendix 3 outlines the work in default process which may result in a debt being secured against the property.

Appendix 1: Statutes Which Allow an Outstanding Debt to be lodged as a Charge

| Statute | Priority over other charges | Can interest be claimed |
|--|-----------------------------|-------------------------|
| Public Health Act 1936, Section 291 | YES | YES |
| Local Government (Miscellaneous) Provisions Act 1976, Section 33 | YES | NO |
| Highways Act 1980, Section 305 | YES | NO |
| Building Act 1984, Section 107 | YES | NO |
| Housing Act 1985 paragraph 7 of Schedule 10 Ss 189/190 (repair notices) Ss 352/372 (HMO's) | YES | YES |
| Town and Country Planning Act 1990 and regulation 14(2) of the Town and Country Planning General Regulations 1992, Section 178 | NO | NO |
| Environmental Protection Act 1990, Section 81A | YES | YES |
| Prevention of Damage by Pests Act 1949 | YES | YES |

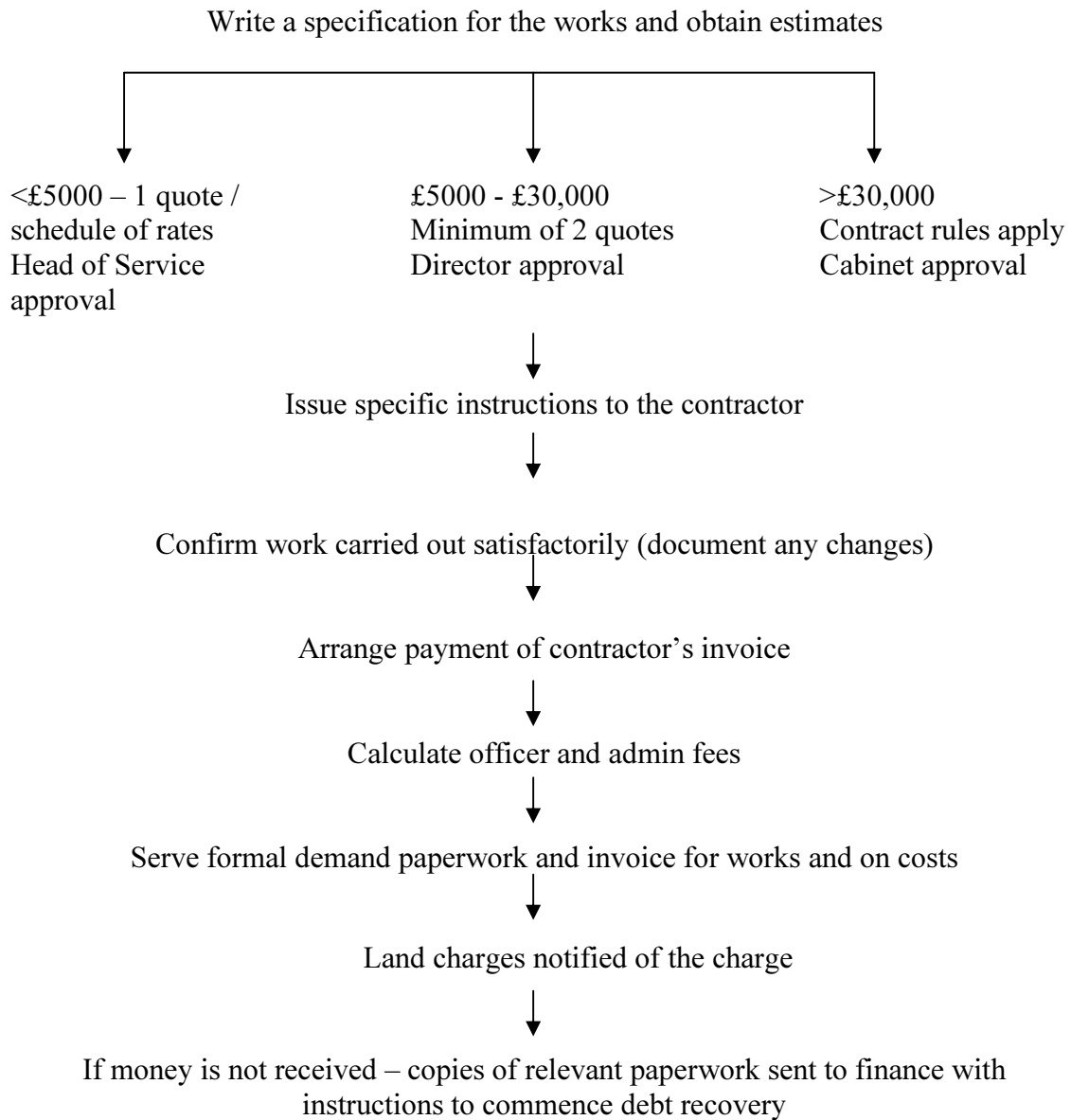
Appendix 2: Flow Diagram - Enforced Sale





