

Public Document Pack



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 July, 2014*** at ***7.00 pm***.

B U S I N E S S

- 1 Apologies**
- 2 Declarations of Interest**
- 3 MINUTES** **(Pages 7 - 12)**
To approve as a correct record the minutes of the meeting held on 4th June 2014.
- 4 Mayor's Announcements**
- 5 Budget 2014/15 - Virement Request** **(Pages 13 - 16)**
- 6 Changes to Committee Membership and Amendment to the Size of the Audit and Risk Committee** **(Pages 17 - 20)**
- 7 Revised Financial Regulations** **(Pages 21 - 24)**
- 8 Outside Bodies** **(Pages 25 - 42)**
- 9 COMMITTEE SUBSTITUTES**
Outstanding nominations will be requested from Groups Leaders prior to the meeting.
- 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 SCRUTINY COMMITTEES**

Chairs are requested to submit written reports to the Democratic Services Manager by Monday 14th July 2014.

- a) Finance, Resources and Partnerships Scrutiny Committee
- b) Active and Cohesive Communities Scrutiny Committee
- c) Cleaner, Greener and Safer Communities Scrutiny Committee
- d) Economic Development and Enterprise Scrutiny Committee
- e) Health and Wellbeing Scrutiny Committee

12 REPORTS FROM THE CHAIRS OF THE REGULATORY COMMITTEES

Chairs are requested to submit written reports to the Democratic Services Manager by Monday 14th July 2014.

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

13 QUESTIONS TO THE MAYOR, APPROPRIATE CABINET MEMBER OR COMMITTEE CHAIR

In accordance with Procedure Rule 11, questions must be submitted at least 24 hours in advance of the meeting to the Head of Business Improvement, Central Services and Partnerships. Any questions considered urgent will only be accepted with the agreement of the Mayor prior to the meeting.

14 MOTIONS OF MEMBERS (Pages 43 - 44)

A notice of motion other than those listed in section 10 of the Council procedure rules must reach the Chief Executive ten clear days before the relevant meeting of the Council.

15 RECEIPT OF PETITIONS

To receive from Members any petitions which they wish to present to the Council pursuant to Standing Order 17.

16 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



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

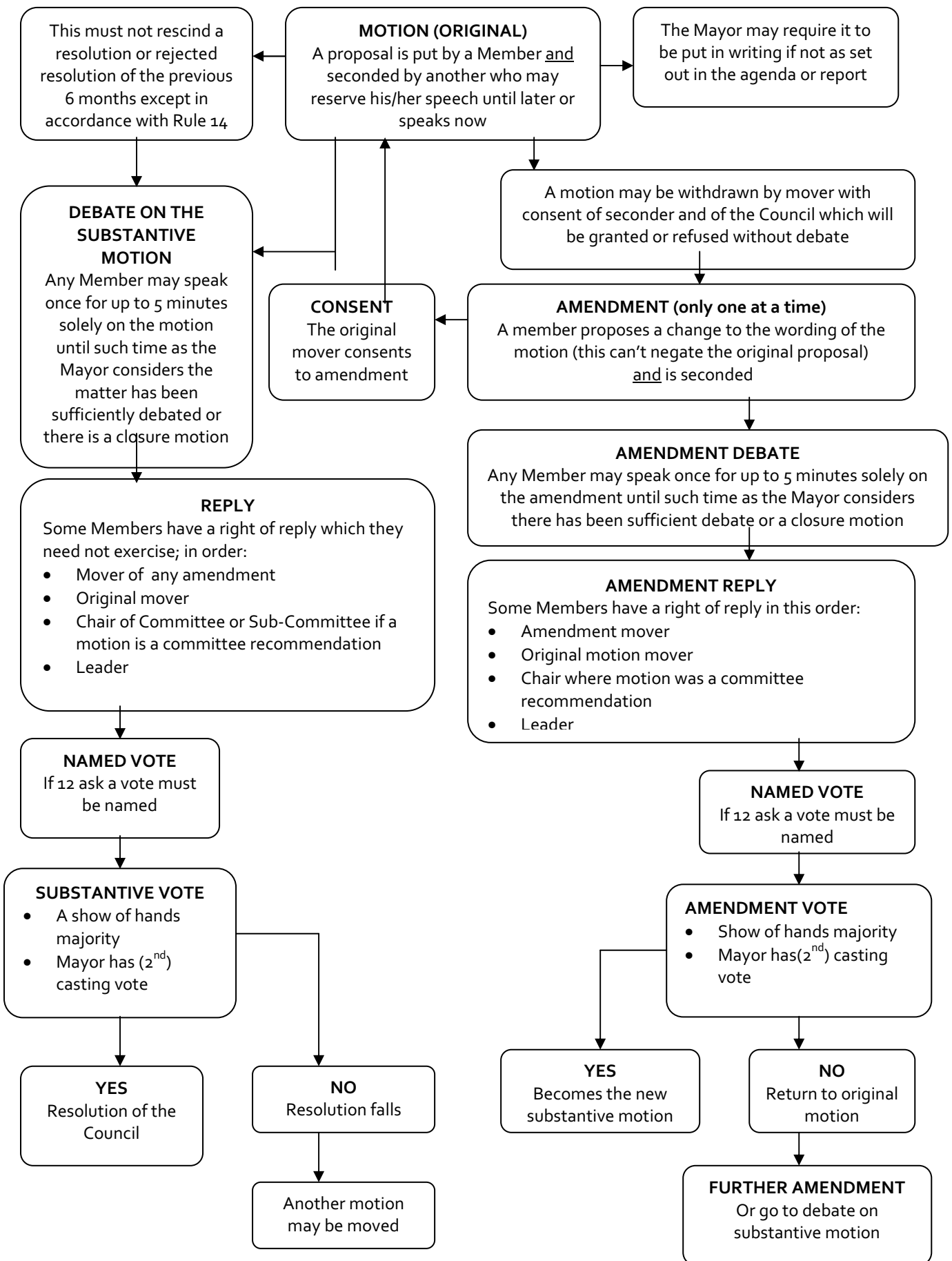
Please switch off all mobile phones before entering the Council Chamber.

