

19 PUBLIC QUESTION TIME

If a member of the public wishes to speak, they may do so in the form of a question which should be submitted in writing to the Chief Executive of the Council at least two days prior to the meeting taking place.

20 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

21 PART 2

22 EXCLUSION RESOLUTION

To resolve that the public be excluded from the meeting during consideration of the attached appendices, because it is likely that there will be disclosure of exempt information as defined in paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

23 Creating a Local Authority Owned Trading Company - (Pages 197 - 198)
Restricted Appendix B

24 Keele Golf Course Restricted Appendix A (Pages 199 - 204)

Members: Councillors Mrs Beech, Kearon, Turner, Stubbs (Vice-Chair), Williams and Hambleton

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

CABINET

Wednesday, 18th June, 2014

Present:- Councillor Mike Stubbs – in the Chair

Councillors Mrs Beech, Kearon, Turner, Williams, Mrs Shenton and Hambleton

1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

2. MINUTES

Resolved:- That the minutes of the meeting held on 2 April, 2014 be agreed as a correct record, subject to the following amendments:

Item 5 Asset Management Strategy.

add "The Conservative Group understood the requirement to dispose of assets but felt that the figures were grossly overvalued and proof was required that the sites were the correct ones to sell – aiming to sell the brownfield sites first.

However, the Council's Executive Director for Regeneration and Development stated that there were not any suitable Brownfield sites available.

Concerns were also raised regarding how the valuations had been reached. It was confirmed by the Council's Executive Director for Regeneration and Development that qualified Quantity Surveyors were used to do the valuation".

3. ASSET DISPOSALS

Consideration was given to a report on the Asset Management Strategy and comments which had been received from the public following a consultation. Members were advised of the proposed sites to be disposed of in two tranches with further sites being identified in 2015-18.

Councillor Julie Cooper stated that the Porthill Residents Association had not been consulted on the proposed sale of land at Hillport Avenue. In addition, the land as unfit for sale as it was prone to flooding and could get full of sewage.

The Portfolio Holder for Planning and Assets confirmed that notices had been put onto the site regarding the consultation. There was no awareness of the site flooding.

Resolved:- (i) That, (with the exception of the site at Riley's Way) the disposal of the tranche 1 sites, subject to first having secured an outline planning permission for

each parcel of land, be approved.

- (ii) That, the estimated budget required to dispose of the tranche 1 sites be approved.
- (iii) That, officers report back to Cabinet on the outcome of the public consultation and desktop technical evaluation of the Tranche 2 sites so that decisions can be made about the potential for alternative use or development of those sites.
- (iv) That, further to recommendation (iii), Members note for information that it would be necessary to procure specialist consultants to prepare and submit planning applications in respect of the sites at Sandy Lane/Brampton Road, May Bank; Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads.
- (v) That, a joint meeting of the Scrutiny Committees in relation to Economic Development and Enterprise and Finance, Resources and Partnerships be held in late autumn to consider a draft version of the Asset Management Strategy 2015-18.

4. CORPORATE CLEANING SERVICES

This item was deferred to the next meeting of the Cabinet in July, pending further information.

5. CLAYTON SPORTS CENTRE

Consideration was given to a report regarding the redevelopment of Clayton Sports Centre and to obtain resilient partnership arrangements to safeguard its future.

The building is owned by Stone and District Sports Association (SDSA) who do not have the reserves to redevelop the building. If the SDSA were to fold, the liability for the land and buildings would fall upon the Council.

Funding partners have been found to assist with the project: England and Wales Cricket Board, Stone and District Sports Association, Staffordshire County Cricket Ltd and Sport England.

As a result of the above, priority works were agreed. These were: The replacement of the sports hall roof and lighting system, upgrading the heating and ventilation system, refurbishment of male and female changing rooms, replacing the cricket nets and costs of professional advisors for the project.

Members felt that this was a worthwhile project and showed the public that the Council was supporting the leisure industry in these hard times.

- Resolved:-**
- (i) That, the progress made in securing the future of Clayton Sports Centre be noted and the actions below, to ensure the necessary building work is completed for the indoor cricket season this autumn, be agreed.

- (ii) That the Executive Director for Operational Services, in conjunction with the Cabinet Member for Leisure Culture and Localism be authorised to enter into a funding agreement with the England and Wales Cricket Board.
- (iii) That the Executive Director for Regeneration and Development in conjunction with the Cabinet Member for Planning and Assets be authorised to enter into a contract for the refurbishment works with the preferred contractor subject to:
 - The preferred contractors tender fee being in accordance with the available capital budget for the project.
 - The risk of claw back for the grant funding from Sport England and the England and Wales Cricket Board is mitigated through either a guarantor or as a condition of the lease.
 - All funding for the project having been secured and the conditions of the funding providers being met.

6. AFFORDABLE HOUSING REGENERATION PARTNERSHIP

Consideration was given to a report updating Members on the outcome of an investigation into taking forward a development partnership with Aspire Housing.

The partnership would enable the regeneration of sites in the Borough where there was mutual land ownership.

Resolved:-

- (i) That, joint disposal or development of sites of adjoining ownership as part of the Asset Management Strategy delivery process be considered.
- (ii) That, endorses the principles of the recommendations of the GVA report to promote greater collaboration between the Council and Registered Providers such as Aspire Housing be endorsed.
- (iii) That, the provision of affordable housing through its associated Planning Policy guidance continue to be promoted.

7. ECONOMIC DEVELOPMENT ACTION PLAN

The Council's Portfolio Holder for Economic Regeneration, Business and Town Centres updated the Cabinet on the Economic Development and Enterprise Year 3 Action Plan.

The town centre was slowly beginning to regenerate and the Town Centre Manager had attracted new businesses into the town.

In addition, Kidsgrove has placed a bid for funding and had come second in the Country. The persons responsible should be congratulated for their achievement. Councillor Turner went on to thank the Kidsgrove Partnership.

JCB had moved into the area and could see themselves expanding on that site.

Resolved:- That the Economic Development Strategy Year 3 Action Plan be approved and adopted as the basis for the Council's work over the next twelve months to promote the economic development of the Borough and bring new jobs to the area.

8. POLICE AND CRIME COMMISSIONER FUNDING 2014/2015

Consideration was given to a report updating the Cabinet on funding received by the Newcastle Partnership from the Police and Crime Commissioner (P&CC) for Staffordshire, Matthew Ellis.

Newcastle has been working closely with the P&CC and has produced a local Police and Crime Plan which has been used as a template for other authorities. The Plan sets out priorities which can be delivered through the use of funding provided by the P&CC. The areas to be covered include general issues, alcohol harm reduction, domestic violence and anti-social behaviour.

Two further streams of funding have been introduced, these being 'Proceeds of Crime Fund' and 'People Power Fund'.

- Resolved:-**
- (i) That the contents of the report, in particular the funding received from the Staffordshire P&CC and the work areas /projects that have been identified as potentially benefiting from this funding, be noted.
 - (ii) That it be agreed to develop the areas referred to in the report through the respective portfolios, in order to both raise awareness of the projects being funded and also to encourage working (where appropriate) across the Council to ensure successful delivery and completion of each of the projects listed.

COUNCILLOR MIKE STUBBS
Chair

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report to Cabinet - 23 July 2014

1. COUNCIL PLAN 2014/16

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

Portfolio: Communications, Policy & Partnerships

Ward(s) affected: All

Purpose of the Report

For Cabinet to consider the proposed new Council Plan (covering the period 2014-16) and to recommend that the Plan is presented to Council at its meeting on 17 September 2014. This follows a review of the Plan's outline by the Finance, Resources & Partnerships Scrutiny Committee (FRPSC) on 17 June 2014. Cabinet is also asked to recommend that the Plan is presented to FRPSC at its meeting on 1 September 2014 for further consideration.

Recommendations

(a) That Cabinet considers and approves the draft Council Plan for 2014/16 (found at Appendix xx)

(b) That Cabinet recommends the Plan is presented to the Finance, Resources & Partnerships Scrutiny Committee on 1 September 2014, and to Full Council on 17 September 2014 for final adoption.

Reasons

This report covers the development of the new Council Plan 2014-16. The Plan is currently being developed and will cover the period up to March 2016.

A version of this report was previously presented to FRPSC at its meeting on 17 June 2014.

The Cabinet approved version of the Council Plan presented today will also be presented to FRPSC on 1 September 2014 and presented for final adoption at Council on 17 September 2014.

1 Background and Key Issues

1.1 A Council Plan for Newcastle-under-Lyme Borough (formerly the Corporate Plan) was developed for 2013-14 to reflect changes in the political and economic environment and the work undertaken to replace the former Corporate Plan document.

1.2 The Council Plan for 2014-16 builds on previous versions and has two main sections. The second section details the key activities in order to monitor the plan.

1.3 The first section includes the vision and corporate priorities for the Borough Council.

1.4 The vision/corporate priorities remain unchanged from the previous Plan and are:

- To create a borough that is prosperous, clean, healthy and safe (the vision)
- A clean, safe and sustainable borough,

- A borough of opportunity,
- A healthy and active community and
- Becoming a co-operative council delivering high quality, community-driven services (the corporate priorities)

2 Key Issues

2.1 In further developing the Council Plan for 2014-16, a number of areas are being worked on, including:

- Providing a strategic policy framework for service and financial planning for 2015/16
- Updating the challenges facing the Council (financial and otherwise)
- Setting out the key activities of the Council under each priority heading
- Reviewing whether local need is being addressed by the Council
- Ensuring that the Council's various strategies (which feed into the Council Plan) are still relevant and are reflected in the Council Plan
- Developing outcomes that are relevant to the actions and activities of both Borough Council services and the services provided by our key partners (e.g. Police, Fire, County Council)
- Including SMART indicators and well-developed project plans so that key actions can be undertaken and it can be seen when work is completed and when it is not and also to be able to measure progress against identified outcomes

3 Development of the Council Plan

3.1 The Council Plan has been developed by examining its content and layout, taking into consideration information from previous work undertaken and the need for the Council to be in a strong position to establish and progress its plans.

3.2 The Plan retains the existing vision for the Council - "to create a Borough that is prosperous, clean, healthy and safe" and its existing four corporate priorities.

3.3 The Plan also contains a new set of twelve outcomes to measure and monitor the impact of the Council's work (whether alone or in partnership with others) on these outcomes.

3.4 The previous version of the Council Plan identified seventeen outcomes which have now been reduced to twelve. The outcomes detailed in the 2014-16 Council plan are now:

Priority: A Clean, Safe and Sustainable Borough

Our Borough will be safer

Our Borough will be cleaner

Our Borough will be sustainable

A Borough of Opportunity

Newcastle is a great place to work

Newcastle is a great place to do business

Newcastle is a great place to live

A healthy and active community

Everyone has the chance to live a healthy, independent life

Everyone has access to high quality leisure and cultural facilities/(activities)

Everyone has the opportunity to get involved in their community

Becoming a co-operative council delivering high quality, community-driven services

The council is efficient, open and innovative in its work

Services are designed and delivered co-operatively

Communities are strong and well supported

- 3.5 These outcomes have been identified as meeting the needs of the communities of the Borough.

4 Supporting Information

- 4.1 To supplement information provided by this refresh of the Plan, communication will also be maintained with key stakeholders. For instance, the Council's regular consultations - administered and analysed by the Borough Council's Communications Section - and the recent budget consultation has been used in the ongoing development of the Plan.
- 4.2 In addition, services undertake satisfaction surveys on a regular basis to inform the management of service delivery, and this information has been included in the Plan's development.

5 Timetable for delivery

- 5.1 The Plan is currently a work in progress with the intention to fully develop it with the involvement of members and officers with the aim of cementing priorities for the current financial year (to accord with approved service and financial plans/budgets). More importantly, the Plan will provide the strategic policy context for the service and financial planning for 2014-16.
- 5.2 The decision has been taken to adopt a more timely approach in terms of its production to reflect the realities of the municipal and financial year and will inform the service and financial planning processes accordingly. Scrutiny of the Plan's development and delivery will also be undertaken throughout the year.
- 5.3 The following presentations, therefore, of the (draft) Council Plan will allow opportunities for comments and feedback as part of this process of development at the outset of the financial year:
- Outline of plan to Finance, Resources & Partnerships Scrutiny Committee presented 17 June 2014
 - Draft version for approval from Cabinet 23 July 2014
 - Approved version to Finance, Resources & Partnerships Scrutiny Committee 1 Sept 2014
 - Cabinet response to Scrutiny comments 10 Sept 2014

- Final version to Council 17 Sept 2014
- Implementation from 1st October 2014

5.4 The budget consultation findings from 2013/14 have been used in the development of the Plan. In addition services undertake satisfaction surveys in-house on a regular basis to inform the management of service delivery. These findings have also been used in developing the Plan and also understanding the needs of residents and service users.

6 Other Issues

6.1 The main issue to consider in the development of the Plan for Newcastle is that, like other authorities, balancing reductions in funding with the provision of quality services and increases in demand is a major challenge and potentially limits the ability of the Council to deliver against its plans generally.

6.2 The financial picture for 2014/15 and how the council plans to deliver identified savings are detailed in the Revenue & Capital Budgets 2014-15 and Medium Term Financial Strategy (MTFS). These activities will be monitored regularly and considered in service planning and other planned activities to ensure the savings are realised. It is envisaged that the Council Plan will inform the budget setting process over the period from 2014-16.

6.3 By adopting the Plan at this stage in the corporate planning cycle, the Council will be better able to align resource allocation with the agreed strategic priorities

7 Options, Proposal and Reasons for Preferred Solution

7.1 The Council Plan informs the Council's overall corporate planning and acts as the major impetus behind budget proposals, longer-term strategic plans and also the service planning process.

7.2 The Council Plan 2014-16 will be a transitional plan, whereby preparation and planning will be undertaken in order to effectively prepare the Council to meet the longer term demands and challenges to service delivery in the borough (as part of the 2020 Vision work).

7.3 Faced with the likely financial restraints leading up to 2020, decisions and planning for the next Council Plan (2016 onwards) will commence at the beginning of 2015-16 with a timetable of activities to ensure the council is in a good position to meet expected and unexpected challenges and be fit for the future.

7.4 Members are asked to consider the Plan and this covering report and recommended that it be adopted by Full Council in September 2014.

7.5 In considering the Plan/report, Members can: -

Option 1: Approve the Council Plan 2014-16 and its contents as provided

This is the recommended option, albeit with further modifications and additions to be made as required by Council

Option 2: Request significant further changes to the Plan before the document can be approved and adopted

This is also recommended, although Members should be aware that this will delay the process of publishing the Plan and will also have an effect potentially on other related processes and activities in 2014-16.

8. **Legal and Statutory Implications**

8.1 Officers have drafted this plan in line with current codes and legislation.

9. **Equality impact**

9.1 There are no differential impacts in this report.

10. **Financial and Resource Implications**

10.1 The Plan will be the key document informing the development of the overall Budget Strategy of the Council.

11. **Major risks**

11.1 The Plan will be considered against the overall Risk Management Strategy of the Council. This is also done as part of the Service Planning process.

12. **Key Decision information**

12.1 This report is in the Forward Plan.

13. **List of Appendices**

13.1 Final version presented to Cabinet (July 2014) (Appendix x)

14. **Background Papers**

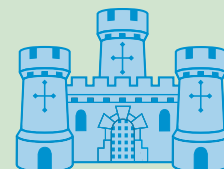
14.1 Working papers held by the Business Improvement Officer (Performance & Procurement) in 'Council Plan 2014-16' files

Management sign off

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

	<u>Signed</u>	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		



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Newcastle-under-Lyme Borough Council Plan

2014 -16



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Message

from the Leader of the Council

Councillor Mike Stubbs



**Councillor
Mike Stubbs**
Leader of the Council

This Plan sets out what we will do to tackle the issues that residents have told us matter most to them and which form the basis of our four corporate priorities - a clean, safe and sustainable Borough, a Borough of opportunity, a healthy and active community and a co-operative Council, delivering high-value, community-driven services.

We now have the foundations in place to continue the good work started by this Labour Administration two years ago in 2012 and our desire to continue to focus on our delivering our co-operative promise to residents and businesses alike.

We remain focused, therefore, on five aims, to:

- Enhance customer experiences and to put our citizens at the heart of everything we do
- Encourage collaborative working with our communities and in partnership with other agencies and organisations
- Engage with others to ensure that that the decisions we take are fair, inclusive, open and transparent
- Establish a sustainable approach to co-operative ways of working, including being open to new ways of working, and
- Empower citizens, communities and our staff in order to give people the confidence to take control of their own lives.

This administration is mindful, however, that these austere times continue to affect us all so we will continue to keep Council Tax as low as possible and we remain committed to supporting the local economy through investment in apprenticeships, developing our town centres and delivering regeneration projects within the Borough.

Ongoing cuts and legislative changes nationally continue to challenge us and we have to make tough decisions, but through our open and transparent processes and our inclusive use of consultation, we will seek to move the Council forward together in to 2014/15 and beyond.

This Plan is 'your' plan - every single member of the community of Newcastle-under-Lyme has a stake in delivering this Plan and it seeks to improve the Borough we live or work in.

I look forward to working with you all making the Borough a cleaner, healthier and prosperous place to live.

**... using
resources well
to provide good
public services**

**... targeting
support for
those who need
it most**

**... local people
involved and
having a say**

Welcome

from the Chief Executive



John Sellgren
Chief Executive

We want to make the borough a better place to live, work and invest by creating a place that is prosperous, clean, healthy and safe.

For Newcastle Borough Council, 2014-15 is seen as a year of preparation to plan our approach of how it intends to face the financial issues of the local authority in the years ahead to 2020.

It sets out how the council will seek to achieve this by laying down firm foundations and looks to maintain high quality services with less resources.

In these challenging economic times it is important that resources are used prudently and effectively. Whilst we still face budget reductions, the council is ensuring we take every opportunity to reduce our costs by challenging what we spend and how we do things.

At the same time we aim to deliver value for money services, focused on the local needs of our communities, aiming to create a council which is responsive and in touch with the people it serves.

In producing this plan we have reviewed the way we do things and considered what is important for the borough.

Our plan focuses on doing those things which will deliver our priorities and on ensuring that we continue to deliver high quality services for our customers and as a council we are fit for the future.

By working smarter we will continue to deliver a programme that will bring real improvements and efficiencies in services for all in the borough.

- **Preparing for 2020**
- **Fit for the future**

- **Looking at the way we work**
- **Smarter business models**
- **Efficient and effective delivery**

Working towards the 2020 vision - **Fit for the future**



Newcastle Borough is, like other authorities, facing difficult times ahead - balancing the reduction in funding with the provision of good quality services and managing possible increases in demand.

Over the next six years the council faces further huge cuts in funding, with at least 20 per cent fewer resources in the years 2015-20. Added to this is the economic impact of reduced public spending on residents, communities, local businesses and organisations.

services going forward as identified in the Asset Management Strategy 2014-17

- creative ways to facilitate economic growth through collaborative approaches with key landowners
- continue to progress the major Ryecroft Development Project in order to regenerate the town proposal along with an initiative for a new Civic Hub
- establish more efficient practices and systems
- strengthen existing links with partners and communities whilst forging new links for efficiency
- identify and adopt smarter and innovative ways of working to face the challenges of 2015-20

“ *...the council faces **huge cuts in funding** with at least **20 per cent fewer resources** in the years 2015-20* ”

In order to get the right balance, the council needs to ensure it is “fit for the future” and prepared with strong foundations to face the expected and unexpected challenges of 2015-20. The period that this plan covers is 2014-16 and is seen as a time for further preparation to:

- ensure that spending matches available resources in the future years.
- manage the disposal of surplus land and assets to provide the necessary funds to support





What does this mean?

Reviews of current services and practices are necessary to identify options for improvement which will release savings and still provide a good quality service for all communities.

The council and its services will need to be:-

- efficient and effective
- ensure plans consider the Medium Term Financial Strategy (MTFS)
- pro-active in how they plan and progress their work
- looking at how shared services may work
- considering the possible options of collaborative approaches to providing and delivering services
- able to make informed decisions for the future of their services that are difficult
- managing the resulting outcomes of change and addressing the impact

- communicating regularly to residents, communities, businesses and partners the effects of proposed plans or changes and encouraging feedback
- providing support to communities, especially those who are vulnerable
- seeking funding wherever possible to provide sustainability of service delivery

All of these actions will provide the environment and foundations for the council to be fit for the future and produce the necessary economies and savings.



Preparation in 2013-14

The council has already taken steps to prepare for 2014-15 to improve delivery of services and ensure efficiencies:-

- Implemented a shared Customer Relationship Management (CRM) system
- Replaced the financial system
- Improved ICT infrastructure
- Implemented strong procurement and commissioning approaches to identify further savings
- Reviewed services and practices to realise efficiencies and improvement to service delivery
- Established new strategic partnerships across all sectors
- Supported Locality Action Partnerships to develop
- Reviewed strategies and policies
- Involve staff and members in future modelling

Our Vision

.... is to create a borough that is prosperous, clean, healthy and safe

We want Newcastle-under-Lyme to be a borough in which people are proud to live, work, visit and do business. Moreover, we want the borough council to be an open, honest and transparent organisation which is accountable to local people and which, through co-operation with partners, will work together to improve where we all live.



“ safer place to live, work and visit with support for people ”

A healthy and active community

We will work with partners to make sure residents and visitors are able to access a range of facilities and support activities that will enable them to improve their health and quality of life.

Priorities

A clean, safe and sustainable borough

We will improve the environment so that everyone can enjoy a safe, sustainable and healthy borough.



A borough of opportunity

We will work with our partners to maximise investment and encourage enterprise and employment - generating activities that will create opportunities for improving the wealth, prosperity and housing choices of our residents.

Becoming a co-operative council which delivers high quality, community-driven services

Newcastle-under-Lyme Borough Council is working towards being a co-operative council which means we are working together with our residents, partners and local organisations to collectively deliver the best we can using the resources we have.



**“ Newcastle
is a
co-operative
council ”**

**What is a
co-operative council?**

The Co-operative Council Strategy was developed in 2013 and the council became a member of the Co-operative Councils Innovation Network in July 2013. The Network is made up of councils who subscribe to the principles of co-operative working and delivery.

With the values of the council at the heart of our co-operative approach we have started work in five key areas, the 5E’s of our co-operative promise for Newcastle-under-Lyme:

- **Enhancing** customer experiences - we will put our citizens at the heart of everything we do.
- **Encouraging** collaborative working between our communities and our partners - we will make our decisions co-operatively with the people that matter.
- **Engaging** with others - we will ensure that our decision making is

fair, inclusive, open and transparent.

- **Establishing** a sustainable change to co-operative ways of working - we will be open to new ways of doing things.
- **Empowering** citizens, communities and our staff - we will give people the confidence to take control of their own lives and the area they live in rather than having decisions made for them by the Council.

Whilst we still face budget cuts, we are making sure that local people are much more involved when it comes to reducing our costs and challenging what we spend.

We are involving the community and business leaders in developing our future plans, drawing on the skills and expertise that exists in the borough.

Working with our communities

The Newcastle Partnership engages with the Locality Action Partnerships (LAPs) across the Borough to offer potential opportunities for residents and communities to get involved in activities, engagement and decision-making in their area.

LAPs represent the established infrastructure of the partnerships for the delivery of locality working and offer communities enhanced and focused access to a range of partners in order to address and deliver against local priorities.

Our values

We will . . .

. . . put residents at the centre of everything we do

. . . work co-operatively with our partners and communities

. . . be open and transparent in all our decision making

. . . be open to new ideas and new ways of doing things

The changing landscape

We have many things to consider when delivering a service to residents.



- ◆ **Population estimate of 124,200 residents in the borough**

- ◆ **14% more residents aged over 60 than in 2001**
(Census 2011)

- ◆ **Newcastle Borough is becoming a safer place to live, work and visit**

- ◆ **Long-term crime rates have fallen over the last few years.**

- ◆ **Residents are happy with Newcastle as a place to live**

- ◆ **Employment levels of 72% and key out-of-work benefits at 10.8% in early 2013**

- ◆ **Long-term worklessness and benefit dependency due to ill-health are major issues in some areas**

- ◆ **20.2% of year 6 children classified as obese in 2011-12**

- ◆ **Adult obesity rates recently estimated at 25.8%**

- ◆ **An estimated 20 per cent of adults smoke**

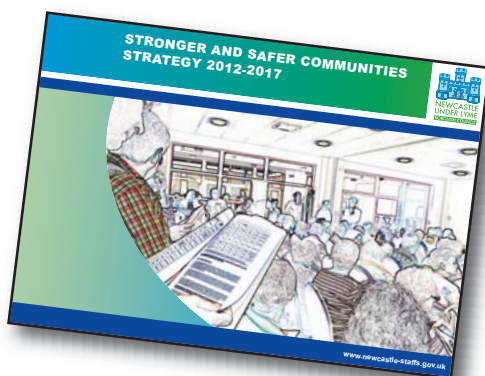
Priorities in Newcastle include tackling health inequalities, alcohol-related hospital admissions, the ageing population and long-term conditions.

Strategies, plans and partnerships driving our activities in 2014-16

Local Strategies

In response to the new landscape and future demands, four key strategies are used to help the Council focus its activities. These strategies are linked to the priorities of the Council:-

- Stronger and Safer Communities Strategy –
A clean, safe and sustainable borough
- Economic Development Strategy –
A borough of opportunity
- Health and Wellbeing Strategy –
A healthy and active community
- Co-operative Council Strategy –
A co-operative council delivering high quality, community driven services



These strategies show how the council is planning to work with partners and other organisations to improve and develop local communities and so deliver our vision for the borough.

Local Growth Strategy

The Stoke-on-Trent and Staffordshire Local Enterprise Partnership (LEP) has prepared a Strategic Economic Plan against which the LEP can plan its investment to help drive economic growth to 2030. This plan reflects the priorities in the council's own Economic Development Strategy and sets out an ambitious countywide vision for the area and a number of priorities based on:

- the rapid growth of Stoke-on-Trent
- "super-connectivity"
- energy expertise
- applied materials technology
- competitive urban centres
- sector growth
- a skilled workforce

resourced in part from the Government's Local Growth Fund, EU Funds, City Deal and other, including private sector, sources.

Newcastle Partnership

The Newcastle Partnership is the strategic partnership for the borough and has the vision:

Newcastle communities together, securing a prosperous future

In delivering this vision the Newcastle Partnership is focused on two priorities:

- Improving economic growth
- Tackling vulnerability

Newcastle-under-Lyme Local Police and Crime Plan 2014-17

The Local Police and Crime Plan for the borough has been produced by the council in collaboration with the Newcastle Local Policing Team and the office of the Police and Crime Commissioner.

It recognises that the local communities deserve a voice on how they are policed, protected and supported and is tailored to their local needs. Also it reflects the commitments of the borough council, the police and other partner agencies in the borough to work co-operatively with residents, to deliver high quality support and services.

Making good use of public money
Having to do more with less will mean we will be looking more creatively at how we provide and deliver our services over the next years – on our own by involving officers in developing new business models and together with our partners in the public, private and voluntary sectors. We will be taking a radical look at our assets - working hard to keep council tax low, maximising our resources and seeking out efficiencies in all that we do.



Priority 1:

A clean, safe and sustainable borough

Key activities for delivery in 2014-16:-

Recycling & Waste Strategy 2016

Since the introduction of the Recycling and Waste Service in 2010, the service has developed both in terms of efficiency and performance. Over this period we have reduced the cost of service by over £500,000 per year, increased our recycling to over 52% from a 27% rate in 2009, and reduced the amount of residual waste disposed of from 640.92 kg per household in 2009 to 430kg per household in 2014.

In 2016 the contract for the collection and treatment of the borough recycling and waste comes to an end. A Cabinet Panel reviewed a number of services and 13 different options and in July 2014 the panel will put a recommendation forward to Cabinet which includes a three 55 litre box system for dry recycling to be collected weekly and a change to all core collection services to be operated via an in-house service from the Councils Knutton Lane Depot.



Partnership Development

The shared vision for the Newcastle Partnership is Newcastle Communities together, securing a prosperous future. Having established a strategic framework, governance structure and work programme, the Partnership has been working since mid-2012 on delivering different projects, as well as continuing to work operationally with key partners in areas such as anti-social behaviour and the Building Resilient Communities and Families (BRFC) programme.

The Partnership in 2014 onwards will:-

- work with the Office of the Police and Crime Commissioner to maximise future funding opportunities and the development of services for the borough including the delivery of objectives within the Local Police and Crime Plan;
- Progress and improve the opportunities with co-location of services;
- Work with the County Council to actively assist in the further development of the Building Resilient Families and Communities (BRFC) project;

Outcomes:-

- *Our borough will be safer*
- *Our borough will be cleaner*
- *Our borough will be sustainable*



- Work with the Public Health team to co-ordinate a gap analysis of Health and Wellbeing services/ activities available in the Borough;
- Work with partners to co-ordinate Safer Nights activities in the Town Centres;
- Streamline and strengthen the Locality Action Partnerships and provide additional support in order to allow them to govern their own work programmes and commission work effectively;
- co-ordinate the Purple Flag submission to the ACTM and associated activity;
- work towards achieving the Co-operative Council vision of the Borough Council in conjunction with partners and communities.

Priority 2:

A borough of opportunity

Key activities for delivery in 2014-16:-

Ryecroft development

The Ryecroft site, jointly purchased by the borough council and Staffordshire County Council from Sainsburys, is earmarked for a retail led redevelopment. The objective for development of the site is to bring new shops, up to 700 jobs and investment of around £60 million into the town centre.

The considerable interest, which has been shown by a range of interested parties wishing to take forward the major regeneration project is seen as a significant milestone for Newcastle. The evolution of the scheme will strengthen the economic fortunes of Newcastle town centre by improving the breadth of the retail offer. It reflects a growing confidence in the market place but is also seen as an encouraging sign of confidence in Newcastle itself.

Disposal of surplus land and assets

The first phase of a five year plan to sell some of the council's surplus land and property has come forward for public consultation. The council is proposing to sell some assets in its property portfolio to bring funds to support the capital programmes. Cuts in Government funding means the capital programme will depend on generating capital receipts for the foreseeable future.

The disposal of a range of assets which are surplus to requirements will allow the council to preserve services and invest in projects to meet community needs whilst avoiding costly borrowing to shore up its finances.

All land and property owned by the council is regularly assessed and the sites for disposal fall into one of the following categories:-

- Brownfield sites
- Green sites that do not form part of the council's Green Spaces Strategy
- Sites identified in the Green Spaces Strategy that could have a better alternative use
- Sites identified in the strategy which form a small part of a larger site and the removal of which would not impact significantly on the green space.

Further tranches of land and property will be brought forward for public consultation and potential disposal in the next few years and is expected to raise £7 million to support services and project.

Keele Golf Centre Development

The borough council is currently involved in talks with significant land owners near to Keele Golf Centre about the potential future of the site. The council is working with the landowners on a master planning exercise which will explore options for the medium to long term future of the facility along with their land. The centre is being advertised 'To Let' and is currently closed. Offers have been invited to lease the land for a term of up to three years. Interest about potential re-use have been wide ranging and include continuing as a golf course. Alternative or complimentary leisure use or other purposes would be considered – subject to planning, landlord and other approvals.

Outcomes:-

- **Newcastle is a great place to live**
- **Newcastle is a great place to work**
- **Newcastle is a great place to do business**

Local Plan

The Local Plan is a key, long term spatial plan which will help shape future development in Newcastle for the next 15-20 years. It sets out the opportunities and policies on what will or will not be permitted and indicates where it should go, including new homes and businesses.

The preparation of a new joint Local Plan working in partnership with Stoke-on-Trent City Council is planned. A timetable for completion of the Local Plan has been approved and a Joint Advisory Group comprising elected members from the two councils has been established to facilitate delivery of the Plan. The Joint Local Plan will perform three key roles, which can be summarised as follows:

- Firstly, it will set policies guiding the strategic direction of Newcastle-under-Lyme and Stoke-on-Trent, which will include identifying new targets for housing and jobs for the future.
- Secondly it will contain site-specific allocations with the aim of directing new housing, employment and shopping facilities to where they are needed to meet local community needs and benefit local people.
- Finally it will set site-specific and generic development management policies to be used in the determination of planning applications across the borough. It is expected that not all of the generic policies will apply equally across the area but will each help to ensure that the environmental impact of development is minimised.

Priority 3:

A healthy and active community

Key activities for delivery in 2014-16:-

Allotment Policy Consultation

This is an ongoing project following on from the work over the past 12 months by the allotment review committee, who looked into the whole issue of how the Council administers its allotments. The committee produced a report which details suggested changes to the way we charge for allotments, manage the eviction of bad tenants and even considered such issues as water conservation and environmental responsibilities along with a host of other things. We will be consulting with as many people as possible who have an interest in these issues and ask them to look at the report via our website or at our public receptions and then give us their views accordingly. The process will be announced via a press release as well as through social media with the results summarised into a report for Cabinet in Autumn 2014.

Community Centre Review

The community centre review undertaken in the past year has protected the long term future of community centres. It has done this by transferring the responsibility to local management committees and providing the tools to raise the finances to operate their particular community centre successfully. The result being that several of the committees are now in the position to negotiate to lease their community centre buildings from the council.

Sports and Physical Activity Strategy

This strategy, developed from the Action Plan of the Health & Wellbeing Strategy, identifies a number of stakeholders and activities that will increase the overall participation rates in sports & physical activity throughout the borough. The link between exercise and health is well documented, advising that increased levels of activity will improve an individual's health and reduce the impact on health related services in the future. Benefits include better mental health as well as combating the onset of several major diseases.

Kidsgrove Sports centre

The council has a long term association with the County Council and Clough Hall Technology School to

Outcomes:-

- *Everyone has the chance to live a healthy, independent life*
- *Everyone has access to high quality leisure and cultural facilities/ activities*
- *Everyone has the opportunity to get involved in their community*

jointly provide the Kidsgrove Sports Centre. This provision is nearing the end of its life span and the council is working hard to develop options to secure sports and leisure facilities for Kidsgrove that are fit for the 21st century. We are determined to provide the opportunity for Kidsgrove community to access high quality facilities that are designed, built, operated and financed in a sustainable way.



Priority 4:

A co-operative council delivering high quality, community-driven, services.

Key activities for delivery in 2014-16:-

Medium Term Financial Strategy (MTFS)

The council plans its finances over a 5-year rolling programme. This longer-term view is designed to highlight at an early stage where the council may have financial challenges and the level of resources it is likely to have available beyond the current financial year. This is crucial now when councils are faced with budget cuts in government funding and helps to identify future issues in order that a timely and planned approach can be taken to address a shortfall in resources, a reprioritisation of spending or indeed where additional resources are available, where they should be invested. The implications of the MTFS forecast is taken into consideration in the preparation of detailed budgets for 2014/15 and gives guideline figures for the budgets for the following four financial years.

Delivery of the procurement (strategic) work plan

The programme of cuts in funding detailed in the MTFS means we have to look more creatively at how we provide, and deliver, our services over the next four years. It is essential that the council spends less, year on year, and rethinks how it procures goods and services. We need to spend only what is necessary and ensure what we buy delivers real and sustainable value. A commitment to sustainability, fairness and the development of Social Value will be built in to our

purchasing decisions. Added to this we will seek to work in collaboration with various partners, local authorities and other public sector organisations in order to make efficiencies. Also where possible, encouraging micros, small to medium enterprises and social enterprises to engage and explore potential opportunities to contract with the authority – and so impact on the local economy.

Asset Management Strategy 2014-17

The Asset Management Strategy is a key document to manage the disposal of surplus land and assets to provide the necessary funds to support services going forward. It provides a clear framework for understanding the value and condition of property owned by the Council and our approach to the management and use of Council's land and property assets. It also summarises the potential ways in which investment can be funded and highlights the necessity to generate its own capital through the identification and disposal of surplus assets.

Shared Apprenticeship Scheme

Newcastle-under-Lyme Borough Council is committed to help support the worklessness agenda by increasing the number of employment opportunities for young local people to enable them to gain valuable work experience and a qualification as well as earning a wage within North Staffordshire.

The council believe a shared scheme working with our partners will help to

Outcomes:-

- **Your council is efficient, open and innovative in its work**
- **Your services are designed and delivered co-operatively.**
- **Your community is strong and well supported.**

pool together our resources and share the responsibilities of training apprentices who may not have the time or resources to take an apprentice on for the duration of the programme. In this approach no single organisation bears the total costs of financing the apprenticeship and allows more varied opportunities for the apprentice. Some of the potential career paths for apprentices are Customer Service, Business Administration, Finance, Sports and Leisure, Parks, Grounds Maintenance, Streetscene, ICT, Garage Workshop and Warehousing/ Fork Lift.

Delivery of the Localism Bill

The Localism Bill was introduced in 2010 and shifts power from central government in to the hands of individuals, communities and councils. Localism isn't simply about giving power back to local government but to individuals, neighbourhoods, professionals and communities as well as local councils and other local institutions – close to the people who are affected by the decisions. The Bill includes five key measures that underpin the Government's approach to decentralisation:-

- Community Rights
- Neighbourhood Planning
- Housing
- General power of competence
- Empowering cities and other local areas

Newcastle-under-Lyme Borough Council Plan

2014-16



www.newcastle-staffs.gov.uk

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FORMER KEELE GOLF COURSE

Submitted by: Executive Director, Regeneration & Development

Portfolio: Planning and Assets and; Leisure, Culture and Localism.

Ward(s) affected: Keele and; Silverdale and Parksite.

Purpose of the report

- a) To provide members with information about the outcome of a marketing exercise which sought to identify a range of potential options for the interim use of the former Keele Golf Course for a period of up to three years and to seek a decision from members about their preferred option for implementation.
- b) To seek Member's approval to proposed actions relating to the previously agreed master-planning process.