Appendix 3: Work in Default Process

Works in default of a statutory notice



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| <u>REPORT TITLE</u> | <u>Review of the Council's Constitution</u> |
| <u>Submitted by:</u> | Head of Business Improvements, Central Services and Partnerships |
| <u>Portfolio:</u> | Communications, Policy and Partnerships. |
| <u>Ward(s) affected:</u> | All |

Purpose of the Report

To improve the efficiency and accessibility of the Constitution and to ensure that it is up to date and fully complies with the law.

Recommendations

- a) **That Council adopts the amendments to the Constitution recommended by the Constitution Review Working Group and endorsed by the Transformation and Resources Overview and Scrutiny Committee.**
- b) **That the Constitution Review Working Group continues its review of the constitution.**

Reasons

The proposed amendments are considered necessary to improve the efficiency and accessibility of the Constitution and to ensure that it is up to date and fully complies with the law.

1. Background

- 1.1 At the Transformation and Resources Committee meeting on 7th June 2010 it was resolved to set up a working group to review the Constitution. The initial purpose of the review was to improve the Constitution so as to increase the understanding and accessibility of Members, officers and the public by recommending amendments and the removal of unnecessary provisions.
- 1.2 The Working Group has continued to meet throughout 2013/2014 and the recommendations contained within this report were considered and agreed by the Transformation and Resources Overview and Scrutiny Committee at it's meetings on 22nd January and 26th March 2014.
- 1.3 The recommendations are intended to enhance the democratic processes of the Council; ensure that the Council is acting in accordance with statute; and ensure the Council's Constitution reflects the current processes of the Council. A full discussion on the recommendations will ensure any changes are fully thought through, transparent and robust. It is recognised that some of the new processes may need to evolve over time to further enhance the democratic process

2. Issues

- 2.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed.
- 2.2 The approach taken by the Working Group has been to:

- (i) Remove obvious duplications
- (ii) Identify contradictions and remove the parts that do not accord with local practice or law
- (iii) Remove obsolete, inaccurate or unnecessary references to law or processes
- (iv) Simplify wording and improve the indexing
- (v) Take best practice from a number of other Constitutions.

3 **Options Considered**

a). **Scrutiny Chairs/Vice Chairs Group**

The Working Group has had extensive discussions regarding the Overview and Scrutiny Co-ordinating Committee. They reached the conclusion that much of the work of this committee could be completed outside of the formal local government committee structures.

In its place, therefore, an informal Scrutiny Group would be setup, the Membership of which would consist of the Chairs and Vice Chairs of all the Scrutiny Committees. Group Leaders would also be invited to attend the meeting. Senior officers and Cabinet Members would be asked to certain meetings to discuss the scrutiny process and advise on topics on the various scrutiny work plans. The committee has previously considered areas which were considered to be cross-cutting such as the Community Centre Review. The Scrutiny Chairs' Group in future could agree which committee would be most suitable to consider topics which are believed to cross the remit of two or more scrutiny committees.

The Scrutiny Chairs' meeting would be diarised and informal agendas sent out in advance of the meeting, with notes taken on the actions coming out of each meeting. The Chair of each Scrutiny Committee could provide an update to their respective committees as and when required. The suggestion has also been made that the group could rotate the chair of the meeting on a regular basis.