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.



COUNCIL

Wednesday, 4th June, 2014

Present:- The Mayor, Mr Edward Boden – in the Chair
The Mayor, Mrs Linda Hailstones – in the Chair

Councillors Naylor, Miss Mancey, Kearon, Harper, Baker, Mrs Peers, Woolley, Miss Cooper, Mrs Burnett, Cooper, Mrs Astle, Eagles, Eastwood, Fear, Hailstones, Mrs Hailstones, Mrs Hambleton, Hambleton, Matthews, Mrs Heames, Mrs Heesom, Holland, Wallace, Mrs Johnson, Jones, Mrs Bates, Loades, Wilkes, Mrs Beech, Mrs Simpson, Northcott, Miss Olszewski, Owen, Mrs Burgess, Plant, Proctor, Miss Reddish, Robinson, Rout, Mrs Shenton, Allport, Stringer, Braithwaite, Sweeney, J Tagg, Tagg, Taylor.J, Turner, Miss Walklate, Bailey, Waring, Welsh, Wemyss, White, D Becket, Williams, Mrs Williams, Mrs Winfield, Stubbs and Huckfield

1. MINUTES OF THE PREVIOUS MEETING

Resolved: That the minutes of the previous meeting held on 16th April 2014 be agreed as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LONG SERVICE AWARD

The Mayor presented a long service award to Cllr Mrs Williams in recognition of her 21 years' service to the Borough Council and the people of Newcastle under Lyme.

4. ELECTION OF MAYOR 2014/2015

Cllr Sweeney proposed that Cllr Mrs Hailstones be elected as Mayor for the next municipal year; Cllr Jones seconded the proposal, all members voted in favour.

Resolved: That Cllr Mrs Hailstones be appointed as Mayor for the next municipal year

5. APPOINTMENT OF DEPUTY MAYOR 2014/2015

Cllrs Mrs Hambleton and Cllr Jones were both proposed as Deputy Mayor for the next municipal year. The vote was as follows:

Those in favour of Cllr Mrs Hambleton: 32
Those in favour of Cllr Jones: 16

Resolved: That Cllr Mrs Hambleton be elected as Deputy Mayor for the next municipal year.

6. MAYORAL APPOINTMENTS

The Mayor appointed the following for the next municipal year:

Consort: Peter Hailstones
High Constables: Alex Hailstones and Adam Howard
Chaplain: John Palmer
Mace Bearers: Carl Edworthy and Laurence Tagg

7. MAYORAL ADDRESS

The Mayor thanked her fellow Councillors and paid tribute to the great work carried out by the previous mayor and mayoress.

The Mayor stated that her charities for the next year would be the North Staffordshire Adventure Playground, The O'Connor Gateway Trust and the Royal British Legion.

8. VOTE OF THANKS TO THE RETIRING MAYOR AND MAYORESS

Cllr Stubbs proposed a vote of thanks to the retiring Mayor and Mayoress.

9. RESPONSE OF THE RETIRING MAYOR AND SUMMARY OF THE MAYORAL YEAR

The retiring Mayor thanked members and officers and in particular Mr Peter Whalan, Mr Geoff Durham, Mr Carl Edworthy and Mr Peter Shaw for all their hard work and support throughout the year. There had been over 270 mayoral engagements with a fantastic £8,500 raised for the Mayor's Charities which this year had been the North Staffs Special Adventure Playground and the Peter Pan Nursery.

10. MAYOR'S ANNOUNCEMENTS

The Mayor announced that the Annual Civic Church Service would be held at St Giles' church on the morning of Sunday 22nd June.

The mayor also brought to the attention of members that the 3rd Battalion of the Mercian Regiment, formerly known as the 'The Staffords' would be parading through the town centre on Wednesday 25th June.

11. APPOINTMENT OF CABINET AND DEPUTY LEADER

Cllr Shenton nominated Cllr Stubbs as Leader of the Council, this was seconded by Cllr Turner and agreed by all members.

Cllr Stubbs then appointed Cllr Shenton as Deputy Leader for the next municipal year.

Cllr Stubbs appointed the following to his Cabinet for the next municipal year:

Cllr Mike Stubbs: Communications, Policy and Partnerships
Cllr Elizabeth Shenton: Finance and Resources
Cllr Trevor Hambleton: Leisure, Culture and Localism
Cllr Ann Beech: Environment and Recycling
Cllr Terry Turner: Economic Regeneration, Business and Town Centres
Cllr Tony Kearon: Safer Communities

Cllr John Williams: Planning and Assets

Resolved: (a) That Cllr Stubbs be appointed as Leader of the Council for the next municipal year.

(b) That Cllr Shenton be appointed as Deputy Leader for the next municipal year.