Recommendation

- a) That officers be authorised, in consultation with the relevant Portfolio Holder(s), to undertake a community consultation exercise for a period of 6 weeks to establish the potential scope for some form of community recreation use of the site in whole or in part on the basis described in the report and that the outcome reported back to the earliest available Cabinet meeting.
- b) That in parallel with recommendation (a), officers be authorised to procure the most economically advantageous arrangement for short term grounds maintenance in consultation with the relevant Portfolio Holder.
- c) That officers be authorised to agree, in principle, the terms and scope of a brief with relevant land owners to commission a master-planning exercise in consultation with the relevant portfolio holder, and reported back to Cabinet for approval.
- d) That the financial resources required as the Council's contribution to the master-planning exercise be sought in accordance with current Financial Regulations.

Reasons for the recommendations

To return the property into reuse, thereby alleviating holding and other costs for a period of three years whilst a comprehensive master planning exercise is undertaken and concluded.

1. Background

- 1.1 At your meeting in January 2014 Cabinet members resolved that the Keele Golf Centre should be closed for the foreseeable future and that officers should report back to the earliest available meeting with advice and information about the medium to long term options for the site.
- 1.2 On 5th March 2014 Cabinet received a further report and made of the following resolutions:-
- a) That officers be authorised to engage with nearby/adjacent land owners with a view to jointly commissioning a comprehensive master-planning exercise, involving Borough Council owned land in the area in order to establish the most appropriate long term use for the Keele Golf Course site.*
- b) That officers report back on the outcome of the land owner engagement process and to seek approval for a two stage master planning exercise beginning with a scoping report to identify its physical parameters, with any budgetary approval being sought from Council as necessary.*
- c) That officers be authorised to undertake a limited maintenance regime on the basis described in the report until the outcome of the master planning exercise is known.*
- d) That officers be authorised to undertake security measures described in the report.*
- e) That officers be authorised to see expressions of interest in some form(s) of interim use for a period of up to three years.*
- f) That officers keep under review the holding costs attributed to the Keele Golf Course and take all appropriate steps to minimise the same.*
- g) That a wider, broader leisure use be kept in mind.*

2. Issues

- 2.1 With regard to resolutions (a) and (b) officers can confirm that discussions have been held with a number of local land owners and it is anticipated that the scope of a master-planning exercise will be reported to your next meeting.
- 2.2 In relation to resolution (c) your officers consider that the most cost-efficient way of undertaking the “limited maintenance regime” would be to allow the grass to be cut for silage / haylage purposes under a simple licence agreement with a third party. Additionally officers undertake regular site inspections to monitor the condition of mature trees, carrying out any urgent health and safety related works as required.
- 2.3 Moving on to resolution (d) the necessary security measures have been undertaken most notably with the building being secured and with public

information signs being placed at key locations around the site confirming the current position regarding closure of the golf course and directing the public to using the public rights of way.

- 2.4 With regard to resolution (e) officers can confirm that “To-let” details were produced and the property advertised both on the internet, press and by way of an on-site display board. Those parties who had previously expressed an interest during last year’s golf centre operator procurement process and others asking for information were provided with the letting details. All were requested to submit written expressions of interest.
- 2.5 Officers can confirm that five expressions of interest were submitted in response to the above-mentioned marketing exercise. For reasons of commercial sensitivity a summary of this information is provided in a confidential appendix to this report.
- 2.6 The marketing particulars specified that the council was seeking to let the former golf centre either for re-use or an alternative leisure use (subject to planning permission) for a maximum period of 3 years on a full repairing & insuring basis and invited rental offers.
- 2.7 None of the expressions of interest met this specification and only two parties came remotely close to doing so and both of these require a longer term and rent free period to make their necessary levels of investment viable.
- 2.8 From discussions between your officers and some of the parties it was evident that the market view of delivering leisure activities at this location is not commercially attractive or viable without some form of subsidy or enabling development. All interested parties are mindful of the possible outcome of the forthcoming master planning exercise which, potentially, could create opportunities for a different overall form of use/development. In that regard the marketing process has at least provided an indication as to how the market might respond to a different brief and this will be useful in informing the master planning exercise.
- 2.9 With regard to resolution (f) the approach described in paragraph 2.2 is the most practical reflection of the actions taken to date.
- 2.10 Finally, in respect of resolution (g) and taking account of the outcome of the recent marketing exercise, members may consider that there is merit in exploring the scope for securing some form of locally-based community recreation uses in the interim period.

3. Options

Interim/short term use

- 3.1 Do minimum – this option would mean a continuation of the basic maintenance regime to ensure that the Council discharges its statutory duties in relation to land ownership.
- 3.2 Re-open the golf course – this option would require the Council to make significant provision for both capital investment and ongoing revenue funding. In the absence of strategic need for the facility you have chosen not to make such financial provision.
- 3.3 Explore other interim use options – whilst the recent marketing process failed to bring forward any implementable proposals (in accordance with the brief) discussions with members suggests that there may be the potential to elicit local interest in some form(s) of community recreation use (subject to cost and risk issues being addressed satisfactorily). Any such approach would need to be supported, in the immediate short term by the previously approved basic grounds maintenance regime.

Master-planning

- 4.4 Having agreed to proceed with commissioning a master-plan for the former golf course in the context of the wider area Members have the option to proceed or to take a different course of action base upon information gleaned from the recent marketing exercise.

5. Preferred Options

Interim use

- 5.1 In order to balance the need for basic grounds maintenance work (in accordance with a previous Cabinet decision) with the desire to mitigate the Council's immediate / short term holding costs (and to minimise service delivery impact) it is now intended to procure a third party to cut the grass under a licence arrangement. In parallel with the latter it is considered that some form of community engagement exercise could be undertaken with a view to offering the site in whole or in part to local community groups for informal recreation or similar purposes. Any such use would be expected to incur no net additional costs or liabilities to the Council.

Master-planning

- 5.2 It is still proposed to proceed with the commissioning of a master-plan on the basis previously agreed in order to establish the most appropriate end use for the site taking into account the current Local Plan process as well as service and financial considerations. At this stage it is intended that officers prepare a brief in liaison with the relevant land owners, and the relevant portfolio holder, and that this be reported, along with the geographical scope of the masterplan and an indicative cost, to a future meeting.

6. Outcomes Linked to Corporate Priorities

- 6.1 At this stage it is unclear how the future of the site might contribute towards the Council Plan priorities. Nevertheless they should be taken into account as part of the master-planning process
- 6.2 On a broader note Members will be aware that there is no provision for either a revenue subsidy or capital investment into future municipal golf provision in this location, in either the MTFs or Capital Programme. Additionally Members are reminded that the approved Asset Management Strategy and Capital Strategy identify the need for disposing of land/property which is no longer required to meet an operational or other need in order to:
- reduce maintenance costs;
 - facilitate development needs and;
 - generate capital Programme demands

7. Sustainability implications

- 7.1 There are no such implications directly arising from this report.

8. Legal and statutory implications

- 8.1 The Council is not under any statutory duty as regards the provision of municipal golf.
- 8.2 The Council has a duty to achieve “best consideration” in the disposal of any land/property assets.
- 8.3 The Local Government Act 2000 (as amended) confers general powers to well-being to Councils thereby enabling them to undertake activities for the social, economic or environmental well-being of their communities.
- 8.4 The Council has a duty of care to protect the interests of users of the land from a health and safety perspective.

9. Equality Impact Assessment

- 9.1 There are no such considerations arising directly from the matters addressed in this report.

10. Financial and resource implications

- 10.1 With the golf course reverting to the Council, whilst short-term management and maintenance costs have been negated by the decision to close the course for the foreseeable future, there will be ongoing holding and maintenance costs. In this regard provision has been made (as part of the 2014/15 budget-setting process) in the sum of £61,280 to enable such costs to be met until a decision is made with regards to the former course's future use. It is worth noting that the main revenue burden relates to National Non-Domestic Rates which costs about £22k p.a.

- 10.2 Security of the buildings to minimise the risk of vandalism, measures to reduce the risk of trespass onto the site has cost £10K (met from the Repairs and Renewal Fund).
- 10.3 At the time of your meeting in March it had been intended that a minimal interim course maintenance involving cutting the grass on the course during the growing season would be assimilated into the work programme of the Council's Grounds Maintenance team, along with inspections to monitor the condition of the trees on the course. In order to minimise service delivery impact it is now intended to procure a third party to cut the grass under a licence arrangement. The option of securing some form of interim community use (on a nil subsidy from or liability to the Council basis) may help to minimise the service impact on the Grounds Maintenance team.
- 10.4 As indicated in the last report to Cabinet any master-planning exercise is likely to require a contribution from this Council of at least £100k for which no provision has been made within any approved budget. At this stage members are being asked to approve the preparation of a brief (using existing officer resources) in liaison with other land owners after which the financial requirements of the parties will be clearer. At that point it would be necessary for officers to seek any financial approval in accordance with the Council's current Financial Regulations (likely to require a decision by the Council).

11. Major risks

- 11.1 The most significant risk arises from the Council's short/medium term inability to make firm decisions about achieving a development-led solution to the site given the Green Belt status of the land.

12. Previous decisions/reports

- 12.1 Reports to Cabinet on 22.5.2013, 16.10.2013, 15.1.2014 and 05.03.2014 along with various reports being considered at Overview and Scrutiny Committees in relation to Economic Development and Enterprise; Transformation and Resources and; Active and Cohesive Communities.

13. Appendices

- 13.1 Appendix A – Confidential summary of the expressions of interest received

14. Background papers

- 14.1 Marketing particulars

Title: Recycling and Waste Service 2016

Submitted by: Dave Adams – Executive Director (Operational Services)
Trevor Nicoll – Head of Recycling and Fleet Services

Portfolio: Environment and Recycling

Ward(s) affected: All

Purpose of the Report

- To highlight the processes associated with the development of the new Recycling and Waste Service from July 2016 onwards.
- To consider a range of detailed recommendations to ensure that the new service can be commenced on time and successfully delivered.
- To highlight the risks associated with the provision of the proposed service.

Recommendations

1. That Cabinet agree the structure of the new service, as recommended by the Cabinet Panel and as detailed within this report.
2. That Cabinet approve the design of the new service as detailed within the report, to consist of weekly collections of recycling and food, fortnightly collections of residual waste and fortnightly collections of garden waste. Garden waste to operate for 46 week period, providing one free garden waste bin, and chargeable additional bins.
3. That Cabinet agree to the Cabinet Panel being given delegated powers to develop and agree the detail of the service and monitor progress of key tasks to be undertaken in the run up to the new service commencement. This to include the specification and procurement of vehicles, treatment contracts, depot infrastructure, containers, material resale arrangements, collection schedules, working patterns and expansion of the range of materials collected.
4. That at the end of the current contract for collection of dry recycling materials, this element of the service is integrated with the existing in-house collections team to form a comprehensive in-house collections service.
5. That Cabinet note the outline costs of the new service and that budget provision is made as part of the budget preparation process for 2015/16 and 2016/17.
6. That Cabinet agree the timetable as set out within this report.

Reasons

- To ensure continuity of service at the end of the current contract periods.

- **To develop a service that provides residents an affordable, environmentally sound, excellent, and legally compliant service.**
- **To provide the council with timely information regarding potential investment pressures and savings that will result from the adoption of a new service.**
- **To ensure that there is adequate time for review, consultation, procurement and implementation of the new service.**
- **To provide a stable platform to enable the Council to maintain and develop the recycling and waste service and to further increase its recycling rates.**

1. **Background**

The councils current recycling and waste strategy has been prepared following the principles agreed by Cabinet in October 2007 and consultation with stakeholders. It sets out the direction for the Waste Management services up to 2016. The strategy was prepared taking account of national guidance (Waste Strategy for England 2007) and the 'principles and policies' set out in the Integrated Municipal Waste Management Strategy for Staffordshire and Stoke-on-Trent (2020 Vision).

The service under went a major redesign in 2010, with the introduction of weekly food waste collection, fortnightly garden and residual waste collections and kerbside recycling of paper, card, plastic, cans and textiles. Due to residents' and staff commitment to the service this has seen an increase in recycling from 27% in 2008/9 to 51% in 2011/12, as well as a reduction in residual waste by over 35%. Over the same period the financial efficiency of the service has improved. The service has won five national awards and has been nominated in a number of others over the last couple of years, due to the design and standard of the service.

In October 2012 a representative cross party Cabinet Panel was established to review the current strategy, consider options and risks for future provision and develop a new strategy and service. Over the last 18 months officers have supported the Panel to review the current service in identifying the strengths and weaknesses of the current service, reviewing current and possible further legislation and risks relative to each option considered. The Panel undertook a number of reference site visits to identify possible options for the borough recycling and waste service. At the conclusion of this research 13 costed options were developed by officers for the Panel to select its recommended service. The panel then determined the most appropriate option to consult with residents on.

From 3rd February 2014 to 14 April 2014, the council ran a ten week public consultation of the service changes, from which 513 responses were received. During the consultation period Officers spoke at all 9 Local Area Partnership committees and all 10 Parish/Town Councils within the Borough to explain the proposed service change and the reasons for changing. Officers also ran a number of drop-in sessions in both town centres and at Jubilee 2, and The Reporter also ran of full page article on the service change and consultation programme.

It was clear from the consultation that residents welcome the move away from the bag element of the current service and believe that by moving to weekly recycling they would have less to store and would recycle more. Residents also clearly supported the continuance

of the policy of being provided with one wheeled bin for garden waste free of charge. On a more strategic view the vast majority of residents could clearly understand that the Councils approach to waste as a resource and style of recycling service provides income to subsidise services / reduce pressure on Council Tax.

The service change proposals were also presented to the Cleaner, Greener & Safer Communities Scrutiny Committee by the Portfolio Holder and Officers on 25th June 2014. The Committee scrutinised the proposals and resolved to support the introduction of the new service as detailed in this report.

2.0 Issues

The Councils current Integrated Recycling and Waste Strategy runs out in 2016 at the same time as all the Councils waste management contracts. In order for the Council to develop a new collection and treatment service it is important that it has a clear and stable integrated recycling and waste strategy to 2023 and beyond.

Due to the complexities and options surrounding provision of recycling and waste collections to residents it is important that a full review of the current integrated waste strategy was undertaken in good time to ensure that continuity is provided when the current waste contracts terminate in July 2016.

In January 2014 Cabinet approved the Staffordshire Wide Joint Municipal Waste Management Strategy (JMWMS), which was subsequently adopted by the Staffordshire Joint Waste Board in April 2014. The JMWMS was designed to be a simple overarching strategy allowing individual partner authorities to develop their detailed strategies and delivery plans which take account of the six overarching principles of the JMWMS, these being:-

- Waste Prevention
- Efficiency Savings
- Resource Recovery
- Carbon Reduction
- Infrastructure & Contracts
- Municipal Waste Household & Commercial (providing more efficient customer focused services)

The JMWMS also allows individual authorities to develop their services in a way which reflects the needs and aspirations of individual authority communities. The methodology also allows flexibility in providing a structure which allows authorities to work more closely together and potentially share services, where there is mutual benefit to those authorities. The Council has gone forward and developed a live action plan document that details the service that we currently provide and future direction of the service in a clear format.

The Council also needs to consider the risk of changing legislation when developing the new service. From 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately, unless they can demonstrate that it is not necessary to ensure the appropriate level of quality, or/and it is not technically, environmentally and economically practicable (TEEP).

This legislation is set out under The Waste (England and Wales) (Amendment) Regulations 2012, which are transposed from the EU's revised Waste Framework Directive. Defra will not provide detail legal guidance on this and states that local authorities should seek their own legal guidance on TEEP, however the underlying message seems clear that the four specified types of recyclables (paper, plastic, metals and glass) must be collected separately

from January 2015 unless it can be demonstrated, if necessary to the satisfaction of a court of law, that this is either unnecessary or not possible.

To not collect the material separately authorities must prove that collecting co-mingled is justified because either:

- It is not necessary for the production of quality recyclables because the output of the Materials Recycling Facility (MRF) is of high quality;
or
- It is not technically, environmentally and economically practicable (TEEP) to provide separate collections.

Defra were clear that proving TEEP would not just be a simple tick-box exercise, and neither would the argument that "it is what the public want us to do" would be sufficient for an Authority to continue to collect co-mingled recyclables.

3.0 Options

Prior to the options being developed Members of the Cabinet Panel established and agreed a set of main objectives for a new integrated recycling and waste service. This enabled the Panel to review the options, once developed, against these agreed objectives.

Main Objectives for new service are as follows:

- To reduce costs for residents – focus on recycling and composting as it is cheaper than disposing of waste through incineration or landfill.
- To achieve at least 55 per cent of waste by 2020 – Currently Councils have a statutory duty to recycle 50 per cent by 2020.
- To collect four separate streams of materials for recycling – (this being a requirement under European Union law that councils are required to adhere to.)
- To make the system simpler, but ensure a high quality service.

Officers developed 13 costed options for recycling and waste collection services, with each option being based on different types of collections, and frequency of collections. The costings in this table only relate to the cost borne by the Council, however additional work was undertaken looking at the holistic cost of recycling and waste for residents which included cost that would be borne by Staffordshire County Council.

	A – Weekly Recycling & Food – Fortnightly Residual & Garden	B – weekly Food – Fortnightly Recycling Residual & Garden	C – No Food - Fortnightly Recycling Residual & Garden	D – Weekly Recycling & Food – Fortnightly Garden – Monthly Residual	E – Weekly Residual – Fortnightly Basic Recycling – Chargeable Garden – No Food
Kerbside Sort	£2,576,094	£3,016,288	£2,607,198	£2,421,336	N/A
Fully Co-mingled	£3,322,246	£3,304,601	£2,756,326	£2,957,488	N/A
Dual Stream	£3,117,046	£3,077,801	£2,529,526	£2,698,288	N/A
Basic Recycling	N/A	N/A	N/A	N/A	£2,815,253

As well as undertaking a costing exercise, each of the options were evaluated for risks and added to the options matrix with shading from red for high risk to green for low risk. These risks included:

- Recycling Markets and Quality of Material
- Legislation and TEEP
- Participation
- Treatment Costs

Officers then supported the Panel in reviewing each of the options in terms of acceptability/suitability of service, risk and cost to enable Members to agree on preferred solutions. The preferred solution agreed by the panel was Weekly Kerbside Sort Recycling, Weekly Food, Fortnightly Residual and Fortnightly Garden waste collections.

4.0. Proposals

Service Design

The preferred solution agreed by the panel was Weekly Kerbside Sort Recycling, Weekly Food, Fortnightly Residual and Fortnightly Garden waste collections.

- Three 55L box system for dry recycling collected weekly
 - Paper / Small Electrical appliances / Batteries / Textiles
 - Card/ Glass
 - Plastic Bottles / Cans & Tins
 - Food Wasted collected weekly – in caddy
- Garden Waste collected fortnightly – 240L bin
- Residual Waste collected fortnightly – 180L bin
- Dry Recycling and Food Waste – Single pass with driver plus one or two porter with kerbside sort vehicle
- Residual / Garden Waste collected fortnightly – with standard collection vehicle.



This proposed service meets the all the objectives set down by the Cabinet Panel as follows:

To reduce costs for residents.

Staff will be TUPE'd to the Council at the end of the current dry recycling. Also by operating a fully in-house provision efficiencies can be generated via operating from a single depot. There will also be a reduction in senior management and there can be increased flexibility within the workforce. By continuing with changing the focus from a waste to a recycling service and increasing recycling collections to weekly, this will generate savings via a reduction in disposal tonnages/costs and increased recycling tonnages, resulting in an increase in recycling credits and income from recycle material sale.

To achieve at least 55 per cent of waste by 2020.

The Councils recycling rate has now plateaued in the low 50's percent. The new service will give residents the opportunity to recycle on a weekly basis. It is modelled that this will lead to between 10 and 20% more recycling being collected, which will enable the council to achieve the required 55% level of recycling.

To collect four separate streams of materials for recycling.

Due to the manner of collection the Council will be fully compliant with the changes introduced by this legislation and remove the threat of challenge and prosecution.

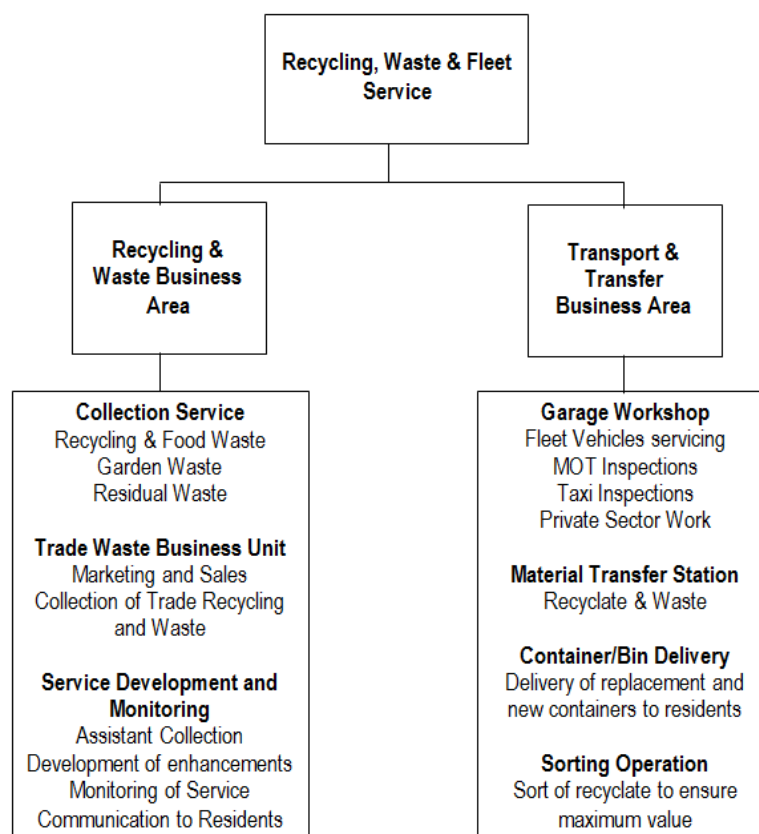
To make the system simpler, but high quality service.

One of the issues of the current service in the lightweight red plastic sacks for plastic bottles, blue bags for paper and the green bags for cardboard. The new service will remove the need for these as all dry recycle will be collected in boxes. The boxes will be easily stackable, thus removing the amount of space required to store them and will be collected weekly so recycling does not have to be stored in the home for as long.

Structure

The proposed change will require the service to restructure the way it is managed and increase the number of staff directly employed by the Council, rather than employed by a

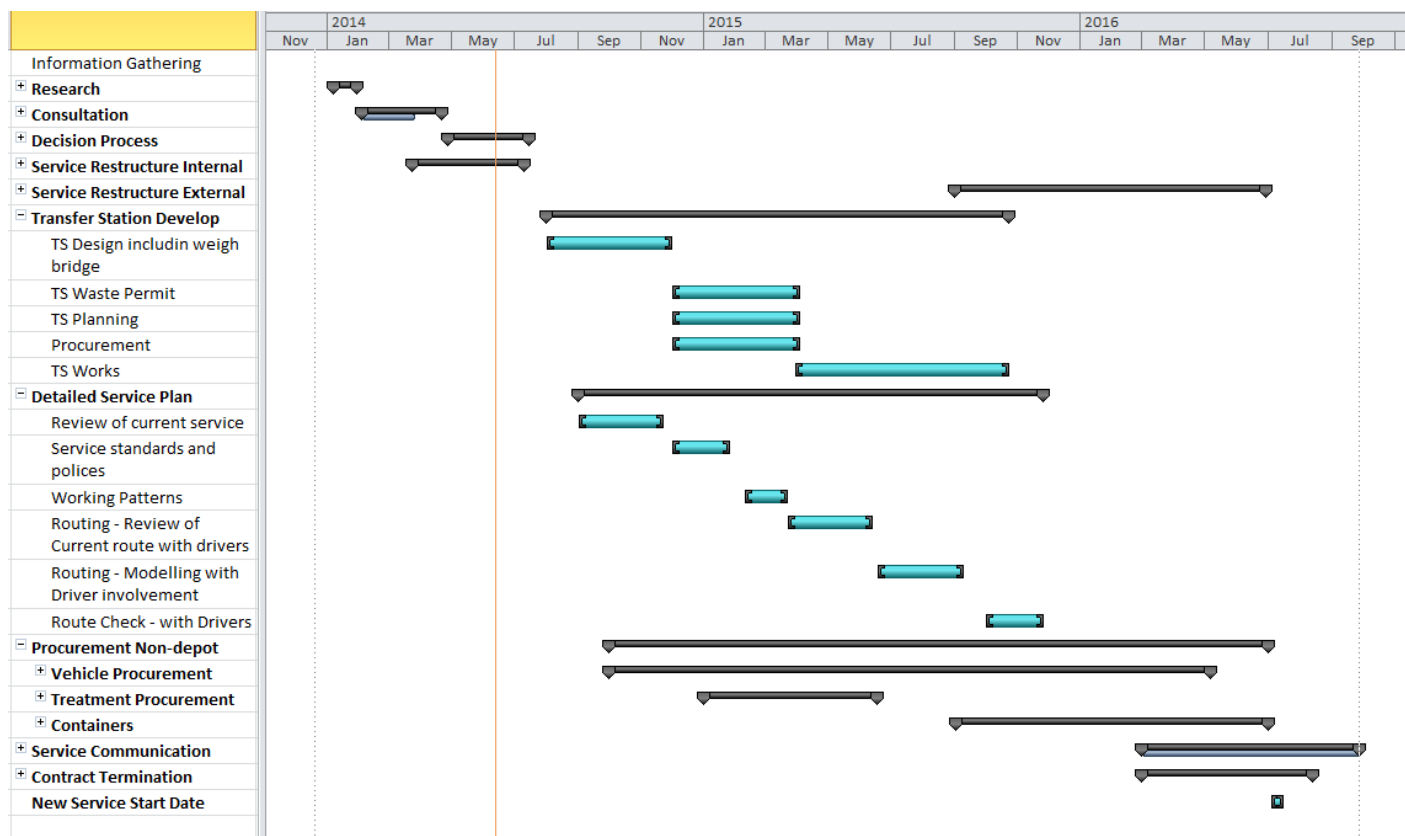
contractor. It is intended as the first phase, in October 2014, the service is restructured aligning collection and strategy parts of the service under a single business manager and Head of Service. The second phase will then take place in July 2016 when the service changes and approximately 30 staff will be transferred through a TUPE process to the Council from the current contractor. These staff will be integrated with our current staff to undertake the collection of recycling and waste. Staff will also be required to operate the recycle transfer station which will receive, sort and bulk recycle prior to these being sold to the reuse market.



Time Table

Once the service structure and design has been agreed it is then possible to enter into the implementation stage of the service change. Due to the complexity of the change that has been proposed it is important that the Officers have two years lead-in period to ensure that the service is implemented correctly.

There are a wide range and large number of tasks involved, with a number of them being dependent on each other. The tasks include planning and development on a new transfer station at Knutton Lane Depot, development of new collection rounds, procurement of containers and vehicles, a number of staff matters including the TUPE agreements for contractors' staff, the arrangement of recyclate market for the material collected and the communication of the new service to residents.



Cabinet Panel

The Council Leader may arrange for a Cabinet Function to be discharged by a Cabinet Committee consisting of members of the Cabinet or a single member or an officer by way of joint or local arrangement. Appendix 8 of the Council’s Constitution sets out the procedure and rules for the establishment of Cabinet Panels.

In this case the Cabinet Panel has already been established but it does not have the required delegated powers to enable it to make the decisions listed in the recommendations.

It is recommended that authority be delegated to the Portfolio Holder for Environment and Recycling to make decisions in relation to the following areas:

- To develop and agree the detail of the service and monitor progress of key tasks to be undertaken in the run up to the new service commencement.
- The specification and procurement of vehicles,
- Treatment methods,
- Depot infrastructure,
- Containers,
- Material resale,
- Collection schedules,
- Working patterns
- Expansion of the range of materials collected.

The Portfolio Holder for Environment and Recycling will continue to be the Chair of the Cabinet Panel and the rules of political proportionality will apply

The following rules will also apply to the Panel:

- The quorum for the meeting will be one quarter of the members, with a minimum of three.
- An agenda and reports will be sent to members at least 5 clear days in advance of each meeting.
- Minutes of each meeting will be produced and published as per other formal Council meetings.
- Decisions will be formally recorded and subject to the same call-in procedure as other committees.
- The Panel will report to Cabinet and may refer matters to the relevant scrutiny committee for comment
- Panels will be time limited and terminated upon reporting unless their brief is extended by Cabinet.

The Constitution will be updated at Part 3 (Scheme of Delegation) to reflect the above arrangements.

5.0 **Outcomes Linked to Corporate Priorities**

The proposals relate to the effective delivery of the improved collection and treatment arrangements for recycling and waste, which would contribute to the following:

- 5.1 A clean, safe, and sustainable Borough.
- 5.2 A Borough of opportunity.
- 5.3 A healthy and active community.
- 5.4 Becoming a co-operative council, delivering high value, community driven services.

6.0 **Legal and Statutory Implications**

The Landfill Directive (99/31/EC) requires a reduction in bio-degradable waste to be landfilled by 75% in 2010, when compared against the 1995 level.

The Government's Waste Strategy requires 40% of domestic waste by weight to be recycled by 2010 and 50% by 2020. The waste strategy is designed to increase recycling and therefore meet the legislative requirements without incurring financial penalties from Europe.

The Environmental Protection Act 1990 empowers the Council as a Waste Collection Authority to direct householders how to present waste.

The Waste (England and Wales) (Amendment) Regulations 2012, which are transposed from the EU's revised Waste Framework Directive, including TEEP element.

7.0. **Equality Impact Assessment**

During the development of the new service a equality impact assessment will be undertaken for each aspect of the development. It is anticipated that the comprehensive service design will make a significant positive equalities impact.

8.0. **Financial and Resource Implications**

There are significant financial and resource implications associated with the development and efficient management of this service, and to ensure that the outline budgets for the revised service are correct as possible at this stage officers from both the Finance and Recycling & Fleet services have worked very closely to develop the cost model and will continue to do so to refine the model during the further development of the service.

The current net cost of the Recycling and Waste Service is in the region of £3.1 million per year, made up of gross expenditure of £5.43m offset by a gross income of £2.33m per year. The income comes from a number of sources such as recycling credits and income from the sale of recyclate collected.

The new service increases the focus on income generation to offset the cost of the service for residents and improving recycling results, whilst not losing focus on cost reduction where ever that is possible.

There are a number of areas where the new service targets cost reductions including the following:-

- Reduction in the total depot costs for undertaking the services. As the service currently operates from two depots Knutton Lane and Hot Lane, under the new service all operations will be undertaken from the Knutton Lane Depot.
- Reduction in contractor costs with the removal of the profit element for the contractor and the reduction of senior management costs across the Council and Contractor once the service is completely operated internally.
- Reduction in the cost of food collections, this will be achieved by the introduction of the food collection capability onto all the recycling vehicles.
- Reduction of the ongoing cost of container provision, mainly the annual supply of red bags for plastics and the frequent supply of green bags for card.
- Reduction in the total vehicle costs by the use of smaller more economical vehicles for recycling.

In addition to the cost reductions on the expenditure side there will so be a number of increases to the income generation side of the service budget as follows:-

- It is estimated that there will be an increase of between 10 and 20% of the total amount of dry recyclate collected by providing residents with enhanced weekly collection of recycling collections. This increase in recyclate will lead to an increase in the amount of recycling credits claimed from Staffordshire County Council.
- The total income from selling of the recyclate will remain with the Council, rather than only receiving 50% of the income under the current service.
- Changes in the method that the recycling is collected will ensure good quality material which will increase the unit price value of the recyclate. This will include the removal of red bags from the plastic collection stream and the opportunity for additional sorting.

The revised budget for the new service has been developed by officers of the Council and by adopting the proposed new service the models show that the Council should be saving in the region of £500,000 per year for the net budget split between approximately one third to be achieved by reduction in expenditure compared to current costs and two thirds to be achieved from additional income. The modelling for the service shows that the expenditure of the service will be in the region of £5.55m and the income offset should be £2.96m resulting in net expenditure of £2.6m a year

In addition to the changes to revenue budget detailed above, this change of service will put additional pressure on the capital programme. It is currently estimated that there will be a requirement for approximately £4.1 million of capital expenditure spread over the 2015/16 and 16/17 financial years for the replacement of collection vehicles, depot infrastructure and containers for the service.

This is broken down as follows:

- ❖ Replacement of existing collection vehicles on residual, green and trade waste rounds = £1,875k
- ❖ New Recycling (including food) collection vehicles currently provided through recycling collection contract = £1,540k
- ❖ Recycling Containers (based on 3 boxes per household) =£495k
- ❖ Knutton Lane Depot works (including waste bulking and transfer facilities, weighbridge, additional JCB and forklift) = £225k

It should be noted that even if the Council did not change the service there would be a requirement to replace the Councils current fleet of collection vehicles. Also, even if the Council did not intend to in-source the remaining elements of the collection service it is now normal practise across the industry for local authorities to fund the purchase collection vehicles for contractors.

In respect of the financing of the £4.1 million of capital expenditure outlined above, dependant on the timing of capital receipts from the assets disposal programme the Council may have to enter into either short term temporary borrowing arrangements or longer term arrangements in accordance with the CIPFA prudential code for borrowing.

9.0. **Major Risks**

The Recycling and Waste Service is an universal service provided to all households in the Borough and due to its size and scope there are a number of risks associated with the delivery of the service regardless of the method of delivery selected. One of the overarching risks it that the project suffers delays in the development and implementation of the new recycling and waste service resulting in the service not able to start in July 2016. To reduce elements of this risk it is proposed that the Cabinet Panel is given delegated authority to make decisions on the detailed delivery of the key tasks associated with the service development.

In additional to the overarching risk above the following are determined as major risks. It is recognised that these risks will change due the development and implementation of the new service:-

The major risks are considered to be:

- **Legislation**
This service change will be affected by a wide range of both industry and general legislation and failure to comply will have a wide range of consequences to the service and the Council. It is also important that the service is designed so that it can be flexible to comply with new legislation throughout the length of the service provision, which is likely to be 7 or 14 years. The Waste (England and Wales) (Amendment) Regulations 2012, which are transposed from the EU's revised Waste

Framework Directive, including the TEEP element, is currently in a state of flux, with central government not providing detailed guidance on the full requirement of the regulations. Also at this time the European Government are considering increasing the level of recycling that will be required to be achieved by local authorities and possibly adding a range of materials that will be banned from landfill.

- **Community Participation**

This service model relies strongly on engaging residents to participate in the use the service correctly and failure to engage with residents could lead to contamination of material and lower tonnages. It is important that throughout the implementation of the service changes the council communicates clearly with residents.

- **Staff Participation**

This service is heavily reliant of on staff to ensure that it is successful. The proposed service will involve the merging and integration of two large groups of staff. There will also need to be a number of changes to working practices.

- **Fluctuations in material values and tonnage**

The proposed service develops and expands the current services' reliance of income from recycle. As the recycle market is part of a worldwide market, the income from this fluctuates and may exceed or not meet budget over the life time of the service. Consideration will need to be given as to how the Council manages and minimises this risk/opportunity and endeavour to work closely with end markets.

A sensitivity analysis has been carried out that illustrates the potential impacts (both positive and negative) of variations in tonnages collected, material resale prices and recycling credit values against the baseline assumptions used in the budget model. This analysis shows that dependant on the variable factors listed above there could be significant variations, positive or negative, from the modelled budget. However the assumptions used in the model are considered to be prudent in terms of what is known at this point in terms of markets, expected increases in tonnages and availability of recycling credits.

- **Change in end market quality specification**

It is important that consideration is given to the end market quality specification to ensure that the Council achieves the best possible rate for material at any given time. As the proposed service flows from the kerbside sort collection model, the quality of material collected will be of a higher standard than other collection models, which should make it simpler to achieve a higher value.

- **Issues with transfer station development and planning**

One of the key elements of this new service is the provision of a new transfer station. It is proposed that this will be developed at Knutton Lane Depot, however this will require a change to the current Waste Permit the site holds and a change to the planning permission for the site.

- **Capital requirements**

As detailed within this report there will be a requirement for approximately £4.1 million of capital funding for the purchase of vehicles. Failure to purchase vehicles via outright purchase may require the vehicles to be funded via a different model which may affect savings in the revenue model.

10.0 **Key Decision Information**

- The decision is one that would affect all wards and has a significant positive budgetary implication for the Council. It has therefore been included on the Forward Plan.

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Classification: NULBC UNCLASSIFIED

1. FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER FOUR (March) 2014

Submitted by: Head of Finance and Head of Business Improvement, Central Services & Partnerships

Portfolio: Communications, Policy & Partnerships; Finance and Resources

Wards Affected: All

Purpose

To provide Cabinet with the Financial and Performance Review, Fourth Quarter, 2013/14.

Recommendations

- (a) That Members note the contents of the report and recommend that the Council continues to monitor and scrutinise performance alongside finances.
- (b) That Members note the comments raised by Scrutiny and the responses from officers.

Reasons

These monitoring reports provide information about the corporate performance of individual council services, alongside financial information. This report was presented to Finance, Resources & Partnerships Scrutiny Committee meeting on 17 June 2014.

1. Background

- 1.1 This report provides Members with a detailed update on how the Council has performed during the fourth quarter of 2013/14 by presenting performance data set in a financial context.
- 1.2 This report provides financial information (Appendix A) and also detailed analysis of performance (Appendix B) for the first four quarters of 2013/14.
- 1.3 There is additional information (Appendix C) detailing questions raised at the Finance, Resources & Partnerships Scrutiny Committee meeting on 17 June 2014, and subsequent responses.
- 1.4 A summary of the overall picture is presented in section 3 of this report. Performance is progressing well, with the majority of targets currently met.

2. 2013/14 Revenue and Capital Budget Position

- 2.1 The outturn is not yet available because, although the 2013/14 accounts now include all the payments that have actually been made and all of the cash actually received up to and including 31 March 2014, there are still a number of adjustments and accounting entries which remain to be made in order to complete the year's accounts. These adjustments will be finalised shortly.
- 2.2 The Council approved a general fund revenue budget of £14.119m on 27 February 2013. Further financial information will be provided in Appendix A.

3 Performance

- 3.1 The Council Plan Performance report is reported and attached as Appendix B.