RECOMMENDATION

That the Overview and Scrutiny Co-ordinating Committee should be replaced with an informal Scrutiny Chairs' Group meeting at least bi-monthly

b). **The Finance, Resources and Partnerships Scrutiny Committee**

The Constitution Review Working Group discussed the title of the current Transformation and Resources Overview & Scrutiny Committee. It has been suggested that this title no longer reflects the Council's corporate priorities. The remit of the Committee could be extended to include matters relating to the priority of the Council to become a Co-operative Council. This suggested change reflects the corporate priority of 'becoming a co-operative council delivering high quality community driven services' (replacing the former priority of 'transforming the Council to achieve excellence'). The Working Group therefore recommended that the title of the committee should change to 'The Finance, Resources and Partnerships Overview & Scrutiny Committee.'

RECOMMENDATIONS:

1. That the Transformation and Resources Overview & Scrutiny Committee be renamed the 'Finance, Resources and Partnerships Scrutiny Committee.'

2. That the remit be changed to reflect the work being done under the Council's corporate priority of 'becoming a Co-operative Council delivering high quality community driven services'.

c). **Health Scrutiny Committee**

The Constitution Working Group has given consideration to the governance arrangements of the Health Scrutiny Committee. The current Borough Council Health Scrutiny Committee consists of seven Members and does not have a Vice Chair. It is felt that there will be benefit to the democratic process if the membership of this committee is increased to eleven in line with the other scrutiny committees of the Council. The committee should also expand its remit to cover work areas where there is apparent duplication with the other Scrutiny Committees, in particular the Cleaner, Greener and Safer Communities Scrutiny Committee and the Active and Cohesive Scrutiny Committee. It should be noted that the current Health Scrutiny Committee is technically a Joint Committee with the County Council and is subject to a 'Joint Code of Working Agreement' with them. There is one County Council representative on the committee and this arrangement would remain in place even if the total membership of the Borough's Health Committee was increased.

The Working Group came to the view that the Health Scrutiny Committee should cover the topic of health improvement (currently with the Active and Cohesive Scrutiny Committee). The Group also felt that alcohol and drugs, from a public health perspective and sometimes considered by the Cleaner, Greener and Safer Communities Scrutiny Committee should be solely within the remit of the Health Scrutiny Committee. Specific health issues relating to old people should also be covered by the Health Scrutiny Committee and removed from the remit of the Cleaner, Greener and Safer Scrutiny Committee with the Active and Cohesive Scrutiny Committee taking on issues relating to social and cultural aspects of older people. To better reflect this extended remit it is proposed that the Committee change its name to the Health and Well-Being Scrutiny Committee. The suggested terms of reference are below: -

Health and Well-Being Scrutiny Remit

- Commissioning of and provision of health care services, whether acute or preventative/early intervention affecting residents of the borough of Newcastle under Lyme
- Staffordshire Health and Well Being Board and associated committees, sub-committees and operational/commissioning groups
- North Staffordshire Clinical Commissioning Group (CCG)
- Staffordshire County Council Public Health
- Better Care Fund
- University Hospital North Staffordshire (UHNS)
- Combined Healthcare and Stoke and Staffordshire NHS Partnership
- Other health organisations within the Borough area such as GP surgeries
- NULBC Health and Well-Being Strategy and Staffordshire Health and Well Being Board Strategy 'Living Well in Staffordshire 2013-2018'

- Health Improvement (including but not exclusively) diet, nutrition, smoking, physical activity, poverty (including Poverty & Licensing Policy)
- Specific health issues for old people
- Alcohol and drug issues
- Formal consultations
- Local partnerships (e.g. Newcastle Partnership)
- Matters referred directly from Staffordshire County Council
- Referring matters to Staffordshire County Council for consideration where a problem has been identified within the Borough of Newcastle-under-Lyme