(c) That the Cabinet for the next municipal year be as follows:

Cllr Mike Stubbs:	Communications, Policy and Partnerships
Cllr Elizabeth Shenton:	Finance and Resources
Cllr Trevor Hambleton:	Leisure, Culture and Localism
Cllr Ann Beech:	Environment and Recycling
Cllr Terry Turner:	Economic Regeneration, Business and Town Centres
Cllr Tony Kearon:	Safer Communities
Cllr John Williams:	Planning and Assets

12. **APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS 2014/2015**

A vote was taken and recorded in relation to the appointment of the following vice chairs where more than one nomination had been received:

Planning Committee:

Cllr Stringer – 32 votes - APPOINTED

Cllr Mrs Reddish – 14 votes

Public Protection Committee:

Cllr Proctor - 32 votes – APPOINTED

Cllr Mrs Walklate – 9 votes

Health and Wellbeing Scrutiny Committee:

Cllr Mrs Johnson – 33 votes -APPOINTED

Cllr Becket – 10 votes

The rest of the appointments for the Chairs and Vice Chairs were as listed in the appendix

Resolved: (a) That the appointments to committees be as listed in the appendix.

(b) That Cllr Stringer be appointed as Vice Chair of the Planning Committee

(c) That Cllr Proctor be appointed as Vice Chair of the Public Protection Committee

(d) That Cllr Mrs Johnson be appointed as Vice Chair of the Health and Wellbeing Scrutiny Committee

(e) That the rest of the appointments for the Chairs and Vice Chairs be as listed in the appendix.

13. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2014/2015

The Leader stated that there was a plan to review the current list of outside bodies that the Council appointed representatives to. It was recommended and seconded that the nominations put forward be put on hold pending the outcome of the review and that a report be submitted to a future meeting.

Where an appointment to an outside body was a portfolio holder or Leader/Deputy Leader appointment that would continue to be the case.

Resolved: (a) That where an appointment to an outside body was a portfolio holder or Leader/Deputy Leader appointment that this be continued.

(b) That the remainder of the appointments be put on hold pending the outcome of a review into outside bodies.

14. REPORT - HONORARY ALDERMEN

A report was submitted to ask the Council to consider whether to adopt the principle of conferring the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Members of the Council, but who were no longer serving Members of the Council.

Resolved: That Council agrees to the principle of conferring of the title of Honorary Alderman on persons who meet the criteria.

15. CALENDAR OF MEETINGS 2014 - 2015

Resolved: That Council agrees to the dates and times of the meetings as listed at the appendix.

16. REPORT - ENFORCEMENT POLICY

The Portfolio Holder for Waste and Recycling introduced the report and thanked Head of Environmental Health for the hard work that had gone into the preparation of the policy.

There was some concern expressed by members that there had been little opportunity for back bench members to discuss the policy and make comments.

It was proposed that the item be deferred to a future meeting, the proposal was seconded and a vote taken with 7 members voting in favour of deferment, the motion fell and debate returned to the substantive motion.

Resolved: That Council agrees to the proposed Enforcement Policy as set out in Appendix A and that the policy be adopted.

17. REPORT - DELEGATION OF AUTHORITY

Resolved:

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

Public Protection Committee

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

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

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

18. UPDATE ON PETITION SUBMITTED TO THE LAST MEETING OF FULL COUNCIL BY RESIDENTS OF MILES GREEN

Resolved: That the petitioners be advised that the request to include land at Heathcote Road, Miles Green, within the North Staffordshire Green Belt can only be given due consideration through the process of preparing the new joint Local Plan, in accordance with the statutory town planning process.

CHAIR

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO COUNCIL

Date 16 July 2014

1. **REPORT TITLE** **Budget 2014/15 – Virement Request**
- Submitted by:** **Executive Director (Resources and Support Services)**
- Portfolio:** **Finance and Resources**
- Ward(s) affected:** **All**

Purpose of the Report

To seek full Council's approval for the virement of monies to pay for costs of appeals that have recently been received against the decisions by the Planning Committee to refuse two planning applications.

Recommendation:

That Council approves funding of £75,500 from the Revenue Investment Fund and £36,500 from the Budget Support Fund to meet the costs and expenses of the appeals.

Reasons

To conform with the rules regarding virement that are set out within the Council's financial regulations.

1. **Background**

- 1.1 Appeals have recently been received against the decisions by the Council to refuse the following two planning applications:
- Residential development on land at the end of Gateway Avenue, Baldwins' Gate (Ref. 13/00426/OUT), and
 - Student accommodation and residential development at The Hawthornes and Keele Campus, Keele (Refs. 13/00424/FUL & 13/00425/CON).
- 1.2 The appeals are to be determined by means of Public Local Inquiries and given the number of reasons for refusal (10 in the Gateway Avenue case and 5 in the Keele case), the Council will need to call a number of witnesses to give evidence in support of the Council's case and will have to appoint legal representatives.
- 1.3 This report outlines an estimate of the likely costs to the Council of defending these appeals and outlines the options for funding these costs. Paragraph A15 of the Council's financial regulations states that, "the Executive Director (Resources and Support Services) is responsible for advising the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget". A number of actions are

listed as being 'contrary to the budget', one of which is "incurring interdepartmental transfers above virement levels". Paragraph A23 of the regulations states that:

"The Full Council shall determine the limits, above which a Director may not approve virement without reference to the Full Council....." The current "limit" in the financial regulations for reference to Full Council is anything above £50,000.

2. **Issues**

- 2.1 The estimated total costs to the Council of defending the Gateway Avenue appeal would be approximately **£67,500** and for the Hawthorns and Keele Campus appeal approximately **£60,000**.
- 2.2 These estimates cover the cost of consultants to produce full statements of the cases and proofs of evidence; the costs and expenses of the attendance of witnesses at the Inquiries; and the fees and costs of the Council appointing barristers. It is anticipated that the majority of these costs will be defrayed in the current financial year.
- 2.3 There is also a possibility that the Council may be exposed to an award of costs against it if the Inspector finds that the Council has behaved unreasonably on one or more grounds of the appeals. Whilst it may be premature to make specific provision for any such costs award at this stage members should be aware that there is a risk of this arising and a further report to identify funding options would be brought to Council at that time.