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3.2 The information is presented in four sections against each priority and details results and progress towards identified outcomes for the council and the number of indicators monitored this time is 40. The proportion of indicators which have met their targets, based on data at the time of compiling this report, was 87%.

3.3 There are two columns to show improvement and achievement:

- One set of symbols (arrows), show whether performance has improved or worsened since the last time each indicator was reported
- The “Good performance is” column denotes polarity: low or high and allows the reader to analyse the results in detail

3.4 An overall summary of performance against each priority is also stated, highlighting issues and improvement to be noted.

3.5 The intention is to further develop the format of performance reports ensuring suitability and clear communication of progress with outcomes for members and officers of the council.

3.6 Positive performance can be seen in a range of services although it must be borne in mind that the results later in the year can be different and that some services have seasonal factors.

3.7 There are a small number of areas listed in this report which are not on target, though none causes concern at present. In all cases, the management of the service is aware of the issues and are taking steps to deal with the situation. Further updates will be provided for Members in future reports.

3.8 An additional Appendix C details comments from Scrutiny where this report was presented and the responses from officers of the Council.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

4.1 All of these indicators link to corporate priorities.

5. Legal and Statutory Implications

5.1 The Council has a duty to set targets for performance of a range of functions and needs to monitor these closely.

6. Equality Impact Implications

6.1 There are no differential equality issues.

7. Financial and Resource Implications

7.1 Any positive variance for the full year on the General Fund Revenue Account will enable that amount to be transferred to the Budget Support Fund and will be available in future years for use as the Council considers appropriate. Conversely, if there is an adverse variance, the amount required to cover this will have to be met from the Budget Support Fund.

8. Major Risks

8.1 The current economic situation represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation

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to services where customers may chose whether or not to use Council facilities, such as car parking and other areas directly affected by the economic downturn, such as land charges and planning applications. The situation will be monitored through the normal budget monitoring procedures.

8.2 The capital programme will require regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital Programme Review Group, which meets on a monthly basis together with quarterly reports to Cabinet.

8.3 The above represents a high level view of risk. There are detailed risk registers available if members wish to see them.

9. List of Appendices

Financial information (Appendix A), the Council Plan Performance report (Appendix B) and Scrutiny Question and Answer report (Appendix C) are attached.

10. Background Papers

Working papers held by officers responsible for calculating indicators.

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Financial Position Quarter Four 2013/14

General Fund Revenue Budget

The Council approved a General Fund Revenue Budget of £14,118,640 on 27 February 2013. The actual position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget. Regular reports are made available to members by the Portfolio Holder for Finance and Resources informing them of the current position, highlighting any significant factors giving rise to variances.

Capital Programme

A Capital Programme totalling £7,963,400, covering the two years 2012/13 to 2013/14, was approved at the same Council meeting. Of this total, £5,004,300 was estimated to be spent in 2013/14.

Revenue Budget Position

The outturn position is a surplus of £6,554, which is in line with the approved budget and budget monitoring predictions during the year. The Audit and Risk Committee agenda for its meeting of 21 July 2014 contains a commentary on the outturn in the report in relation to the draft statement of accounts for 2013/14, which can be referred to for further details such as areas where variances occurred.

Capital Programme Position

The Capital Programme approved by Council in February 2013 has been updated to take account of slippage in 2012/13. Where planned expenditure did not occur last year, this has been added to the budget for 2013/14 (apart from any cases where costs have been reduced or expenditure will no longer be incurred). The revised budget for capital projects in 2013/14 totals £5,004,300.

The actual capital outturn for 2013/14 is £3,283,111. The variance is mainly attributable to schemes that have commenced in 2013/14 e.g. improvements in the town centre, but will not be completed until 2014/15.

Investment Counterparties

Investment counterparties with whom money is invested, as at 31 March 2014 are as follows (with the parent company shown in brackets, where applicable):

Halifax Bank of Scotland
Royal Bank of Scotland
Debt Management Account – Deposit Facility
Heritable Bank (*Landsbanki*)

With regard to the Council's frozen investment in Heritable Bank, the total amount repaid now amounts to some £2,357,691, which is 94% of the total that was frozen. The Administrators current prediction is that no further repayments will be made.

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Appendix B

Quarter 4 2013-14

Priority 1: A clean, safe and sustainable Borough

Overall Progress Report

Overall our progress with our outcomes for this priority is positive. A combination of monitoring and target driven indicators are measured with three indicators (1.1.3, 1.3.5 & 1.4.2) introduced for 2013-14 for which it will be the baseline year. The performance for this quarter is shown where possible for the monitoring indicators where a comparison or previous results are known. There are no concerns with the performance of the service indicators.


Our economic indicators have shown improvement this quarter despite some businesses closing. The Town Centre Vacancy Rate indicator has improved with a positive result of 14.68% against a target of 15% and the indicator measuring the Percentage of investment portfolio (NBC owned) vacant continues to perform well with a result of 7.8%.

Community and Streetscene have achieved excellent results for the Levels of Street and Environmental Cleanliness (1.4.1) and exceeded targets set. Also the team have worked well with volunteer groups who have provided an impressive total of 8,814.75 hours in caring for their local green spaces and neighbourhoods in the year to date. Waste indicators also continue to perform well despite being slightly off target this quarter, and with the annual target.

There are positive results for the Crime and Disorder indicators provided from the Police which all show improvement on the results provided in the previous quarter.

Environmental Health continue to work well undertaking inspections to ensure high standards of safety and public health and progressing assessments on air quality in the borough.

Outcome 1.1 Ensure high standards of safety and public health – Lead Member Cllr. Ann Beech, Lead Officer Nesta Henshaw

Page 56	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
1.1.1	Percentage of food premises that have a zero or one national food hygiene rating.	Baseline year	-	Low	Quarterly	1.28% (9 '0/1' premises out of 700 published).	Monitoring indicator	1.19% (9 '0/1' premises out of 752 published).	-	Partial
<p>This indicator measures the percentage of food premises that have a zero or one national food hygiene rating, where following each Food Hygiene Inspection, a food business is awarded a rating of between zero (Urgent improvement necessary) and Five (Very good). These ratings are published on the website at http://www.newcastle-staffs.gov.uk/environment_content.asp?id=SXC69E-A7811729&cat=1390 or http://ratings.food.gov.uk/ Those premises that are rated zero (urgent improvement necessary) or one (major improvement necessary) have been found to be not complying with Food Hygiene Regulations and will be subjected to enhanced business support visits/revisits (and in the most serious cases enforcement action) to help them raise their compliance and protect public health. These premises will then receive a further unannounced inspection approximately 6-9 months later where they will receive a new rating. Due to the number of businesses changing day by day the numerator and denominator are constantly changing throughout the year.</p>										
1.1.2	The percentage of food establishments which are broadly compliant with good hygiene law	91%	85%	High	Quarterly	95% (1051 out of 1107 premises deemed broadly compliant).	85%	93.1% (1040 out of 1117 premises deemed broadly compliant).		Partial
<p>Following each food hygiene inspection a premise will be risk rated and given a score of between 0 (Very Good) and 30 (Very bad) for its' compliance with 1. Food Hygiene Procedures, 2. Structure and 3. Confidence in Management. Where a premises scores 10 or better in each of these 3 categories they are defined as being 'broadly compliant' with food hygiene law. This indicator describes the percentage of businesses in the borough that are deemed 'Broadly Compliant'. Due to the number of businesses changing day by day the numerator and denominator are constantly changing throughout the year.</p>										
1.1.3	The area of contaminated land that has been remediated or is determined suitable for use	Baseline 2013-14	N/A	High	6 Monthly	Year to date 79 Ha	Monitoring Indicator	6 month 71 Ha	-	Partial
<p>The possibility of land being contaminated is a material planning consideration to ensure that land is 'suitable for use' and does not present any unacceptable risk to human health or the wider environment. Land is considered suitable for use following receipt of sufficient evidence from the developer showing that the site has been remediated to an appropriate and agreed standard, if required, or that no unexpected contamination was found during development. All applications for development received by the LPA or which the MPA or WPA request a consultation from the Environmental Health Division are screened for contamination issues and appropriate may be requested depending upon the nature of the development to ensure that the development is "suitable for use". Over the year, the Environmental Protection Team reviewed 37 separate sites to discharge the final validation condition imposed on the planning permission. This equated to a total of 79 Ha of land determined to be suitable for its intended end use following appropriate remediation.</p>										

Ref	Indicator	2011 Baseline (year)	Target	Good is	How often reported	Result 2012	Target	How have we performed?	Control Full/ Partial/ None
1.1.5	Number of people killed or seriously injured on the borough's roads	27 (5 fatal, 22 serious)	-	Low	Annual	19 (3 fatal, 16 serious)	Monitoring indicator	-	None
Information available is for the period January to December 2012 and is a monitoring indicator, showing a decrease from the same period in the previous year. Data for 2013 will be available in June 2014.									



Outcome 1.2 Newcastle will be safer with vulnerable victims of crime and disorder receiving high quality support. – Lead Member Cllr Tony Kearon, Lead Officer Mark Bailey

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
1.2.3	Reduction in the number of incidents of violence with injury	680	-	High	Quarterly	197	Monitoring Indicator	252	↑	Partial
The result for this quarter is positive and shows a large decrease from Quarter 3, with a running total of 857 for 2013-14 and is compared with 680 in 2012-13. Whilst there appears to be a large increase in 2013-14 compared to the total for 2012-13, it should be noted that in August 2013 a new process in crime recording was introduced which led to a force wide increase in violent crime recording.										
1.2.4	Reduction in the number of incidents of anti-social behaviour	3,813	-	High	Quarterly	785	Monitoring Indicator	801	↑	Partial
There is an improvement in the result this quarter compared with the result last quarter (801) and the year end result of 3783 against a result of 3813 for 2012-13.										
1.2.5	Reduction in the number of incidents of serious acquisitive crime	773	-	High	Quarterly	183	Monitoring Indicator	213	↑	Partial
The result for this quarter is positive and shows a large decrease in this quarter, with a running total for the year to date of 770.										



Outcome 1.3 The negative impact that the Council, residents and local businesses have on the environment will have reduced – Lead Member: Cllr. Ann Beech, Lead Officers: Trevor Nicoll/Nesta Henshaw

Ref	Indicator	2012-3/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
1.3.1	The amount of residual waste per household	421.64 kgs	425 kgs	Low	Quarterly	430.23kgs (year to date)	420 kgs (year to date)	322.48 kgs (year to date)	↓	Partial
The performance this quarter is 107.75 kgs (estimated) and is comparable to the amount collected in the previous quarter of 106.16. This equates to a total annual figure of 430.23kgs for 2013-14, which is above the annual target of 420kgs.										
1.3.2	Percentage of household waste sent for reuse, recycling and composting	51.69%	52%	High	Quarterly	50.94% (year to date)	54%	51.87 % (year to date)	↓	Partial
Slightly below target this quarter with a total 4,773.86 tonnes recycled and composted. The figure for quarter 4 is 44.98% and the lower figure is due to seasonal changes impacting on the result this quarter. The outturn figure of 50.94% is very close to last year's figure.										
1.3.5	The level of air quality	Baseline year 2013-14	-	Low	Quarterly	To be supplied	Monitoring indicator	N/A	-	Partial
<p>The Council has a statutory duty to assess air quality for compliance against the standards set in the Air Quality (England) Regulations 2000 for a range of pollutants which have an impact on health. This regime requires monitoring, assessment and interpretation of air quality. Further assessment (including computer modelling of pollution levels), the declaration of Air Quality Management Areas (AQMA's) and action plans to reduce pollutant levels have to be undertaken if any exceedances of the legal 'objective level' are identified.</p> <p>In quarter one we commissioned a statutory detailed assessment and a further assessment of air quality due to exceedances of the statutory annual mean objective for nitrogen dioxide for four geographic areas located in Kidsgrove, Madeley, Newcastle Town Centre and Porthill/Maybank area. This report was submitted to DEFRA in quarter 3 and has been formally accepted. Work is now underway on a consultation exercise with stakeholders and residents on the boundaries of air quality management areas which is to commence in quarter 4. Once the AQMA's have been declared, an air quality action plan will be developed for submission to DEFRA within 18 months. Work will also be commenced on the preparation of planning guidance and an air quality strategy for Newcastle-under-Lyme.</p> <p>A statutory air quality progress report for the 2012 calendar year was submitted to and accepted by DEFRA. This provided commentary on air quality across the Borough in the 2012 calendar year. This report has identified exceedances of the annual mean nitrogen dioxide objective at Madeley (M6 motorway) Kidsgrove (A50 – Liverpool Road) Newcastle Town Centre (A34 Northbound - London Road); Newcastle Town Centre (A53 – King Street), May Bank (A527 - High Street) and Porthill (A527 - Porthill Bank)</p> <p>The Air Quality Progress Report for the 2013 calendar year is due to be submitted to DEFRA in quarter 1 of 2014/15. This has identified that exceedances of the annual mean nitrogen dioxide objective continues to be an issue in 2 geographic areas of the Borough at Liverpool Road Kidsgrove, and Newcastle Town Centre including the A34 London Road and King Street. There are locations identified in earlier air quality reports which are still at risk of exceeding the annual mean nitrogen dioxide objective and these will continue to be monitored. No additional areas have been identified at being at risk.</p>										

Outcome 1.4 Our streets and open spaces will be clean, clear and tidy– Lead Member Cllr Ann Beech, Lead Officer Roger Tait

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013- 14	Result Qtr3	How have we performed ?	Control Full/ Partial/ None
1.4.1	Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting)	87.5% 88.33% 98.29% 99.84%	91% 91% 97% 99%	High	Quarterly	92.83% 96.43% 99.83% 100%	91% 91% 97% 99%	Litter 96 % Detritus 97.6 % Graffiti 99.33% Fly posting 100%		Partial
<p>It is pleasing to see that the results for the year:- Litter 95.17%, Detritus 95.96%, Graffiti 99.5% and Fly posting 100% are showing that performance is continuing to be very good and has improved significantly from last year's outturn. It is good to have sustained performance at a high level for this corporate priority. The process for identifying challenging areas and targeting resources into tackling these sites has been thoroughly scrutinised and reviewed since the results from 2012/13 and this has paid dividends with improved performance in excess of the desired targets over the full year. The results for the year have been reviewed to identify any particular areas of concern, and working practices continue to be refined to address these, within the financial and resource restraints which are being applied.</p>										
1.4.2	Number of community volunteer groups/hours spent caring for their local green spaces and neighbourhoods	Baseline 2013-14	N/A	High	Quarterly	8814.75 hrs (cumulative)	Monitoring Indicator	7,387.75hrs (cumulative)		Partial
Page 59	<p>The number of hours worked by volunteers has increased over the fourth quarter with a running total of 8814.75 hours for 2013-14. The number of volunteer hours and activity is recorded for each individual group of volunteers and a running total of community volunteer hours is available at any time. The volunteers or groups participating vary from individuals, schools, fishing groups and Saltbox volunteers to name but a few, and work on various projects such as litter picks, painting, general works and planting in our local green spaces and neighbourhoods.</p>									

Outcome 1.5 Town centres across the borough will be sustainable – Lead Member Cllr Terry Turner, Lead Officers Simon Smith/ Louise Beeby

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
1.5.1	Town Centre Vacancy Rate	13	15	Low	Quarterly	14.68%	15%	15.8%		Partial
<p>The vacancy rate shows an improvement of 1% on the last quarter (48 vacant units out of a total of 327) although there has been some change in the units which are vacant. The last quarter has seen the opening of two new independent businesses, Geekbox Comics and Millie and Roses which are typical of enterprises we would wish to attract to the town Centre.</p>										
1.5.2	Percentage of investment portfolio (NBC owned) vacant	(Qtr 4) 7.8%	14	Low	Quarterly	7.8%	12%	8.4%		Partial
<p>The percentage for this quarter is within target and given the current economic climate is a positive result. Only 14 out of 179 properties are vacant.</p>										

Priority 2 : Borough of Opportunity



Overall Progress Report

Overall our progress with our outcomes for this priority is positive. A combination of monitoring and target driven indicators are measured to give a clearer picture of certain issues such as worklessness, albeit some of the information available is not for the current quarter. The performance for this quarter is shown where possible for the monitoring indicators where a comparison or previous results are known.


The Percentage of Minor Adaptations delivered within four months indicator has progressed well this quarter and has exceeded the target with a result of 89% against a target of 75%. The supporting of the homeless indicator (2.3.6) continues to perform well with a total of 543 clients given help to prevent homelessness in the year to date.

The result for the indicator measuring volunteer involvement at the museum is lower than the previous quarter but a total of 1993 hours were contributed to supporting activities and events this quarter.

Outcome 2.1 Levels of worklessness will have reduced– Lead Member Cllr Terry Turner, Lead Officer Kim Graham

Ref	Indicator	2011-12 Baseline (Apr 11 – Mar 12)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
2.1.1	Level of employment in the borough*	69.9%	N/A	High	Annual	73.3 % (Dec 2013)	Monitoring indicator	73.4 % (Sept 2013)		Partial
The level of employment at December 2013 was 73.3% which compared reasonably well to the West Midlands average of 69.2%.										
Ref	Indicator	2011-12 Baseline (Apr 11 – Mar 12)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
2.1.2	The percentage of working age people claiming Job Seeker's Allowance (JSA)	2.9% (Jun 12)	N/A	Low	Quarterly	2.2 % (April 2014)	Monitoring indicator	2.3 % (Jan 14)		Partial
This compares to the West Midlands result of 3.4% of working age people claiming Job Seekers Allowance in April 2014.										

*% of working age population (aged 16-64) who are economically active and in employment


Ref	Indicator	2011 Baseline (Nov 11)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
2.1.3	The percentage of working age people claiming key out-of-work benefits*	11.5%	N/A	Low	Quarterly	10.0 % (Nov 2013)	Monitoring indicator	10.4 % (Aug 13)		Partial

There has been a decrease in the proportion of claimants of key out-of-work benefits since the Qtr 3 result of 10.4% but this mirrors the increases both regionally and nationally over the same period (West Midlands reduction from 12% to 11.6% and GB reduction from 10.9% to 10.6%).



* % of working age population (16-64) who are claiming JSA, ESA or Incapacity Benefit, lone parent and other income related benefits


Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Dec 2012	How have we performed ?	Control Full/ Partial/ None
2.1.4	The level of 16-19 year olds Not in Education, Employment or Training (NEET)	N/A	N/A	Low	Quarterly	N/A	Monitoring Indicator	4.91%	-	Partial
To be provided at a later date when available.										

Outcome 2.2 Local people will be able to access opportunities for personal development and growth – Lead Member: Cllr. Ann Beech, Lead Officer: Trevor Nicoll/Rob Foster

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
2.2.6	Number of hours worked by volunteers in council co-ordinated activities (museum)	2234	N/A	High	Quarterly	396 (1993 cumulative)	550 (2200 cumulative)	405		Partial
The museum and art gallery currently has 15 volunteers who support officers with the work of the service. Their duties include dealing with archive enquiries, research, cleaning collections, documentation, digitisation, hanging exhibitions, invigilating, and assistance at events. The figure is down slightly this quarter due to a change in personal circumstances of a number of volunteers. The total for Qtr. 4 is 396. The annual total of 1993 hours equates to 38 hours per week of voluntary assistance.										

Outcome 2.3 Housing will be available and accessible to meet a range of diverse needs– Lead Member: Cllr Terry Turner, Lead Officer: Jo Halliday

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
2.3.4	Percentage of referrals for Disabled Facilities Grants (DFG) approved within six months	100%	N/A New target	High	Quarterly	100%	100 %	100 %		Partial
There have been a total of 116 approvals and 103 completions between 01.04.13 to 31.03.14										
2.3.5	Percentage of minor adaptations delivered within four months	71%	N/A New target	High	Quarterly	89%	75 %	84 %		Partial
Disabled Facility Grants are delivered in partnership with Revival Home Improvement Agency – a new county wide contract commences in July 2014. Work is ongoing to maintain this performance through the transition to new county wide arrangements.										

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
2.3.6	Number of homelessness cases where positive action was successful preventing homelessness (from the P1E Quarterly return: Households dealt with under the homelessness provisions of the 1996 Housing Act, and homelessness prevention and relief)	554	500	High	Quarterly	99	125	184		Partial
The service has successfully prevented homelessness in a total of 99 cases this quarter with the service projecting a target of 125. The total number of homelessness cases where a positive action was successful in preventing homeless for the whole year has been 543, which has exceeded the total year target of 500.										
It is worth noting that the Homelessness, housing advice and housing register service has been re-commissioned and a new service provider awarded the contract. The new service commenced on 1 st April 2014, therefore quarter 4 will be the last statistics to be reported under the old service.										

Outcome 2.4 Key parts of the borough will have been regenerated and there will have been overall economic growth– Lead Member: Cllr Terry Turner, Lead Officer: Jo Halliday/Louise Beeby

Ref	Indicator	2010 Baseline (year)	2012/13 Target	Good is	How often reported	Result 2012	Target 2013-14	Result 2011	How have we performed ?	Control Full/ Partial/ None
2.4.3	Rate of Business Births and Deaths	8.3% -Births 10.6% -Deaths Stock total 3,485	N/A	Business birth rate ≥ Business death rate	Annual	9.1% - Births 10.1% Deaths Stock total 3,355	Monitoring Indicator	10.1% –Births 10.2% -Deaths Stock total 3,415	-	Partial
<p>There is a time lag in the data supplied from the ONS Business Demography: Enterprise Births and Deaths and the data shows that there was an increase in business set ups between 2010 and 2011. The 2012 Business Demography data set shows a further slight improvement. In terms of business support to prevent business death, Business Boost is open to all businesses in the borough to encourage and support business planning. The scheme then rewards businesses which have the potential to grow. Information on business start up and business support is also available on the Council's website; this includes referring customers to the LEP business helpline for further support and advice. In addition to this, Business Enterprise Support (BES), Newcastle Enterprise Coach provides free help and support to encourage new business start ups.</p>										

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
2.4.4	Average stall occupancy rate for markets	54%	55%	High	Quarterly	64%	55%	61%	↑	Partial
<p>Better seasonal weather for the first 3 quarters of the year helped to maintain trader attendance during this period. In the last quarter of the year traders were offered an extended stall fee incentive period to encourage them to trade whilst the highways work and market refurbishment project has progressed. This encouraged traders to stay and trade during a difficult period of noise and disturbance. The result has been better than anticipated attendance by stallholders.</p>										

Priority 3 : A Healthy and Active Community



Overall Progress Report

Overall our progress with our outcomes for this priority is fairly positive. A combination of monitoring and target driven indicators are measured to give context to the work undertaken by services. The performance for this quarter is shown where possible for the monitoring indicators where a comparison or previous results are known.

Unfortunately the targets are not yet available for the indicators (3.3.2, 3.3.3) measuring progress of people to the GP referral programme but current information on the programme is detailed. A positive result is the number of visitors to the museum which is under the target of 63,000 but shows good progress compared to the 2012-13 result of 51,364. The number of leisure facility users this year is 628,006 with a target of 670,000 and is off target but it should be noted that the target for this indicator has been increased by 100,000 for the year, with the result up from 579,575 users in 2012-13 despite problems as noted.

Positive results for the measures relating to the Parks and Open Spaces, linked to this priority and outcome 3.1, were reported in the previous quarters, and are to be noted with 9 Green Flag awards and an improved satisfaction result by users.


Outcome 3.1 People who live, work, visit or study in the borough will have access to high quality facilities– Lead Member Cllr Ann Beech , Lead Officer(s) Roger Tait

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Target 2013- 14	Result Qtr 1	How have we performed ?	Control Full/ Partial/ None
3.1.1	Number of parks which have Green Flag status	9	9	High	Annual	9	9		Partial
	A total of nine green flags have been awarded for 2013-14. Newcastle is the top performer in Staffordshire for these awards.								
3.1.2	Level of satisfaction with Council run parks and open spaces	70.2	-	High	Annual	70.2%	78.2%		Partial
	Satisfaction with Council run parks has improved over the last year.								

Outcome 3.2 Levels of cultural activity and participation in the arts will have increased– Lead Member Cllr Trevor Hambleton, Lead Officer - Rob Foster

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
3.2.2	Number of people visiting the museum	51,364	63,000	High	Quarterly	60,029 (cumulative)	63,000	45,409	↓	Partial
<p>Quarterly targets have been profiled this year to allow for the seasonal nature of the service. Marketing and raising awareness of the service to maintain and increase visitor numbers is a key objective for the museum during 14/15 and a rebranding project is planned. The museum has not achieved its target, which was a challenging one. However visits to the museum are up by 4000 on the visits for 2012/13. A late Easter has meant that it has fallen within 2014/15 which accounts for target being missed. The service has worked proactively to increase its visitor numbers during the winter months by looking at additional events/initiatives that attract new audiences. These include increased marketing through the Sentinel adverts to raise the profile of the service and improved signage. New visitor services staff will work on packages in 2014/15 to encourage more groups to visit during the winter months and will also work to improve our online profile via social networks. A full programme of holiday activities is planned for the school holidays in addition to an in-house interactive exhibition in the summer.</p> <p>Museum visitor numbers are recorded via an electronic door system – a calibration check was carried out during for a month during the last quarter to confirm that it is working and recording accurately. The check has indicated that the door counter is undercounting with a 7% variance. The visitor figure has been adjusted accordingly.</p>										
3.2.3	Number of people attending the local theatre	106,398	N/A	High	Quarterly	118,253 (cumulative)	Monitoring Indicator	82948 (cumulative)	↑	Partial
<p>The New Vic Theatre is the main theatre serving the residents of Newcastle and the surrounding area. The ticketed attendance figure for Qtr 4 is 35305. This is a record year with best ever attendances and highest ever box office income. Attendances up 11% on 2012/13; box office income up 12%. Of the 118k attendances, more than 26,000 were by school-age children. Our Christmas Show, <i>The Hundred and One Dalmatians</i>, was seen by 42,722 people, the equivalent of 10% of the North Staffordshire population. The reported figures do not include visitors to bars, restaurants, exhibitions, meetings and conferences.</p>										
3.2.6	Impact of community-run cultural events and people attending	£14,327.50	£14,360	High	Quarterly	£14,032.50	Monitoring Indicator	£7,900	↑	Partial
<p>In 2013–14 a total of 20 applications were received, applying for £27,200 for Cultural projects. 13 were successful and were awarded up to £1500 each for projects ranging from musical and film festivals through to community history days and memorials. Two applications made through the small grants scheme were partially funded through Cultural Grants which culminated in spending the full budget.</p>										

Outcome 3.3 There will be a range of healthy lifestyle choices, resulting in an increase in participation – Lead Member Cllr John Williams, Lead Officer - Rob Foster

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
3.3.2	Number of referrals from GPs to organised sporting activity	Baseline – New indicator	N/A	High	Quarterly	58	To be agreed	65	-	Partial
The GP referral programme is led by the County and is currently reviewing the Service Level Agreements. There is an extension in place until June 2014 when the review is to be completed and the targets set. In 2013-14 Newcastle had a total of 288 referrals with 65 people improving their health at the end of the 12 week programme. In this quarter 17.24% of referrals completed the course and improved their health.										
3.3.3	Percentage of people referred for exercise by GPs whose health improves	Baseline – new indicator	N/A	High	Quarterly	17.24%	To be agreed	27.7%	-	Partial
See comment for 3.3.2.										
3.3.4	Number of people accessing leisure and recreational facilities	579,575	570,000	High	Quarterly	173,303 (628,006 Cumulative)	167,500	140,893 (Qtr 3)		Partial
The breakdown of users is as follows in Qtr 4: Jubilee 2 – 131,327, Kidsgrove Sports Centre 34,016, Knutton Recreation Centre – 1,920, Sports & Events Team 6,040. The total for the year is 628,006 which is off the annual target of 670,000 but the target was increased by 100,000 for 2013-14. There has continued to be short term closures at Kidsgrove Swimming Pool during the year due to electrical faults and mechanical failure which has impacted on meeting the target set, however Jubilee 2 continues to perform well.										


Priority 4: A co-operative Council, delivering high –quality, community-driven services**Overall Progress Report**

Overall our progress with our outcomes for this priority is positive. A combination of monitoring and target driven indicators are measured with two indicators (4.2.3 and 4.2.4) introduced for 2013-14 for which it will be the baseline year. The performance for this quarter is shown where possible for the monitoring indicators where a comparison or previous results are known.

The result for the Customer Service indicator - Percentage of requests resolved at first point of contact (4.4.8) continues to do well with a high result of 97.23%, against a target of 80%. Added to this the Skills and Competencies of Staff indicator result collated in Qtr 1 is excellent with a 96.4% achieved against a high target of 95%. The result for staff sickness -Average number of days per employee lost to sickness started 2013-14 off target but has been pro-actively managed as detailed in the report, and has shown steady progress.

Outcome 4.1 The council will have increased the capacity and skills of its workforce– Lead Member Cllr Mike Stubbs ,

Lead Officer – Sarah Taylor

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4 2014-15	Target Qtr 4 2014- 15	How have we performed?	Control Full/ Partial/ None
4.1.5	Percentage of staff who feel they have the necessary skills/ competencies to do their job effectively	96.4%	95%	High	Biennial	-	95%		Full
The result for this indicator, which is collected biennially, has now been collated for 2012-13 and available to be reported in Qtr 1. It is a very good result and is over the high target set of 95%.									



Outcome 4.2 Councillors will be community champions and powerful community advocates– Lead Member Cllr. Mike Stubbs,

Lead Officer - Mark Bailey


Ref	Indicator	2012-13/ Baseline (year)	2012/1 3 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
4.2.3	Percentage attendance at planned meetings by members	Baseline –new indicator	-	High	Quarterly	N/A	Monitoring Indicator	89.26%	-	Partial
To be supplied										

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
4.2.4	Items raised by members on the Scrutiny Work programme.	Baseline – new indicator	-	High	Quarterly	N/A	Monitoring Indicator	4	-	Partial
To be supplied										


Outcome 4.3 The Council will have delivered further efficiencies – Lead Member Cllr Elizabeth Shenton, Lead Officers - Dave Roberts/Sarah Taylor

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed ?	Control Full/ Partial/ None
4.3.2	Percentage projected variance against full year council budget	0%	No variance	Low	Quarterly	N/A	No variance	0.1%		Full-Partial
To be supplied										
4.3.3	Average number of days per employee lost to sickness	8.06 days (long term 5.08 and short term 2.98 days)	6.9	Low	Quarterly	7.63 days (long term 4.02 days and short term 3.61 days)	7.5 days	5.73 days (long term 3.10 and short term 2.63 days)		Partial
The cumulative Quarter 4 result is an improvement compared with Quarter 3 but remains above target (although now below the intervention point of 7.7 days). However, both short term and long term sickness statistics are continuing to be monitored monthly at Executive Management Team and Departmental meetings.										

Outcome 4.3 cont'd The Council will have delivered further efficiencies – Lead Member Cllr Elizabeth Shenton, Lead Officers Dave Roberts/Sarah Taylor

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
4.3.7	Net income collected from Council assets	85.6%	No variance	High	Quarterly	N/A	No variance	97.4%		Partial
To be supplied										

Outcome 4.4 Local communities are engaged and able to shape and deliver services which impact on their lives – Lead Member Cllr Terry Turner, Lead Officer Jeanette Hilton

Ref	Indicator	2012-13/ Baseline (year)	2012/13 Target	Good is	How often reported	Result Qtr 4	Target Qtr 4 2013-14	Result Qtr 3	How have we performed?	Control Full/ Partial/ None
4.4.8	Percentage of requests resolved at first point of contact	95.20	75.00	High	Quarterly	97.23	80	96.7		Partial
The new CRM Lagan system implemented in May 2013 has provided the opportunity to re-engineer and streamline our processes for each service migrated to the new CRM, which has enabled us to improve how we handle customer enquires at first point of contact.										

Responses to Comments from Scrutiny on the Qtr 4 Performance Report

23 July 2014



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Introduction

To present to Cabinet the responses to questions and comments raised by Finance, Resources and Partnerships Scrutiny Committee (FRPSC) in June 2014.

Background

The Budget and Performance report Qtr 4 was presented to Finance, Resources and Partnerships Scrutiny Committee (FRPSC) in June 2014. At the meeting several comments and questions were raised by Members with regard to the Performance report Qtr 4 Appendix B and its content. This document details these and the subsequent responses from officers of the council in order to inform Members.

Comments raised and officers' responses:

Q. Clarification was sought on the wording of 'Target Qtr 4 2013-14 - Monitoring Indicator'.

A. Some of the measures are stated as monitoring indicators and do not have a target set, unlike the other performance indicators which compares its performance to its target shown. The results of these indicators are provided in the report to inform the reader about the environment and external factors to consider when assessing the progress achieved to date. The information may help to explain any impacts on the planned progress and highlight any necessary changes to service delivery to drive performance.

The performance reporting for 2014-15 is currently under review to be developed and all comments on style will be noted.

Ref 1.1.1 Percentage of food premises that have a zero or one national food hygiene rating

Q. A Member reported it was good to see the percentage was low of food premises that had a zero or one national food hygiene rating but asked what action was taken when the premises have zero or one rated. Assurance was requested that this be acted upon immediately.

A. The action taken will depend on the type and severity of the contraventions identified. For example where the premises are found to be very dirty, there is a pest infestation or there are cross contamination issues the business could be required to improve these areas immediately or within 24 hours maximum. For other issues, such as structural improvements to walls/floors, food hygiene training and documentation, a business maybe given up to 4 weeks to allow them to make the necessary arrangements. Officers use professional judgement to prioritise the timescales for any remedial action based on risk. Any premises rated 0 or 1 will receive a sufficient number of follow up visits to ensure public health is protected. In serious cases this action may be supplemented by the service of legal notices and/or consideration of legal proceedings.

Q. It was also asked that a separate report is produced on the food hygiene inspection process rather than adding to the existing report. The Head of Business Improvement, Central Services and Business Partnerships agreed to forward a copy of any such report to all Members.

A. A separate report on the process of food safety inspection and actions following a 0 or 1 rating will be presented to scrutiny on Monday, 1 September 2014.

Ref 1.1.2 The percentage of food establishments which are broadly compliant with good hygiene law

Q. It was requested that the wording “broadly compliant” be changed to simply ‘compliant’.

A. The term ‘broadly compliant’ is nationally recognised indicator that was devised by the Food Standards Agency based on the risk scores awarded following each inspection. A ‘broadly compliant’ food business will receive a Food Hygiene Rating of ‘3 – Generally Satisfactory’ or better.

Ref 1.1.5 Number of people killed or seriously injured on the borough’s roads

Q. A Member asked if was known on which roads incidents occurred and was there a pattern over the past five years. The Head of Business Improvement, Central Services & Partnerships agreed to look into the situation but reported that Newcastle Borough Council was not provided with specific details. He also said that there is a need for the NULBC Partnership Team to work with relevant authorities.

Comment: There was a recommendation that the Head of Business Improvement, Central Services and Partnerships to ask for a report on Performance Indicator 1.1.5 to be presented to the next meeting of the Committee. The report was sent to the members of the Committee in July.

Ref 1.3.2 Percentage of household waste sent for reuse, recycling and composting

Comment: The decrease in the percentage of household was due to seasonal changes, i.e. garden waste collections.

Ref 1.3.5 The level of air quality

Comment: Local Authorities including the Borough Council have a duty under Part IV of the Environment Act 1995 to assess compliance against a number of prescribed air pollutants for which maximum levels have been set. These are known as air quality objectives. In common with a number of other local authorities the key pollutant of concern is nitrogen dioxide which is typically associated with traffic.

Several questions were raised with regard to the air quality indicator which follow:

Q. When will the air quality strategy be produced?

A. The production and adoption of an air quality strategy is considered by DEFRA to be good practice, however there is no legal requirement for a local authority to produce /adopt an air quality strategy. Officers have identified a need to produce an air quality strategy for the borough which will help to maintain air quality where it is good and improve air quality where it is poor or exceeds legal standards. Consultants have been appointed to assist in the preparation of this.

Q. What locations are used to measure air quality? What is the full list of locations?

A. The Borough Council has 40 locations across the Borough which are used to assess compliance with the standards for nitrogen dioxide through the use of nitrogen dioxide diffusion tubes typically over a 12 month calendar period. The locations monitored in 2013 are:- A34 Holy Trinity, 76 King St, Wolstanton (Haritngton St), Westlands (4Sneyd Cr), Madeley (Collingwood 3 Newcastle Rd), Kidsgrove (106 Liverpool Rd), 32 Porthill Bank, 21, 34, 39, 52/54, 76 and 84 London Road, 218 Congleton Road, 26 High St, May Bank, Limbrick Cottage Shralebrook, 102 London Road, 139 Dims Parade West, 9 Hart Court, 15 Barracks Road, 4/6 Liverpool Road, Kidsgrove, Banktop Court, Porthill, Jubilee Baths, Newcastle, 1 London Road (Trinity Court). 1 London Rd (Brook La), 2 Vale View, Porthill, Newcastle, Agricon House Madeley, 2 Knowle Bank Road Audley, 79 Liverpool Road Kidsgrove, 911 The Avenue Kidsgrove, Kidsgrove Carpets 57 - 59 Liverpool Road, 134 High Street Newcastle, 11 Brunswick Street Newcastle, 68 Liverpool Road Kidsgrove, 140 Liverpool Road Kidsgrove, 89 Liverpool Road Kidsgrove, 102 King Street Newcastle, 106 King Street Newcastle, Hassell C.P. School Barracks Road, Blue Chilli 1 King Street Newcastle, 27 Lower Street Newcastle, Queens Gardens Newcastle, 41/43, 116 and 118 Liverpool Road Kidsgrove, Blackfriars/ Lower Street.

There is also a air quality monitoring station at Queens' Gardens which is used to measure PM10 and Nitrogen Dioxide. There have been no exceedances of the relevant pollutant objectives in this location.

Q. What is being done in terms of dealing with issues of air quality?

A. The Borough Council is complying with its statutory duties under Part IV of the Environment Act 1995 to assess air quality in the borough on an annual basis and to submit specific reports. Work is also underway to consultant on the boundaries of the air quality management areas for exceedance locations identified in the 2012 Annual Report. Once the consultation exercise is complete, a report will be presented to public protection committee. The adopted boundaries will then be formally declared as Air Quality

Management Areas and work will commence on developing an Air Quality Action Plan which will identify appropriate measures to improve the air quality in these areas.