RECOMMENDATIONS

1. That the Health Scrutiny Committee expands its remit to include health improvement and alcohol & Drug issues with new terms of reference agreed which should not contradict the Joint Code of Working with the County Council.
2. That the Membership of the Committee is extended to 11 Members and that a Vice Chair is appointed.
3. That Staffordshire County Council is notified of the new arrangements.
4. That the Committee is renamed the 'Health and Well-Being Scrutiny Committee.'

d). Scrutiny Committee Remits

A recommendation came from the Working Group for the remits of all the Scrutiny Committees to be listed on their work plans. This measure has now been implemented and each committee chair will ask their own committee to feedback on the current remits. . Any changes to these will be reported to Full Council.

e). Scrutiny Committee Mechanisms

RECOMMENDATION

The Working Group recommends that the word "overview" be removed from all scrutiny committee titles

f). Items on the Work Plan

RECOMMENDATION

That a Member of the Council is entitled to ask for an item to be included on the work plan of a committee and that the Chair must give a valid reason if this request is to be declined.

g). Public Question Time

The Constitution Working Group recognises that there is currently no provision for the public to be able to ask questions at a Scrutiny Committee meeting. The Working Group was of the

unanimous view that a member of the public should be able to serve notice of a question which falls within the remit of a Scrutiny Committee. The Working Group further proposes that a member of the public should be able to ask a question if they served it with two clear working days' notice. The chair would be able to use their discretion if the deadline was missed. The item allowing for a public question time would therefore become a standing one similar to apologies for absence. A limit of a total of three questions per meeting would be permitted, with the relevant chair having the ultimate decision on the permissibility of the questions (in order to avoid any legal issues arising). Consideration has also been given to whether the practice should be introduced to Cabinet meetings.

RECOMMENDATIONS

1. That Public Question Time for Scrutiny Committees and Cabinet is incorporated into the Council's Constitution.
2. That a member of the public should serve two clear days' notice in writing of any such question to the appropriate Committee Officer.
3. That the chair should assess the permissibility of the questions. The chair's decision will be final.
4. That a maximum of three public questions is asked at any one Scrutiny Committee meeting or Cabinet meeting, but no right of reply to the response will be permitted from members of the public, nor any follow-up questions by the original questioner or any other individual. The individual asking the question can ask one question only during the meeting
5. That a maximum time of three minutes is provided for each person to ask an initial question or make an initial statement to the Committee.
6. That a rule be included to disallow any questions that are deemed to be repetitious or vexatious.

h). Portfolio Holder Question Time

The Constitution Working Group acknowledges that Portfolio Holder Question Time has been trialled at some of the Scrutiny Committees and has been received favourably to date. It is not proposed that this become a standing item but could perhaps be held every six months or so at the discretion of the chair of each of the Scrutiny Committees. Portfolio Holder Question Time provides an opportunity for the Portfolio Holder to talk about their priorities and work objectives and a chance to inform the Scrutiny Committee of any issues or concerns that they may currently be facing within their portfolio. It is also an opportunity for them to flag up areas within their remit that they think may benefit from scrutiny in the future, including policy development. Portfolio Holder Question time is also an opportunity for scrutiny committee members to ask questions to the portfolio holder. This in turn could help inform the Committee's work plan, if appropriate.

RECOMMENDATION

That the concept of Portfolio Holder Question time at Scrutiny Committees is ratified in the Council's constitution.

i). **Chairing of Meetings**

Whilst the Constitution Review Working Group recognises that Member training and development is not strictly within their remit, the subject has arisen within the discussions. The Working Group recognises that some Scrutiny Chairs and Vice Chairs are fairly new in their positions. As a result, the Working Group wishes to ensure that all Scrutiny Chairs and Vice-Chairs are offered learning and development opportunities, which could include in-house training; observing meetings at other Councils; and attending official external courses. The Centre for Public Scrutiny also offers a number of useful guides.

RECOMMENDATION

That learning and development opportunities for Chairs and Vice-Chairs of Scrutiny be enhanced within current budget constraints.

j). **Cabinet Panels**

A definition of Cabinet Panels and their purpose has been received and considered by the Working Group. This has been revised and can be included as part of the proposals to amend the Constitution. This document is attached as an Appendix.