3. **Options Considered**

- 3.1 The costs outlined in Section 2 - **£127,500** – significantly exceed the virement limit of £50,000 referred to in paragraph 1.3.
- 3.2 The current budget includes a provision of £15,500 to spend on external advice in respect of planning matters, primarily to cover appeal-related costs. This was reduced a number of years ago based on the fact that little or no expenditure of this nature has been incurred since the recent global recession.
- 3.3 There options for the Council to consider in respect of funding this budget gap are:
- 3.4 **General Fund Balance** – this exists to meet the cost of any unexpected adverse occurrences affecting the General Fund revenue budget. The balance as at 31 March, 2014 is £1.2m which is in line with the current reserves and balances strategy. If this were to be utilised it would have to be replenished as part of the 2015/16 budget process and would place further pressures on the Council's revenue budget resulting in further savings having to be identified on top of the projected gap of £1.6m.

There could also be significant other pressures in 2014/15 relating to the following issues:

- Kidsgrove Sports Centre is continuing to operate at a significant net overspend primarily due to income shortfall.
- Commissioning a master-plan in relation to council-owned land at the former Keele Golf Course and environs.
- Changes that have recently taken place in respect of waste regarding how the Council is reimbursed for the costs of its street sweepings.
- Savings in respect of the 2014/15 budget that may not materialise.

- The continuing effects of the current economic conditions on sources of income;

All these matters are being closely monitored and members will be kept informed.

- 3.5 **Contingency Reserve Fund** – this is used to finance expenditure in respect of non-budgeted expenditure that may arise in the future. The balance as at 31 March 2014 is £291,000. A sum of £76,000 out of this is already committed to fund the production of the local plan as agreed by Council on 26 February 2014. A minimum amount of £100,000 has to be maintained in this reserve in accordance with the current reserves and balances strategy. Therefore, a balance of £115,000 is available.
- 3.6 **Budget Support Fund** – this was created by crediting to it surpluses arising on the General Fund Revenue Account. It is used to support the revenue budget and the “Invest to Save” initiatives. The balance as at 31 March 2014 is £333,000.
- 3.7 **Revenue Investment Fund** – this was set up as part of the 2013/14 budget process to fund projects in support of corporate priorities. The balance as at 31 March 2014 is £89,000 with an additional contribution of £100,000 being agreed by Council for 2014/15. Of this £189,000 commitments of £113,500 have been made. Therefore, an uncommitted balance of £75,500 is available.
- 3.8 **Identifying savings from other council budgets** – an exercise could be undertaken to ascertain whether any further savings can be found in the current year. This would almost inevitably have an adverse affect on service provision. Also, the savings currently being worked on as part of the Newcastle 2020 exercise will be required to fund the projected budget gaps over the next few years.

4. **Proposals**

- 4.1 It is proposed to allocate funding from the following sources as follows:

	£
Current budget provision	15,500
Revenue Investment Fund	75,500
Budget Support Fund	<u>36,500</u>
	<u>127,500</u>

To meet the costs and expenses of the appeals.

- 4.2 This would leave the following uncommitted balances on the various funds:

	£
Revenue Investment Fund	-
Contingency Reserve Fund	215,000
Budget Support Fund	257,500

5. **Reasons for Preferred Solution**

- 5.1 These are the proposals that have the least impact in the short term on the General Fund Revenue budget and current service provision.

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

- 6.1 The Council’s budget impacts on all the Council’s corporate priorities.

7. **Legal and Statutory Implications**

7.1 The Executive Director (Resources and Support Services) as the Council's Section 151 Officer has the responsibilities for keeping under review the financial affairs and administration of the Council.

7.2 In respect of the budget, the Section 151 Officer has to be of the opinion that it is robust and that the Council's Revenue Reserves are adequate to support it.

8. **Equality Impact Assessment**

Not applicable.

9. **Financial and Resource Implications**

9.1 This additional expenditure puts further pressure on the Council's finances. The budget report approved by full Council on 26 February 2014 stressed the challenges that lay ahead for the Council to meet budget gaps of approximately £5m over the next few years. Any further appeals of this scale and nature would severely stretch the Council's limited resources.

9.2 In addition to the direct costs identified as part of this report, the appeals will mean a significant amount of additional officer time being spent, in particular from officers within the planning, legal and democratic services sections.

10. **Major Risks**

10.1 That the estimated costs are exceeded.

10.2 That the Inspectors in either or both of these appeals decide to award costs against the Council in addition to the costs cited above.

10.3 That further appeals of this scale and nature are made against future decisions taken by the Planning Committee.

10.4 That other in-year pressures on the General Fund materialise.

11. **Earlier Cabinet/Committee Resolutions**

Revenues and Capital Budgets and Council Tax 2014/15 – approved by Council on 26 February 2014.

Application for Major Development – Land off Gateway Avenue, Baldwins Gate – Planning Committee 18 February 2014 and 3 April 2014.

Application for Major Development – The Hawthorns, Keele – Planning Committee 19 November 2013 and 10 December 2013.

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

Purpose of the Report

To request that Council increases the number of members of the Audit and Risk Committee from five members (plus an independent member) to seven members (plus an independent member).

To request that Council agrees to the requested changes to the Membership of the Health and Wellbeing Scrutiny Committee; the Cleaner, Greener and Safer Communities Scrutiny Committee; and the Finance, Resources and Partnerships Scrutiny Committee.