Development proposals are also screened for impacts on air quality and where appropriate air quality assessments are required to be submitted with an application.

Q. What work is SOTCC doing in terms of their air quality monitoring?

The City Council are under the same legal duties as the Borough Council to assess air quality. Their current position can be found in the latest statutory Air Quality Review and Assessment Report for 2013

<http://www.stoke.gov.uk/ccm/content/environment/environmental-health/pollution/air-quality/air-quality-review-and-assessment.en>

Q. How are areas which straddle the boundary between NUL and SOT being dealt with?

A. Our annual air quality reports assessments have not identified any areas which adjoin the City, as having poor air quality which exceed the objective levels. The City Council have declared the whole of the City of Stoke On Trent as an Air Quality Management Area. This is due to exceedances of the Nitrogen Dioxide Annual Mean Objective level at a number of separate locations across the City rather than the whole of the City being found to exceed the annual mean objective. This AQMA therefore includes the properties on their side of the Etruria Road boundary.

Due to the way the City has evolved from the six towns and the relatively poor transport links throughout the City, the City wide Air Quality Management Area provides a mechanism for the City Council to deal with the issues of poor air quality on a strategic basis through the required air quality action plan.

The City Council also have a localised Air Quality Management Area around a group of houses at the bottom of Etruria Road near to the A500 (MFI) roundabout due to exceedances of the short term nitrogen dioxide objective. Residents in our area are not affected by this as they are located at a much higher level from the roadway and further back from the carriage way. The City Council have explored and implemented a number of measures over the years on an attempt to improve the traffic flow in the area, this now has an added impetus due to the poor air quality in the area. The Borough Council have yet to be consulted on the Air Quality Action Plan for this area, but given its location it is expected to detail a range of measures to improve traffic flow and reduce congestion. The Borough would also wish to ensure that any measures put in place by the City Council do not worsen the situation for our residents along Etruria Road

Q. It was asked that the Head of Business Improvement, Central Services and Partnerships produce further background information on the problem areas where action was taken rather than just monitoring.

A. A public Protection report has been presented to the Public Protection Committee 2 December 2013. Further Air Quality reports can be found on the website

http://www.newcastle-staffs.gov.uk/environment_index.asp?id=SXA808-A780B523&cat=1444 by clicking on Air Quality Reports. A separate report on Local Air

Quality will be presented to scrutiny by the Head of Environmental Health Services on Monday, 1 September 2014.

Ref 1.5.2 Percentage of investment portfolio (NBC owned) vacant

Q. A Member asked when there was a vacancy how long do the units stay vacant and how long had they been vacant? The Chair confirmed that the Town Centre Partnership (TCP) had been heavily involved to ensure the units are occupied.

A. The length of time places stay vacant for is dependent on a wide variety of factors, for example, what we know as 'The Link' building has been vacant for years, even pre-recession so clearly not due simply to the cost of leasing the premises. The Square (part of the Vue cinema complex) which has had several units vacant since it was built, is under new ownership and the new owners are very keen to get the vacant properties moving. The NBC Property team offer incentives for businesses wishing to rent town centre properties. The TCP 'Enterprize' scheme last year was another initiative designed to encourage business start-ups. Winners received a package of support which included free rent, shop fitting, marketing, printing and a retail business mentor. It is hoped that this will be run either annually or biennially. Another TCP initiative in partnership with NBC is decorating three empty premises with 'virtual shop windows' – this builds on the earlier initiative of using historic images of the town to decorate the windows of the former Castle Hotel. NBC has also worked with Newcastle College on pop-up shops, which has led to longer term occupancy by the college of a prominent unit in Lancaster Building.

Q. A Member informed the Committee that it would be a good idea if there was an empty unit, for the occupied unit next door to display their goods in the vacant premises. It was agreed that this would be raised with the Town Centre Partnership.

A. According to rating regulations, if goods are displayed in shop windows then full rates become payable, as even displaying a business card in an empty unit would constitute advertising, which would then make the property liable for full business rates.

The Council only has control over the shop premises it owns. Although rates are payable on most empty town centre properties, when listed buildings are vacant no rates are payable. The Council's most central/ prominent town centre premises are Lancaster Building which is a listed building and therefore if goods were displayed in the window of an empty shop then full rates would become payable.

If however the owner of a unit is already paying business rates then there should be no additional cost if goods were to be displayed.

Ref 2.1.4 The level of 16-19 year olds not in education, employment or training (NEET)

Comment: This information will be circulated at a future date.

Ref 2.3.6 Number of homelessness cases where positive action was successful preventing homelessness

Q. It was felt that, even though the positive action was successful, it did not give a true account of what was occurring as there is no information on the overall size of

the problem. The Head of Business Improvement, Central Services and Partnerships agreed to provide an estimate of total homelessness figures.

A. For the same period there were 23 applicant households for which a homeless decision was taken for the same quarter illustrated in the table below:-

P3420

	White	Black	Asian	Mixed	Other	Ethnicity Not Stated	Total of all Ethnic Groups
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1. Eligible, unintentionally homeless and in priority need	3	0	0	1	0	0	4
2. Eligible, homeless and in priority need, but intentionally so	4	0	0	0	0	1	5
3. Eligible, homeless but not in priority need	10	0	0	0	0	0	10
4. Eligible, but not homeless	3	0	0	0	0	0	3
5. Ineligible	1	0	0	0	0	0	1
6. Total decisions (sum of rows 1 to 5 above)	21	0	0	1	0	1	23

It is worth noting that prior to the prevention approach being developed in 2001 – 2002 there was an annual figure of 490 households for which a homeless decision was taken. Examples of the type of interventions that are recorded are that a household's homelessness has been prevented / discharged by:

- accessing accommodation via the social housing register,
- making a discretionary housing payment which means the household can afford to maintain their current accommodation either permanently or for long enough that the household can find alternative accommodation without facing homelessness,
- offering a rent and /or deposit guarantee for a private rented property,
- making a payment from the one off payment fund for services / products which will enable the household to remain in their current accommodation or access more suitable accommodation (for example paying for removal costs or credit reference checks).

Ref 3.1.2 Level of satisfaction with Council run parks and open spaces

Comment: Members were informed that collections were carried out throughout the year and reported annually. There is an annual survey undertaken in the Reporter in November each year and also face to face interviews with residents throughout the year at various events.

Ref 3.2.2 Number of people visiting the museum

Comment: The table to be amended to take account of a typo error – 'Result Qtr 4' should read 'Result Qtr 3'.

Ref 3.3.2 Number of referrals from GPs to organised sporting activity

Q. A Member commented that the report quoted 'Target for Qtr 4 - to be agreed' then went on to quote it had been agreed and asked who set this target?

Comment: The Head of Business Improvement, Central Services and Partnerships advised it was between Newcastle Borough Council and the County Council Public Health team (who commissions this area of work).

Ref 4.2.4 Items raised by Members on the Scrutiny work programme

Comment: The Chair confirmed all feedback from Scrutiny Committees was presented to Cabinet. It was asked that the Head of Business Improvement, Central Services and Partnerships produce further background information on the problem areas where action was taken rather than just monitoring.

Ref 4.3.2 Average number of days per employee lost to sickness

Comment: The cumulative quarter 4 result is an improvement compared with quarter 3 but remains above target.

Ref 4.4.7 Increase the number of residents, community and voluntary groups engaged with LAPs (narrative)

Comment: the Chair asked about the timeframe for these figures. The Head of Business Improvement, Central Services and Partnerships advised this was not listed as a Performance Indicator in the Council Plan and there was not a separate report.

Questions to be Addressed

- Is the information provided in this report sufficient for Members?
- Do Members wish to receive any further information and, if so, what information is required?

Relevant Portfolio Holder(s)

Cllr Mike Stubbs – Communication, Policy and Partnerships

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Response to Comments from Scrutiny on the Qtr 4 Performance Report

July 2014



Report Author: Mark Bailey
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Email: mark.bailey@newcastle-staffs.gov.uk
Telephone: (01782) 742751

Introduction

To present to Finance, Resources and Partnerships Scrutiny a report in response to questions and comments raised at their meeting in June 2014.

Background

The Budget and Performance report Qtr 4 was presented to Finance, Resources and Partnerships Scrutiny Committee (FRPSC) in June 2014. At the meeting comments and questions were raised by Members with regard to indicator ref 1.1.5 – Number of people killed or seriously injured on the borough's roads. This document details these and the subsequent response from officers of the council in order to inform Members.

Comments raised:

Ref 1.1.5 Number of people killed or seriously injured on the borough's roads

Q. A Member asked if it was known on which roads incidents occurred and was there a pattern over the past five years. The Head of Business Improvement, Central Services & Partnerships agreed to look into the situation but reported that Newcastle Borough Council was not provided with specific details. He also said that there is a need for the NULBC Partnership Team to work with relevant authorities.

A. At the time the questions and comments were received, the most recent data available was for January – December 2012, however during report preparation the Department for Transport released data for 2013. This report, therefore, covers the six year period from January 2008 to December 2013.

Whilst very few, if any, road accident fatalities are not reported to the police, it is nationally recognised that a considerable proportion of non-fatal casualties are not known to the police. The data used in this report is taken from information on road accidents that is held by the police (STATS19) and is therefore not perfect but remains the most detailed, complete and reliable single source of information on road casualties covering the whole of Great Britain.

Road traffic collisions (RTCs) are classified by the severity of the most injured casualty involved in the incident, i.e. fatal, serious and minor. For the purposes of indicator 1.1.5 the data reported is the total number of casualties (rather than the number of RTCs) who are killed or seriously injured (KSI). The KSI indicator is a nationally recognised metric in the field of road safety.

For completeness, the definitions for the three classifications are:

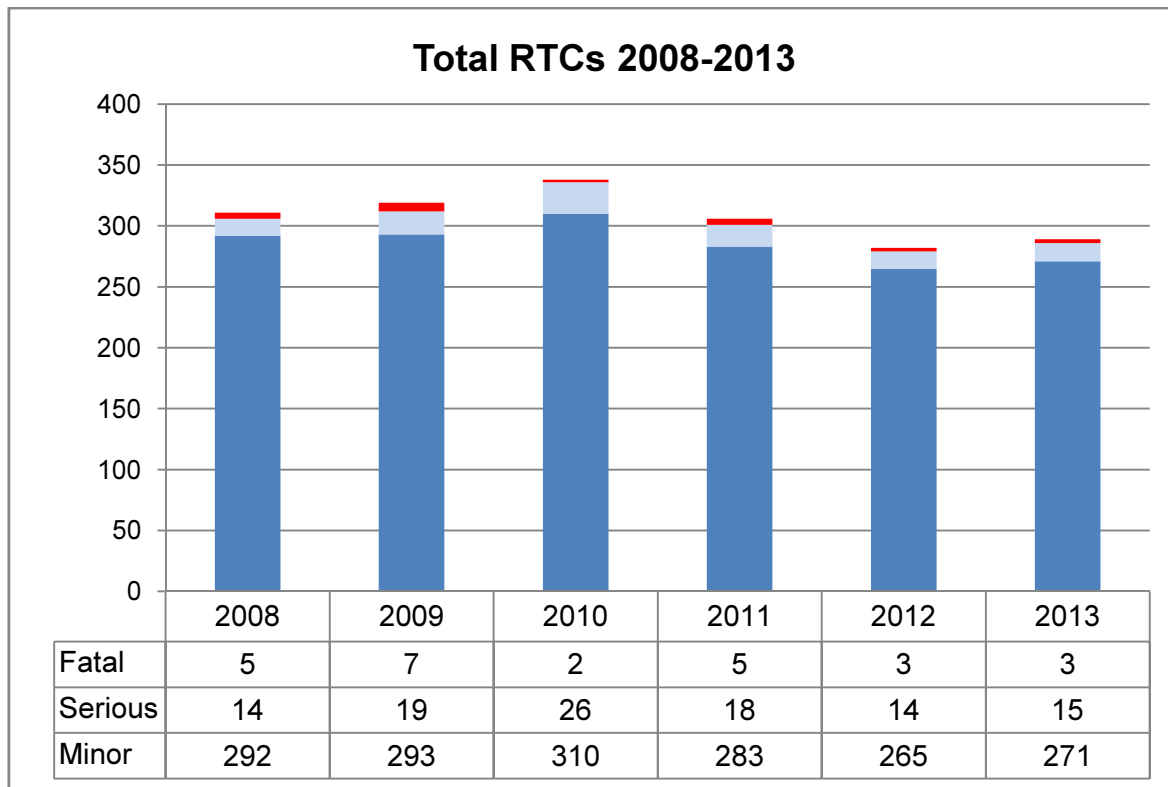
Fatal : The usual international definition, as adopted by the Vienna Convention in 1968 is 'A human casualty who dies within 30 days after the collision due to injuries received in the crash'.

Serious (seriously injured) : The UK definition covers injury resulting in a person being detained in hospital as an in-patient, in addition all injuries causing: fractures, concussion, internal injuries, crushings, burns (excluding friction burns), severe cuts, severe general shock which require medical treatment even if this does not result in a stay in hospital as an in-patient.

Minor (slight injury) : Sprain (including neck whiplash injury), bruising or cuts which are not judged to be severe. Also slight shock requiring roadside assistance.

Road Traffic Collisions (RTCs) 2008 - 2013

The table below shows the total number of RTCs in each classification that occurred in the Borough over the six year period from January 2008:



There were 131 KSI accidents reported to the police between 2008 and 2013 and the location of all of these are shown on the attached map (Appendix A). The chart above shows that there has been a general downward trend in the total number of RTCs on the Borough's roads over the last six years.

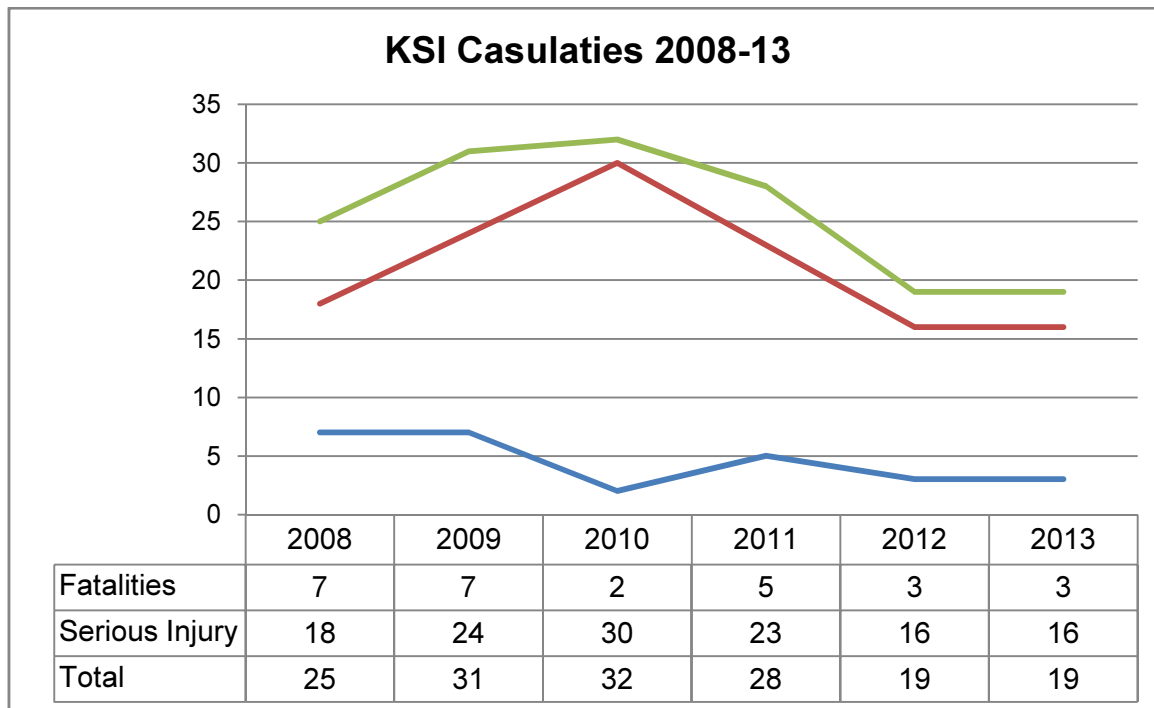
Although the number of accidents peaked in 2010, this year saw the lowest number of fatal accidents.

Of the 25 fatal accidents that occurred during this time, 6 took place on the M6, six on the A53 Whitmore Road and three on the A500 ('D' road). The locations of all fatal accidents are shown on the attached map (Appendix B).

A total of 114 serious accidents took place between 2008 and 2013, 18 of which happened on the M6. Nine accidents occurred on the A5367 (Knutton Lane/Black Bank), 8 on the A53, 7 on the A34 and a further 7 on the A500. The locations of all of the serious accidents are shown on the attached map (Appendix C).

Indicator 1.1.5 - Number of people killed or seriously injured on the borough's roads

For the purposes of Indicator 1.1.5 the total numbers of casualties who were killed or seriously injured in each year are show in the chart below:

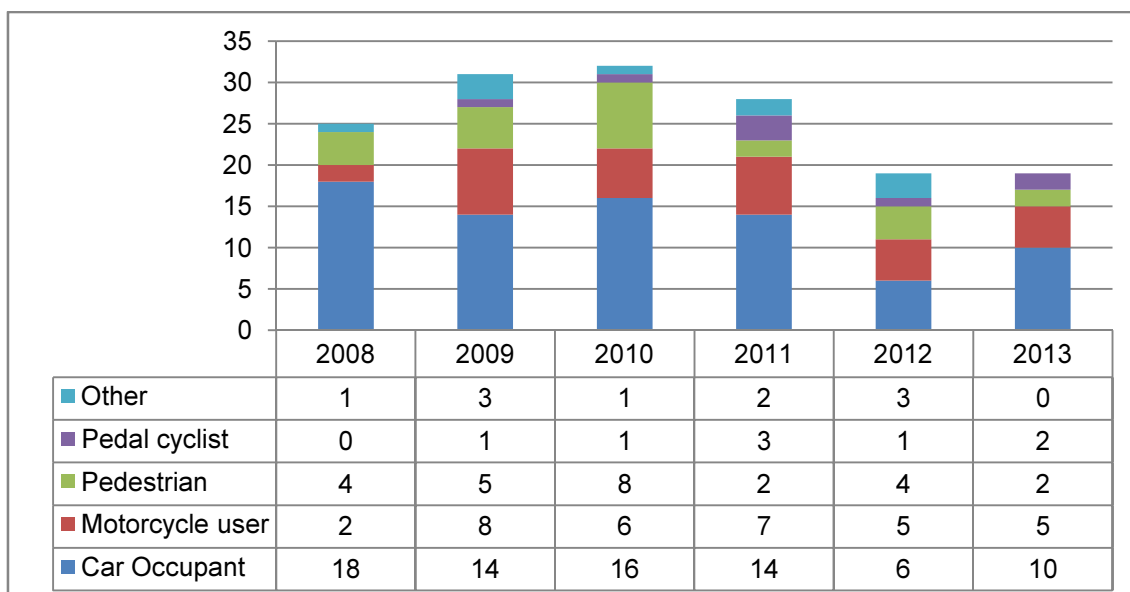


Road User Type

Car occupants were the largest casualty type across all severities. Of the 27 people killed in reported accidents over the 6 years from 2008, 15 were car occupants, 6 were motorcycle users, 4 were pedestrians and a further 2 were in other, unknown vehicles.

Of the 127 seriously injured casualties, 63 were car occupants, 27 were motorcycle users, 21 were pedestrians and 8 were pedal cyclists. The remaining 8 seriously injured casualties were occupants of buses/coaches, vans, goods vehicles and other, unknown vehicles.

The chart below shows the number of KSI casualties by road user type in each of the 6 years:

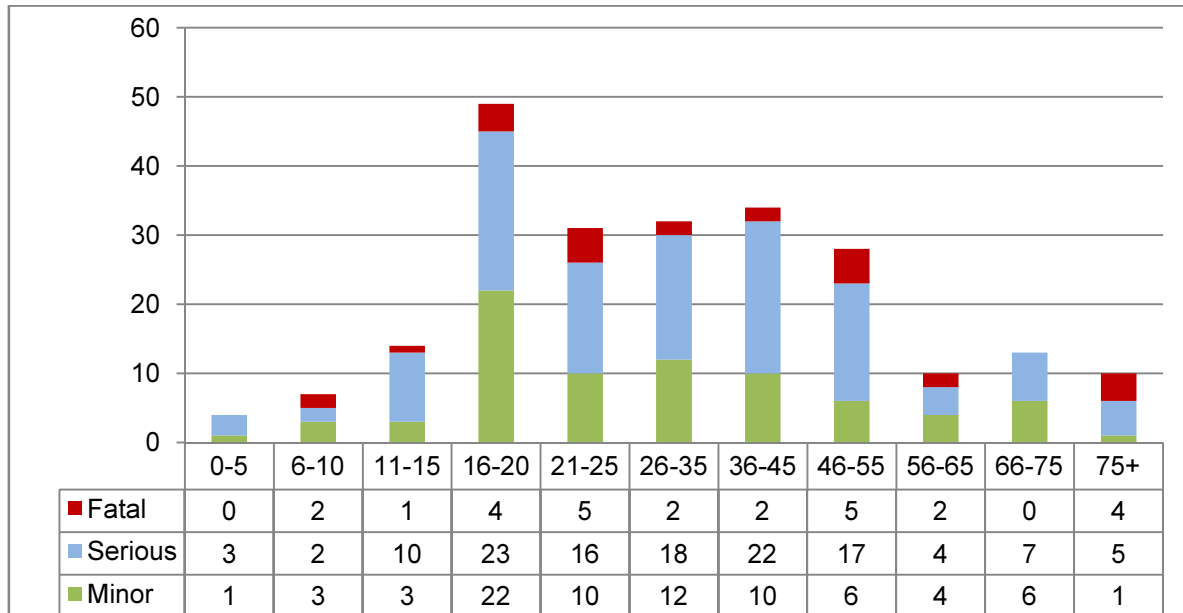


Age of Casualties

Of the 235 casualties between 2008 and 2013, 25 were children (aged 15 or less). A total of 3 children were killed in 2 separate accidents that occurred on the M6 during this period. All 3 were rear seat car passengers.

Thirteen children were seriously injured on the Borough's roads between 2008 and 2013, 7 were pedestrians, 5 were cyclists and 1 was a car passenger.

The chart below shows the age bands for all casualties between 2008 and 2013.



<u>REPORT TITLE</u>	Review of the Customer Case Management Policy - Unacceptable Customer Behaviour
<u>Submitted by:</u>	Executive Director (Resources & Support Services)
<u>Portfolio:</u>	Economic Regeneration, Business and Town Centres
<u>Ward(s) affected:</u>	Non specific

Purpose of the Report

To seek Cabinet approval of the revisions to the Customer Case Management Policy.

Recommendation

That Cabinet approve the revisions to the Customer Case Management Policy.

Reasons

The Customer Case Management Policy has been in place since May 2013. It enables the Council to deal with customers who display unacceptable customer behaviour and actions in a fair and consistent way, through adhering to industry guidelines and best practice. A review of the existing Policy has been undertaken and as a result it has been revised and updated to ensure it continues to reflect Local Government Ombudsman best practice and guidelines, and accords with Council requirements.

1. Background

The Council welcomes the opportunity to hear from and respond to customers, and endeavours to put customers at the heart of all service delivery. To that end, the Council has in place a number of customer focused policies which ensure procedures are in place for supporting our staff and customers. The Customer Case Management Policy provides guidelines and considerations to be taken into account before taking action with regards to unreasonable customer behaviour or actions.

2. Issues

2.1 It is both important and good practice to regularly review an existing Council policy to ensure it continues to reflect current practice and guidelines. Whilst the existing Policy has been successfully applied in a small number of cases, a judgement needs to be made on the effectiveness of the current policy and resulting from that, any improvements put in place.

2.2 Following a review of the Policy, a number of revisions are proposed to provide greater clarification and incorporate enhancements to the Policy. These are highlighted in the Policy, attached as Appendix A. In summary the revisions are:

- Section 1 - Revised to include Customer Consultation.
- Section 2 - Revised to include the Local Government Ombudsman's recommendation to adopt a framework for managing unreasonable customer behaviour. Addendum to refer to the Freedom of Information Act 2000 in relation to abuse of the right to request information.
- Section 3 – Addendum to reference the Members' Customer Case Management Policy.

- Section 6 - Revised wording concerning time frames to be put in place and clarifies who monitors any sanctions. It also advises staff of the channels of communication and how any sanction is being managed from start to finish.

3. Outcomes linked to Sustainable Community Strategy and Corporate Priorities

The Policy supports 'becoming a cooperative Council delivering high quality community driven services', by providing a customer case management policy which enhances transparency and provides consistency in our dealing with customers.

4. Legal and Statutory Implications

Although there are no legal or statutory requirements for the Council to adopt such a policy, it is considered good practice to provide a framework that provides for consistency and fairness in our dealing with these instances.

5. Equality Impact Assessment

An equalities impact assessment review is undertaken regularly of the Corporate Complaints, Comments and Compliments Policy and the Customer Case Management Policy as the same equality impact assessment is relevant to both.

6. Financial and Resource Implications

There are no financial or resource implications associated with the approval of the amendments to this Policy. However, implementation of the Policy has seen a reduction in resource that was previously required to manage cases of unreasonable behaviour.

7. Major Risks

No major risks have been highlighted.

8. Earlier Cabinet Resolutions

Customer Case Management Policy, May 2013.

9. Recommendation

That Cabinet approve the revisions to the Customer Case Management Policy, as detailed in the report.

10. List of Appendices

Appendix A: Customer Case Management Policy for Unacceptable Customer Behaviours and Actions Revised July 2014

11. Background Papers

The approved Customer Case Management Policy is available to view on the Council's Intranet site at

http://svint/utilities_page.asp?id=SX95B9-A78068D2

Appendix A



Customer Case Management Policy
for Unacceptable Customer Behaviours and Actions

Revised July 2014

1. Introduction

The Council welcomes the opportunity to hear from and respond to its customers, and endeavours to put customers at the heart of all its service delivery.

In addition to regular consultation exercises with customers, the Council has in place a corporate Complaints, Comments and Compliments (3Cs) Policy that ensures consistency in our dealings with customers across all areas of the Council, and informs service improvements. The Customer Case Management Policy builds on the existing 3Cs Policy, by providing additional guidance to staff and setting out the process for handling unacceptable customer behaviour throughout the Council.

2. Why have a Customer Case Management Policy?

The Council does not normally limit the contact that people have with us. However, there may be occasions where a customer makes constant requests for complex information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query, or where service to other customers is impacted as a result of their behaviour. *The Local Government Ombudsman recommends that Councils adopt a framework for managing unreasonable customer behaviour and those guidelines have been followed in this policy.*

The common view of unacceptable behaviour is when a customer is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the business of the Council and affects service delivery to other customers. For example, where a customer makes constant requests for complex information¹ without apparent good reason; *or inappropriate content in, or excessive usage of, electronic communication on the same matter*, or where they are acting in a manner to cause annoyance without the intention of resolving their query. It is particularly this type of behaviour on which staff need guidance, in order to deal with the effects on the Council and themselves. It is in instances like this these that the Customer Case Management Policy may be invoked to help guide staff in ensuring consistency and fairness in dealing with these matters.

3. What is the scope of the Policy?

¹ This refers to information outside of that covered by the Freedom of Information Act. The LGO provides guidance, outside of the scope of this Policy, when dealing with unreasonable repeat requests relating to the FOI Act. *The FOI Act 2000 gives rights of public access to information held by public authorities. However, Section 14(1) of the Act protects public authorities from those who might abuse the right to request information.*

This Policy can be applied to any customer of the Council across all services and departments and in conjunction with other relevant Council Policies. The Policy applies to unacceptable behaviour by members of the public, including service users, but not by or between staff as this is covered by Employees' Conditions of Service and internal arrangements through Human Resources policies.

If any Member of the Council experiences unacceptable customer behaviour directed towards them they should refer to the 'Case Management Policy for Councillors' for guidance.

4. Equality and Diversity

If we are aware that a particular customer has a disability or may find it difficult to use our services for any reason, we should consider whether this may cause them to exhibit certain types of behaviour which might otherwise be deemed difficult or unacceptable.

If a customer has a disability their behaviour can still be defined as difficult or unacceptable under this procedure. However, we will always use reasonable adjustments when communicating with a customer with disabilities if appropriate.

5. What are Unacceptable Customer Behaviours and Actions?

The following definitions are not intended to cover all possible unacceptable or difficult customer behaviour; however, they are intended to provide a clear guide to support staff.

- Offensive or insulting customer behaviour – behaviour which is rude or unpleasant including repeated use of inappropriate language.
- Abusive or threatening customer behaviour – behaviour which is threatening or intimidating, either through the use of abusive or threatening language or a clearly threatening manner or tone intended to intimidate. Abusive or threatening behaviour is where a member of staff thinks that they have been personally abused or threatened as a result of a customer's behaviour².
- Difficult customer behaviour – this can be exhibited by any customer causing the person dealing with them difficulty for whatever reason. It is important to note that this may not be due to any unacceptable behaviour by a customer. This could be due to a customer refusing to accept a decision made by the Council or not agreeing with a policy which is already in place.

² This may include insinuating or libellous behaviour which may be dealt with within other more suitable, existing Council Policies.

- Unreasonably persistent contact – repeated contact with the Council raising the same issues or a variation of the same issues each time. Taking a ‘scatter gun’ approach and contacting many different staff, services and other bodies about the same issue. Unreasonably persistent behaviour could include repeat requests for information and unreasonable or inappropriate use of staff resources
- Unreasonable demands – expecting resolution or response within unreasonable timescales, expecting staff to provide administrative support, for example, writing emails or letters on behalf of the customer or taking lengthy messages. Customers who demand to speak with senior members of staff which would not normally be appropriate for that enquiry/contact.
- Discriminatory - failure to afford equal respect to an individual on the basis of disability, gender, race, religion, age, sexuality and marital status.

6. How the Council Manages Unacceptable Customer Behaviours and Actions

Staff members should always refer behaviours which they believe are unacceptable to their line manager who will decide how to address the issue. Staff are not authorised to apply sanctions for this type of behaviour.

To progress the issue, the customer’s name and contact details along with an account of numbers/types of contact and behaviours should be brought to the attention of the Head of Service for the department affected. The Head of Service will then meet with the Customer & ICT Services Business Manager and the Executive Director, Resources & Support Services who will jointly decide whether or not it is appropriate to invoke the Customer Case Management Policy.

Prior to any sanctions under the Customer Case Management Policy being invoked, the Customer & ICT Services Business Manager will write to the customer (via letter or email if appropriate) to explain that their correspondence will be monitored for a period of three months, or less if deemed appropriate. The following information will be provided to the customer:

- The behaviour that has caused concern;
- The expectations of the Council with regards to future contact and behaviour from the customer
- The time period for which their contact will be monitored – **usually** three months;
- The name and contact details of the person who will be their single point of contact from the date of the letter. This person will be the Customer & ICT Services Business Manager assisted by the Customer Relations Officer;
- The potential outcome, including any sanctions, if the customer’s behaviour does not significantly change;
- A copy of the Customer Case Management Policy.

Once the letter has been received, in normal circumstances, the customer will be expected to only contact the Council via the nominated staff member, normally the Customer & ICT Business Manager who will monitor the frequency and content of the contact for a period of three months or less, if deemed appropriate. However there may be instances where, for purposes of service delivery, correspondence may continue between the customer and a designated officer in the service area e.g. where a customer continues to submit and receive planning advice regarding an application. Such correspondence will also be monitored by the Customer & ICT Services Business Manager for compliance with the Policy. During this period the Customer & ICT Business Manager may invite the customer to attend a meeting if it is felt that this may help to resolve the situation.

The Customer & ICT Business Manager will inform by email, the Chief Executive, Executive Directors, Heads of Service, Business Managers and Elected Members once a customer is being monitored in line with the Customer Case Management Policy. Officers are responsible for ensuring that staff know what action should be taken if the customer contacts them. In normal circumstances they would be immediately referred to the Customer & ICT Business Manager.

If after three months or less, as detailed in the letter or email sent to them, the Executive Director, Resources and Support Services and the Customer & ICT Business Manager deem that contact has been acceptable, a letter or email will be written to the customer to thank them for their co-operation and to inform them that their contact will no longer be monitored.

The Customer & ICT Business Manager will inform by email, the Chief Executive, Executive Directors, Heads of Service, Business Managers and Elected Members once a customer is no longer being monitored in line with the Customer Case Management Policy and this information should be passed on to all staff.

If after three months or less, as detailed in the letter or email sent to them, the Executive Director, Resources and Support Services and the Customer & ICT Business Manager deem that the customer's contact has continued to be unacceptable, the Chief Executive may decide to apply one of the following sanctions:

- Extend the monitoring period.
- Limit the contacts to a certain number per week/month, in a specified form (telephone/email/letter etc.) and during a particular time slot.
- In extreme circumstances ask the customer not to contact the Council for a period of time after which the Customer Case Management Policy will be invoked again to monitor contact for a further period of three months.

The customer must be informed in writing (via letter or email if appropriate) by the Customer & ICT Business Manager of any sanctions.

The Customer & ICT Business Manager will inform by email, Executive Directors, Heads of Service, Business Managers and Elected Members when any sanctions are put in place and officers should ensure that all members of staff have clear instructions as how to proceed if the customer contacts them.

If the Chief Executive decides they will have no further contact with a customer, the Customer & ICT Business Manager must take all reasonable steps to advise all Council staff and Elected Members of future arrangements for handling that customer.

1. **REPORT TITLE** **Terms of Reference for the Grants Assessment Panel**
- Submitted by:** (Head of Business Improvements, Central Services and Partnerships)
- Portfolio:** (Finance and Resources)
- Ward(s) affected:** (All)

Purpose of the Report

For Cabinet to agree the terms of reference of the Grants Assessment Panel

Recommendations

1. That the terms of Reference for the Grants Assessment Panel be agreed
2. That authority be delegated to the Portfolio Holder for Leisure, Culture and Localism to make decisions in relation to the following grants:
 - Community Chest, if required.
 - Cultural Grants.
 - Homelessness Grants.
 - Small Grants.
 - Other grants schemes as mandated by Cabinet.
3. That the portfolio Holder for Leisure, Culture and Localism be appointed as Chair of the Grants Assessment Panel.

Reasons

The Terms of reference of the Grants Assessment Panel were last submitted to the Cabinet for agreement in 2007 following a review of the Borough wide Community Chest Scheme.

This report seeks to clarify the standing of the Grants Assessment Panel as a Cabinet Panel and to ensure that the appropriate delegations of authority are in place.

1. **Background**

The Council Leader may arrange for a Cabinet Function to be discharged by a Cabinet Committee consisting of members of the Cabinet or a single member or an officer by way of joint or local arrangement. Appendix 8 of the Council's Constitution sets out the procedure and rules for the establishment of Cabinet Panels.

2. **Proposal**

In this case it is recommended that authority be delegated to the Portfolio Holder for Leisure, Culture and Localism to make decisions in relation to grants put before the Grants Assessment Panel and that the Portfolio Holder also be appointed as the Chair of the Panel.

The following rules will also apply to the Panel:

- The rules of political proportionality will apply to the Grants Assessment Panel

- The quorum for the meeting will be one quarter of the members, with a minimum of three.
- An agenda and reports will be sent to members at least 5 clear days in advance of each meeting.
- Minutes of each meeting will be produced and published as per other formal Council meetings.
- Decisions will be formally recorded and subject to the same call-in procedure as other committees.
- The Panel will report to Cabinet and may refer matters to the relevant scrutiny committee for comment
- Panels will be time limited and terminated upon reporting unless their brief is extended by Cabinet.

The Constitution will be updated at Part 3 (Scheme of Delegation) to reflect the above arrangements.

3. **Legal and Statutory Implications**

The Local Government Act 2000 and the Council's Constitution empower the Executive to make these arrangements.

4. **Financial and Resource Implications**

13. **Earlier Cabinet/Committee Resolutions**

Cabinet Report 13th June 2007 – Small Grants – Procedure for Approval

14. **List of Appendices**

Appendix A – Terms of Reference for the Grants Assessment Panel

Terms of Reference Grants Assessment Panel

1. The Grants Assessments Panel is a sub-committee of the Cabinet.
 - 1.1 The Panel shall consist of 9 members as approved by Cabinet.
 - 1.2 One of the 9 members will be a member of the Council's Cabinet, who will Chair the meetings of the Panel.
 - 1.3 Appropriate Officers shall attend the meetings of the Panel in an advisory capacity.
 - 1.4 Representatives of partner organisations may attend the meetings of the Panel in an advisory capacity.
 - 1.5 The persons mentioned in 1.3 & 1.4 above shall not have any voting rights.
2. The objects and functions of the Panel shall be to :-
 - Review policies & procedures related to grant funding, as appropriate, and make recommendations to Cabinet for changes thereof.
 - Consider applications for grant funding (from Council funds), and make decisions as to which grants to support.
 - Receive summary reports of grant funding (from Council funds).
- 2.1 Grants for consideration by the Panel will include:-
 - Community Chest, if required.
 - Cultural Grants.
 - Homelessness Grants.
 - Small Grants.
 - Other grants schemes as mandated by Cabinet.
3. Delegated authority.
 - 3.1 Decisions on Community Chest grants will be delegated to Officers based on recommendations from approved Locally Based Bodies, with the exception of:-
 - Applications from Locally Based Bodies.
 - Applications referred by Officers for further deliberation/judgement.
 - 3.2 Decisions on Green Grants will be delegated to the Director of Operational Services for decision.
4. The Panel shall meet at least quarterly.