RECOMMENDATION

That Cabinet Panels be formally recognised in the Council's Constitution (detailing how and why they are set up; how their work is communicated; the need for terms of reference; and details on their membership)

k). **Dispensations**

The Constitution Review Working Group identified that Dispensations were not included in the Constitution. A document has therefore been produced and is attached as an Appendix. It outlines the purpose and effect of dispensations; the procedure for requesting them and the criteria applied in determining dispensation requests and the terms of these dispensations.

RECOMMENDATION

That Dispensations be added to the Constitution.

l). **Staffing – Terms of Reference**

The Constitution Working Group recommended that Item number 2...

"To make representations to the Local Government Association and/or the Government or other organisations about any matter relating to employees of the Council"...

be removed from the Constitution.

This has been proposed as the practice of the Council is for group leaders to raise matters relating to employees via their respective LGA political grouping.

RECOMMENDATION

That item 2 be removed from the Constitution

m). **Pre-Cabinet Scrutiny**

The Constitution Review Working Group acknowledges that pre-Cabinet scrutiny is an area where the Scrutiny process can have a positive impact. The pre-Cabinet approach can help inform decisions and reassure the Council that the decision making process is robust, fair and transparent. It is evident from looking at the work plans of all of the Scrutiny Committees that this is being developed already. The Working Group also wishes to include a statement in the Constitution that formally recognises the important function of pre-Cabinet Scrutiny.

RECOMMENDATION

That a statement be written into the Constitution formally acknowledging the importance of pre-Cabinet Scrutiny as a function of Scrutiny Committees.

n). **Policy Development**

The Working Group acknowledges that policy development is an important area where Scrutiny Committees can have a positive impact. Draft policies are often received by Scrutiny before being finalised, allowing Members to have an input into the process. As part of Portfolio Holder Question Time sessions, the Portfolio Holder is asked to consider areas that may benefit from the input of Scrutiny in the field of policy development. Whilst the Working Group acknowledges that policy development and review is already referred to as a Scrutiny function in the Constitution the Working Group also wishes Council to reaffirm this as an important part of Scrutiny's work

RECOMMENDATION

That Members reaffirm the importance of policy development as a part of the Scrutiny process.

o). **Officer Presentations at Scrutiny Committees**

The LGA Peer Review in 2013 recommended that officer presentations at Scrutiny Committees should be limited to 15 minutes. Whilst the Working Group sees a benefit in limiting presentations to allow a full debate by Members of each committee, it also believes that the Chair should have discretion to waive such a limitation if there is good reason to do so and that the recommendation should cover all presentations, not just those given by officers. The group was unsure as to whether a section relating to this should be included in the Constitution or whether it was sufficient to communicate this to those giving presentations at the time of their invitation.

RECOMMENDATION

That presentations to Scrutiny Committees be limited to 10 minutes unless permission is sought from the Chair to extend the time of the presentation before the start of the meeting.

p). **Changing the Constitution – Process**

The Constitution Working Group felt that there should be a nominated Council officer responsible for updating the Constitution. They also considered the definition of a 'minor change'. They concluded that 'minor changes' should be defined as administrative errors, typing mistakes, omissions etc and should only be taken to Council on annual basis, with changes made to the Constitution in the interim by the nominated officer.

The Constitution currently contains the following paragraph regarding approval of changes:-

'Changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer, save that the Monitoring Officer may make consequential changes to the Constitution, to reflect resolutions of the Council or Cabinet or decisions properly made under delegated powers and changes of fact and law subject to regular notification of Members to such changes.'

The group recommends that the following wording be removed:

'[o]r Cabinet or decisions properly made under delegated powers and changes of fact and law subject to regular notification of Members to such changes.'

Therefore, with the exception of consequential changes as defined above (including minor changes); it is only Full Council that can authorise a change in the Constitution. Committees and working groups can continue to recommend changes to Full Council. Any minutes which include decisions where changes to the Constitution are made will be sent to the nominated officer responsible for ongoing updates of the Constitution, and this will include policy changes and updates. Changes to the Scheme of Delegation relating to officers will be amended and recorded by the nominated officer subject to the approval of the Monitoring Officer. A change in the Scheme of Delegation relating to officers will be seen as a consequential change and therefore will not require approval by Full Council. Regular notification of such changes would be reported to Members in line with the current provision in the Constitution.