Recommendations

- 1. That the size of the Audit and Risk Committee is increased to seven elected members (plus one independent member – Mr Phil Butters).**
- 2. That, in line with the Council’s rules relating to political balance, a nomination is sought from the Labour Group for one of the additional places on the Audit and Risk Committee**
- 3. That, in line with the Council’s rules relating to political balance, a nomination is sought from the Conservative Group for one of the additional places on the Audit and Risk Committee**
- 4. That the following changes in membership of committees are agreed as follows:**
 - I. That Cllr Kyle Robinson replaces Cllr David Allport on the Cleaner, Greener and Safer Communities Scrutiny Committee**
 - II. That Cllr David Allport replaces Cllr Kyle Robinson on the Health and Wellbeing Scrutiny Committee.**
 - III. That Cllr Amelia Rout is appointed to the Finance, Resources and Partnerships Scrutiny Committee.**

Background

The Council’s Constitution states (Part 2, Section 4.4 (v)) under Functions of the Full Council that:

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

And at Appendix a 2(d);

‘Agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them subject to the Local Government (Committees and Political Groups) Regulations 1990. In the event of changes to political balance, the Chief Executive shall have the

authority to amend the appointments to comply with the rules of political balance in accordance with the wishes of the group leaders’

These sections of the Constitution relate, therefore, to the recommendations set out in this report.

Issues

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

Committee Membership Changes: Health and Wellbeing Scrutiny and Cleaner, Greener and Safer Communities Scrutiny

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

- That Cllr Kyle Robinson replaces Cllr David Allport on the Cleaner, Greener and Safer Communities Scrutiny Committee
- That Cllr David Allport replaces Cllr Kyle Robinson on the Health and Wellbeing Scrutiny Committee.

Finance, Resources and Partnerships Scrutiny Committee

At the Annual Meeting, Cllr Trevor Hambleton was nominated to sit on the Finance, Resources and Partnerships Scrutiny Committee. As Cllr Hambleton has now been appointed to the Cabinet, Cllr Amelia Rout is nominated to replace him.

Audit and Risk Committee

At the Annual Meeting, it was agreed that there would be five members of the Audit & Risk Committee (plus one independent member). CIPFA guidance states that Audit & Risk Committees should consist of between five and seven members (plus an independent member).

In order to facilitate the effective and efficient running of this Council’s Audit & Risk Committee, therefore, it is recommended that the size of the Audit & Risk Committee is increased to seven elected members (and one independent member).

This change in size, if approved, will require an additional Labour Group nomination and an additional Conservative Group nomination to the Committee. As these nominations are required to maintain the political balance on the Audit & Risk Committee, they can be confirmed by the Chief Executive in consultation with the appropriate Group Leaders.

Legal and Statutory Implications

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

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

- (a) All seats on a committee cannot be allocated to the same political group;

- (b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
- (c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;
- (d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.

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

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

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

And at Appendix a 2(d);

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

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE COUNCIL

16 July 2014

1. Revised Financial Regulations

Submitted by: Head of Finance

Portfolio: Finance and Resources

Ward(s) affected: All Indirectly

Purpose of the Report

To approve the revised Financial Regulations and Procedures.

Recommendations

(a) That the revised Financial Regulations and Procedures be approved.

Reasons

The Council's Financial Regulations and Procedures need to be reviewed regularly and revised where necessary so that they reflect the current structure and requirements of the Council.

1. Background

- 1.1 Financial Regulations are designed to ensure that the Council's financial affairs are conducted in a proper, standardised and accountable manner. They set out for officers and members the practices and procedures which must be followed when dealing with financial and allied matters.
- 1.2 The Regulations comprise Key Regulations and associated Financial Procedures. The Key Regulations set out the general principles which are to be followed and the Financial Procedures set out in detail the procedures which must be followed. This is in accordance with the best practice format as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 1.3 As part of the arrangements to ensure good corporate governance of the Council, a review of the Regulations is now carried out on an annual basis. Following this year's review some minor amendments have been made. Accordingly, revised Regulations have been compiled and are now submitted for your consideration and approval.

2. Issues

- 2.1 In the interest of efficiency, the whole document (65 pages) has not been circulated with the report. A full copy of the Regulations, showing the track changes which have been made, compared to the current Regulations, is available in the Members Room and a copy has also been placed on the Members' Intranet site.

2.2 The main changes are:

- Reference to the Head of Human Resources changed to Acting Head of Human Resources;
- Reference to the Head of Central Services changed to Monitoring Officer and Head of Business Improvement, Central Services and Partnerships;
- Reference to the Head of Regeneration and Assets changed to the Executive Director (Regeneration and Development);
- Reference to the Human Resources Strategy changed to the Workforce Development Plan;
- Reference to the Transformation and Resources Overview and Scrutiny Committee changed to the Finance, Resources and Partnerships Scrutiny Committee;
- Reference to the Risk Management Group changed to the Corporate Governance Working Group;
- Reference to the Government Code of Connection changed to the Public Services Network (PSN) and the Government Protective Marking Scheme (GPMS) changed to the Government Security Classifications Scheme (GSCC);
- Reference to written approval, updated to include approval/authorisation by email (1.13);
- An addition to A29 to require the Audit and Risk Committee to consider the External Auditor's "audit findings" report;
- An amendment to B2, with reference to the Chief Executive being responsible for proposing a Sustainable Community Strategy and Performance Plan changed to being responsible for proposing a Council Plan;
- An amendment to B13, B15 and Bf6(d) to remove the need to use a Benefit Management Model for projects where no budget exists and replace this with the need for a business case and the project lead being expected to monitor the realisation of benefits;
- An addition to C14 and Cm2(c) to require the Audit and Risk Committee to receive the Treasury Management Annual report prior to it being submitted to Full Council;
- An addition under Grants (Ah2) to require officers to give consideration to the potential claw back of grants and the risks, impact and likelihood of this occurring;
- Capital Programme (Bf5) removal of the need for a benefit card attached to reports for schemes estimated to cost in excess of £20,000;
- An addition to Petty Cash (Ci3) to state that staff cannot use Loyalty cards and the Petty Cash rules added to the Financial Regulations as an Appendix;
- An addition under Staffing Co2(d) to require the Acting Head of Human Resources to compile and keep up to date a Pay Policy Statement in accordance with Section 38 of the Localism Act 2011;
- Information Security (Dc1b), amended to state that back-up information is to be stored securely electronically at a different location (previously fire proof alternative location);
- An addition to Information Security Dc1(g) to require all unwanted ICT equipment to be returned to ICT for secure disposal;
- An amendment to Dh4 to confirm that we will accept debit or credit card payments when acting as a collecting agent on behalf of another organisation, only if they meet all of the associated processing fees;
- An addition to Payment by Credit/Debit card (Dh7) to require the Council's compliance with the Payment Card Industry (PCI) Data Security Standards (DSS);
- A new entry in respect of Direct Debit Collection (Di1-Di3);
- Deletion of Dr2 (under Contracts) which required Directors to inform the Executive Director (Resources and Support Services) at requisition stage that it relates to a contract and confirming the retention figure. The Audit Manager confirmed that this process is no longer relevant;
- A change to Dr7 to state that requisitions and orders in excess of £50,000 are to be approved by the Chief Executive or the Executive Director (Resources and Support Services), this was previously in relation to Standing Order for contracts;