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REPORT TITLE Newcastle under Lyme Sports Council. Review of Governance Arrangements

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

Portfolio: Leisure, Culture and Localism

Ward(s) affected: All

Purpose of the Report

To set out proposals to change the governance arrangements for the Newcastle under Lyme Sports Council, and to seek Cabinet's approval for these changes. The Cabinet first identified the need to review the governance arrangements of the Sports Council at its meeting in 22 May 2013. At its meeting on 2 April 2014, it affirmed this position and made specific recommendations as follows:

- The Cabinet requests that the Sports Council undertake a review of its governance arrangements and makes recommendations on alternative approaches which could reduce the cost of administering the allocation of grants.
- The Cabinet requests that this review also considers the mechanism by which those elected Members nominated to serve on the Sports Council provide stewardship of monies allocated by the Borough Council in accordance with the Council's Constitutional provisions.
- The Cabinet requests that the Sports Council come forward with proposals within the next three months.

Although it is understood that the Sports Council has started work to consider these matters it is noted that the timescale set by Cabinet has not been achieved. To this end and to expedite this review, officers of the Council have considered the matter and developed some options which the Cabinet is asked to consider.

Recommendations

Cabinet is asked to approve the following recommendations:

- 1. That the Cabinet endorse the preferred option set out in the report to request the Council's Grant Assessment Panel to be responsible for disbursing the Council's sports grants**
- 2. That the Cabinet requests the Constitutional Review Group to consider the proposal to add co-opted non-voting members drawn from community representatives who have an expertise in matters of sport and sport development to the Grants Assessment Panel for the purpose of considering sports grants (Option D).**
- 3. That the existing support arrangements for the Sports Council – including provision of a honorary secretary and treasurer; administrative/democratic support and the provision of advice by Borough Council officers is discontinued. Cabinet is asked to note, however, the work currently being undertaken by the Sports Council itself in reviewing its work and governance (as outlined in this report).**
- 4. That the Cabinet approves these recommendations with a view to implementing the new arrangements from 1 November 2014 onwards.**

Reasons

To ensure that the process of administering grants across the Council is done in a consistent way, and that the process of administering grants remains efficient and proportionate. In addition, these proposals seek to ensure that the resources provided by the Borough Council, in the form of the sport grant and also advice, guidance and actions from officers across a number of NULBC service areas is directed at delivering positive outcomes as set out in the Council Plan.

1. **Background**

1.1 At its meeting on 2 April 2014, the Cabinet agreed the following resolutions:

The Cabinet requests that the Sports Council undertake a review of its governance arrangements and makes recommendations on alternative approaches which could reduce the cost of administering the allocation of grants.

The Cabinet requests that this review also considers the mechanism by which those elected Members nominated to serve on the Sports Council provide stewardship of monies allocated by the Borough Council in accordance with the Council's Constitutional provisions.

The Cabinet requests that the Sports Council come forward with proposals within the next three months.

1.2 Newcastle under Lyme Sports Council is technically an outside body which awards grants to individuals and groups within the Borough at four meetings held throughout the year. The Borough Council allocates a sum of money (£19,000 for 2014/15) to the Sports Council who then invites applicants to come forward for possible grant funding.

1.3 The Sports Council comprises twelve elected (NULBC) Members and co-optees from local schools, sporting organisations and clubs who are affiliated to the Sports Council. From these Members, up to five elected Members and up to fourteen co-opted Members form the Executive Committee for the awarding of the grants. Administrative support is provided by Member/Democratic Services and Financial Services. In addition to the four executive meetings, an AGM is held in October and an awards evening is held every May.

1.4 It should be noted that the Sports Council has started to outline its own review of its governance arrangements. To this end, the Sports Council Review Working Group has been established. The Working Group has agreed the following as its terms of reference:

- To identify and implement alternative Governance Arrangements for the Sports Council
- To identify any amendments required to the Constitution
- To identify from where the Committee Members would be drawn
- To consider affiliation fees
- To identify venues for future meetings
- To identify methods of administering and monitoring the business of the Sports Council
- To identify the future financial management of the Sports Council and the possibility of extra sponsorship
- To identify those eligible for grant funding
- To identify the structure of the Sports Persons Evening

In addition, the Working Group agreed a number of aims and objectives for the Sports

Council:

- To encourage participation in sport from all sections of the community
- To work in partnership with the Borough Council in assessing the sporting needs of the district of Newcastle-under-Lyme and to advise and help with catering for those needs
- To help the local authority, as a consultee, by advising generally on the collective opinion of local sports interests for the future planning of sports facilities
- To encourage the development of sporting excellence
- To administer grants towards expenses incurred in the participation of sporting activities. (expenses can include equipment, travel, training fees. Grants will not be paid for running costs)
- To recognise sporting achievements of local individuals/clubs at an annual awards ceremony.

Based on this framework, the Working Group has outlined a number of proposals for the future operation of the Sports Council. These proposals should be viewed in conjunction with the recommendations in this report. The Sports Council proposals include:

- To investigate the potential for the Sports Council to become a Limited Liability Company
- To review membership of the Sports Council
- To establish affiliation fees
- To investigate alternative meeting venues around the borough

In addition, the Working Group did set out a range of eligibility criteria for those groups/individuals wishing to bid for funds.

2. **Issues**

2.1 The above Cabinet resolution makes clear a requirement to revise the governance arrangements for the allocation of the sports grants which give elected Members stewardship of the funding which is provided by the Borough Council in line with the Council's Constitutional provisions. Secondly, it requires measures to be taken to reduce the current administrative costs of the current Sports Council arrangements.

2.2 *Stewardship of monies*

The Sports Council has no bank account and does not hold funds itself. The Borough Council makes payments of grants on its behalf following their approval by the body at its meetings and receives income on its behalf (affiliation fees), within the amount of the grant approved by the Borough Council. Annual accounts are also prepared by Finance staff.

The Sports Council comprises twelve elected (NULBC) Members and co-optees from local schools, sporting organisations and clubs who are co-opted onto the Sports Council at the Annual General Meeting in October and must be affiliated to the Sports Council. From these Members, five elected Members and up to fourteen co-opted Members form the Executive Committee for the awarding of the grants. The arrangements set out in this report (see paragraph 1.3) mean that the Borough Council elected Members technically form a minority on both bodies making it difficult for them to exercise stewardship of the funds (at least in theory).

Funds are allocated at the Executive meetings where the applicant or a representative must attend to answer any questions put to them. After all applicants have been seen, the

Committee discusses each one on its own merit and allocates a sum of money. This amount is then either paid by BACS or cheque a few days later.

2.3 *Policy context*

Decisions made by the Borough Council are done within a policy context. For example, for other grant awards made by the Council, a set of criteria are considered, including

- Fit with Council's vision, objectives and priorities
- Consistent with relevant Borough Council strategy/ies.
- Aligned with the strategic objectives of the Newcastle Partnership
- Demonstrable need for the project or service for which funding is sought.
- Demonstrable need for Grant Aid.
- Availability of Funding from other sources.
- Availability of non-restricted balances held by the applicant.
- Proven track record of applicant in achieving stated objectives (where relevant).
- Eligibility of applicant.
- Benefit to inhabitants of Newcastle.

2.4 Under the current arrangements in making over the funding to the Sports Council, there is no mechanism for the Borough Council Members to set criteria for the allocation of awards. Further it would appear that the Sports Council is using a limited criteria based mechanism for when making grant awards. These arrangements mean that there is a lack of transparency in the allocation of funding and the outcomes it is intended to achieve. This is a significant weakness in the current arrangement which also makes it impossible for the Council to make any objective assessment of the value for money or community benefit which has been achieved by the award of individual grants. This situation is compounded by the fact that the Sports Council does not undertake any analysis of the impact of grant awards which it has made over a period of years.

This position contrasts with the Council's arrangements for the allocation of other grant monies. In the case of other grant 'pots' such as Community Chest, Small Grants and Cultural Grants, the Borough Council currently accepts applications and considers these applications in conjunction with the Grants Assessment Panel. These grants are therefore aligned with the Borough Council's corporate priorities.

2.5 *Support arrangements*

Administrative support is provided by the Council's Democratic Services and Financial Services teams. In addition to the four executive meetings, an AGM is held in October and an awards evening is held every May. Together with the involvement of NULBC elected Members as outlined in the previous section of this report, meetings of the Sports Council are administered, serviced and supported by NULBC staff and the positions of Honorary Secretary and Treasurer of the Sports Council are both occupied by NULBC officers. Most importantly all the monies which are disbursed by the Sports Council are provided from the Borough Council's funds. The absence of direct NULBC input into this process means that these funds are not guaranteed to be used in line with the corporate and service planning processes of the Borough Council and are not guaranteed to be focused on the corporate priorities of the Borough Council, as set out in the Council Plan.

3. **Options Considered**

3.1 *Status Quo* (Option A)

This option would not deliver any of the requirements set out by Cabinet in its April 2014 resolution. As has been set out above, the current arrangements do not meet stewardship, policy alignment or reduced servicing costs requirements.

Reconstituted Sports Council (Option B)

A reconstituted Sports Council with new governance arrangements could address the stewardship shortcomings set out above. The Sports Council could also adopt a policy based criteria framework against which to assess grant applications and put in place an evaluation arrangement to assess whether the objectives have been met. A reconstituted Sports Council, however, does not deal with the requirement to reduce support overheads and maintain separate accounts - indeed the requirement to adopt a free-standing assessment and evaluation process place greater administrative costs on the secretariat function in both the immediate and longer term. It could be, however, that a reconstituted Sports Council could be developed (see para 1.4), but this would be without the administrative support currently provided by the Borough Council.

Pass disbursement responsibility to the NULBC Grants Assessment Panel (Option C)

It has been noted that the Grants Assessment Panel undertakes a similar role to the Sports Council in the distribution of grants especially in the case of Cultural Grants. In this case, the Panel hears advice and guidance from experts in the particular field under consideration from a wide variety of community and interest groups before coming to a decision over which application(s) to approve. The Grants Assessment Panel meets the stewardship requirement set by the Cabinet since it is a sub-Committee of the Cabinet and operates within the Council's overall Constitutional framework. This option would reduce the costs of administering the Council's sports grants as the workload required to service the freestanding Sports Council would be lessened if this work were incorporated into an existing decision making process. As has been set out above, the Grants Assessment Panel already makes grant awards within a policy framework set by the Council so the arrangement would meet this requirement. The existing Grants Assessment Panel Terms of Reference are attached at Appendix A

- 3.2 Whilst this final option is the preferred of those considered, Members should be aware of what would be lost under this arrangement including the undoubted benefit which the Sports Council derives by having representatives of local sports bodies, local schools and other community interests co-opted onto it. For this reason, a fourth option is put forward offering an amendment to the preferred option and thereby addressing this issue by retaining the benefit of input from local bodies.

Grants Assessment Panel with co-opted Members (Option D)

There are statutory provisions for the Council to establish a sub-Committee with co-opted members drawn from beyond the membership of the Council. It is therefore suggested that Members may wish to consider the option to add co-opted non-voting Members to the Grants Assessment Panel when considering sports grants and that these co-opted Members be drawn from bodies in the Borough which have expertise in such matters. It is considered that representatives may be sought from local sports bodies, local schools and the institutions of Higher and Further Education and from the County Sports Partnership – Sport Across Staffordshire and Stoke on Trent (SASSOT) which is a county-wide body with a brief to advise on sports matters of which the Borough Council is a subscribing member.

- 3.3 *Reasons for the preferred option*

Taking on board the issues outlined in the previous section of this report, it is clear that the

Borough Council needs to consider different ways of working which ensure that funds provided by NULBC in the area of sports development align with corporate and service priorities, whilst also reducing the required Borough Council resources needed to administer grant distribution and maintaining the involvement of elected Members and others from the sporting communities of the Borough.

- 3.4 It has been noted that similar considerations are relevant in relation to the provision of grants in other areas of work by the Borough Council, including Cultural Grants, the Community Chest and Small Grants. Each of these grant areas are currently overseen by the Grants Assessment Panel. The Panel meets three times a year and currently deals with applications under each of these grant headings. The Panel is made up of nine elected NULBC Members, supported by officers from the NULBC Partnerships team and also from Democratic Services at NULBC.
- 3.5 Given these circumstances, this report proposes that the Panel could expand its remit and take on the administration and consideration of sport grants through examining applications and approving/rejecting them, thereby mirroring the current arrangements in relation to cultural grants. Under these proposals, the Panel could also invite a selection of people from organisations such as Sport Across Staffordshire and Stoke on Trent, Newcastle College, Keele University and the Head Teachers Association – all of whom could give expert advice on applications prior to an award being determined.
- 3.6 In addition to this proposal, and reflecting the changed nature of the Sports Council in the event of such changes being made, it is further suggested that the existing support provided to the Sports Council in the form of officer support from Democratic Services; provision of a Honorary Secretary/Treasurer; and the provision of funding from NULBC is all discontinued and that officer time is either saved and diverted to other uses or is transferred to support the expanded work of the Grants Assessment Panel (the annual sport grant funding would be transferred in such a scenario). This would not create any direct or cashable savings, but it would allow resources to be used elsewhere, which is helpful when overall resources are being reduced.
- 3.7 It is therefore proposed that the option of transferring the work of the Sports Council to the Grants Assessment Panel and that this expanded remit is supported by the involvement of representatives from sporting and educational organisations in the Borough. Further, this option advocates the discontinuation of officer support and financial support for the Sports Council from NULBC (Option D – recommended). Option D, therefore, is recommended as it better aligns the use of funding and officer time/other resources with the strategic position of the Borough Council than is currently the case under existing arrangements and enables Member decisions on grant awards to benefit from independent expert advice.
- 3.8 The other options for the Cabinet to consider in this case are either to keep the existing arrangements in place (Option A, which does not achieve the aim of using the Borough Council's decreasing resources in the most effective or efficient way) or (Option B) for Cabinet to agree to resource both the Sports Council and the Grants Assessment Panel in the consideration of applications for sport grants. Neither of these options is recommended.

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

- 4.1 Sport has a positive effect on all four of the Council's corporate priorities:
- A Clean, Safe and Sustainable Borough – sport deters anti social behaviour by providing positive diversionary activities.

- A Borough of Opportunity – the grant awards offer encouragement and opportunities for individuals and teams to overcome some of the financial barriers to participation.
- A Healthy and Active Community – sport contributes to a healthy lifestyle.
- A Co-operative council delivering high quality, community-driven services - investment is targeted to maximise impact on positive outcomes in conjunction with the community

5. **Legal and Statutory Implications**

5.1 Legal powers need to be amended for the Grants Assessment Panel to determine the award of the Borough Council's sport grants monies. A minor constitutional change would be required to enable independent experts to be co-opted onto the Grants Assessment Panel to advise on the award of sports grants.

6. **Financial and Resource Implications**

6.1 A grant of £19,000 was awarded to the Sports Council for 2014/15 – this will be reviewed for 2015/16

6.2 The amount available for 2014/15 has reduced following a funding review and assessment of the levels of Council grants and contributions available. The review was undertaken in consultation with relevant stakeholders with regard to the levels of funding available to the Council.

6.3 In addition to the grant, the Borough Council also provides administration for meetings of the Sports Council together with free room hire. This is estimated to be approximately £2,500 of "in-kind" contribution.

7. **Major Risks**

There are no major risks associated with this funding.

8. **Background Papers**

None

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Appendix A - Terms of Reference Grants Assessment Panel

1. The Grants Assessments Panel is a sub-committee of the Cabinet.
 - 1.1 The Panel shall consist of 9 members as approved by Cabinet.
 - 1.2 One of the 9 members will be a member of the Council's Cabinet, who will Chair the meetings of the Committee.
 - 1.3 Appropriate Officers shall attend the meetings of the Panel in an advisory capacity.
 - 1.4 Representatives of partner organisations may attend the meetings of the Panel in an advisory/non-voting capacity.
 - 1.5 The persons mentioned in 1.3 & 1.4 above shall not have any voting rights.
2. The objects and functions of the Grants Assessment Panel shall be to :-
 - Review policies & procedures related to grant funding, as appropriate, and make recommendations to Cabinet for changes thereof.
 - Consider applications for grant funding (from Council funds), and make decisions as to which grants to support.
 - Receive summary reports of grant funding (from Council funds).
- 2.1 Grants for consideration by the Panel will include:-
 - Community Chest, if required.
 - Cultural Grants.
 - Homelessness Grants.
 - Small Grants.
 - Other grants schemes as mandated by Cabinet.
3. Delegated authority.
 - 3.1 Decisions on Community Chest grants will be delegated to Officers based on recommendations from approved Locally Based Bodies, with the exception of:-
 - Applications from Locally Based Bodies
 - Applications referred by Officers for further deliberation/judgement.
 - 3.2 Decisions on Green Grants will be delegated to the Executive Director - Operational Services for decision.
4. The Panel shall meet at least quarterly.

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<u>REPORT TITLE</u>	Stoke-on-Trent and Staffordshire Local Enterprise Partnership Regulatory Charter
<u>Submitted by:</u>	Nesta Henshaw – Head of Environmental Health Services
<u>Portfolio:</u>	Environment & Recycling
<u>Ward(s) affected:</u>	All Wards

Purpose of the Report

To advise members of the Regulatory Charter, which has been developed through the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (LEP) and has been agreed by National and other Local Regulators.

Recommendations

That the report be noted and Cabinet endorses the implementation of the Regulatory Charter.

Reasons

Newcastle-under-Lyme Borough Council as a member of the Stoke-on-Trent and Staffordshire LEP recognises that economic growth is dependent on private sector growth and is committed to helping businesses in the area to flourish.

The signing of the Regulatory Charter shows the commitment of regulatory services within the Council to use regulation to provide a level trading platform that is fair to all business; to communicate consistent accurate advice and support in regard to regulatory controls; and to target our enforcement and regulatory resources on those businesses that have no intention of complying with legislative requirements.

1. Background

- 1.1 There is a plethora of local and national regulators in existence who have an impact on businesses (whether they be start-up businesses or well established ones). For many businesses, especially the small and medium enterprises, the regulatory landscape can be confusing and daunting. There may be a lack of knowledge and/or capacity in the business about what is required to do to ensure compliance and where they need to go for advice.
- 1.2 Regulation is seen by many in business and Government as a burden and regulators have increasingly acknowledged that efforts should be made to reduce these burdens to facilitate economic growth. The Stoke-on-Trent and Staffordshire LEP, Business Development sub-group have responsibility for developing the “Red Carpet” approach for business and as a part of that work wish to look at opportunities to take forward the Regulation for Growth agenda.
- 1.3 Whilst Regulation is seen by some as a burden, this perception misses the crucial point; that consistent regulation plays an important part in providing a level trading platform that is fair to all business. In this regard, regulation can be an aid to growth and prosperity, particularly if regulators are seen to work with business, to understand the impacts their activities have on business, and to create opportunities to communicate consistent accurate advice and support in regard to regulatory controls.

- 1.4 Creating a vision of how Regulation is to be viewed by businesses in Stoke on Trent and Staffordshire is important for all. All Regulators being committed to providing a business friendly approach with a desire to help businesses succeed will have positive impact on perceptions of business and how they view regulation.
- 1.5 The government's Better Regulation Delivery Office (BRDO) is working towards a regulatory environment in which businesses have the confidence to invest, grow and citizens and communities are properly protected. Through its priorities, BRDO aims to help regulators and businesses work together.

2. **Issues**

- 2.1 The Regulation for Growth Regulatory Charter working group engaged with officers and executive representatives from a number of local and national regulators operating in the LEP, including the local authorities hoping to spread awareness of the work on the Regulatory Charter. The role of the Regulatory Charter Working Group is to provide an overall Charter for Regulatory Stakeholders to sign, highlighting the approach Stoke on Trent and Staffordshire have with regard to Regulation. Ultimately the Charter will support new and existing businesses by setting out the responsibilities of regulatory services and businesses in Stoke-on-Trent and Staffordshire.
- 2.2 Local authority regulators in Stoke-on-Trent and Staffordshire are seeking to highlight to business their support and commitment to the principles of Better Business for All by the launch of a Regulatory Charter signed by each Council, and by the Stoke and Staffordshire LEP on behalf of business.
- 2.2 The following bodies have indicated a willingness to sign or support the Regulatory Charter:
- Federation of Small Businesses,
 - North Staffordshire Chambers of Commerce and Industry,
 - Advisory, Conciliation and Arbitration Service,
 - Staffordshire Fire and Rescue Service,
 - Staffordshire Police Service,
 - Staffordshire Office of the Police and Crime Commissioner,
 - Her Majesty's Revenue and Customs,
 - Environment Agency.

The following local authorities have agreed to sign the Regulatory Charter:

- Cannock Chase District Council,
 - Lichfield District Council,
 - Newcastle-under-Lyme Borough Council,
 - South Staffordshire District Council,
 - Stafford Borough Council,
 - Staffordshire Moorlands District Council,
 - Stoke-on-Trent City Council,
 - Staffordshire County Council.
- 2.3 In essence the Charter, attached at Appendix A, pulls together a number of themes for regulators around promoting fairness for businesses while ensuring protection of both the public and environment from harm, and improving the consistency of regulatory actions without imposing unnecessary burdens on business.

- 2.4 The Charter commits regulatory services to principles of proportionality, accountability, transparency and consistency, and to engaging in targeted regulatory activities rather than interventions driven by numbers or performance targets. These ideals are far from unique, and have been around for many years in a number of guises; notably the Enforcement Concordat, and the Regulators Compliance Code and in Newcastle Borough Council's Enforcement Policy. The difference with the Charter is that it engages the majority of key regulators across the whole of Stoke on Trent and Staffordshire.
- 2.5 The Charter also commits the business community, via the LEP to be open, constructive, and transparent in their dealings with regulators in order to build a positive two way relationship.
- 2.6 A charter signing event is being held on 21st July 2014 at which appropriate senior member and officer representatives of this Council will be present.

3. **Options considered**

- 3.1 In simple terms the Council can either sign-up to the proposed Regulatory Charter or it could choose not to. In practice it would not affect the way in which the Council undertakes its regulatory functions if the Council did not become a signatory. However the benefit of endorsing is that it demonstrates a clear commitment to our approach to regulation with the business community and alongside our partner regulatory organisations.

4. **Proposal**

That the report be noted and Cabinet endorses the implementation of the Regulatory Charter.

5. **Reasons for Preferred Solution**

- 5.1 The objectives of the regulatory charter are:
- Reduce regulatory burdens on new and expanding businesses.
 - To create a Regulatory Charter that sets out the responsibilities of regulators and businesses in Stoke-on-Trent and Staffordshire.
 - To encourage local and national regulators, as well as other stakeholders to sign up to the regulator charter.
 - Build trust between new and expanding businesses and regulators.

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

- 6.1 The proposals relate to the adoption of a consistent and effective enforcement policy which would contribute to the following:
- A clean, safe and sustainable borough
- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.
- A borough of opportunity
- Fair, proportionate and consistent enforcement creates an equal opportunity for business to thrive.
- A co-operative Council delivering high quality, community driven, services.
- High performing services and support will be delivered for businesses and customers.

- The charter commits both business and the regulators to engagement.

7. **Legal and Statutory Implications**

- 7.1 The preparation, publishing and implementation of the regulatory charter is not in itself a legal requirement. However, it does demonstrate the Council's commitment to the work of the LEP and endorses the Government principle of reducing the burden of regulation on business.

8. **Equality Impact Assessment**

- 8.1 No issues have been identified.

9. **Financial and Resource Implications**

- 9.1 There are no financial implications associated with the recommendation.
- 9.2 Resources for business support and implementation of the charter will be from within existing resources.

10. **Major Risks**

- 10.1 A risk assessment has been undertaken and is available upon request.

11. **Key Decision Information**

- 11.1 Agreeing to the regulatory charter is a key decision as it will affect all wards within the Borough.

12. **List of Appendices**

Appendix A – Regulatory Charter

Stoke-on-Trent & Staffordshire Local Enterprise Partnership Regulatory Charter

This is a charter agreed by local authorities, regulators and the business community within the Stoke-on-Trent & Staffordshire Local Enterprise Partnership area.

The partners are committed to working together to provide a regulatory environment that promotes success in business whilst continuing to provide public protection and consistency for business. The charter sets out roles and responsibilities for partners to achieve this aim.

We believe good regulation is essential, in promoting fairness and the protection of both the public and environment from harm, and acts as an enabler to economic growth. Partners to this agreement will work together to provide an environment that will enhance necessary, balanced well-targeted regulation.

Local, Regional and National Regulators will work collaboratively to:

1. Provide timely support for business in creative and innovative forms.
2. Be business friendly and engage with businesses in a constructive and positive manner.
3. Take ownership of any business enquiry and ensure it is dealt with by the appropriate regulator
4. Drive up standards of service within their area of expertise, particularly by listening to local businesses.
5. Be accountable
6. Promote efficient and effective approaches to regulation, where ever possible offering advice and guidance in preference to other enforcement activity.
7. Improve regulatory outcomes without imposing unnecessary burdens on business, the Third Sector and other regulated entities

Regulators will be:

- (i) Proportionate - activities will reflect the level of risk to the public and action taken will correspond to the seriousness of the offence,
- (ii) Accountable – activities will be open to public scrutiny, with clear and accessible policies, and a fair and efficient complaints procedures,
- (iii) Consistent – advice will be robust and reliable and will respect advice provided by others. Where circumstances are similar, services will endeavour to act in consistent ways.
- (iv) Transparent – regulators will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – regulators will focus their resources predominantly on higher risk enterprises and activities, reflecting local need and national priorities.

The **Business Community** will:

1. Engage with regulators in a constructive and positive manner
2. Be open and direct with their communication with regulators
3. Be fair, helpful and transparent when dealing with regulators staff.
4. Provide genuine feedback to regulators.
5. Engage in business and Regulator forums, and other opportunities, to shape regulation delivery in the LEP area, which should help to increase knowledge of regulatory matters affecting their businesses.

1. **REPORT TITLE:** URBAN NORTH STAFFORDSHIRE GREEN SPACE STRATEGY ANNUAL PROGRESS REPORT 2014
- Submitted by:** Head of Operations – Roger Tait
- Portfolio:** All
- Ward(s) affected:** All Urban Wards of the Borough

Purpose of the Report

To inform Cabinet of progress made with the implementation of the Urban North Staffordshire Green Space Strategy and the associated Action Plan over the last year.

To inform members of the need to review the current Green Space Strategy to reflect changes in national planning policy, local government finance and projected resources to ensure the strategy remains fit for purpose for the future and is a robust evidence base for the proposed joint Local Plan.

Recommendations:

- (a) That the report be received and progress noted.**
- (b) That authorisation is given to scope the review of the Green Space Strategy in line with the National Planning Policy Framework and report the resource implications of the review to a future meeting of the Cabinet.**

Reasons

- (a) To ensure that the green space asset base in urban North Staffordshire and in particular Newcastle fulfils it's potential to deliver a wide range of environmental, economic and social benefits through a strategic approach to planning and management, and that the document remains fit for purpose and a robust evidence base for the emerging joint Local Plan.

1.0 **Background**

- 1.1 At the meeting of the Cabinet of 7 September 2011 a report was considered in relation to the Urban North Staffordshire Green Space Strategy. It was resolved:-

“That Officers be instructed to undertake an annual review of the progress made with implementation of the North Staffordshire Green Space Strategy and the associated Action Plan to ensure that objectives are being met”.

- 1.2 The Urban North Staffordshire Green Space Strategy was formally adopted by the Cabinet of the Council at the meeting of 2 December 2009. Since this time, work has been progressing with delivering the actions identified in the Action Plan programme and in developing processes and mechanisms to deliver the aims and objectives of the Strategy.

2.0 **Issues**

- 2.1 The Urban North Staffordshire Green Space Strategy promotes the environmental, economic and social benefits which green space brings to parallel strategic regeneration initiatives and to the Council's corporate priorities and core values. The Strategy demonstrates how good quality green space supports economic regeneration and provides opportunities for people to live a healthy and active lifestyle in a clean and safe environment. It also demonstrates the positive impact green space has on carbon reduction.
- 2.2 The Strategy aims to ensure that the residents of the Borough have the right amount of green space to cater for their needs in terms of parks, play, sport, nature and green routes. The Strategy seeks to provide these sites in places which are accessible and easy to reach for as many people as possible and by grouping facilities together into larger, multi-functional high quality green spaces.
- 2.3 To achieve these aims, the Strategy includes a phased and prioritised Action Plan programme to strategically manage the Council's green space assets to ensure that they deliver a wide range of environmental, economic and social benefits and that the financial and community value of green space is recognised and reflected in the way the Council sets priorities and allocates resources.
- 2.4 Significant progress has been made in delivering the Action Plan for the Strategy and a progress report is attached to this report at Appendix 1. In addition to this, annual consultation is carried out with residents of the borough to gauge their views on a number of green space and cleanliness indicators including meeting expectations, safety, cleanliness of streets and open spaces and appropriate provision of facilities. Parks users are also consulted via the Parks Quick Survey, which gauges opinion on standards of maintenance, what facilities are considered important, levels of safety and whether they would like to see more events in parks.

Key Achievements To Date Include:-

- (a) In the last six years a total of over £4.8 million in external funding has been secured towards delivering the projects in the Action Plan and a number of key capital development projects have been completed or are in progress to provide and improve community green space provision.
- (b) Implementation of the Streetscene Service to deliver the cleaner, safer and sustainable agenda and neighbourhood working.
- (c) Review of potential surplus green space assets incorporated into the asset management and site allocation development plan document consultation process.
- (d) Consistent high performance and achievement of highest quality standard in Britain in Bloom campaign and Green Flag Awards.
- (e) Projects have been completed or are currently in progress to create or improve facilities at Wolstanton Marsh, Lyme Valley, former Silverdale Colliery, The Wammy, Silverdale Park, Cotswold Avenue and Thistleberry Parkway.

- (f) Programme of work ongoing to maintain the Council's playground stock and green space footpaths/roads in a safe condition.
 - (g) Launched and developed the Community Engagement and Participation Framework to enable and support residents to take an active role in looking after their neighbourhood, with over 8814 hours of volunteer time (estimated value of £80,000) contributed in 2013/14. This work is key to the success of the strategy as it creates the opportunity for communities to be fully involved in shaping and delivering green space services in their neighbourhoods. A highly successful "Communities Day" was held on 6th June 2014 where 33 different community events took place in the Borough's parks, open spaces and neighbourhoods involving large numbers of volunteers.
- 2.5 Further work is underway to identify and bid for funding to deliver other projects prioritised in the Action Plan programme. These projects, and their proposed funding mechanisms, will be the subject of future reports to Cabinet at appropriate times.
 - 2.6 Work is also underway with partner agencies to investigate the potential to jointly deliver initiatives identified in the Action Plan programme. The outcome of this work and any associated resource implications will be reported at appropriate times.
 - 2.7 The Urban North Staffordshire Green Space Strategy and its Action Plan programme is designed to be delivered over a fifteen-year timescale, ending in 2022, following which the Strategy should be reviewed and developed for the future. The Strategy and Action Plan are designed to be flexible in order to accommodate changes in residents' needs and priorities over the fifteen year life of the document and in recognition of the financial and staff resource constraints which may influence its delivery. However, the Strategy sets out a framework and core principles for green space management which, if followed, will assist in ensuring that its main objectives continue to be met throughout periods of change. The strategy ensures that most green space projects within the action plan are delivered and are sought to be delivered using external funding from grant and S106 sources.
 - 2.8 Your officers have reviewed the current policy, legislative, financial and demographic influences which affect North Staffordshire, and in particular Newcastle, in relation to green space provision, management and maintenance. Changes have been identified as a result of the introduction of the National Planning Policy Framework (NPPF), which supersedes all previously acknowledged planning policy guidance, changes to the Local Development Framework and the decision to produce a new joint Local Plan, with Stoke on Trent City Council.
 - 2.9 The NPPF in paragraphs 73 and 74 identifies the need for high quality open spaces and opportunities for sport and recreation, as an important contribution to the health and well-being of communities. It is further stated that Planning policies need to be based on robust and up to date assessment of needs for open space, sport and recreation facilities and opportunities for new provision. Existing open space, sports and recreational buildings should not be built upon unless it is shown to be surplus to requirements or can be replaced in a suitable location.

- 2.10 A robust Green Space Strategy is required as part of a suite of supporting evidence documents for the new joint Local Plan. Other evidence documents will include the draft Playing Pitch Strategy which has recently be reviewed and is being developed, allotments strategy, urban forest strategy and policy for play. A table showing the hierarchy of these documents is attached to this report at Appendix 2.
- 2.11 However, the Green Space Strategy is also an operational delivery document in its own right, which guides how the council manages it's green space asset base to ensure that the needs of the community are met in the most appropriate way. In the climate of reducing local authority resources, it is considered essential to review how the council will approach this role in the future and to explore different mechanisms for delivering green space services in line with projected capacity and resource reductions. Therefore, it is proposed to carry out a scoping exercise to determine how such a review of the Green Space Strategy would be carried out, what outcomes it would be necessary to achieve and what financial and resource implications are likely to arise from the review. There may be significant costs involved in reviewing the Green Space Strategy, but a review of the strategy could assist in freeing up assets for disposal. The result of the scoping exercise would then be reported to Cabinet later this year.
- 2.12 A review of the Playing Pitch Strategy has recently been commissioned. This work will update the current Strategy and seeks to establish the strategic plan in terms of formal playing pitches in the Borough and to match supply with demand. A report on the implications of the revised strategy will be brought to Cabinet in due course.

3.0 **Options Considered**

- 3.1 To continue with the delivery of the existing Strategy in line with the strategy document in the short term.
- 3.2 Proceed with scoping the review of the Green Space Strategy to ensure that it remains a robust evidence base for the emerging joint Local Plan, alongside the other supporting documents.

4.0 **Proposal**

- 4.1 It is proposed that the report be received and progress with the delivery of the Strategy and Action Plan be noted.
- 4.2 It is proposed to scope the review of the Green Space Strategy and report the resource implications of the review to a future meeting of the Cabinet.

5.0 **Reasons for Preferred Solution**

- 5.1 To ensure that the green space asset base in urban North Staffordshire and in particular Newcastle, fulfils it's potential to deliver a wide range of environmental, economic and social benefits through a strategic approach to planning and management.

6.0 **Outcomes Linked to Corporate Priorities and the Sustainable Community Strategy**

- 6.1 A clean, safe, and sustainable Borough.
- 6.2 A Borough of opportunity.
- 6.3 A healthy and active community.
- 6.4 Becoming a co-operative council, delivering high value, community driven services.

7.0 **Legal and Statutory Implications**

- 7.1 The Council has various powers and duties relating to green space provision and management, set out in statutes relating to open space, public health, miscellaneous provision and well being.

8.0 **Equality Impact Assessment**

- 8.1 It is considered that the Strategy has a positive impact on equality issues.

9.0 **Financial and Resource Implications**

- 9.1 There are no direct financial implications arising from this report.
- 9.2 Financial implications associated with a review of the Green Space Strategy will be estimated as part of the scoping exercise and reported to a future meeting of the Cabinet.

10.0 **Major Risks**

- 10.1 The major risks associated with this report are:
 - 10.1.1 Failure to prove that the current Green Space Strategy is valid and up to date evidence could create a situation where funding and open space provision is unable to be secured through planning processes.
 - 10.1.2 Failure to realise savings and/or capital receipts from prudent management of the council's green space asset base.
 - 10.1.3 Failure to provide a robust evidence base for the joint Local Plan.

11.0 **Earlier Cabinet Resolutions**

- 11.1 Cabinet: 09 February 2005 – Resolution No. 761
- Cabinet: 03 August 2005 – Resolution No. 285
- Cabinet: 21 May 2008 – Resolution No. 39
- Cabinet: 02 December 2009 – Resolution No.
- Cabinet: 07 September 2011 – Resolution No. 13
- Cabinet: 23 May 2012 - Resolution No. 5
- Cabinet: 17 July 2013 - Resolution No. 4

12.0 **List of Appendices**

- 12.1 Appendix 1: Action Plan Progress Report
- 12.2 Appendix 2: Document Hierarchy
- 12.3 Appendix 3: Playing Pitch Strategy

13.0 **Background Papers**

- 13.1 Urban North Staffordshire Green Space Strategy.
- 13.2 National Planning Policy Framework

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URBAN NORTH STAFFORDSHIRE GREEN SPACE STRATEGY
PROGRESS REPORT: JUNE 2014

Completed Actions (Actions completed between Sept 2007 and June 2013)

Ref:	Action	Status
GA1	Establish strategic business unit responsible for green spaces	Operational Services/Streetscene Division set up and delivering a cleaner, safer, sustainable agenda
GA2	Develop a funding strategy to deliver the Action Plan programme	Framework for funding strategy devised
GA3	Develop strategy for supporting and involving community groups in green space provision at non-strategic level	Community Engagement and Participation Framework launched and Community Development Officer recruited. Support mechanisms for community groups in place.
GA4	Create database of community volunteers and skills and develop recruitment and training plan	Database set up and recruitment in progress through Community Engagement and Participation Framework.
GA5	Identify appropriate partners to deliver projects within the Action Plan programme	Work in progress to allocate projects to appropriate partners as opportunities and funding programmes arise.
GA6	Identify a Green Space Champion	Portfolio Holder for Culture and Active Communities appointed as Champion
GA7	Establish consultation and review mechanism to gauge level of use, visitor opinion and satisfaction level	Annual Parks and Green Spaces Consultation ongoing.
GA12	NSRP to establish schedule, nature and extent of strategic green space projects	NSRP no longer in existence
GA14	Implement visible patrol of parks in partnership with the Police	Targeted patrols implemented at hotspot sites
GA15	Set up rapid response teams to deal with fly tipping, broken glass, graffiti and vandalised equipment	Integrated into Streetscene (Operations and Performance) set up
GA16	Undertake safety audits of green spaces	Pilot audit undertaken at Chesterton Park – programme to be rolled out to other green spaces where necessary
GA17	Facilitate youth and play work in green spaces to help combat anti-social behaviour	Big Lottery Children's Play Programme portfolio of projects completed. Ongoing work with Staffordshire Youth Service to provide targeted interventions.
GA18	Establish a commitment to ring fencing a proportion of capital receipts and income from green spaces for reinvestment in green space	Approved by Cabinet May 2008
GA19	Consider creation of semi natural areas within green spaces of other functions	Trees not Turf and wildflower meadow creation programme completed. Further projects ongoing as resources allow.