The Working Group were of the view that the Constitution should be made available in PDF format so it is easier to navigate and copies of the Constitution should be provided to newly-elected Members at their induction by the Democratic Services section.

RECOMMENDATIONS

1. That an officer is nominated to make the necessary approved changes to the Constitution.
2. That the following wording from the current Constitution relating to the approval of changes be removed:

'[o]r Cabinet or decisions properly made under delegated powers and changes of fact and law subject to regular notification of Members to such changes.'

3. That 'minor changes' to the Constitution should be defined as administrative errors, typing mistakes, omissions etc and should only be reported to Council on an annual basis, with the necessary changes made to the Constitution in the interim.
4. That any changes to the Scheme of Delegation relating to officers will be amended and recorded by the nominated officer subject to the approval of the Monitoring Officer. A change in the Scheme of Delegation relating to officers will be seen as a consequential change and therefore not require approval by Council.
5. That regular notification of changes in the Constitution will be reported to Members in line with the current provision in the Constitution
6. That, with the exception of 'minor changes' and consequential changes (as already defined within the Constitution), it is only Council that can authorise a change in the

Constitution. Committees and working groups can continue to recommend changes to Council.

7. That all changes to committee membership be reported to the next available Council, unless otherwise required

q). **Scheme of Delegations**

The Scheme of Delegation is currently being updated by relevant officers prior to being forwarded to Full Council for agreement

r). **Substitutes**

Full Council have already established their support for substitutes in principle. The Constitution Review Working Group has also looked at the actual process for substitutions. The Working Group propose that, at the Annual Council Meeting when the Membership for each Committee is put forward, that substitutes for each Committee are also confirmed.

The Working Group considered a number of options including

- That, for every Member on the each committee, there can be one substitute. For example, if there were 7 Labour Members, 2 Conservative Members and 1 Liberal Democrat, there would be 7 Labour substitutes, 2 Conservative substitutes and 1 Liberal Democrat substitute; and
- Not to have a substitute for every member on a committee

The Working Group also considered whether training for all substitutes will be required for regulatory committees.

In addition, nominated substitutes could represent any Member of the same political group.

The Working Group proposed that at least 24 hours notice should be served to the Chair of the Committee by the Member apologising. Where possible, it is the responsibility of the Member apologising to arrange a substitute and this responsibility should not be delegated to an officer of the Council.

RECOMMENDATIONS

1. That the principle of substitutes being nominated for Members missing committee meetings is agreed
2. That for every Member of a committee, there can be one substitute nominated
3. That any Member who is due to miss a meeting needs to inform the Chair of the relevant committee 24 hours before the committee is due to meet (and that it is the Member concerned who does this)
4. That at any one meeting there should be no more than two substitutes per political grouping present
5. That training is provided for nominated substitutes on regulatory committees

6. That, where there are Planning Committee site visits involved, substitutes should be allowed to attend and vote at the Planning Committee even if they have not been on the site visit

Transformation & Resources O & S Committee agreed to recommendations 1-5 but agreed that recommendation 6 should not be implemented at this time, pending further work on the implications of such as change.

s). **Employee Consultative Committee Constitution Change.**

RECOMMENDATION

That Section 1.1 of the Employees' Consultative Committee Constitution and Function be amended as follows:

The committee shall consist of 15 members, 7 of whom (hereinafter referred to as 'the Employer's Side) shall be appointed by the Borough Council and 8 of whom (hereinafter referred to as 'the Employees side) shall be employees appointed by the recognised trades unions in accordance with paragraph 13.

4. **Proposal**

The report provides a number of recommendations for Members to consider and the background to explain how the Constitution Review Working Group has come to put forward these recommendations. The Constitution Review Working Group's 'parent' Committee is the Transformation and Resources Overview and Scrutiny Committee which has also endorsed all of the recommendations listed in the report.