- Minor changes to Dr (Requisitioning and Ordering of Works, Supplies and Services) and Dt (Paying for Work, Supplies and Services) following the change of Financial System from Agresso to Civica resulting in new processes;
- A new entry under Trading Accounts (Dw3) regarding proposals to establish alternative delivery vehicles;
- Minor amendments to explanatory note wording and correction of reference numbers.

3. **Legal and Statutory Implications**

3.1 There are none.

4. **Financial and Resource Implications**

4.1 There are none.

5. **Major Risks**

5.1 There are none.

6. **List of Appendices**

6.1 A hard copy of the document showing the changes is available in the Members' Room and a copy has also been placed on the Members' Intranet site.

7. **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		
Risk Implications Discussed and Agreed		
Legal Implications Discussed and Agreed		
H.R. Implications Discussed and Agreed		
ICT Implications Discussed and Agreed		
Report Agreed by: Executive Director/ Head of Service		

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REVIEW OF THE LIST OF OUTSIDE BODIES

Submitted by: Head of Business Improvement, Central Services & Partnerships
(Mark Bailey)

Portfolio: Finance & Resources

Ward(s) affected: All

Purpose of the Report

To set out the review of the Council's 'List of Outside Bodies', as agreed at the Council's Annual Meeting on 4th June 2014. The report includes a working definition for an 'Outside Body' as well as criteria for the Council to nominate Members to be a part of these outside bodies. Based on the criteria established in this report of the existing 'List of Outside Bodies', a number of changes have been made to the existing List of Outside Bodies and these are to be found at Appendix A.

RECOMMENDATION:

Council is asked to consider the contents of the report and approve the changes proposed to the 'List of Outside Bodies' (found at Appendix A).

Council is asked to agree that no additional bodies should be added to the list unless they meet the criteria set out in this report.

Council is also asked to note the issues raised in the report, especially in relation to those outside bodies identified in the report.

Reasons

The existing 'List of Outside Bodies' includes around 80 such organisations on which Members are currently nominated to represent the Council. In order to ensure that resources are used efficiently, a review has been carried out and the list amended accordingly.

Background

At the Full Council meeting on 4 June 2014 it was agreed that the 'List of Outside Bodies' document (presented at Annual Council each year) should be reviewed, with nominations frozen until this had been undertaken.

Any councillor serving on an Outside Body, therefore, would also remain in post during this review period.

The reasons for this review were:

- To explore the sustainability of nominating elected members to serve on various outside bodies. The existing list now totals around 80 community groups, third sector institutions plus local, regional and national organisations. This represents a large amount of resources for a council of this size to commit.
- To determine a process for adding and removing Outside Bodies to and from the list.
- To reduce the amount of administrative time taken in managing the nominations annually.

- To review the financial implications of NULBC Members attending Outside Body meetings, as – currently – Members can claim mileage and subsistence as part of their role in attending these meetings. In addition, the Council – in some cases – pays subscriptions to certain organisations and is also involved in the financial management processes of some Outside Bodies (with potential implications in relation to liability and other related financial matters)
- To review the existing governance arrangements around existing Outside Bodies to establish whether they are fit for purpose and align with the Borough Council’s stated desire to be an organisation which is “open and transparent” in its decision making
- To ensure that nominees are the relevant representatives for that Outside Body in terms of location or role.
- To ensure that the Council is informed on a regular basis of the work of each Outside Body listed – this would usually be in the form of a report from the Member representing the Council either annually or regularly as circumstances demand

Process

Following the Council’s agreement to review the ‘List of Outside Bodies’ (see above), the List itself has been examined in terms of any required changes and/or removals based on the above criteria.

As part of this work, it was suggested that a ‘definition’ of what constitutes an Outside Body may ensure that, going forward, only groups that conformed to this definition could be included on the nomination list.

It is therefore suggested that an ‘Outside Body’ for the purposes of this exercise be defined as:

One where there is a pecuniary or physical asset of the Borough Council being managed by the Outside Body which requires either oversight or input from the Borough Council and/or where the Borough Council benefits – either directly or indirectly - from local/ regional/national representation through being part of an appropriate organisation/association designed to provide representative or advocacy services to or on behalf of the Borough Council, or where the Borough Council may be in a position to learn from others in terms of its own development

All Outside Bodies were researched to ascertain whether they met with this definition. In addition background information on the organisation itself was obtained, along with details of how appointments had been made historically.