GA20	Produce a Management Plan for each strategic open space and generic Management Plans for non-strategic green spaces	Management Plans completed for strategic (District level) parks and other strategic green spaces.
GA21	Review maintenance procedures and set up multi skilled area teams	Integrated into Streetscene (Operations and Performance) set up
GA22	Review surplus green space sites to determine appropriate alternative use	Initial review undertaken and integrated into asset management plan and site allocations DPD.
GA25	Establish neighbourhood management arrangements for management of non-strategic green space	Integrated into Streetscene (Operations and Performance) set up
GA26	Establish forums for partners to identify and deliver strategic and non-strategic green space projects	Community Forum launched in May 2012. Friends of Parks groups established
RA3	Ensure remaining amenity space designated as LAP is fit for purpose	Sites identified and improvements ongoing as resources allow.
OS2	Create Sports Village at The Wammy	Project re-profiled to Health and Well Being Centre (completed December 2011) and The Wammy Neighbourhood Park (Phases 1 & 2 completed)
OS3	Improve tennis courts/pavilion at Westlands Sports Ground	Pavilion Project completed 2009
OS4	Improve drainage/pavilion at Birchenwood	Drainage Project completed August 2008
OS5	Improve sports pitch provision at Wolstanton Marsh	Drainage works complete June 2013
PP6	Improve Wolstanton Park/Marsh	Footpaths improved via Section 106 Agreement.
PP7	Improve Bathpool Park (District)	Phase 1 completed March 2008
PP8	Improve Lyme Valley Parkway (District)	Phase 1 completed March 2006
PP9	Improve Brampton Park (District)	Phase 1 completed March 2009
PP19	Improve Cotswold Avenue/The Wammy (Neighbourhood)	Phase 1 completed March 2008
PP20	Improve Thistleberry Parkway (Neighbourhood)	Phase 1 completed 2009
PP22	Improve Brampton Recreation Ground (Neighbourhood)	Phase 1 completed December 2007
PP23	Improve Chesterton Memorial Park (Neighbourhood)	Phase 1 completed March 2009 Phase 2 (new pavilion) completed 2010
PP24	Improve Silverdale Park (Neighbourhood)	Phase 1 completed March 2009
PP25	Improve Queen Elizabeth Park (Neighbourhood)	Phase 1 (Castle Motte) Complete
PP27	Improve Loomer Road (Neighbourhood)	Phase 1 completed March 2006
PP53	Create fourteen LEAPs in accordance with Policy for Play	One LEAP secured (Keele Road)
SN1	Declare local nature reserve at Bradwell Woods	Declaration completed December 2007
SN4	Improve local nature reserve at Pool Dam Marshes	Section 106 Agreement secured
SN6	Improve semi-natural at Audley Road Open Space, Chesterton	Management Plan implemented
SN7	Improve semi-natural at Waterhays open space, Chesterton	Management Plan implemented

SN11	Improve Newcastle Greenway	Section 106 Agreement secured. Completed December 2009
SN22	Develop Biodiversity Management Plan for each local nature reserve and large semi-natural green space	4 LNR Management Plans prepared
GC1	Create greenway extension at Pool Dam Marshes	Completed in SCC NTADS Programme 2011/12
GC2	Create greenway extension at Lyme Brook	Completed in SCC NTADS Programme 2011/12

Current Actions (Actions started since June 2013)

Ref:	Action	Status
GA3	Develop strategy for supporting and involving community groups in green space provision at non-strategic level	8814 hours of volunteer work supported in 2013/2014
GA6	Identify a Green Space Champion	Portfolio Holder for Culture and Active Communities appointed as Champion – Current Portfolio Holder updated / briefed on role
GA8	Create design briefs for all green space improvement projects	Briefs prepared as part of individual project inception and feasibility – standard format developed
GA23	Prepare an Allotment Strategy	Work in progress to review strategy.
GA24	Investigate mechanisms for joint authority co-ordination of green space maintenance	Partnership working, shared service scoping on going with various partners
GA27	Set up joint authority green space information hub	Work on NBC website in progress.
RA2	Review sites where function is unclear to determine future use and maintenance regime	Review in progress and ongoing
OS2	Create Sports Village at The Wammy	The Wammy Neighbourhood Park – Phase 3 (teen facilities) in progress
OS5	Improve sports pitch provision at Wolstanton Marsh	Play Area Improvements in progress, completion expected Autumn 2014.
OS6	Improve strategic sites identified in the Newcastle under Lyme Leisure Needs Assessment and Playing Pitch Strategy as requiring qualitative improvements	1½ pitches and community facility completed at former the Silverdale Colliery. Review of Playing Pitch Strategy is underway.
PP6	Improve Wolstanton Park/Marsh	Funding secured for further improvements via Section 106 Agreements. Programmed for Autumn 2014.
PP20	Improve Thistleberry Parkway (Neighbourhood)	Phase 2 funding secured via S106 agreement
SN2	Declare local nature reserve at Bathpool Park	Management Plan completed and Natural England approval granted. Declaration completed
SN4	Improve local nature reserve at Pool Dam Marshes	Section 106 Agreements secured. Awaiting payment
SN11	Improve Newcastle Greenway	Sustrans funding secured Main works completed
SN22	Develop Biodiversity Management Plans for each local nature reserve and semi-natural green space	Bathpool LNR declaration complete

S106	S106 Agreements secured	Imperial Works, Coalpit Hill (Chester Road), The Sheet Anchor (Baldwins Gate)
S106	S106 Agreements paid	Former Silverdale Colliery (Silverdale Community Facility (Kents Lane))

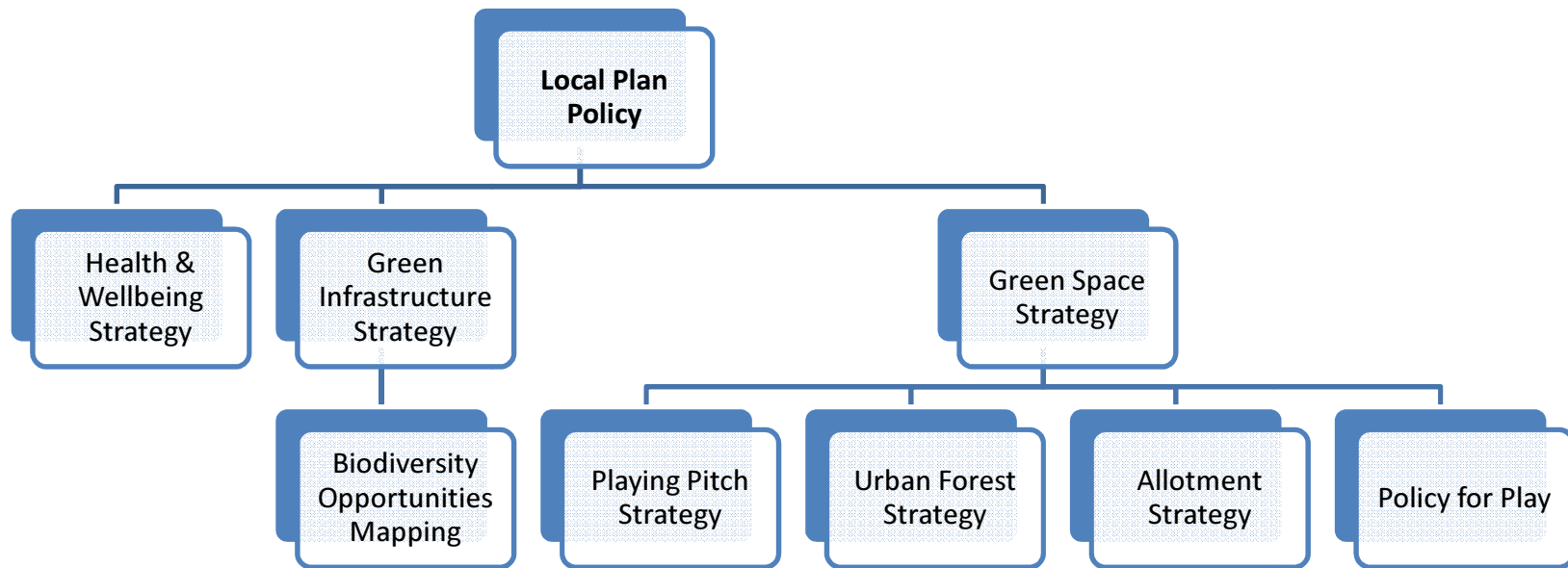
Future Actions (Actions to be undertaken over the lifetime of the Action Plan)

Ref:	Action	Status
GA6	Identify a Green Space Champion	Portfolio Holder for Culture and Active Communities appointed as Champion – Portfolio Holder to be updated / briefed on role
GA9	Adopt Green Space Urban Taskforce principles for planning, design, management and maintenance	Initial work underway to embed principles – further research on implications required
GA10	Prepare Communications Plan and Marketing Strategy	Initial work in progress via Britain in Bloom campaign and Green Flag Award Management Plans – further work required to develop strategy
GA11	Investigate potential for Public Art and Cultural Activity Strategy	Public art and cultural activities incorporated into green spaces – further work required to develop strategy
GA13	Establish lines of communication with North Staffordshire tourism functions	Incorporate into Communications Plan (action GA10)
GA19	Consider creation of semi natural areas within green spaces of other functions	Trees not Turf and wildflower meadow creation programme completed. Further projects ongoing as resources allow.
PP5	Create District Park at Wye Road	
PP18	Create Neighbourhood Park with NEAP at Kingsbridge Avenue	
PP21	New NEAP at Salop Place	
PP53	Create fourteen LEAPs in accordance with Policy for Play	
OS2	Create Sports Village at The Wammy	The Wammy Neighbourhood Park Phase 4 - Pavilion
SN3	Create local nature reserve at Westomley Wood	Work to commence on Management Plan
SN5	Improve semi-natural at Birchenwood	
SN8	Create semi-natural at Parkhouse Industrial Estate	
SN9	Create semi-natural at Rowley Wood	
SN10	Create semi-natural at Leys Drive	
SN12	Create semi-natural at Moffat Way	
SN13	Create semi-natural at Castle Street	
SN14	Create semi-natural at Pepper Street	
SN21	A Biodiversity Management Plan should be developed (referring to SBAP) for non-strategic semi-natural green spaces	Initial scoping in progress and resources being sought.

GC13	Improve existing Greenway in west and south Newcastle	
GC14	Create potential green route extensions between Crackley & Kidsgrove	
GC15	Create potential green route extensions between Apedale & A34	
GC16	Create potential green route extensions between Brampton & Wolstanton	
GC17	Create potential green route extensions between Newcastle Town Centre & Staffordshire University	

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Appendix 2:



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HEADING: LOCAL AUTHORITY OWNED TRADING COMPANY

Submitted by: Phil Jones, Head of Communications

Portfolio: Communications, Policy and Partnerships

Ward(s) affected: All

Purpose of the Report

To seek Cabinet approval to formally establish a wholly owned trading company for communications services.

Recommendations

- a) **Cabinet approves establishing a local authority trading company which would be limited by shares and owned wholly by the council.**
- b) **Cabinet approves the governance and board membership proposals outlined in the business case.**

Reasons

The formation of the company should allow the council to explore trading in a way that maximises the potential of its resources as well as contributing to the medium term financial planning and wider efficiency agenda.

1. Background

- 1.1 At its meeting on 15 January 2014, Cabinet agreed in principle to the establishment of a local authority trading company for communications services which would be limited by shares and owned wholly by the council. It also noted at that meeting that a further report would be brought forward at the earliest opportunity outlining governance and board membership arrangements as well as the “business case” for the company before any trading activities commenced.
- 1.2 The purpose of this report is to enable Cabinet to consider the business proposals for the new venture. Full details are attached to this report as Appendix A. In addition, there is a much smaller commercially confidential Appendix B which includes financial data which it would be better for the council not to disclose as it could put the trading company at a financial disadvantage and which meets Part II requirements.
- 1.3 This report also outlines proposed governance and board membership arrangements.
- 1.4 If Cabinet supports the various proposals then it is being recommended to approve establishing the Wholly Owned Trading Company for Communications Services.

- 1.5 Specialist legal advice has been taken since the last Cabinet meeting to give an independent assessment on proposals which had been previously outlined.
- 1.6 The company involved is one of the largest dedicated public sector and project groups outside London and its reputation for excellent project work is reflected in its appointment as an approved adviser to central and local government as well as public sector frameworks throughout the United Kingdom.
- 1.7 The advice received makes it clear that various pieces of legislation are in place which ensures the proposals being considered by the borough council to trade communications services are permissible.

2. Issues

2.1 Governance

- a) It is essential, with the reputation of the council involved, that the authority has an appropriate level of control over the trading company and that this level of control is consistent with the ability of the company to run itself as a separate but accountable business.
- b) This will be achieved by:-
 - (i) The council being the sole Corporate Member/Shareholder of the company at the initial stage. As such, the council will be able to instruct the Board of Directors and therefore have the final say on things like the appointment and removal of Directors, remuneration, winding up and funding.
 - (ii) Completing a Shareholder Agreement between the company and the council whereby the company agrees to only do certain things with the consent of the council such as borrowing money, recruitment of staff.
 - (iii) Auditing requirements – the company will have its own auditing arrangements in place.
 - (iv) Private companies are no longer required to have a Company Secretary. This requirement was abolished pursuant to the Companies Act 2006, as from 6 April 2008. However, for governance reasons it is being recommended that the council does have a Company Secretary. Discussions will take place internally to identify an appropriate resource.
 - (v) The Directors will be subject to the provisions of the Companies Act 2006 regarding the duties and obligations of Directors. Guidance will be sought from the council's legal services and then shared with the Directors when they are formally appointed.
 - (vi) Cabinet will be involved in any decisions over the appointment of directors.
 - (vii) Directors, who are also elected members of the council, will be subject to the code of conduct which the council has in place and the statutory requirements relating to disclosable pecuniary interests when acting in the capacity of councillor.
 - (viii) The company will not be subject to local authority rules regarding meetings. Meetings will themselves be of board members only although the company should be expected to make available for inspection by any member of the public a copy of the minutes of any of its general meetings.
 - (ix) The company will have its own financial regulations and these will be based on those currently in place for Newcastle-under-Lyme Borough Council.

- c) It is proposed the Company Board will consist of three directors – a serving Newcastle-under-Lyme borough councillor; the Head of Communications; a non-Executive Director with commercial expertise in public relations to be approved by Cabinet.
- d) A job description and person specification has been drafted for the directorship which will be occupied by a borough councillor to ensure the most appropriate person available can be appointed.
- e) At the outset it is recommended that the council should be the sole shareholder but it is suggested that an option could be considered as trading progresses for staff within the Communications Service to be given the opportunity to become shareholders – although the council would retain a majority interest in the company. This would help incentivise performance and potentially increase income opportunities for the council.

2.2 Service Level Agreement

- a) The company will initially operate by using existing staff resources from the Communications Service at the borough council. Some services will be subject to trading and offered to the private sector, other public sector partners or the third sector. These services will be contracted out on an hourly rate or commission basis between the council and the trading company. This removes the complications around the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and directly employed staffing (HR, payroll, pensions etc) as the staff remain in the employment of Newcastle-under-Lyme Borough Council.
- b) A Service Level Agreement (SLA) will be agreed each year between the borough council and the Communications Service. This will be reviewed and negotiated annually with a corporate group chaired by the Chief Executive acting on behalf of the council.
- c) The SLA will identify very clearly the key corporate objectives and outcomes which the borough council will require delivering with regard to communications activities on a daily, weekly, monthly and annual basis. This agreement will then allow the service to consider what resources are available in terms of taking on work which will generate an income for the council's wholly owned trading company.

2.3 A Controlled Company

Part V of the Local Government and Housing Act 1989 imposes various requirements on companies which are under the control of a council. The proposal to form a wholly owned company is therefore likely to bring it within the scope of Part V. A controlled company will be required to:-

- a) Mention on all business letters, notices and other documents of the company and its website the fact that it is a company controlled, or influenced, by the borough council.

- b) Not publish any material which the relevant authority would be prohibited from publishing by section two of the Local Government Act 1986.
- c) Remove any director who becomes disqualified for membership of a local authority otherwise than by being employed by a local authority or a controlled company.
- d) Provide and authorise or instruct its auditors to provide information to the council's auditors.
- e) Provide to an elected member of the council reasonable information about the affairs of the company.

2.4 Business case for trading

- (i) Powers conferred by Regulation Two of the Local Government (Best Value Authorities) (Power to Trade) (England Order 2009) and the Local Government Act 2003 allows the council to do for a commercial purpose anything it is authorised to do for the purposes of carrying on any of its ordinary functions. Since the council undertakes communication service activities for the purpose of the council's own activities, this gives further power to trade those services in the market.
- (ii) The Order, however, requires the council to approve a business case and recover all of the costs for any accommodation, goods, services, staff or any other thing that it supplies to the company.
- (iii) The specialist advice received by the council argues that while the Localism Act power does not require a business plan or the recovery of costs, it is arguable that the Order and the Local Government Act 2003 - under which it is made – amount to restrictions to which the general power is subject. And the advice received by the council therefore suggests it would be prudent to prepare and approve a business plan and ensure relevant costs are recovered. This is set out in Appendix A.
- (iv) Normally, when a company is being prepared for launch, a business plan is produced which outlines its objectives, its strategies, the market it is in and its financial forecasts. This document has many functions from securing external funding to measuring success within the business as well as planning for the future.
- (v) The circumstances surrounding the establishment of the borough council's wholly owned trading company for communications are such that this level of detailed business case is not necessary at this stage but will be prepared before the company starts trading activity.
- (vi) Delivery of the Service Level Agreement with the council is the first priority for the Communications Service and as such, much will depend in the first year of trading around how much spare capacity is available after delivery of the SLA.
- (vii) Also, it should be remembered that the company is not trying to secure external funding – one of the reasons for producing a business plan.

- (viii) The first two years of the company should be viewed as a low risk, “proof of concept” exercise to grow confidence within the service, develop commercial expertise and skills and take the first steps in trading.
- (ix) At the end of the first two years and during the third year of trading activities, the board of directors will be asked to consider the appropriate future direction of the company. As part of this discussion they will be asked to make appropriate recommendations to Newcastle-under-Lyme Borough Council on this matter for its consideration and allow for full consultation for all those directly affected by any proposals.
- (x) The business case for trading is outlined in detail in Appendix A. The appendix also includes detailed information on legal considerations, a broad timeline, exit strategy and so on.

2.5 Tax

- a) Officers from the council's Finance Service have given initial consideration to the tax issues which a trading company and the council could face and they have also been in touch with the council's advisers on such matters.
- b) Further detailed discussions and advice will be sought in the lead up to the commencement of trading but at this stage guidance on VAT and Corporation Tax has been made available and is outlined below.
- c) VAT
 - (i) If the income of the company exceeds £79,000 p.a., it will have to register for VAT, which would mean:-
 - The company would have to charge VAT to its customers where appropriate.
 - The company would have to know when, and when not, to charge VAT - VAT would be applicable to PR work and some types of printing e.g. calendars, business cards and diaries are standard rated; books, magazines and advertising leaflets are zero-rated.
 - VAT invoices would have to be issued by the company where appropriate.
 - The company would be able to reclaim VAT on expenditure relating to its publicity and printing services, assuming it has VAT invoices from its suppliers for those services.
 - The company would have to account for VAT to HMRC and send it a quarterly VAT return.
- (d) Corporation Tax
 - (i) This is a tax on the taxable profits of limited companies and some organisations including clubs, societies, associations, co-operatives, charities and other unincorporated bodies.
 - (ii) There are currently two rates of Corporation Tax, depending on the company or organisation's taxable profits:-

- the lower rate - known as the “small profits” rate.
 - The upper rate - known as the “full” rate or “main” rate.
- (iii) The "small profits" rate is for profits not exceeding £300,000. Tax would be charged at 20 per cent. This is the rate for the current year and previous years. The "main rate" of Corporation Tax has been reduced from 23 per cent to 21 per cent for 01/04/14, but this is for profits exceeding £1,500,000. If profits fell between £300,000 and £1,500,000 a rate is calculated somewhere between the "small profits" rate and "main rate".

3. Options Considered

- 3.1 A number of options were considered as part of the original report to Cabinet in January 2014.
- 3.2 The preference at this stage is that the council continues to pursue establishing a local government trading company as this most clearly provides an opportunity for the council to venture into commercial activities which could aid and support the council during difficult financial times for the public sector.
- 3.3 It will also be an opportunity for staff to develop greater business and associated technical skills which will benefit the council, their careers and promote the professional “can do” attitude which is already widespread within the authority.

4. Proposal

- 4.1 Establishing a trading company for communications services using the model outlined previously to Cabinet is a significant step forward for the borough council.
- 4.2 The model has significant benefits as the company will be a trading shell with no full-time staff or assets in the initial stages. This means there are no TUPE issues or liability risks to the council as the sole shareholder.
- 4.3 It also means that the primary focus can remain on providing core communications services to the council through the Service Level Agreement while using any spare capacity to trade services in a way which allows staff to learn how to run a business, take commercial decisions and find their feet in a completely new environment.
- 4.4 Over time as business confidence grows, opportunities should arise for developing income streams and if this is successful considering longer-term aims – say over the next five years or so – which could see a new model develop such as an employee-led mutual, arm’s length trading company or a staff buy-out.

5. Reasons for Preferred Solution

- 5.1 The formation of a wholly owned company for communication services will allow the authority to explore trading in a way that optimises expertise, skills and resources within the council’s current staff.

- 5.2 The preferred solution of establishing a company will also be an opportunity for staff to develop greater business and associated technical skills which will benefit the council, their careers and promote the professional “can do” attitude which is already widespread within the authority.
- 5.3 A wholly owned company will initially operate by using existing staff resources from the Communications Service at the borough council. Their services will be contracted on an hourly rate or commission basis between the council and the trading company. This removes the complications around the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and directly employed staffing (HR. payroll, pensions etc) as the staff will remain in the employment of Newcastle-under-Lyme Borough Council.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 6.1 This project is likely to help the council to deliver on two of its corporate priorities. With regards to “a borough of opportunity”, if the wholly owned company is a success then it should increase competitiveness in the local market place thus ensuring a wider range of pricing and opportunity for businesses interested in communications services.
- 6.2 There may also be an opportunity for a holistic service to be provided to businesses who take on council land or property for development. As part of any purchase or leasing arrangement, businesses could be offered the council company’s services to help them establish and grow their ventures.
- 6.3 And if successful, the company may also consider recruitment which could lead to employment opportunities for local people.
- 6.4 In addition, the proposal is likely to support the council’s corporate priority of “becoming a co-operative council delivering high quality, community-driven services.” The Service Level Agreement between the borough council and the Communications Service – which is an integral part of this proposal - will ensure a real focus on the key outcomes which are important to the council in terms of communications. This will ensure the council’s communications continue to be high quality and community focused so residents are involved and informed about council policies, services, events and activities.

7. Legal and Statutory Implications

- 7.1 There are a number of legal and statutory implications which the council needs to be aware of in regards to establishing a wholly owned company for trading purposes. These are all dealt with in the body of this report and also in Appendix A which is the business case that supports the proposals in this report.

8. Equality Impact Assessment

- 8.1 No differential impacts have been identified in relation to this proposal.

9. Financial and Resource Implications

- 9.1 There are no additional resource requirements to deliver this programme of work. All activity within the company will fully recover the council's costs.
- 9.2 The council must recover the full cost of any accommodation, goods, services, employees or anything else it supplies to the company in pursuance of any agreement or arrangement to facilitate the power to trade. The majority of this will be accommodated within the hourly rate charged between the council and its clients. The detailed proposals for these charges are commercially sensitive information and for that reason have been separated from the main report. They are the only part of this report to be treated as confidential and are contained in Appendix B.
- 9.3 There will be some initial costs incurred by the council in setting up its company as well as complying with the regulatory framework for limited companies. As this is a company being set up for the borough council it is felt appropriate that these small costs can be met from within existing Communications Service budgets.
- 9.4 The creation of the company is intended to provide a mechanism for the council to reduce its demand and the associated costs of its communications service as the council's budget reduces. As has been set out in Section 2.2, the borough council will have an annual service level agreement for communications services which it anticipates will need to reduce as the council's budget reduces. Through the vehicle of the company, the capacity which is released will be traded. Over time it is accepted that the borough council's demands upon the Communications Team will reduce and that this will be balanced by growth in the traded element of the service through the company.
- 9.5 An early task for the Board of the company will be to produce a business plan which will show how the company will grow its business to offset the reduction in the level of communications services which will be demanded by the council through the service level agreement. Similarly through its medium term financial planning and budget making process the council will determine how much resource it will allocate to Communications and what level of resources it will call upon under the service level agreement. Through this mechanism it is anticipated that a comprehensive Communications Service can be sustained but in the expectation that as the borough council's requirements are reduced, the level of external traded business through the company will grow.
- 9.6 If Cabinet agrees to the company being set up then the next few weeks will be spent focusing on making the necessary arrangements for all statutory and governance issues to be settled. As a result, only around half of the current financial year will be available for trading purposes.
- 9.7 The Service Level Agreement between the Communications Service and the council gives indicative periods for when surplus capacity may be used for trading purposes. These periods have been used as a basis for calculating the potential income which may be achieved.

- 9.8 However, it should be stressed that the income targets will only be achieved if:-
- a) The Service Level Agreement is adhered to. Additional requirements which are added would impact on periods allocated for trading purposes.
 - b) Corporate support for securing external work with partners is delivered.
 - c) A minor restructure in the Communications Service is implemented without further delay. This does not involve any staff reductions or negative impacts on terms and conditions.
 - d) Officers in the Communications Service successfully make the transition to securing and delivering work for clients.
 - e) Marketing and promotion activities support efforts to generate business.

10. Major Risks

- 10.1 These were outlined in detail in the previous Cabinet report and can be summarised as:-
- a) Reputational risk associated with trading within and outside of the borough and the wider perception on the success of the venture.
 - b) The operational risks are more around the financial returns and the ability of the business to deliver the expected benefits.
- 10.2 An appropriate exit strategy has been developed and is included in the detailed business case attached as Appendix A. This shows how the trading activities could cease and the impact that would have upon the future.
- 10.3 Other mitigating factors which help to reduce the risks involved are:-
- a) Specialist legal advice has been procured to ensure the trading company and the proposals associated with it are legal.
 - b) A Service Level Agreement has been drafted which outlines core communications activities which the council requires to be delivered during the trading company's first year of operation. This will be reviewed annually.
 - d) It is proposed that trading activities will be around the margins of surplus capacity.
- 10.4 Overall it is considered that the risk associated with the actual formation of the company is low and that the trading activities and resultant impact on the council will be beneficial.

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Business case for a local authority trading company in Communications Services

Name and logo to be agreed

Executive Summary

Local government services are funded in three primary ways – from Government grant, by generating income and from property-related taxes such as Council Tax and business rates.

During recent years the level of funding made available from the Government to Newcastle-under-Lyme Borough Council has reduced by more than half as efforts are made to try and balance the books nationally.

Income has also been a difficult area for local government as the economy has been struggling for some time and this has left many service users with less money in their pockets.

In addition, there has been pressure from both the public as well as the Government for Council Tax levels to be frozen.

Combined pressure on all of these areas has resulted in Newcastle-under-Lyme Borough Council being faced with some very difficult decisions over balancing its budgets.

Since 2008/09 the council has had to plug budget gaps totalling £13,270,000.

The Medium Term Financial Strategy suggests further savings of at least £5,107,000 will need to be made up to 2020.

These pressures have impacted on many services but with pressure on elected member to protect what are often referred to as “front line services” some support services have suffered in recent times.

Since 2009/10 the Communications Service has been reduced from 18 FTE to 10 FTE at the beginning of the 2014/15 financial year – a reduction of almost half the staff.

The departmental budget has reduced by around 50 per cent in the same period with savings of £563,497.96 forecast to be achieved by the end of 2014/15.

Local government has responded, and continues to respond, to the challenges of the very difficult situation it finds itself in by developing new and innovative ways to deliver services.

Across the country there has been a move towards new models of service delivery.

Employee-led mutuals have been given much support by Cabinet Office but there has also been development of Community Interest Companies, joint venture vehicles with private sector partners and the establishment of Wholly Owned Companies.

The borough council has embraced co-operative principles and this is another potential delivery vehicle which may be considered further down the line.

A number of other councils in the region are buying in communications services on a needs basis rather than recruiting their own full-time communications professionals.

They include Stoke-on-Trent City Council, Staffordshire County Council, Cheshire East Council and Walsall Metropolitan Borough Council.

Westco Trading Limited is a company owned by the City of Westminster. It was established in 2008 to trade Westminster City Council services and skills with others in the public and private sectors.

It provides services including communications to around 12 public sector clients including a number in this region. This suggests there is a market for councils to supply communications services to other public sector bodies.

The borough council's communications company will be set up and incorporated as soon as practically possible following the agreement from Cabinet for it to exist as a private company limited by shares.

The company will set out to secure paid for work from at least one public sector organisation during the first year of trading, one from the third sector and one from private business.

This will be reviewed by the board of directors throughout the first year of trading. This initial approach will not be prescriptive and if a variation between the three identified sectors comes to the fore then this will be acted upon following discussions with the directors. Flexibility will be the key.

The company will need to grow gradually and it is important that it is given time to become established over the next two years and can demonstrate success in line with realistic expectations.

This will grow confidence within the council and also the staff involved in the company that it can meet its business objectives.

The council and board of directors will be fully aware that it has a statutory duty to recover all of the costs incurred such as accommodation, goods, services, staff or any other thing that it supplies to the company as part of any agreement or arrangement to facilitate the exercise of the trading power.

It is also important to demonstrate that all costs are recovered and that there is no actual or “hidden” subsidy so as to avoid any potential challenge by a competitor on the basis that the council is providing “State Aid” to the company.

During the third year of trading there should be an emphasis on growing the business to build on confidence developed during the first two years by staff in running a business, pitching for work and generating income.

The board of directors will be asked to consider the future direction of the company at this point and to make appropriate recommendations to the council for its consideration with full consultation allowed for all those directly affected.

Options could include retain the status quo, expand the business element further, support an employee-led mutual, a co-operative or even management buy-out.

National and local policy

Francis Maude, Minister for the Cabinet Office, said:

“It used to be thought that there was a simple binary choice in how public services were delivered. On the one hand they could be delivered by the state; by staff employed directly by a public sector agency. On the other they could be privatised. Outsourced. Delivered for profit by commercial suppliers.

“There’s nothing wrong with either model. Both can be brilliantly successful. But the world is opening up. We both need to be and want to be more open to different ways of doing things.”

This speech was delivered by the Minister in the Royal borough of Kensington and Chelsea and was aimed at encouraging staff to “spin themselves out of the public sector and take control of their lives and the services they provide.”

There is therefore clear Government support for changes to be made to the old binary choice of public sector or outsourcing.

What the proposal being suggested to the borough council makes is that in communications services we begin to explore the third way which Francis Maude talks about. While the service has the support and backing of one significant client – the borough council – work begins to grow confidence and expertise in commercial practices.

This should open up choices further down the road as to how this venture develops to benefit the borough council, residents and businesses and also the staff themselves.

Newcastle-under-Lyme Borough Council's corporate priorities

The borough council's vision is to create a borough that is prosperous, clean, healthy and safe.

The corporate priorities and their outcomes are: –

A clean, safe and sustainable borough

- Our borough will be safer.
- Our borough will be cleaner.
- Our borough will be sustainable

A borough of opportunity

- Newcastle is a great place to work.
- Newcastle is a great place to do business.
- Newcastle is a great place to live

A healthy and active community

- Everyone has the chance to live a healthy, independent life.
- Everyone has access to high quality leisure and cultural facilities/activities).
- Everyone has the opportunity to get involved in their community

Co-operative Council delivering high quality, community-driven, services

- Your council is efficient, open and innovative in its work.
- Your services are designed and delivered co-operatively.
- Your community is strong and well supported

In addition, developing the wholly owned company will in itself contribute to two of the corporate priorities – a borough of opportunity and a co-operative council.

It may contribute to a borough of opportunity as the proposal could:-

- Result in businesses growing as a result of being supported by expert communications advice and guidance.
- See staff in Communications eventually being given the opportunity to launch their own business.
- Generate additional income for the borough council.

It may contribute to a co-operative council as the proposal could:-

- Deliver innovative communications solutions for the council and other stakeholders.
- Open up opportunities for working with/for partner organisations

Service Level Agreement

Information is one of the council's most important "front line" services and a Service Level Agreement is in place between the council and the Communications Service for 2014/15.

This should ensure that residents and businesses can have access to quality information presented through a variety of channels.

This will ensure they have the opportunity to be informed about, and involved with, council services, policies, events and activities thereby ensuring a contribution to all priority and outcome areas.

The Service Level Agreement outlines key areas that the council wishes the Communications Service to deliver during the year ahead.

These have been categorised into five areas:-

1) External facing communications

Reporter – four times a year.

Press releases – primary focus on significant corporate projects, announcements, services, activities, policies.

Media enquiries - oversee all corporate responses, interview coaching, monitoring coverage.

Social media

Website content management.

2) Internal facing communications

Monthly Core Brief/executive bulletins.

Intranet content management.

- 3) Corporate/partnership/management activities
- 4) Design and Print
- 5) All corporate photography

The legal position and related legislation

Power to participate in the entity

Although there is no specific power (vires) for a local authority to set up or participate in a company, reliance can be placed upon general powers including S111 Local Government Act 1972 and the general power of competence under the Localism Act 2011.

Further the Localism Act specifically requires a local authority to act through a company if it is exercising its general power of competence for a commercial purpose. A similar requirement is imposed on a local authority seeking to use the trading powers under the Local Government Act 2003.

Powers to trade

The use of a company will potentially enable the council to provide services to entities that it would not otherwise have the power to do so.

While the Local Authorities (Goods and Services) Act 1970 gives the council, as a local authority, the power to supply, goods and services to any "public body" and this could be done without the use of a company, this is restricted to defined public bodies and would not permit services to be provided to other bodies, including the private sector

The Localism Act 2011 provides powers for local authorities to do anything that individuals may generally do.

This would permit it to provide services to public bodies not covered by the 1970 Act or to the private sector and charge for those services. Limitations on the use of this power are that the service is not one that the authority is required to provide.

The Localism Act, however, limits the vehicle that can provide services for commercial purpose and requires it to be carried out through a "company", as defined by the Companies Act 2006. This Act defines a "company" as being

companies limited by shares, companies limited by guarantee and Industrial Provident Societies.

The structure outlined for the borough council of a proposed company limited by shares would fall within the definition. Accordingly this would provide powers for the council to provide trade communication services in the market commercially.

Further reliance could be placed on the powers conferred by Regulation 2 of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 1 and the Local Government Act 2003.

This allows the council to do for a commercial purpose anything it is authorised to do for the purpose of carrying on any of its ordinary functions.

Since it undertakes the communication services activities for the purposes of the council's own activities, this would give further power to trade those services in the market.

The Order however requires the council to:-

- Prepare and approve a business case.
- Exercise the power through a company within the meaning of Part 5 of the Local Government and Housing Act 1989 (again this would include a company limited by shares, as proposed).
- Recover all costs of any accommodation, goods, services, staff or any other thing that it supplies to the company.

While the Localism Act power does not require a business plan or the recovery of costs, it is arguable that the Order and the Local Government Act 2003, under which it is made, amount to restrictions to which the general power is subject.

Accordingly it would be prudent to prepare and approve a business plan and ensure relevant costs are recovered.

Part V Local Government and Housing Act 1989

Part V of the Local Government and Housing Act 1989 imposes various requirements on companies which are under the control of a council. The proposal to form a wholly owned company is therefore likely to bring it within the purview of Part V.

A controlled company will be required:-

* to mention on all business letters, notices and other documents of the company and on its web site the fact that it is a company controlled, or, influenced, by the council.

* not to pay to a director who is a member of the council remuneration in excess of the maximum amount (calculated by reference to Members' Allowances).

* not to pay to a regulated director an allowance, or reimburse expenses, in excess of the maximum amount (calculated by reference to Members' Subsistence).

* not to publish any material which the relevant authority would be prohibited from publishing by section 2 of the Local Government Act 1986.

* to remove any director who becomes disqualified for membership of a local authority otherwise than by being employed by a local authority or a controlled company.

* to provide, and authorise or instruct, its auditors to provide information to the council's auditors.

* to provide to a member of the council information about the affairs of the company.

* to obtain the consent of the council's auditors to the appointment of the auditors for the wholly owned company.

* to make available for inspection by any member of the public a copy of the minutes of any general meeting of the company.

A controlled company can be excluded from the requirements to make minutes available to the public if in relation to any financial year if, at a time before the beginning of that year, the council resolved that the company should be an arm's length company and, at all times from the passing of that resolution up to the end of the financial year in question, the following conditions applied:-

- Each director of the company was appointed for a fixed term of at least two years.
- No director of the company has been removed by resolution under section 168 of the Companies Act 2006, unless exempted by the Secretary of State.
- No more than one-fifth of the directors have been members or officers of the council.
- The company has not occupied any land in which the authority has an interest otherwise than for the best consideration reasonably obtainable.
- The company has entered into an agreement with the authority to use its best endeavours to produce a specified positive return on its assets.

- The authority has not lent money to the company or guaranteed any sum borrowed by it or subscribed for any securities in the company except for the purpose of enabling the company to acquire fixed assets or to provide it with working capital,
- The authority has not made any grant to the company except in pursuance of an agreement or undertaking entered into before the company's financial year in which the grant was made; and/or
- The amount of which is in any way related to the financial results of the company in any period.

Business proposal

Powers conferred by Regulation Two of the Local Government (Best Value Authorities) (Power to Trade) (England Order 2009) and the Local Government Act 2003 allows the council to do for a commercial purpose anything it is authorised to do for the purposes of carrying on any of its ordinary functions. Since the council undertakes communication service activities for the purpose of the council's own activities, this gives further power to trade those services in the market.