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

The Constitution governs the way the Council works. These changes are intended to enable the public, Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful. Improvements to processes are key to the corporate priority of becoming a Co-operative Council.

An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby also contribute to the Council's priority of becoming a Co-operative Council.

7. **Legal and Statutory Implications**

The Council is required by common law and statute (principally the Local Government Acts 1972 and 2000, and the Local Government and Housing Act 1989) to regulate its proceedings and to have an up to date Constitution which is fit for purpose.

8. **Major risks**

That the Constitution will be inaccessible, procedures will be inefficient or decisions are vitiated by reason of unlawful procedure with consequential damage to the reputation, finances and objectives of the Council.

10. **Financial Implications**

No significant additional resources will be required in relation to the recommendations. The Constitution provides the framework and rules for ensuring value for money.

11. **Key Decision Information**

The Constitution affects all decisions and therefore all wards. The majority of the Constitution deals with non-Executive matters.

12. **Key Decision Information**

The Constitution affects all decisions and therefore all wards. The majority of the Constitution deals with non-Executive matters.

13. **List of Appendices**

Cabinet Panels
Dispensations

14. **Background Papers**

The Constitution
Minutes of the Transformation and Resources Overview and Scrutiny Committee
Minutes of the Constitution Working Group

15. **Management Sign-Off**

Each of the designated boxes need to be signed off and dated before going to Executive Director/Corporate Service Manager for sign off.

| | Signed | Dated |
|--|---------------|--------------|
| Financial Implications Discussed and Agreed <i>Lead Officer – Dave Roberts</i> | | |
| Risk Implications Discussed and Agreed <i>Lead Officer –Mark Bailey</i> | | |
| Legal Implications Discussed and Agreed <i>Lead Officer – Mark Bailey</i> | | |
| Equalities Implications Discussed and Agreed <i>Lead Officer – Mark Bailey</i> | | |
| H.R. Implications Discussed and Agreed <i>Lead Officer –</i> | | |
| Report Agreed by: Executive Director/ Head of Service | | |

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|---------------------------------|--|
| <u>REPORT TITLE</u> | Proposed Changes to Electoral Arrangements |
| <u>Submitted by:</u> | Chief Executive – John Sellgren |
| <u>Portfolio:</u> | Communications, Policy and Partnerships Finance and Resources |
| <u>Ward(s) affected:</u> | All Wards |

Purpose of the Report

To advise the council of the proposals regarding changes to the election cycle for Newcastle under Lyme Borough Council and to outline the steps that need to be taken should the Council choose to amend this cycle..

Recommendations

- a) **That consultation on proposals to change the election cycle from thirds to whole council elections is 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.**

1. **Background**

Newcastle Borough Council currently elects members by thirds which means that there are elections every three years out of four involving NBC seats. The Council currently has 60 elected members representing 24 wards and each Councillor is elected for a term of four years.

The Local Government and Public Involvement in Health Act 2007 allows each Council the opportunity to consider passing a resolution to change to whole Council elections. Section 33 of the Act outlines the steps that must be taken. The Act states that a Council must not pass the resolution unless it “has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change”. The resolution must then be passed:

- a) At a meeting which is specially convened for the purpose of deciding the resolution; and
- b) By a majority of at least two thirds of the elected Members voting on it.

If the resolution is passed then the Council must produce an explanatory document available for public inspection and give the Electoral Commission notice that it has passed the resolution.

The resolution must specify the year for the first ordinary elections of the Council at which all Councillors are to be elected and the year specified must not be a County Council elections year. Therefore the first year for whole council elections must be specified.