Findings

Community Groups

Community Centres

In the relevant Cabinet report (January 2014) it was agreed that “Ward members automatically become the Council’s nominated representatives for community centres situated within their wards for the period of their office, negating the need to make specific nominations each year.” The only exception to this is Bradwell Lodge which is a company limited by guarantee, where their constitution only permits one councillor to sit on the board.

Residents Associations

Many of these groups are financed and/or supported by other organisations e.g. Aspire Housing. The membership is open to all residents in a particular area, which automatically includes councillors.

Friends Groups

The nomination list shows that, although the Council may nominate to these organisations, it does not have automatic right of representation and it is at each organisation's discretion whether to appoint a Councillor nominated in this way. These groups operate in a similar way to Residents' Associations, and membership is open to all interested members of that particular community.

Third Sector

With the introduction of the Borough Council's Third Sector Commissioning Framework there is now a clear process in place for monitoring funding of a number of third sector organisations (e.g. Arch)

Many of the charities on the list are a legacy from Mayoral involvement spanning back over a period of years and should therefore be removed as they do not conform to the definition of an Outside Body as set out in section 2 of this report and also come under the 'reasons for review' as set out in section 1.

There are some specific Third Sector organisations which can remain on the list (e.g. VAST) as they conform to the definition of Outside Bodies as set out in this report

Local, Regional and National Organisations

The majority of these appointments relate to specific roles within the council such as the Leader or a Portfolio Holder – examples include the Local Government Association and the District Councils Network

Locality Action Partnerships - The LAP constitutions state that membership is open to "*Any County or District Councillor representing any part of the area*" - this negates the need to make specific nominations annually.

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Outside Bodies – Community Groups

	Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2014/15
	Community Centres Management Committees: Audley Butt Lane Chesterton Clayton Crackley Harriet Higgins Holly Road Knutton Marsh Hall Red Street Silverdale, Park Road Silverdale, Social Centre Whitfield Wye Road	3 on each	Community	Ward members automatically become the Council's nominated representatives for community centres situated within their wards for the period of their office, negating the need to make specific nominations each year	N/A
	Bradwell Lodge Centre Management Committee Limited <i>(constitution only permits one councillor to sit on the board)</i>	1	Community		

Page 28	Audley Community Centre Management Committee	3	Community	Mrs Beech Mrs Cornes Wilkes	
	Bradwell Lodge Community Centre	2	Community	Mrs Hambleton Cooper	
	Bradwell Residents Group	3	Community	Mrs Hambleton Hambleton Plant	
	Butt Lane Community Centre Management Committee	3	Community	Mrs Burgess Robinson Taylor	
	Chesterton Community Centre Committee	3	Community	Boden Mrs Johnson Mrs Simpson	
	Clayton Community Centre Management Committee	2	Community	Mrs Heames Sweeney	

	Crackley Community Centre Management Committee	3	Community	Boden Mrs Johnson Mrs Simpson	
	Friends of Bateswood Park	4	Community	Mrs Beech	
	Friends of Bathpool Park*	4	Community	Mrs Astle	
	Friends of Brampton Museum	4	Community	M Taylor	
	Friends of Clough Hall Park	2	Community	Mrs Burgess Robinson	
	Friends of Madeley Pool*	4	Community	White	
	Friends of Porthill Dingle	4	Community	Miss Cooper	
	Friends of Thistleberry Park*	4	Community	Miss Reddish	
	Friends of Wolstanton Park*	4	Community	M Olszewski	
	Harriet Higgins Community Centre Management Committee	3	Community	Jones Miss Reddish Miss Walklate	
	Holly Road Community Centre Management Committee	3	Community		

Knutton Community Centre Management Committee	2	Community		
Marsh Hall Community Centre Management Committee	3	Community	Bannister Matthews Tagg	
Park Road, Silverdale Community Centre Management Committee	2	Community		
Ramsey Road Community Centre Management Committee	3	Community	Winfield Williams Mrs Williams	
Red Street Community Centre Management Committee	3	Community	Boden Mrs Johnson Mrs Simpson	
Silverdale Social Centre Community Centre Management Committee	2	Community	Gairns Rout	
Thistleberry Residents Association*	4	Community		

	Whitfield Community Centre Management Committee	3	Community	Jones Miss Reddish Miss Walklate	
	Wolstanton Residents Group	3	Community	Eastwood Olszewski Miss Olszewski	
	Wye Road Community Centre Management Committee	3	Community	Fear P Hailstones Miss Mancey	

* ~~Although the council may nominate to these organisations, it does not have an automatic right of representation and it is up to the organisation itself to determine whether to make the appointment.~~

Outside Bodies – Third Sector

	Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2014/15
	Age Concern North Staffordshire	4	Third Sector		
	Citizens Advice Bureau Management Committee	4	Third Sector	Turner	
	Community Council for Staffordshire	1	Third Sector		TBC
	Newcastle Chamber of Trade – Executive Board	1	Third Sector	PORTFOLIO HOLDER FOR ECONOMIC REGENERATION, BUSINESS & TOWN CENTRES	CLLR TURNER
	Newcastle-under-Lyme Almshouses Charity Trustees	3	Third Sector	Mrs Williams Williams Mrs Winfield	
	Newcastle-under-Lyme Community & Voluntary Support VAST	2	Third Sector		LEADER