The Order, however, requires the council to approve a business case and recover all of the costs for any accommodation, goods, services, staff or any other thing that it supplies to the company. The specialist advice received by the council argues that while the Localism Act power does not require a business plan or the recovery of costs, it is arguable that the Order and the Local Government Act 2003 - under which it is made – amount to restrictions to which the general power is subject.

And the advice received by the council therefore suggests it would be prudent to prepare and approve a business plan and ensure relevant costs are recovered

As indicated earlier in this document, the intention of the Wholly Owned Company in the first year of trading activity will be to:-

The company will set out to secure paid for work from at least one public sector organisation during the first year of trading, one from the third sector and one from private business. This will be reviewed by the board of directors throughout the first year of trading. This initial approach will not be prescriptive and if a variation between the three identified sectors comes to the fore then this will be acted upon following discussions with the directors. Flexibility will be the key.

Normally, when a company is being prepared for launch, a business plan is produced which outlines its objectives, its strategies, the market it is in and its financial forecasts. This document has many functions from securing external funding to measuring success within the business as well as planning for the future.

The circumstances surrounding the establishment of the borough council's wholly owned trading company for communications are such that this level of detailed business case is not necessary.

The company is not trying to persuade investors or to secure external funding. It will also have no assets or directly employ staff in the initial phases.

The Wholly Owned Company will be trading around the margins of the Communications Service and therefore any work which is generated will be achieved within existing costs and any costs incurred by the council as a result of securing external work by the company will be fully recovered.

Essentially, what the model which has been put forward achieves is the ability of the council to benefit from any trading opportunities which arise without the risks normally associated with starting or running a business.

As mentioned previously, all of the costs which the council could incur to enable the business to develop and to establish itself must be recovered.

Project Plan

July - August

Cabinet to approve establishing trading company

Company registered at Companies House, name chosen.

Directors and the Company Secretary appointed.

Inaugural board meeting held.

Detailed costs to be recovered by the council finalised and agreed.

Develop appropriate exit strategy at company launch (see section 10 on Risk)

September

Company marketing activities get under way – website, promotional material if necessary, social media channels.

October

Board of Directors meet

Develop milestones/project plan for second half of year.

December

Scoping discussions with finance team over company returns etc.

Scoping discussions with council over Service Level Agreement.

January

Board of directors meet.

March

Submit statutory financial returns/information for year end.

Review first year activity, achievements, issues at board meeting.

Refine business plan and establish model for 2015/16.

Review Service Level Agreement with council.

Governance

Company

In most cases, the general day-to-day decision making of companies is taken by the directors appointed to the Board.

There are no restrictions on who can be appointed as a director provided that there is at least one individual director and none of the proposed directors have been disqualified as being appointed as directors.

The Companies Act 2006 requires the approval of shareholders for certain decisions such as altering the constitutional documents of a company, dis-applying statutory pre-emption rights on allotments of shares and changing the name of a company.

In addition, it is possible for shareholders of any company to contractually agree with a company that additional decisions can be reserved for shareholder approval such as entering into contracts of a certain value, employing employees over an agreed remuneration, entering into any loan/security documentation.

There are no restrictions on what can be reserved to shareholders although that can then be relevant in considering who "controls" the company.

This could enable the council to, for example, retain greater control over strategic matters or other areas seen as having particular importance to the council.

If the council sought to take advantage of the "Teckal" exemption so as not to have to procure services it sought from the company, such an arrangement would help it demonstrate the necessary level of control. .

The Companies Act 2006 requires a certain amount of information to be provided by companies to the Registrar of Companies which keeps a public record of that information.

That information can be accessed by members of the public and will include annual accounts, details of appointments and resignations of directors, annual returns, details of issues or cancellations of shares and details of any charges or other security affecting a company's assets.

Membership of the Board will not be constrained by the legal requirements relating to local government executive decisions, political balance, etc. It could therefore be comprised of, employees of the company with no representation from the council or include or comprise officers and or members. It will also be possible to have "external" directors.

Although there are no restrictions on who can be a director of a company, the directors themselves are subject to a number of duties – these have emanated from case law although there are now seven duties which are codified in the Companies Act 2006, including matters such as a duty to promote the success of the company and a duty to avoid conflicts of interests and not to accept benefits from third parties.

Generally speaking, a director will not incur personal liabilities by taking on the role although the Companies Act 2006 contains a number of offences which can involve directors being fined for late filing of information at Companies House (such as annual accounts and annual returns).

Personal liabilities can also be incurred where directors continue to trade (either wrongfully or fraudulently) to the detriment of creditors at a time when the company is unable to pay its debts.

The Council may need to put in place a mechanism internally to act as shareholder.

As part of the business case for the Wholly Owned Company it is being proposed that at the outset there will be three directors on the board.

A councillor – a job description and person specification has been drafted and this will be made available to councillors before an appropriate selection process takes place.

The council's Head of Communications

A non-executive director who will be from the private sector and will have the experience and track record within public relations to support the growth and development of the company.

Company Secretary

Private companies are no longer required to have a company secretary. This requirement was abolished pursuant to the Companies Act 2006, as from 6 April 2008.

The rationale for removing this requirement was that, without underestimating the highly valuable function which the company secretary can fulfil in certain companies, for small private companies, particularly those with only one director, it often became a regulatory burden, with the result that the role had to be contracted out to external advisors.

A private company therefore has a choice as to whether to have a secretary. Note, however, that where a private company decides to dispense with the requirement for a company secretary, it will need to ensure that the functions of the role are carried out by another individual or individuals, typically the directors.

There is no comprehensive code defining the scope of the duties of a company secretary. The responsibilities are governed partly by statute and partly by general law. If the company secretary is also an employee, that person may have additional duties and responsibilities arising from their employment contract.

In general, a company secretary's obligations under the Companies Act 2006 are administrative rather than managerial (which tasks would fall to the responsibility of the directors).

Specific functions include maintaining the company's statutory registers.

- A company is required to maintain certain books and records including the following: -
 - register of members (and index of members' names if more than 50)
 - register of directors and secretaries
 - register of directors' residential addresses
 - register of charges
 - records of director and shareholder meetings and resolutions
 - register of interests in shares (public companies only)

- With the exception of the minute books of directors' meetings (which may be kept where the directors determine), these registers must generally be kept at the company's registered office address. However, they may be kept at a single alternative location (for example, this is sometimes done where the company uses professional registrars). If this is the case, notice of the alternative address must be filed at Companies House.
- The company secretary should familiarise himself with the precise information required in each register and ensure that it is kept completely up to date. Failure to do so risks the secretary being liable to a fine. However, this may not be the only consequence. In particular, failure to keep the register of members up to date can have disastrous consequences, as a shareholder's voting and other share rights generally arise only once his name is written in the register as a member.
- Although not a statutory requirement, companies also tend to keep separate registers of transfers and allotments of shares, the maintenance of which will also be the responsibility of the company secretary.

Meetings and Access to Information

The company will not be subject to local authority rules regarding meetings.

Meetings can therefore be held in private, and save for the provisions outlined above regarding minutes there is no obligation to provide the public with copies of agenda reports and background documents.

However a company wholly owned by the council will be a publicly-owned company under Section 6 of the Freedom of Information Act 2000 and will therefore be subject to compliance with the Act.

Risk

The risks associated with the formation of a local authority trading company can be classified into two main areas:-

- a) Reputational risk associated with trading within and outside of the borough and the wider perception on the success of the venture.
- b) The operational risks are more around the financial returns and the ability of the business to deliver the expected benefits.

The reputational risk could and should be seen as a positive risk as the borough council will be demonstrating its desire to operate in an entrepreneurial way for the benefit of local Council Taxpayers as well as the wider community.

Ensuring qualified staff are involved in trading activities and learning and development plans are in place will also mitigate risks with regards to reputational damage.

The board of directors will have a key role to play in deciding which pieces of work the company will be involved in. This will have a two-fold benefit.

Firstly it will allow the group to consider which contracts/work it wishes to be associated with and the potential impact on the council/company reputation will be a factor in those considerations.

Secondly, the inclusion of a non-executive director with a background in commercial press and public relations will reduce the risk of entering into work which may not be in the council/company's best interests.

The financial risks are considered to be limited given the scale and nature of the business during the initial business plan period.

The company will not directly employ staff in the initial development stages and will not have any assets. Neither will it have any financial goals to achieve. However, it could incur debts but if the company ceased to trade the debts would remain with the company and not become a council liability.

The main financial risk involves the council covering all of its costs in relation to company activities. Work being undertaken with Financial Services will ensure this is the case.

One of the major risks facing the company's success involves the Service Level Agreement with the council.

It is imperative that a balance is struck between enabling the council to have its core communication activities suitably resourced while at the same time enabling some trading activity around the margins in any surplus capacity situations.

Too onerous an SLA will obviously impact on the ability to trade.

However, in the first year or so this will be new territory for both the council and the staff involved so an annual review and the collection of key data involving time spent on various corporate duties will be important so the SLA can be refined and developed.

Overall it is considered that the risk associated with the actual formation of the company is low and that the trading activities and resultant impact on the council could be beneficial and in a risk v benefits scenario, it is felt the benefits far exceed the risks which are certainly manageable and minimal.

Tax

Officers from the council's Finance Service have given initial consideration to the tax issues which a trading company and the council could face and they have also been in touch with the council's advisers on such matters.

Guidance on VAT and Corporation Tax has been made available and is outlined below.

VAT

If the income of the company exceeds £79,000 p.a., it will have to register for VAT, which would mean:-

- a) The company would have to charge VAT to its customers where appropriate.
- b) The company would have to know when, and when not, to charge VAT - VAT would be applicable to PR work and some types of printing e.g. calendars, business cards and diaries are standard rated; books, magazines and advertising leaflets are zero-rated.
- c) VAT invoices would have to be issued by the company where appropriate.
- d) The company would be able to reclaim VAT on expenditure relating to its publicity and printing services, assuming it has VAT invoices from its suppliers for those services.
- e) The company would have to account for VAT to HMRC and send it a quarterly VAT return.

Corporation Tax

This is a tax on the taxable profits of limited companies and some organisations including clubs, societies, associations, co-operatives, charities and other unincorporated bodies.

There are currently two rates of Corporation Tax, depending on the company or organisation's taxable profits:-

- (i) The lower rate - known as the "small profits" rate.
- (ii) The upper rate - known as the "full" rate or "main" rate.

The "small profits" rate is for profits not exceeding £300,000. Tax would be charged at: 20 per cent. This is the rate for the current year and previous years.

The "main rate" of Corporation Tax has been reduced from 23 per cent to 21 per cent for 01/04/14, but this is for profits exceeding £1,500,000. If profits fell between £300,000 and £1,500,000 a rate is calculated somewhere between the "small profits" rate and "main rate".

Exit strategy

The final portion of any business case/plan outlines an exit strategy.

It may seem odd to develop a strategy this soon to leave our business but it is important that staff and the council recognise an exit may at some point become a reality for a number of reasons – both favourable and unfavourable.

There are a number of recognised routes for exit and these are outlined below. However, much will depend on the circumstances being faced prior to exit and therefore it is not possible at this stage to opt for one particular option.

Let it run dry - this can work especially well in small businesses. In the period prior to exit it is important to try and settle any remaining debts and then the council can simply close the doors and liquidate any remaining assets. With the larger income, naturally, comes a larger tax liability.

It is not proposed at this stage for the company to own assets or employ staff so this option is obviously one that seems fairly straight forward in the situation being considered by the borough council.

Sell our shares - this works particularly well in partnerships such as law and medical practices. If the company grows and performs well then there may be an opportunity for the council to sell its equity. This can be to those already involved in the business – for example staff – or to a new owner or partner. This exit strategy enables the council to leave the firm cleanly plus it could gain the earnings from the sale.

Liquidate - sell everything at market value and use the revenue to pay off any remaining debt. This is a simple approach, but also likely to reap the least revenue. Much will depend on whether the company grows and is allowed to build assets.

This option means that the council simply matches assets with buyers. However, if this scenario arose it is likely that the council will be eager to sell and therefore at a disadvantage when negotiating.

Exit strategies for short-term involvement

Go public - while it is possible the council may be sitting on the next Google, Initial Public Offerings or IPOs take much time to prepare and can cost anywhere from several hundred thousand to several million dollars, depending on the exchange and the size of the offering. At this stage this option is not likely.

Merge - sometimes, two businesses can create more value as one company. If the council believes such an opportunity exists for its firm, then a merger may be a ticket

to exit. If it looks to leave entirely, then a merger would likely call for the head of the other involved company to stay on.

If the council didn't want to relinquish all involvement, it could consider putting options forward which allowed continued involvement through some sort of advisory role.

Be acquired - other companies might want to acquire the council's business and keep its value for themselves. If this were the case it would be important to make sure the offered sale price meshes with our business valuation.

We may even seek to cultivate potential acquirers by courting companies who we think would benefit from such a deal. If the acquirer was chosen wisely, the value of the business can exceed what we might otherwise earn in a sale.

Sell - selling outright can also allow for an easy exit. If the council wishes, it could take the money from a sale and sever itself completely from the company. It may also negotiate for equity in the buying company, allowing it to earn dividends afterwards.

It is clearly in the council's interests to ensure the wholly owned company is a good fit for the buyer and therefore more likely to prosper.

The most common exit strategy for any business owner is to sell the business to someone else or to some other company. However, as pointed out above, other options are in place and it will be important to consider all of these before decisions are taken.

Of course, further options do exist depending on the direction the council and the company may wish to take. These could include consideration for an Employee Led Mutual, a management buy-out, joint venture etc.

Phil Jones

Head of Communications

July 2014

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET**

Date: 23rd July 2014

REPORT TITLE Review of the Corporate Complaints, Comments
 & Compliments Policy

Submitted by: Executive Director (Resources & Support Services)

Portfolio: Economic Regeneration, Business and Town Centres

Ward(s) affected: Non specific

Purpose of the Report

To seek Cabinet approval of the revisions to the Council's Corporate Complaints, Comments and Compliments Policy.

Recommendation

That Cabinet approve the revisions to the Corporate Complaints, Comments and Compliments Policy.

Reasons

1. The existing Corporate Complaints, Comments and Compliments (3Cs Policy) has been in place since 2008. A review has been undertaken and as a result the Policy has been revised and updated to ensure it continues to incorporate best practice and guidance from the Local Government Ombudsman (LGO).
2. There are elements of the new Regulator's Code, April 2014, that affect local authorities' complaints processes and therefore need to be incorporated into this Policy.
3. The revisions improve the robustness of the Council's 3Cs Policy.

1. Background

1.1 On 21st May 2008, Cabinet approved the introduction of a 3Cs Policy detailing corporate standards and guidelines for staff to ensure consistency in the way that customer complaints, comments and compliments are dealt with.

2. Issues

2.1 It is both important and good practice to regularly review existing Council policies to ensure that they continue to reflect current procedures and guidelines. The specific drivers for this review are:

- feedback from the Local Government Ombudsman and benchmarking with other local authorities;
- to incorporate those elements of the new Regulator's Code, April 2014 that relate to the Council's complaints processes.

2.2 The new Regulators' Code sets out Government's expectations in respect of the provision by local authorities of clear and accessible complaints and appeals processes, for use by businesses and others that they regulate. Section 2 of the Code includes provisions for clear, impartial and accessible complaints and appeals processes. Section 6 of the Code includes provisions to ensure transparency around the Council's complaints and appeals processes. In particular, the Code requires the definition of a complaint to include an example of a business customer complaint as well as an individual customer complaint, and for businesses to be recognised as an entity in the complaints process. The Code is intended to act as a framework to help the LGO in assessing any future complaints received from those regulated by local authorities who feel that the Council has not acted properly. Examples of regulatory service areas include Planning and Building Control, Environmental Protection and Licensing.

2.3 The proposed revisions are highlighted in italics in the Policy, attached as Appendix A. In summary the main changes are:

- Section 1 – Revised to include reference to business, as required by the new Regulator's Code, and to incorporate the Council priority relevant to the Policy. Section 1.9 states the Council's commitment to fair treatment across all service areas.
- Section 2 – Revised to expand the definition of a complaint to include a business customer and an example of a business complaint, as required by the Code. Inclusion of the facility for on-line forms to encourage web submissions.
- Section 4 – Revised to include reference to the Waste Management Strategy as an exclusion from the complaints procedure. Inclusion of a reference to the Customer Case Management Policy.
- Section 7:
 - Section 7.1 - Revised to reflect changes in service delivery. In many cases it will be Customer Services staff who will record the complaint details.
 - Section 7.2 - Amended process whereby the Customer Relations Officer sends an acknowledgement.
 - Section 7.5 - Clarification of 'working days' as those days that the Civic Offices and Customer Service Centres are open to customers.
 - Revision of the heading of the Stage 2 process from 'Appeal' to 'Review'
 - Section 7.7 & 7.8 - Revision of the Stage 2 complaints process to eliminate complaints where the customer is dissatisfied with the Stage 1 response, but provides no reason why or any additional information.
 - Section 7.12 has been inserted to take account of a new process by which the Customer Relations Officer may extend the response time if the customer wishes to submit additional information during the process of the investigation.

- Section 8 – Revised address for the Local Government Ombudsman.
- Section 9 – Revision to delete the ‘Vexatious Complaints’ section which has now been superseded by the Customer Case Management Policy. A summary of the Customer Case Management Policy has been inserted.

3 Outcomes linked to Sustainable Community Strategy and Corporate Priorities

The Policy supports becoming a Cooperative Council delivering high quality community driven services, by providing a current Corporate Complaints, Comments and Compliments Policy which enhances transparency and provides consistency in our dealing with customers.

4 Legal and Statutory Implications

The new Regulator’s Code came into force on 6th April 2014. From this date, local authorities are under a statutory duty to have regard to the Code in developing the principles and policies which guide their regulatory activities in relation to complaints and appeals.

5 Equality Impact Assessment

An equalities impact assessment review is undertaken regularly.

6 Financial and Resource Implications

There are no financial or resource implications associated with the approval of this Policy.

7 Major Risks

The failure to implement an effective corporate complaints system may result in:

- greater numbers of Ombudsman complaints;
- increased customer dissatisfaction with services;
- reputational damage;
- impact on the Council’s ability to deliver and achieve excellent status in Customer Services.

8 Earlier Cabinet Resolutions

Corporate Complaints, Comments and Compliments Policy 21st May 2008

9 Recommendation

That Cabinet approve the revisions to the Corporate Complaints, Comments and Compliments Policy, as detailed in the report and highlighted in the revised Policy.

10 List of Appendices

Appendix A: - Corporate Complaints, Comments and Compliments Policy Revised July 2014

11 Background Papers

The previously approved Corporate Complaints, Comments and Compliments Policy is available to view on the Council's Intranet site at:-

http://svint/utilities_page.asp?id=SX7874-A77FF1B0

Appendix A



**Corporate Complaints, Comments and
Compliments Policy**

Revised July 2014

1. Introduction

1.1 The Council recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. Newcastle-under-Lyme Borough Council is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers. For clarity, a customer is any individual, group of individuals or business that requests or receives a service from the Council.

1.2 The procedure is intended to allow the Council to formally manage corporate complaints, comments and compliments through the Customer Relations Officer.

1.3 The Council's Head of Customer and ICT Services champions this area of work for the Authority whilst the Customer Relations Officer is responsible for overseeing the implementation of corporate procedures for complaints resolution, and that the deadlines for responses detailed in this document are met.

1.4 This procedure defines the process for complaints, how the Customer Relations Officer is kept informed, the timeline for dealing with complaints and corporate ownership of the procedure.

1.5 The importance of a robust complaints procedure should be seen as a significant mechanism by all Council staff to help drive through the Council Plan which underpins the Council's commitment to being a co-operative Council delivering high quality, community-driven services and its commitment to maintaining Customer Service Excellence.

1.6 Details of the procedure will be made available and publicised on the Council's Intranet, the Internet, at the induction process for Members and staff, in the Council's internal policies and procedures, and at all Customer Service Centres.

1.7 The Council understands that many complaints will be dealt with informally at the time they are first raised to the satisfaction of the person complaining. If the customer is not satisfied, the procedure then gives an opportunity for the complaint to be fully investigated.

1.8 The procedure does not prejudice the customer's right to refer a complaint to the Local Government Ombudsman for further investigation if not satisfied with the resolution offered by the Council.

1.9 A complaint made under this procedure will not prejudice the standard of service the customer will receive across the Council's usual services.

2. Corporate Complaints

2.1 A complaint, for the purpose of this policy, is defined as:

“an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the Council, their staff or contractors, affecting an individual customer, group of customers or business. For example; an individual customer might complain about an unreasonable delay by the Council in completing a service request, whereas a business might complain that an officer visiting the business lacked courtesy or professionalism, or that there was an unreasonable delay in dealing with a licencing application.

2.2 It is important to remember that reporting a fault or a problem is not *usually* a complaint, but may be simply a request for service. An example of this would be reporting a faulty street light. (In most cases, the customer will accept that street lights occasionally develop faults and would only be dissatisfied if the light was not repaired after being reported, or if it had been faulty for a long time with no action.)

2.3 Complaints may be made orally or in writing, in person, by telephone, e-mail, *on-line form*, fax or letter. Obstacles should not be put in the way of a potential complainant by insisting that the complaint be put in writing, or that a particular form be used.

2.4 Lack of action might include the Council failing to do something which it has a duty to do or the Council failing to do something which the customer thinks it should have *reasonably* done.

2.5 The Council must be given a reasonable opportunity to put things right before a customer's complaint is formally recorded under this procedure.

3. Aims of the procedure

3.1 The aims of the complaints procedure are to make sure that:-

- It is as simple and straightforward as possible for customers to make complaints about Council services.
- The customer feels that their complaint is being treated seriously, even if the resolution is not to their complete satisfaction.
- The customer is kept informed of the progress of their complaint.
- The Council responds to complaints within a reasonable time and in a courteous and professional manner.
- The customer is told how to take the complaint further if they are not satisfied with the resolution.
- The Council learns from complaints and takes appropriate action to improve the quality of its services.

4. Scope of the procedure

4.1 The Complaints procedure will generally **include**:-

- Failure to provide a service at the level or standard expected by the Council.
- The unhelpful attitude of a Council employee.

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- Neglect, or delay in answering a query or responding to a request for a service.
- Failure to follow the Council's agreed policies, rules or procedures, including the Council's recruitment procedure.
- Failure to consider all relevant information in coming to a decision.
- Malice, bias or unfair discrimination, in particular discrimination or harassment on the grounds of age, disability, gender, race or sexual orientation.

4.2 The Complaints procedure will generally **exclude**:-

- Complaints that amount to a disagreement with the Council about its decisions or policies rather than the way decisions have been made; for example, the level of Council Tax or in reference to the Waste Management Strategy.
- A planning or development control matter where a right of objection exists, unless the complaint is about the way the matter has been administered.
- A Council decision using regulatory powers; for example, licences or certain environmental health functions, or when the decision is governed by other regulations such as benefit assessments or Council Tax recovery unless the complaint is about how the matter has been administered.
- A complaint that is, or could reasonably be expected to be, the subject of court or tribunal proceedings.
- Complaints that amount to a disagreement with, or refusal to accept, a rule of law which the Council is applying.
- Complaints about action taken in relation to dismissals, or decisions not to employ an applicant
- Requests for information or an explanation of a Council policy
- Complaints concerning matters of a democratic nature which are best addressed to the local councillor.

4.3 This procedure will:

- ensure that customer feedback (comments, compliments and formal complaints - 3Cs) are recorded, investigated and reported on in a consistent and timely manner.
- deliver customer satisfaction, improve performance through feedback, corrective and preventative action, and highlight examples of good practice.
- complement existing corporate customer systems for logging and progressing customer service requests.
- ensure that wherever possible, services can take immediate action to resolve a customer's problem so that they do not have to raise a formal complaint to get the matter resolved.
- ensure that on the rare occasion that complainants (and/or anyone acting on their behalf) identified as exhibiting unacceptable behaviours or actions based on previous or current contact, are managed appropriately through the Customer Case Management Policy.

4.4 This procedure is **not** for:

- addressing complaints about one or more Councillors; these are the responsibility of the Council's Standards Committee.
- addressing a complaint where a statutory right of appeal already exists such as planning decisions.

4.5 The Council is only able to progress formal complaints that are valid and that follow the Local Government Ombudsman's standard for determining valid complaints. A statement of a point of view or personal opinion cannot be regarded as a valid complaint.

5. Time Limit on Investigations

5.1 The Council follows the same protocol as the Local Government Ombudsman relating to the time limit after which complaints will not be investigated. Under the 12-month rule as described by the Local Government Ombudsman, the Council:

'will not normally entertain a complaint unless it is made to the Council or Councillor within 12 months of the day on which the complainant first became aware of the complaint.'

5.2 Depending upon the nature of the complaint and its impact, the Council may decide that this limitation is inappropriate. The Customer Relations Officer is available to give advice on the use of this limitation.

6. Roles and Responsibilities

The Head of Customer and ICT Services will:

- oversee and ensure the corporate complaints system complies with best practice, quality and efficiency standards;
- ensure that where improvements are recommended they are implemented;
- provide regular progress reports to Executive Management Team and Councillors;

The Customer Relations Officer will:

- develop, co-ordinate and monitor the authority's complaints procedures to ensure that all members of the public who wish to complain receive a similar, high level of service;
- re-direct to relevant departments any complaints received centrally;
- collect and collate quarterly returns from departments;
- report complaints performance to the Head of Customer and ICT Services;
- train staff and advise on corporate complaints matters;
- co-ordinate the authority's responses to complaints being investigated by the Local Government Ombudsman;
- monitor complainants' satisfaction with how their complaints are dealt with;
- collect related equality monitoring data.

7. Complaints procedure

The Council encourages any customer who has a concern to first speak to a member of staff in the relevant service area. If the problem can be solved on the spot then there is no need for the issue to go through the formal complaints process. However, anyone who wishes to make a complaint may do so in person, by telephone or in writing (by letter, fax or e-mail.), or via the Council's website. Complaints need not be made to the actual service that is the subject of the complaint. Any member of staff will be able to accept a complaint in the first instance. A complainant can also request to speak to the officer or service concerned. Complaints of any type can also be made via a local Councillor.

If the Council receives a complaint and decides not to accept it, the customer should be told why.

Stage 1 Review & Response

7.1 Once it has been established that the officer who takes the information is unable to resolve the complaint informally, they will take full details of the complaint along with contact details from the complainant and inform the Customer Relations Officer in order for it to be logged and sent to the appropriate department to be investigated.

7.2 The Customer Relations Officer will acknowledge receipt of the complaint to the complainant within **THREE** working days; all communication will be made by the customer's preferred method and contain the contact details of the Customer Relations Officer. If the complaint cannot be resolved straight away a full response should be sent to the complainant within **TWENTY** working days of receipt of the complaint.

7.3 It is important at this stage that the complainant be reassured that their complaint will be treated as confidential; their identity will not be made public; they will not receive adverse treatment from the Council because of the complaint and the complaint is being taken seriously.

7.4 If the complaint cannot be resolved within **TWENTY** working days of the original complaint, the complainant should be informed of the reasons why the timescales cannot be met and when they should receive a full response before being offered the opportunity to progress to Stage 2.

7.5 For the avoidance of doubt and for the purposes of this Policy, 'working days' refers to days that the Civic Offices and Customer Service Centres are open to Newcastle under Lyme Borough Council customers (this usually excludes the days between Christmas Day and New Year's Day and statutory Bank Holidays).

Stage 2 Independent Internal Review

7.6 The Customer Relations Officer will normally be the single point of contact used to deal with all Stage 2 customer complaints. The promotion of a single point of contact will prove beneficial for both customers and the Council as it will provide a coordinated approach to complaints handling.

7.7 The purpose of Stage 2 is to give customers the opportunity to identify where they feel that the complaint has not been adequately investigated or resolved at Stage 1. This may include highlighting where the Stage 1 response is considered by the complainant to be incomplete, unclear, unhelpful or unresolved. In these instances, the customer must outline the reasons why they are not satisfied and what outcome they would like to see. A Stage 2 review will be considered if received by the Council within ten working days of our reply to Stage 1.

7.8 An escalation to Stage 2 of the process will not normally be considered if the complainant does not provide reasons or information to show that the Stage 1 response is not adequate. Stage 2 should not simply be invoked because a customer disagrees with the response at Stage 1 but has no substantive reason or information to dispute it.

7.9 Should the Customer Relations Officer be in any way considered to be part of the complaint, a senior officer will be appointed who is not connected to the service being the subject to the complaint, to investigate the case. The senior officer will investigate any outstanding issues and produce a report on the case.

7.10 In requesting escalation, the customer should identify which elements of their complaint they feel have not been adequately addressed.

7.11 The Customer Relations Officer will:

- Formally record the complaint details
- Summarise the main issues to be resolved, and agree these with the customer
- Investigate the complaint
- Provide a detailed response to the customer setting out the findings and the reasons for the findings

7.12 The Customer Relations Officer may extend the response time at Stage 2 if the complainant wishes to submit further information at a later date.

7.13 The Customer Relations Officer will normally require the co-operation of staff from his/her own service and possibly other services to help investigate and resolve the complaint. Any requested information must be provided to the investigating officer within **FIVE** working days.

7.14 Stage 2 complaints may involve a meeting between the customer and the Customer Relations Officer. The complainant can also choose to discuss the matter with the Customer Relations Officer by email or telephone. The Customer Relations Officer will aim to respond fully to Stage 2 complaints within **TWENTY** working days. If this is not possible, *such as in complex investigations*, a response will be sent to inform the complainant of what is being done to deal with the complaint, and when the complainant can expect a full *response*.

8. Local Government Ombudsman investigation

8.1 Newcastle-under-Lyme Borough Council hopes to resolve most complaints internally, but if the complainant is not satisfied with the Stage 2 response, or if the Council does not give you an answer within a reasonable time, the complainant can ask the Local Government Ombudsman to investigate the complaint. In closing a Stage 2 *review*, the Council will make it clear to the customer that they may have a further right to independent appeal through the Local Government Ombudsman. The Ombudsman is independent and impartial and investigates complaints where the Council has failed to follow its own procedures. It does not investigate complaints just because the complainant disagrees with a Council decision. The Council's *Head of Business Improvement, Central Services & Partnerships* is the Local Government Ombudsman link officer who monitors and coordinates responses to complaints that are under investigation by the Local Government Ombudsman.

8.2 The Ombudsman may ask the complainant about what efforts, if any, have been made to resolve the concerns personally and locally with the Council and will encourage and assist the complainant to make this effort.

8.3 Although a complainant can approach the Ombudsman at any time (in writing, by email, telephone or text), it must be stressed that that before making a complaint at this level, the complainant should have given the Council a proper chance to deal with it.

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If residents wish to contact the Local Government Ombudsman, they can write to:-
The Local Government Ombudsman,
PO Box 4771
Coventry
CV4 0EH

Alternatively, contact the LGO:
Telephone 0300 061 0614 Fax 024 7682 0001 or visit the Local Government Ombudsman website at: www.lgo.org.uk

9. Customer Case Management Policy for Unacceptable Customer Behaviours and Actions

9.1 The Council does not normally limit the contact that people have with us. However, there may be occasions where a customer makes constant requests for complex information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query, or where service to other customers is impacted as a result of their behaviour.

The common view of unacceptable behaviour is when a customer is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the business of the Council and affects service delivery to other customers. For example, where a customer makes constant requests for complex information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query. It is particularly this type of behaviour on which staff need guidance, in order to deal with the effects on the Council and themselves. It is in instances like these that the Customer Case Management Policy may be invoked to help guide staff in ensuring consistency and fairness in dealing with these matters.

Please refer to the 'Customer Case Management Policy for Unacceptable Customer Behaviours and Actions, July 2014' for more information. This can be found on the Council's website: www.newcastle-staffs.gov.uk

10. Customer Comments and Suggestions

10.1 Newcastle-under-Lyme Borough Council positively welcomes comments and suggestions from its customers. These can play an important part in improving service delivery. It is therefore important that those comments and suggestions received by the Council can be monitored and retained by the organisation. The Customer Relations Officer will co-ordinate all comments and suggestions on behalf of the Authority.

Comments and suggestions might include:-

- Comments on the services provided i.e. **not** a complaint.
- Comments on how a service could be improved.
- Suggestions for new or changes to existing services.
- Comments on procedures or service levels.

10.2 The Council will not respond to comments and suggestions unless the Council has the customer's contact details and needs to clarify something.

10.3 Comments and suggestions received directly to departments must be forwarded to the Customer Relations Officer within **FIVE** working days and must include all the relevant information required to action the item.

10.4 All comments and suggestions will be included in the reports provided by the

11. Compliments

11.1 Compliments from customers can play an important part in staff morale and are used to evidence customer satisfaction. It is therefore important that all compliments received by the Council can be monitored and retained by the organisation. The Customer Relations Officer will co-ordinate all comments and suggestions on behalf of the Authority.

Compliments might include:-

- Compliments on service provision.
- Compliments on overall standards.
- Compliments about staff.
- Compliments on the environment.
- Compliments on policy and procedure.

11.2 Compliments received directly by departments must be forwarded to the Customer Relations Officer within **FIVE** working days and must include all the relevant information required to action the item.

11.3 All compliments will be included in the reports given to the Head of Customer and ICT Services and to Executive Management Team and Members.

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1. **REPORT TITLE** **Kidsgrove Sports Centre**
- Submitted by:** **Executive Director, (Operational Services)**
- Portfolio:** **Leisure Culture and Localism**
- Ward(s) affected:** **All**

Purpose of the Report

To enable the Council to set out its approach to developing sports and leisure facilities for Kidsgrove that are fit for the 21st century and provide the opportunity for the Kidsgrove community to access high quality facilities that are designed, built, operated and financed in a sustainable way.

Recommendations

It is recommended that Cabinet:

- (a) Approves the approach in principle to providing quality sports facilities in Kidsgrove as outlined.**
- (b) Requests the Active and Cohesive Communities Overview and Scrutiny Committee to scrutinise the business cases for the options outlined in the report and report back to Cabinet with a preferred option.**
- (c) That the Scrutiny Committee is asked to place particular emphasis on the strategic demand for leisure facilities in the area, partner involvement, capital and revenue funding issues and potential funding sources.**

Reasons

Leisure facilities, and in particular swimming pool provision is important to residents of the Borough to ensure people have access to opportunities to maintain a healthy, fit and active lifestyle. If the recommendations above are approved then Kidsgrove will continue to have access to modern swimming and fitness facilities, where otherwise there would be a significant gap in provision.

1. **Background**

1.1 Kidsgrove Sports Centre is the primary sports and leisure facility in Kidsgrove. It is a dual use facility located on part of the Clough Hall Technology School campus. There is currently a Joint use agreement between the Borough Council of Newcastle under Lyme, The Governing Body of Clough Hall Technology School, and Staffordshire County Council which is due to expire on the 31st March 2016. The agreement defines the current operating arrangements for the Kidsgrove Sports Centre, including the split between community and school use along with the financial liabilities for each party. Under the agreement the County Council are responsible for the structural integrity of the buildings and the School for organising on-going repairs and maintenance some elements of which are shared with the Borough Council for which provision is made through an appropriation fund. The Borough Council is also responsible for the provision and maintenance of the fitness equipment.

Kidsgrove Sports Centre currently provides the following facilities

- 5 court sports hall

- Dance studio
 - 25 metre six lane swimming pool
 - Teaching pool
 - 25 station fitness studio
 - Climbing wall
 - Health suite
 - All weather pitch
- 1.2 Plans to rebuild the school on the existing school campus are being developed with an unconfirmed start date of October 2014 and completion date of April 2016. The redevelopment of the school will have serious implications for the future provision of sports facilities in Kidsgrove.
- 1.2 An analysis of swimming provision in the Borough undertaken in 2013, using Sport England's Facilities Planning Model strategic assessment tool identified that the total demand for swimming exceeds the total swimming pool supply, both in the present and when projected forward to 2024. The population of the Borough generates demand for 1,314m² of water space. Population growth by 2024 increases demand to 1,356m². With the loss of the pool at Newcastle Community High School (NCHS) in May 2014 there is currently 1,324m² of total water space provided across 4 pools: Chesterton (160m²), Jubilee2 (533m²), Kidsgrove (406m²) and Newcastle-under-Lyme School (225m²). However, as not all pools are available for community use the supply figure scales down to an available supply of 1,109m². Leaving a deficit of 205m² before the loss of the NCHS pool (250m²). With scaling this leaves a short fall of around 382m² currently, rising to 424m² by 2014. This demand is being met both at Jubilee2, which is assessed as being used at 100% capacity, and exported to neighbouring authorities, with by far and away the majority going to Stoke on Trent. Loss of the pools at Kidsgrove would place increased demand on other pools that they would be unable to meet. Based on the above analysis to cater for current and future demand consideration needs to be given to the modernisation/ expansion/ replacement of existing swimming facilities.
- 1.3 Consideration of the future options available for Kidsgrove Sports Centre need to be discussed now if the best outcome is to be secured. The following range of options has been identified for further consideration:
- Do Nothing
 - Closure of the centre
 - Refurbishment of the existing centre
 - New build on existing site
 - New build elsewhere in Kidsgrove
 - Private sector or cross authority opportunities
- 1.4 At its meeting on 14 November 2012 Cabinet agreed to receive further reports in relation to the funding and development options for Kidsgrove Sports Centre.
- 1.5 In October 2012, the District Deal agreement reached between the Borough Council and Staffordshire County Council made specific provision for the two Councils to work together to improve the High School offer that serves the communities of Kidsgrove supported by accessible and fit for purpose leisure and recreational facilities.
2. **Issues**
- 2.1 The school have told officers they will stay on the campus as a fully functioning school throughout the construction period by decanting into buildings not affected by the

construction of the new education block, and will continue to use the sports centre throughout this period

- 2.2 The school have also told officers that that the new school will include the provision of a three-court sports hall. Officers advised the school to talk to Sport England who have funding available to fund the extension of the sports hall to a four court hall (capable of accommodating adult team games) with the condition that the extended hall is made available for community use. This would negate the need to either refurbish the existing sports hall or provide one as part of the development of a new sports centre. Sport England have decided not to take the sports hall forward on this programme as it would jeopardise future funding for the refurbishment or replacement of the sports centre in the future. The Education Funding Agency have therefore confirmed that the new school will be built with a three-court sports hall, to be constructed on the site of the lower school on completion of the main school education block.
- 2.3 Once the school take occupation of their new premises, anticipated to be for the new term in April 2016, and the sports hall is complete, they will have no curriculum requirement for the sports centre. By this time they envisage it to be fenced-off separate from the school campus. Furthermore once they take occupation of the new school, their allocated funding will only cover the running of the new school, and they will be unable to continue to contribute financially to the running costs of the sports centre.
- 2.4 If the sports centre does not operate beyond this time it is assumed that the County Council will demolish it along with the remaining old school buildings. Under these circumstances there is also the matter of potential Sport England claw back of a funding grant made to the County Council in 1999, which they acknowledge they will need to repay.
- 2.5 In the shorter term however, there remains a significant risk that the construction of the new school will have a negative impact on the existing operation of the sports centre. Officers are not yet in receipt of details from the constructor as to the exact location of the new school on the site, or contractor access and compound arrangements etc. and therefore have not been able to complete method statements for the continued operation of the sports centre throughout the construction period.