2. **Issues**

Moving to all out elections could provide the following benefits:

- Greater political stability and ability to take a longer term view of policy implementation and decision making;
- Financial savings;
- More effective political management without the need for an annual election campaign;
- Improved corporate and strategic planning over a four year period;
- Better planning and delivery of member development programmes;
- Greater likelihood of contested elections and reduced likelihood of voter fatigue;
- Less confusion resulting from 'combinations' of elections for different organisations (e.g. Parliament; European Parliament; County Council; Borough Council and town/parish councils) and also the election for the Police & Crime Commissioner
- Potentially higher electoral turnout due to the more decisive nature of all out elections

Potential advantages of electing by thirds include:

- More opportunity for electors to vote and participate in local democracy;
- Greater consistency of councillors by reducing the potential for large scale change at the same time;
- A potentially greater mix of new and experienced councillors;
- Fewer candidates required for nominations, thereby reducing the chance of non-contested seats;
- Political make-up of the council is potentially more reflective of the changing views of the electorate;
- More opportunities for people to stand for election;
- Greater accountability as councillors are required to engage and defend decisions on a more regular basis; and
- Continuing to employ a method more familiar to voters

In terms of potential disadvantages, each approach may result in:

- Whole Council elections may be more complex to administer;
- The count for whole council elections would probably take longer and additional staff time may be required to deal with the likely increase in nomination papers;
- Additional postal votes and postal vote applications and filling of ballot boxes
- There may also be additional cost due to extra polling stations and staff being required.

Having set out these factors, however, these additional costs would however be outweighed by the fact that elections would only be taking place every four years (with the resulting cost savings that that will bring).

As said, should a resolution introducing whole council elections pass, then the year for whole council elections must be specified – this need not be the year after the resolution

is passed and consideration should be given to other elections happening that might coincide with a move to whole council elections.

3. **Options Considered**

Option A - that Council agrees to consult on whole council elections and also agrees to receive a further detailed report following this consultation in October 2014 (Recommended)

Option B - that the Council chooses not to consult and the current cycle of elections is retained (Not Recommended)

4. **Proposal**

That consultation on proposals to change the election cycle from thirds to whole council elections commences.

That this consultation runs from the beginning of July 2014 until the end of August 2014.

That the consultation process includes the following:

- A3 posters in 15 community centres, Jubilee 2, The Civic Offices, The Guildhall, Kidsgrove Leisure Centre and Kidsgrove Customer Service Centre.
- Article in the August edition of the Reporter Magazine
- Officer visits to Parish Council meetings, Town Council meetings and LAP meetings in July 2014.
- Gazebo at the Farmers Market in Newcastle Town Centre and Kidsgrove Town Centre.
- Publicity event in Kidsgrove library
- Extensive use of the Council website including an online consultation form
- Leaflets
- Facebook and Twitter

5. **Reasons for Preferred Solution**

The preferred solution is in line with the requirements of The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 and potentially offers the advantages set out in this report.

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

- Creating a Borough of opportunity
- A co-operative council delivering high quality, community driven services

7. **Legal and Statutory Implications**

The Local Government and Public Involvement in Health Act 2007, states that a district council currently subject to election by thirds or halves may resolve to change to whole Council elections under section 34 of the Act. Under the same Act, the Council may not resolve to move from elections by thirds to elections by halves.

Section 24 of the Localism Act 2011 amends the timetable for changing English district Councils' electoral schemes, enabling a Council to choose when their electoral cycle can change.

8. **Financial and Resource Implications**

The respective costs of the two electoral options for the period 2014 to 2020 are set out in the table below. Each whole council election will cost slightly more than each election by thirds as they involve elections across the whole Borough, but the overall saving stands at £330,000 during the stated period.

| | Elections By Thirds | Whole Council Elections |
|--|--|--|
| May 2015 | Costs split with Parliamentary (parliamentary only covers 17 Wards) £100,000 | Costs split with Parliamentary (parliamentary only covers 17 Wards) £105,000 |
| May 2016 | Split with PCC Elections £80,000 | |
| May 2017 | County Council Elections All monies reimbursed | |
| May 2018 | £160,000 Borough only Elections in 20 Wards | |
| May 2019 | Cost split with European Elections £80,000 | Cost split with European Elections £85,000 |
| May 2020 | Costs split with Parliamentary (parliamentary only covers 17 Wards) £100,000 | |
| TOTALS | £520,000 | £190,000 |
| Saving of £330,000 over the period 2015 to 2020 | | |

9. **Background Papers**

- The local Government and Public Involvement in Health Act 2007
- Section 24 of the Localism Act 2011