	Newcastle-under-Lyme Sports Council	12	Third Sector	Mrs Winfield Williams Mrs Williams Mrs Hambleton Kearon Mrs Shenton Mrs Walklate Wilkes Bannister Miss Mancey Mrs Heesom Sweeney	UNDER REVIEW
	North Staffs Relate	4	Third Sector	Miss J Cooper	
	North Staffs Special Adventure Playground for the Handicapped	1	Third Sector	Mrs Hambleton	CHARITY (PREMISES IS ON NBC OWNED LAND)
	North Staffs Victim Support	1	Third Sector		PORTFOLIO HOLDER FOR SAFER COMMUNITIES
	Sir John Offley Almhouses Trust	1	Third Sector	Welsh	
	Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)	1	Third Sector		LEADER
	The Lady Katherine and Sir Richard Leveson Charity	4	Third Sector	Vacant	

The United Charities Trust	4	Third Sector	Mrs Walklate Mrs Williams Snell Mrs Winfield	Terms of office expire November 2016
Trustee of Maddock, Leicester and Burslem Education Charity	1	Third Sector	D Clarke	Term of office expires May 2014
Wenger House Committee	1	Third Sector	Mrs Shenton	

Outside Bodies – Local, Regional and National Organisations

	Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2014/15
	Aspire Board	1	Local Body	Mrs Hambleton	
	Aspire Housing Board	1	Local Body	Eastwood	
	Barracks Trust of Newcastle	4	Local Body	Mrs Shenton	
	Campaign to Protect Rural England	1	Regional Body		
	The Industrial Communities Alliance (formerly the Coalfield Communities Campaign)	1	National Body		PORTFOLIO HOLDER FOR REGENERATION, BUSINESS AND TOWN CENTRES
	Local Government Association – General Assembly	1	National Body	Leader	
	Local Government Association – Rural Commission	1	National Body	Leader	
	Local Government Association – Urban Commission	1	National Body	Portfolio Holder for Regeneration, Planning and Town Centres	

Locality Action Partnerships: Audley Butt Lane Betley, Keele and Madeley Clayton Poolfields, Thistleberry and Town East Newcastle Greater Chesterton Kidsgrove Newcastle Rural Partnership of Western Communities	N/A	Local body		ANY COUNTY OR DISTRICT COUNCILLOR REPRESENTING ANY PART OF THE AREA SEE REPORT
BUTT LANE Locality Action Partnership	2	Local Body	Robinson (Butt Lane) Turner (Kidsgrove)	
CLAYTON, POOLFIELDS, THISTLEBERRY & TOWN Locality Action Partnership	4	Local Body	Sweeney	
AUDLEY Locality Action Partnership	4	Local Body	Mrs Cornes	
BETLEY, KEELE & MADELEY Locality Action Partnership	4	Local Body	Becket	
NEWCASTLE RURAL Locality Action Partnership	4	Local Body	Loades	
KIDSGROVE Locality Action Partnership	4	Local Body	Gairns	
GREATER CHESTERTON Locality Action	4	Local Body	Mrs Johnson	

EAST NEWCASTLE Locality Action Partnership	4	Local Body	S Tagg	
PARTNERSHIP OF WESTERN COMMUNITIES Locality Action Partnership	4	Local Body	Mrs Williams	
Locality Action Partnership – Area 9 (Poolfields, Thistleberry and Town)	4	Local Body	Miss Reddish	
Newcastle Town Centre Partnership	1	Local Body		PORTFOLIO HOLDER FOR REGENERATION, BUSINESS AND TOWN CENTRES
Newcastle-under-Lyme Partnership (Local Strategic Partnership) (Strategic Board)	1 + sub	Local Body	Leader (substitute Deputy Leader)	
North Staffs LIFT Strategic Partnership Board	4	Local Body	Portfolio Holder for Stronger & Active Neighbourhoods	WAS A PCT COMMITTEE – NOW DEFUNCT
Staffordshire and Stoke-on-Trent Local Enterprise Partnership	4	Local Body	NBC currently does not have nomination rights	
Staffordshire County Council Health Scrutiny Committee	1	Local body	Chair of Health Scrutiny	

Staffordshire Health and Wellbeing Board	4	Local Body	NBC does not currently have nomination rights	
Staffordshire LGA – Staffs Connects	1	Local Body		LEADER
Staffordshire LGA – Waste Board	1	Local Body		PORTFOLIO HOLDER FOR ENVIRONMENT & RECYCLING
Staffordshire Planning Forum	2 + sub	Local Body	Chair of Planning and Portfolio Holder for Regeneration, Planning and Town Centres (substitute Vice-Chair of Planning))	
Staffordshire Playing Fields Association	1	Local Body	Vacant	TO BE CONFIRMED
Staffordshire Police and Crime Panel	1+ sub	Local Body	Portfolio Holder for Safer Communities	
Stoke-on-Trent and Staffordshire Strategic Partnership	1	Local Body		LEADER
West Midland Reserve Forces and Cadets Association	1	Regional Body	Stubbs	

	West Midlands Employers	1 + sub	Regional Body		LEADER (SUBSTITUTE - PORTFOLIO HOLDER FOR FINANCE & RESOURCES)
	West Midlands Leaders Board	1	Regional Body	Leader of the Council	
	West Midlands Regional Forces	4	Regional Body	Mr D Clarke (former Mayor)	THIS IS WEST MIDLAND REGIONAL FORCES & CADETS
	Co-operative Councils Innovation Network	4	National Body	Leader	NOMINATIONS ON AN AD HOC BASIS
	District Councils Network	1	National Body	Leader	
	Local Government Information Unit	4	National Body	LEADER	

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MOTION TO COUNCIL 16th July 2014

That whenever action has to be taken under the Council's enforcement policy, the relevant ward members are immediately informed that action is being taken with the contact details of the officer from whom the members can obtain further information.

Proposed by Cllr. Nigel Jones

Seconded by Cllr. Marion Reddish

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