There is also a risk that the campus may not be able to accommodate a construction site, an operational school and a sports centre all working at the same time and it has to be recognised that the school and construction work will take precedence. However on the basis that the sports centre can remain open during this period, officers are concerned that the disruption will be sufficient to cause a reduction in sports centre visitor numbers, particularly if space for on-site customer parking is tight. This needs to be seen within the context of reducing public usage already, over the last 5 years, due largely to the deteriorating condition of the facility and a 13 month closure of the swimming pool from October 2011 to November 2012. The subsidy for 2013/14 was £399,250 (Expenditure £809,518 minus income £410,268). Total attendance for 2013/14 was 117,113, excluding schools use. Compared to 78,538 in 2012/13 when the pool was closed for most of the year but around 200,000 in previous years, which was roughly comparable with the old Jubilee Baths.

- 2.6 In the run up to March 2016 the Council will therefore need to consider putting contingency plans in place to recover any customer income lost during the school construction period. Beyond March 2016 there will be additional pressures on the Council's finances to continue to absorb the loss of the current school contribution towards running costs of the centre (currently £80,000 pa), and take on the full maintenance liability of the sports centre, which is

currently split with the school. This could increase the subsidy required to run the sports centre by up to an estimated £150,000 per annum resulting in a total subsidy of £549,250.

In view of the ongoing downwards pressure on the Councils revenue funding serious consideration needs to be given to whether this is a sustainable position for the Council.

It should be noted that if the centre was to close for a temporary period, there would be a limited opportunity to reduce the costs of the centre due to a number of these costs being fixed in nature such as direct staffing and indirect support services, coupled with the loss of income associated with that period.

- 2.7 Members are therefore advised to consider an 'invest to save' approach to providing leisure facilities for the Kidsgrove area in the future. Initial work has identified that there is the potential to make significant reductions against running costs through this type of approach.

3. **Options Considered**

3.1 Option 1 - Do nothing

Given the age and poor quality of the existing facilities at Kidsgrove Sports Centre, both a negative impact on income and increased operational costs are forecast if we continue to operate the facilities in their current condition. Utility costs will rise as the plant becomes less efficient and this will be coupled with increased maintenance costs and a reduced footfall to the centre.

Furthermore, until we get details from the school and County Council, at this stage we are unclear about the impact the construction of the new school will have on the sports centre.

The current agreement expires at the end of March 2016 and at present there is no provision for the Council to continue to manage and fund the centre beyond that date. This date also co-incides with anticipated opening of the new school education block in April 2016. It is envisaged that the sport hall block will take a further 9 months and it is understood that the school's intentions are not to use or fund the sports centre beyond that time as the school will have no curriculum needs for the sports centre, leaving the Council with all the operating costs. In the longer term the sports centre will get beyond economic repair and have to close. Under these circumstances it is assumed that the County Council would want to demolish the sports centre.

3.2 Option 2 – Closure of the centre

In relation to this option at this stage we cannot assume that the operational costs of the site would be nil. It is assumed that if the centre closed on expiry of the Agreement or at a point after the Agreement had expired (to coincide with the development of the new school sports block) that these would be minimal. However the Borough Council would be responsible for the staff related costs associated with Borough Council staff employed both in the day to day operation of the centre and back office support.

3.3 Option 3 – Refurbishment of the existing sports centre

This option consists of a refurbishment programme for the centre. In summary the refurbishment of the existing centre would focus on the following aspects:

- New entrance and reception that is DDA compliant

- New 50 station fitness suite with views from reception
- Separate spinning room
- Improve male and female changing areas
- Removal of the existing health suite
- Re-profiling the main pool tank to a maximum 2m depth or the inclusion of a moveable floor
- Conversion of the training pool into a dance studio.

The anticipated cost of the refurbishment of the existing centre excluding VAT is anticipated to be in the region of £4.3 million at current day costs inclusive of fees and a contingency. However it should be noted that no costs have been allowed for the refurbishment of the sports hall or artificial grass pitch which could easily see the project costs increase to around £5 million subject to further verification. A refurbishment would give the sports centre an additional 12 to 20 years life expectancy.

The outline business model for the refurbishment of the existing centre has identified that the on-going operational revenue cost would be in the region of £150,000 (average annual subsidy for the first five years of operation). This compares favourably to the current 2013/14 budget of £230,000 (outturn of £399,250). This assumes the income from the sports hall and all weather pitch is retained by the centre projected to be circa £60,000 per annum. However this will be impacted by the provision of another sports hall on the site and the deteriorating condition of the all-weather pitches.

3.4 Option 4 – New Build

This option for a new build sports centre either on the existing site or a new site in the ownership of Newcastle Borough Council would comprise of the following facilities:

- Six lane 25m main pool and training pool with moveable floor
- 50 station fitness suite
- 450 square metres flexible space capable of being divided into three individual areas
- Spinning studio
- Cafeteria
- Possibility to incorporate a Changing Places room
- Associated plant and storage
- Associated wet and dry changing rooms

The cost of a new leisure facility, on the existing site is anticipated to be in the region of £7.5 to 8.0 million at current day prices excluding VAT but inclusive of fees, and a contingency. However this excludes any costs to refurbish the artificial grass pitch which could easily see the project costs increase by £150,000. It has been assumed the sports hall would be

replaced as part of the school redevelopment with an appropriate community use agreement in place, albeit a three court hall.

The outline business model for the new build centre has identified that the net cost would be £150,000 (average annual subsidy for the first five years of operation). This compares favourably to the current 2013/14 budget of £230,000 (outturn of £399,250). It should be noted that the business case for the new build centre does not include the income from the sports hall and all weather pitch.

3.5 Option 5 – New Build off site

Given the complexities of developing new facilities whilst remaining on the school site, another option is to look to relocate a new sports centre elsewhere in Kidsgrove. If the existing centre is able to remain open until the new one is ready a continuous service can be offered in Kidsgrove. This is the only option that offers this possibility.

As part of the development of this option it will be necessary to identify and secure a suitable area of land within the Kidsgrove area and it is intended to work with landowners in the area to identify suitable sites.

It is anticipated that any development not on the school site would be lighter in terms of its facility mix in so much as the sports hall and all weather pitches would continue to be offered at the school. There would also be a greater opportunity to tailor the level of specification to achieve the right balance between capital expenditure and the on-going revenue requirements for the centres operation.

3.6 Option 6 – Private sector provision.

Currently there are no significant private sector providers of sports and leisure activities in the Kidsgrove area. The appetite for a private sector provider to establish a facility in the area should be investigated on the basis that affordable community access could be provided for as a fundamental aspect of this option.

4. **Proposal**

4.1 It is proposed that Cabinet consider the five options above and approves the approach taken in identifying the best long term solution for sports facilities in Kidsgrove.

4.2 It is proposed that Cabinet approves the development of new sports facilities for Kidsgrove and request the Active and Cohesive Scrutiny Committee to form a task and finish group to work with officers in the evaluation of the five options above and make a recommendation to Cabinet on the preferred way forward, and in doing so, the Scrutiny Committee be asked to place particular emphasis on the strategic demand for leisure facilities in the area, potential for partner involvement, capital and revenue funding issues and potential funding sources.

5. **Reasons for Preferred Solution**

5.1 Access to quality leisure facilities, and in particular swimming pool provision is important to residents of the Borough to ensure people have the opportunity to remain healthy, fit and active.

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

6.1 This proposal supports the Council's priorities by ensuring that residents have access to affordable quality leisure provision, which in turn contributes to health and wellbeing and can

help people live longer, healthier lives and have less direct call on support and healthcare services.

7. **Legal and Statutory Implications**

7.1 Given the serious financial pressure on the Council, it needs to not only balance the budget but secure maximum efficiency and best value in all it does. Whilst there is no statutory duty, the Council does have the power to provide sport and recreation facilities and these have a direct bearing on the health and wellbeing of the local population.

8. **Equality Impact Assessment**

8.1 The current facilities do not comply with existing access regulations. These issues would be fully addressed in any redevelopment.

9. **Financial and Resource Implications**

9.1 At this stage Officer time will be required to support the scrutiny process and develop the business case for the preferred option having undertaken the financial modelling for each option.

There are significant capital and revenue funding implications attached to taking forward each of the options mentioned in the report and these will be developed in detail as part of the options appraisal.

It should be clearly stated at this stage that there is no capital funding provision for this project and that each of the refurbishment or new build options being considered there will be significant capital funding implications for the Council to consider. This must be considered and prioritised alongside the other funding pressures identified in the Newcastle Investment Programme.

10. **Major Risks**

10.1 A full risk log has been prepared in relation to the options and is available for inspection.

11. **Sustainability and Climate Change Implications**

11.1 Any new facility would be designed to the BREAM (Very Good) standard

12. **Key Decision Information**

12. 1 This is a key decision and appears on the Council's Forward Plan

13. **Earlier Cabinet/Committee Resolutions**

13.1 None

14. **List of Appendices**

14.1 None

15. **Background Papers**

15.1 None

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<u>HEADING</u>	Proposal for Selective Licensing
<u>Submitted by:</u>	Neale Clifton, Executive Director – Regeneration & Development
<u>Portfolio:</u>	Planning and Assets
<u>Ward(s) affected:</u>	Kidsgrove

Purpose of the Report

This is a progress report on the Council's proposal for Selective Licensing in the Galleys Bank area of Kidsgrove to address concerns about anti-social behaviour and general estate management.

Recommendations

- (a) To strengthen the evidence on anti-social behaviour by collating and analysing further information and assessing the scope for corrective actions.
- (b) To further understand residents' views on crime through a survey to be conducted jointly with the Police.
- (c) To authorise officers to work in parallel with the implementation of the above recommendations with relevant partner agencies to proceed with other projects particularly targeted at the privately rented properties on the estate and targeting anti-social behaviour as described in the report and appendix 1.

Reasons

The Galleys Bank area of Kidsgrove is reported to suffer from persistent and ongoing anti-social behaviour. It is appropriate the Council, along with relevant partner agencies, considers the extent of the problems and seeks to tackle the issues. This report provides an update on progress and next steps.

1. Background

- 1.1 In April 2014 Cabinet agreed a proposal to undertake the necessary research and development towards a selective licensing scheme in Kidsgrove. This is related to concern about anti-social behaviour and instability within a small number of neighbourhoods in the area which appears to arise from the transient nature of households occupying private rented accommodation.
- 1.2 Evidence gathering over the past few months has given a greater insight into the area, the people who live there, the housing conditions, and the extent of reported criminal and anti-social behaviour. Mapping of this information is providing a more robust understanding of the area which will allow the generation of a tool kit of options to be considered alongside the selective licensing proposal. Press reports have generated interest from landlords, residents and prospective purchasers as did the residents meeting on 5th June 2014.

2. Issues

- 2.1 Key findings so far show that 45% (or 210) of the properties in Galleys Bank are rented. There are 22 landlords who own more than one property on Galleys Bank and between them they own 138 houses. Of these landlords 17 have either had a connection to Galleys Bank or live within a reasonably close radius. The evidence indicates that repeat calls for crime, antisocial behaviour or nuisance is more likely in privately rented properties but does also occur in owner occupied dwellings. There is a good mix of tenure in the area with owner occupiers, privately and social rented housing and a mix of household size and age. There are strong indications that people like their homes, voiced at the residents meeting and

evidenced through records indicating that when tenants move they often remain in Galleys Bank or the immediate Kidsgrove area. A summary of key findings is attached at Appendix 1.

- 2.2 A gap analysis of the research to date identifies the need for residents to ensure they are reporting all of their concerns about anti-social behaviour and crime directly to the Council and Police. This will help to provide an accurate picture of the area and clarify the issues to be tackled.
- 2.3 Reporting was the key theme of a Kidsgrove Residents meeting on 5th June 2014 with everyone being asked to help build the evidence base. To support this, a survey is to be conducted jointly by the Council and Police to gain views from residents about crime and anti-social behaviour. This will be postal but backed up by officers on the ground to help complete the survey.
- 2.5 Time will be needed to assess the evidence gleaned from this survey however specific projects particularly relating to privately rented properties and targeting anti-social behaviour can commence in the meantime (in fact this has begun).
- 2.5 Suggested projects are;
 - to engage with the 22 landlords who have been identified as owning more than one property on Galleys Bank. Carrying out proactive work to inspect property condition and ensure all paperwork is up to date and that management practices are both appropriate and effective.
 - diversionary activities for younger people, youth activities, green space initiatives and working with local companies to align their corporate social responsibility approaches with local needs.

3. **Options Considered and Reasons for Preferred Solution**

- 3.1 The recommendations are consistent with Cabinet members wish to pursue selective licensing. Other complimentary projects have been identified and can form part of the case development and evidence.

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

- 4.1 Tackling antisocial behaviour contributes to the Corporate Priorities of a Clean Safe and Sustainable Borough and a Borough of Opportunity.

5. **Legal and Statutory Implications**

- 5.1 Prior to introducing any Selective Licensing scheme the Council will consult all persons likely to be affected and will need to produce a report with robust evidence of the problems and indicate other strategies which have been tried and failed. Failure to meet the requirements could result in local authority facing a threat of judicial review and an award of costs against the Council.

6. **Equality Impact Assessment**

- 6.1 There are no differential equality impacts arising from this progress report, a full equality impact assessment for Selective Licensing will be undertaken prior to a scheme progressing.

7. **Financial and Resource Implications**

7.1 Evidence gathering is being carried out within existing resources however consultation and the setting up of a licensing scheme will be resource intensive and a full business case will be presented alongside proposals in due course.

8. **Major Risks**

8.1 The Council needs to ensure that any scheme is thoroughly researched and supported by a robust evidence base and that proper consideration is given to the appropriate scheme prior to the necessary consultation being undertaken. Any such consultation exercise in itself will need to be undertaken both rigorously and robustly in order that the Council can demonstrate the views of all interested parties have been taken into account in the process.

8.2 A full risk assessment and legal opinion will accompany the project proposal to minimise the risk of legal challenge to the implementation of any scheme. For the sake of clarity the council's legal service will assist in ensuring that the statutory steps are complied with whilst housing specialists will advise members, based upon a review of any relevant case-law, on the soundness and sufficiency of the evidence to substantiate the introduction of a selective licensing scheme (this may require expert legal opinion).

9. **Key Decision Information**

9.1 This is not a key decision.

10. **Earlier Cabinet/Committee Resolutions**

10.1 None.

11. **List of Appendices**

11.1 Progress Report and Key Findings

11.2 Table of Evidence

Appendix 1

Progress report on Selective licensing proposals

Research

Work has been ongoing to gain a greater insight into the Galleys Bank area of Kidsgrove with a view to progressing Selective Licensing Proposals. The paperwork generated through this is attached as the evidence pack. This includes;

- the methodology used to collect and analyse information,
- key findings,
- the raw data,
- review of the selective licensing process and our progress towards it,
- a risk assessment,
- the project plan,
- information from other authorities, and
- a review of published information.

Key Findings

- ❖ Of the 465 properties in the research area, “Galleys Bank”, 210 are rented.
- ❖ 25 of the rented properties are managed by a Registered Provider (social housing).
- ❖ 138 of the rented properties are owned by a landlord with more than one property in Galleys Bank.
- ❖ 22 landlords own more than one property in Galleys Bank.
- ❖ Of these landlords 17 have contact addresses within a close radius of Galleys Bank.
- ❖ 8 have had a Galleys Bank address recorded for them with land registry at some point.
- ❖ 26 properties are highlighted as having repeat calls for crime, ASB or nuisance.
- ❖ The 26 repeat call properties are mainly in 4 areas.
- ❖ 9 of the 26 repeat call properties have had a tenancy change in the last 6 months so records may not be associated with the new tenant.
- ❖ Of the recent movers many have a previous Galleys Bank address.
- ❖ 15 of the repeat call properties are owned by landlords with more than one property.
- ❖ Focusing on landlords owning more than one property in Galleys Bank is likely to have the biggest impact.
- ❖ 5 of the repeat call properties are owner occupied.
- ❖ There is a clear correlation between properties that have not been upgraded and them being privately rented. This backs up anecdotal knowledge of the area.
- ❖ The number of properties available to the private rented market is likely to be limited by the number of non-upgraded houses
- ❖ There is a clear correlation between property value and history of upgrading – giving rise to their attractiveness to landlords.
- ❖ There are few properties either empty or for sale in the area with land registry information showing recent sales when the housing market has been in decline but also significant stability in ownership.
- ❖ Council Tax information shows stability in many tenancies with many tenants last move being within Kidsgrove or nearby areas of Newcastle.
- ❖ Police figures and borough comparison do not show this to be the highest area of crime and ASB in the borough.

- ❖ No particular links to ASB and open spaces but there are with the shops in Kings Street.
- ❖ One of the Registered Providers has few concerns reported to them about the area and considers that they have stable tenancies there.
- ❖ Many portfolio landlords accept residents on housing benefit providing a valuable housing resource.
- ❖ Land Registry information is often not updated by landlords when they move.
- ❖ There is a good mix of tenure, family size and benefit recipients in Galleys Bank.
- ❖ Portfolio landlords are a mix of Galleys Bank residents who have seen the investment potential, portfolio landlords and investment companies.
- ❖ There is a strong commitment to the area by investors.

Gap Analysis

This does identify a need for more information on anti-social behaviour prior to selective licensing. At the residents meeting on 5th June 2014 a call was made for residents to report all issues directly to the Police or Council so this information can be collated.

To support this, a survey is to be conducted jointly with the Police to gain views from residents about crime and anti-social behaviour. This will be postal but backed up by officers on the ground to help complete the survey.

Next Steps

- Continue building a case based on the anticipated anti-social behaviour information.
- Obtain further information on Galleys Bank via Credit Call on segmentation and lifestyle to further understand the community – cost approx. – £1K.
- Seek legal opinion and seek peer review from other Local Authority.
- Move to consultation when this case has been built.
- Commence a project in the meantime focusing on the landlords in Galleys Bank with more than one property, which have been identified as more likely to have ASB, crime or nuisance in their properties. Requiring them to supply all documentation and safety checks for the properties, inspecting the properties on a worst first basis or targeting those who fail to provide paperwork. Linking this to improved information and support on dealing with tenant anti-social behaviour and incentivising joining the landlord's accreditation scheme.
- Commence anti-social behaviour projects including diversionary activities for younger people, youth activities, green space initiatives and working with local companies e.g. Tesco.

**Appendix 2
Table of Evidence**

Please note much of this data is highly confidential

Number	Item	Confidential
1	Evidence gathering methodology	
	Analysis	
2	Map showing privately rented and owner occupation distribution	
3	Map showing properties where repeat crime, ASB or nuisance has been recorded	√
4	Map showing correlation between privately rented and properties which have not been upgraded.	√
5	Analysis of properties highlighted as having repeat crime, ASB or nuisance	√
6	Landlords with more than one property in Galleys Bank	
7	Newcastle evidence compared to the Stoke on Trent process flow	√
8	Risk assessment **Legal Services view **	√
	Data	
9	Police Information on ASB and Crime	√
10	Comparison of ASB and Crime figures relative to the rest of the borough **information awaited from the police**	√
11	Nuisance service requests made to the council over the last 3 years	√
12	Comparison of nuisance service requests relative to the rest of the borough	
13	Housing Condition service requests made to the council over the last 3 years	√
14	Comparison of housing condition service requests relative to the rest of the borough	√
15	Environmental service requests made to the council over the last 3 years	√
16	Impact of the request for reporting at the residents meeting **to be added when information received**	√
17	Land Registry details – some including last sale date and price – examples included – rest in a separate file separated by road **Land Registry is not always up to date and changes may not always be recorded**	
18	Energy Performance Certificates – examples included – rest held in a separate file separated by road	
19	Road profile – Whitehall Avenue	√
	Road profile – Gloucester Road	√
	Road profile – Victoria Avenue	√
	Road profile – Lincoln Road	√
	Road profile – Norfolk Road	√
	Road profile – Bourne Road	√
	Road profile – King Street	√
	Road profile – Essex Drive	√
	Road profile – Somerset Avenue	√
	Road profile – Sussex Drive	√

	Road profile – Bedford Road	√
20	Housing Benefit information – **may not always be up to date**	√
21	Zoopla information on house sales	
	Right Move information on houses for sale / for rent – Sept 13	
22	1992 – 93 plan of properties involved in the non-traditional upgrade	√
23	Health Profile data at Kidsgrove super output area level	
	Office of National Statistics Data at Kidsgrove super output area level	
	Census 2011 Ward data	
24	Properties on the public rent register – Sept 13	
	Additional Criteria	
25	Housing projects which can be commenced while data collection is ongoing	
	Antisocial behaviour projects which can be commenced while data collection is ongoing	√
26	Project Plan	
27	Review of published information on other Councils considerations / legal challenges	
28	Outcomes of previous housing condition estate intervention in 2008/09	
	Prosecution of Galleys Bank landlord	
29	Fee generation **to be inserted**	
30	Information from other Authorities	
	Stoke on Trent – methods of consultation	
	Examples of separate landlords / tenants / residents and businesses consultation questionnaire published by Sheffield City Council	
	Stoke-on-Trent evidence pack and consultation feedback	√
	Published Articles	
	Article on Milton Keynes decision to drop selective licensing following consultation	
	Article on Selective Licensing round up	
	Article on Licensing in Newham and the issues it is designed to tackle	
	Residential Landlords Association response to selective licensing consultation at Waltham Forest	
	Residential Landlords Association view of selective licensing	
	Judicial Review of selective licensing at Accrington	
	Legal advice on selective licencing	

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date: 23rd July 2014

<u>Title</u>	Private Hire Vehicles and Hackney Carriage Vehicle Licence Fees 2014/15
<u>Submitted by:</u>	Head of Business Improvement, Central Services & Partnerships
<u>Portfolios:</u>	Finance & Resources
<u>Ward(s) affected:</u>	All

Purpose of the Report

To inform Cabinet of the decision making process and background in relation to variations in Taxi and Private Hire Fees for 2014/15.

Recommendations

- That Cabinet notes the urgent decision taken in June 2014 by the Leader to vary the Taxi and Private Hire Fees as originally agreed by Cabinet in January 2014.

1. Background

- 1.1 Newcastle-under-Lyme Borough Council (NBC) has powers, under the Local Government (Miscellaneous Provisions) Act 1976 to charge fees for the grant of taxi vehicle and operators' licenses.
- 1.2 The Act sets out a set of maximum amounts that can be charged for this purpose and, if these amounts are exceeded, the Council must publish details of the variation and request comments within 28 days.
- 1.3 If objections to the proposed fees are received, then the Council may further vary their fees, no later than two months following the original publication of the fees (see above).

2. Issues

- 2.1 The Council's Cabinet approved the Scale of Fees and Charges for 2014/15 at its meeting held on 15th January 2014. This report including the following changes:
 - Hackney Carriage Licence - £300.00 (£235.00 in 2013/14 – increase £65.00)
 - Private Hire Licence - £290.00 (£225.00 in 2013/14 – increase £65.00)
- 2.2 The Hackney Carriage/Private Hire fees were publicly advertised on 11th March 2014 for a period of 28 days (as per the above legislation).

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- 2.3 During this 28 day period, two collective objections were received by NBC from operators working in the Borough. One objection was received from the Newcastle & Kidsgrove Taxi Association (on behalf of the Hackney Carriage Trade) and the other from two major operators. Both objections refer to there being duplication in what was being charged for and the charge levied by the Council's Depot charge (including not having a VOSA MOT included in the test).
- 2.4 As a result of these objections, the Council was required to set a date on or before 7th June 2014 whereby it was required to decide on variation of fees (a period of two months following conclusion of the 28 day advertisement period).
- 2.5 Given the requirement for the Council to adhere to the 7th June date, a decision was required by the Council in terms of whether to vary the fees or not.
- 2.6 In order to make this decision, and following consultation with the Leader of the Council, it was decided (by the Leader) to invoke his powers under part 2, Section 7, Para 7.6 of the Council's Constitution (where a decision regarding a cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible).
- 2.7 The decision to invoke urgency powers was taken due to a number of factors:
- The consultation process over the fees effectively began on 7th April 2014 (due to the objections received) – this meant that, allowing for the two month period specified by the relevant legislation, a decision on potential variation needed to be taken on or before 7th June 2014. There was no available Cabinet meeting to consider the matter (Cabinet did not meet between 2nd April and 18th June 2014)
 - The period for consultation around the fees also saw the Council hold elections (on 22nd May 2014), the results of which led to a number of changes in the Council's membership and also a change in the leadership of the Council. The consequences of this was that no decision could be made by the Leader of the Council until after 4th June 2014, as this is when Annual Council took its decision as to who would be Leader for the municipal year 2014/15

3. Decision Making Process

- 3.1 Having taken into account these factors and the decision to use the Leader's urgent powers, a meeting was arranged by officers on 5th June 2014 to consider whether to vary the fees following objections received.
- 3.2 This meeting consisted of three Cabinet Members:
- Cllr Elizabeth Shenton – Deputy Leader and Portfolio Holder for Finance and Resources
 - Cllr Terry Turner – Portfolio Holder for Economic Regeneration, Business and Town Centres
 - Cllr Ann Beech – Portfolio Holder for Waste and Recycling

A number of operators were also present at the meeting.

- 3.3 Following the meeting the Leader of the Council, the Portfolio Holder for Finance and Resources in consultation with the Portfolio Holder for Economic Regeneration,

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Business and Town Centres and the Portfolio Holder for Waste and Recycling resolved the following:

- a) That the fee for a private hire vehicle licence be set at £270 (this replaced the £290 originally agreed by Cabinet in January 2014)
- b) That the fee for a hackney carriage vehicle licence be set at £275 (this replaced the £300 originally agreed by Cabinet in January 2014)
- c) That the requirement to provide a £56 refundable deposit for plate carriers be discontinued with immediate effect.
- d) That the private hire operator licence fee be frozen at the current rate (£82).
- e) That the following areas also be investigated with a view to reducing costs of licences in the future where possible.
 - The issuing of a dual badge for private hire and hackney carriage drivers
 - The combination of a VOSA MOT with the Council depot test
 - A tendering process for a new lift at the depot
 - The possibility of taking card payments and electronic payment
 - The possibility of an online appointment booking system
 - The possibility of a reduced depot test for brand new vehicles

3.4 This decision will have a number of financial implications for the Council – these are covered in the relevant section below.

3.5 The decision to revise the fees included in this report reflects the principles set out in the Council's Charging Policy. This Policy states that the presumption is that charges will be made for the provision of a service and set at a level intended to cover the cost of providing a service. The costs of providing a service cover both direct costs and overheads. In this case, the decision was taken to both adhere to the Policy and also:

- To act as an incentive for the Council to review and modernise its services to reduce costs
- To continue to support local businesses in the Borough as part of the Council's corporate priority of being a borough of opportunity

4. Outcomes Linked to Corporate Priorities

4.1 The issues contained in this report contribute to meeting the Council's Corporate Priorities of Creating a Cleaner, Safer and Sustainable Borough and Delivering a Borough of Opportunity.

5. Legal and Statutory Implications

5.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, section 70.

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6. Equality Impact Assessment

6.1 An Equality Impact Assessment is being developed for this area of work.

7. Financial and Resource Implications

7.1 The decisions outlined in paragraph 3.3 will reduce the amount of income by £13,000 compared to the original fees set on 15 January 2014. The areas outlined in paragraph 3.3 e will need to be investigated and implemented to make the necessary savings to offset this shortfall.

7.2 It should also be noted that as the fees for the old year had to be maintained until the decision was made that there was a loss of income estimated to be £6,000 between 1 April and 5 June 2014.

8. Major Risks

8.1 In terms of the decision making process outlined in this report, a number of risks applied, including

- The Council may be open to challenge in the High Court should the calculation of the fees and areas charged for prove to be contrary to the 1976 Act
- Judicial Review of a decision may be made on the following grounds:
 - Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
 - Wednesbury rules – decision was unreasonable or irrational

8.2 In relation to the decision itself, there is a risk that the Council’s income targets will not be met.

9. Earlier Cabinet/Committee Resolutions

9.1 Cabinet report – ‘Scale of Fees and Charges 2014/15’ (15.1.14)

10. List of Appendices

Appendix A – urgent decision report – ‘Taxi and Private Hire Vehicle Fees 2014/15’ (5.6.14)

11. Background Papers

11.1 None

Sign Off Sheet

Implications included	Head of Service agreed report, signed & dated	Financial Implications signed & dated	Legal & risk implications signed & dated
Financial			
Legal			

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Risk			
Corporate format used			

Classification: NULBC UNCLASSIFIED

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1. **REPORT TITLE** **Taxi and Private Hire Vehicle Fees 2014/2015**
- Submitted by:** **(Democratic Services Manager)**
- Portfolio:** **(Finance and Resources)**
- Ward(s) affected:** **(not specific)**

Purpose of the Report

To request the Executive to consider whether the fees agreed for consultation at the Cabinet meeting held on 15th January 2014 in relation to hackney carriage and private hire vehicles should be implemented in light of representations received from members of the taxi trade.

To recommend to the Executive that implementation of the proposed fee for a Private Hire Operators be put on hold pending further work being carried out by the licensing department and the Taxi and Private Hire Working Group. This will have no detrimental impact on income for the Council as 2014/2015 is not a renewal year for Private Hire Operators.

Recommendations

- a) **That the Executive consider the options available in relation to hackney carriage and private hire vehicle fees.**
- b) **That the option decided upon in a) be implemented with immediate effect**
- c) **That the proposed fee for a Private Hire Operator licence be put on hold pending further investigation.**

Reasons

Representations have been received from members of the taxi and private hire trade in relation to the proposed fees for private hire and hackney carriage vehicles.

1. **Background**

The Local Government (Miscellaneous Provisions) Act 1976 states the following in relation to Operator and Vehicle licence fees:

- (1) Subject to the provisions of subsection (2), a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:
 - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands; and
 - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- (2) The fees chargeable under this section shall not exceed—

- (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
- (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
- (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

- (3)
 - (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.
 - (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.
- (4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.
- (6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

2. **Issues**

Representations have been received and have not been withdrawn therefore as stated in point 5 above, the Council must consider the objections which are attached to this report and set a date before 7th June 2014 when the variation with or without modification must come into effect.

3. **Options Considered**

The original option and two modified options are attached and detailed at Appendix C to this report.

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

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity

7. **Legal and Statutory Implications**

The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, section 70.

9. **Financial and Resource Implications**

There will be financial implications for the Council depending on which option is implemented.

10. **Major Risks**

The Council will be open to challenge in the High Court should the calculation of the fees and areas charged for prove to be contrary to the Act.

Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

11. **List of Appendices**

Appendix A: Representation received from members of the taxi and private hire trade

Appendix B: List of areas where costs can be recovered.

Appendix C: Options to be considered and a breakdown of the fees.

Appendix D: Future financial income predictions.

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Classification: NULBC UNCLASSIFIED

Title: Contract for Cleaning Services

Submitted by: Executive Director – Operational Services
Executive Director – Regeneration and Development

Portfolio: Leisure, Culture and Localism
Planning and Assets

Ward(s) affected: All but particularly Town, Keele and Bradwell

Purpose of the Report

To seek approval to enter into a contract with Clean Image Ltd for cleaning services at Jubilee2, the Borough Museum and Art Gallery, Keele Cemetery, and Bradwell Crematorium.

Recommendations

It is recommended that Cabinet

- a. **Approve the award of the two year contract for cleaning services to Clean Image Ltd. For the total contract sum of £158,628.**
- b. **Approve the realignment of internal financial resources, as detailed section 5 of this report, to enable the Council to award the cleaning contract at the living wage.**

Reasons:

To ensure the cleanliness of the Council's operational buildings and the maintenance of a safe a healthy environment for customers and staff.

1. **Background**

- 1.1 The Council had previously engaged two cleaning contractors to clean the above facilities. It was identified there was a potential opportunity to realign both contracts into one, and achieve appropriate economies of scale.

2. **Issues**

- 2.1 Following the approval to undertake a procurement exercise for the cleaning services, a working group was established to review the cleaning specifications to ensure that they were fit for purpose.
- 2.2 Given the value of the contract the opportunity was advertised in the Official Journal of the European Union.
- 2.3 A two stage restricted procurement approach was adopted. This resulted in six companies submitting a pre-qualification questionnaire. Following evaluation of these, four companies were invited to submit a formal tender for the contract.
- 2.4 The selection process determined the most economically advantageous tender. In this instance the ratio between quality and price was 60% quality and 40% price.

- 2.5 Following a panel evaluation of the tenders against the selection criteria, it is proposed to award the contract to Clean Image Ltd, who scored equal highest marks for quality and tendered the lowest price. The overall score for all four companies who submitted a tender is shown in the table below:

**STANDARD
WAGE RATES:**

Organisation	Cost	Adjusted Quality Score	Adjusted Cost Score	Total score
Clean Image	£137,354.14	60	40.00	100
Company 'B'	£193,074.00	60	28.48	88.48
Company 'C'	£147,988.40	55	37.12	92.12
Company 'D'	£139,097.31	60	39.52	99.52

LIVING WAGE:

Clean Image	£158,628.50	60	40.00	100
Company 'B'	£217,997.00	60	29.12	89.12
Company 'C'	£180,835.85	55	35.08	90.08
Company 'D'	£162,995.21	60	38.92	98.92

- 2.6 The Council has an aspiration to become fully accredited to the Living Wage Foundation. In order to achieve this, the Council needs to demonstrate that it is working towards its contractors paying the living wage. This is currently £7.65 per hour. As a result of this all companies provided the Council with two tender fees: Their standard rate and Living Wage proposal.
- 2.7 A consequence of the existing 'hybrid' approach to the Councils cleaning requirements (part delivered in-house and part contracted out), is that there is an imbalance between the resources committed to cleaning main buildings. Currently more staff hours are spent cleaning the Civic Offices (mainly non public facing areas) than cleaning J2 (predominantly all public facing.) This also limits the economies of scale that could be achieved by placing all cleaning requirements into one contract and this should be a consideration when the proposed cleaning contract is next renewed in 2 years time.
- 2.8 In the meantime, Cabinet have previously agreed to review the in-house cleaning service and set a target for savings of at least 10 per cent for this part of the cleaning services review based on current in-house costs of just under £150,000 per year. It was considered that this could be managed and implemented over a period of time and any changes to staffing needs could be addressed through natural wastage within the team.

3 Proposal

- 3.1 That Cabinet approve the appointment of Clean Image Ltd to undertake cleaning services for Jubilee2, The Borough Museum and Art Gallery, Keele Cemetery, and Bradwell Crematorium.
- 3.2 Approve the realignment of internal financial resources, as detailed section 5 of this report, to enable the Council to award the cleaning contract at the living wage.

- 3.3 That Cabinet receive further information in relation to cleaning for the Council's other public buildings.

4. **Reasons for the Preferred Solution**

- 4.1 To ensure the cleanliness of the Council's operational buildings and the maintenance of a safe a healthy environment.

5. **Financial and Resource Implications**

- 5.1 For the financial year 2014/15 a budget allocation for cleaning services across the designated areas (J2; Museum; Crematoria & Cemeteries) is £74,770.

Assuming the budget for 2015/16 is reduced to achieve the Councils target of achieving a minimum of 10% savings through procurement as part of its Medium Term Financial Strategy, this equates to a budget of £142,063 for the two year duration of the contract. (14/15 £74,770, 15/16 £67,293)

- 5.2 This option largely achieves the Councils target of achieving a minimum of 10% savings through procurement as part of its Medium Term Financial Strategy.

- 5.3 The cost of awarding the contract at the living wage will be in excess of the available budget for the 2 year contract duration by £16,563 (Year 1 £3,529, Year 2 £13,034)

- 5.3.1 The budget shortfall will be met by realigning funds from the building cleaning holding account to meet both the 10% saving identified in 2.7 above, and the projected 10% saving identified 5.1 above.

6. **Outcomes Linked to Corporate Priorities**

- 6.1 Ensuring operational buildings are kept clean and safe contributes to the Council's priority for a clean safe and sustainable Borough.

- 6.2 The Council is committed to working towards accreditation with the Living Wage Foundation.

7. **Legal and Statutory Implications**

- 7.1 The procurement of this contract complies with Public Procurement Regulations.

8. **Major Risks**

- 8.1 All risks associated with the procurement of this contract have been adequately managed

10. **Key Decision Information**

- 10.1 The Council's medium term financial strategy identifies that the Council will be required to make significant savings over the next two years.

- 10.2 Should Cabinet decide to award the contract on the living wage this will cost the Council an additional £21, 300 compared to standard rates of pay.

11. **Previous Cabinet Decisions**

- 11.1 On the 16th October 2013 Cabinet agreed that an external procurement exercise should be undertaken for contract cleaning services at Jubilee2, the Borough Museum and Art Gallery, Keele Cemetery, and Bradwell Crematorium for one year with an option to extend the contract for a further year.

On 16th January 2013 Cabinet approved a recommendation that arrangements be made for the Living Wage Initiative to be implemented for Council employees from 1 April 2013 and for the Council to obtain accreditation as a Living Wage Employer.

12. **List of Appendices**

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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