

# Public Document Pack

**Date of meeting**      **Wednesday, 10th December, 2014**  
**Time**                      **7.00 pm**  
**Venue**                      **Committee Room 1, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG**  
**Contact**                      **Julia Cleary 742227**

## **Cabinet**

### **AGENDA**

#### **PART 1 – OPEN AGENDA**

- 1      Apologies**
- 2      DECLARATIONS OF INTEREST**  
To receive declarations of interest from Members on items included in the agenda.
- 3      MINUTES** **(Pages 3 - 18)**  
To consider the minutes of the meetings held on 15<sup>th</sup> October 2014 and 12<sup>th</sup> November 2014.
- 4      Community Centre Review update** **(Pages 19 - 26)**
- 5      Urban North Staffordshire Green Space Strategy Review** **(Pages 27 - 38)**
- 6      Sport and Active Lifestyles Strategy** **(Pages 39 - 44)**
- 7      Kidsgrove Sports Centre** **(Pages 45 - 60)**
- 8      Living Wage Accreditation** **(Pages 61 - 80)**
- 9      Ryecroft Developer Nomination** **(Pages 81 - 86)**
- 10     EXCLUSION RESOLUTION**  
To resolve that the public be excluded from the meeting during consideration of the following report and appendices because it is likely that there will be a disclosure of exempt information as defined in Paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972.
- 11     Ryecroft Developer Nomination - Restricted Reports and Appendices** **(Pages 87 - 98)**
- 12     URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 13     ATTENDANCE AT CABINET MEETINGS**

**Councillor attendance at Cabinet meetings:**

Any Newcastle under Lyme Borough Councillor is entitled to attend Cabinet meetings and any Members of the Council may also speak with the permission of the Chair of the Cabinet. In addition, the respective Chairs of each of the Council's Scrutiny Committees will be permitted to attend and speak at Cabinet meetings, as will the mover(s) of motion(s) referred to the Cabinet

**Public attendance at Cabinet meetings:**

Any member of the public is entitled to attend meetings of the Cabinet (including press). 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. The Chief Executive will share questions with the Chair of Cabinet, who will assess whether the question(s) is/are permissible. The Chair's decision is final on this matter. A maximum of three such questions can be asked at any one Cabinet meeting and no right of reply from the questioner or any other member of the public is permitted, nor any follow up questions. Each questioner can ask one question at any one meeting. A maximum of three minutes will be allowed for the questioner to ask their question or make any other statement, and questions deemed to be repetitious or vexatious will not be admitted.

**Members:** Councillors Mrs Beech, Kearon, Turner, Stubbs (Chair), Williams, Mrs Shenton (Vice-Chair) 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, 12th November, 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.

### 2. **FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER TWO (JULY-SEPTEMBER, 2014)**

A report was submitted to provide Cabinet with the Financial and Performance Review report - second quarter 2014/15.

The Financial and Performance Management monitoring reports provided information on a quarterly basis regarding the performance of individual council services, alongside related financial information on the organisation. This report was originally presented to the Finance, Resources & Partnerships Scrutiny (FRAPS) Committee meeting on 5 November 2014.

#### **RESOLVED:**

- (a) That Members note the contents of the attached report and agree to the recommendation that the Council continues to monitor and scrutinise performance alongside the latest financial information for the same period.
- (b) That Members note the comments made through the Scrutiny process and the responses from officers and others to these comments.

### 3. **DRAFT COUNCIL PLAN SUMMARY 2015-20**

A report was submitted to present the proposed new draft Council Plan Summary, covering the period 2015-20.

The Council Plan Summary 2015-20 provided information on the priorities and actions planned to be delivered by the Council. The document communicated the clear vision of the Council and the Council's strategic priorities around promoting economic development, growth and regeneration in the borough and was a response to the findings of the recent Planning Peer Review.

**Resolved:** That Cabinet notes the contents of the summary and recommends that it is progressed.

### 4. **PLANNING PEER REVIEW**

A report was submitted requesting Cabinet to approve an Action Plan to address the recommendations of the Planning Peer Review Team.

Cllr Nigel Jones had submitted a question in advance of the meeting in relation to this item. Cllr Jones' questions focused on recommendations 6, 9 and 1 listed in the report. Cllr Jones highlighted the importance of member involvement in the preparation of the action plan.

The Portfolio Holder for Planning and Assets stated that the representations put forward by Cllr Jones would be taken into consideration but that it was unfortunate that the representations had not been put forward prior to the action plan being put together.

The Portfolio Holder for Planning and Assets provided background to the preparation of the action plan and highlighted the fact that the process had been undertaken in accordance with a nationally agreed approach including consultation with Members, officers and other stakeholders.

The Portfolio holder for Finance and Resources requested that the resource implications mentioned in section 8.2 of the report be expanded upon when the report was next presented to the Cabinet.

**Resolved:**

- (a) That Cabinet agree to the Action Plan attached as Appendix 2 to this report
- (b) That Cabinet receive in 6 months' time a report back on progress made in implementing the agreed Actions
- (c) That the Planning Committee similarly receive the same report

**5. APPLICATIONS FOR DISCRETIONARY RATE RELIEF**

A report was submitted requesting Cabinet to consider the granting of Discretionary Rate Relief in accordance with powers under Section 47 of the Local Government Finance Act 1988.

The rate relief would enable the Borough Council to provide financial assistance to charitable and not for profit organisations occupying business premises within the council area where it was deemed appropriate in accordance with regulations detailed in The Local Government Finance Act 1988.

**Resolved:** That, in accordance with Section 47 of The Local Government Finance Act 1988, Discretionary Rate Relief be granted in respect of the organisations and premises detailed in the appendix to the report.

**6. HARSHIP RELIEF - BUSINESS RATES**

A report was submitted requesting Cabinet to consider an application for hardship relief in relation to business rates liabilities.

Section 49 of the Local Government Finance Act 1988 gave the Local Authority power to reduce or remit business rates on the grounds of hardship. Each application needed to be assessed with regard to its own individual merits.

**Resolved:**

That the application for hardship relief detailed at appendix (b) be dealt with in accordance of the reasons stated.

**7. CUSTOMER SERVICE AND ACCESS STRATEGY AND CUSTOMER PROMISE**

A report was submitted to seek Cabinet approval for the replacement of the Customer Access Strategy and Customer Charter with the Customer Service and Access Strategy and Customer Promise.

The Customer Access Strategy and accompanying Customer Charter had been in place since 2007. A review had been undertaken and an organisation wide Customer Service and Access Strategy ('the Strategy') and Customer Promise would better reflect and incorporate the national 'Customer Service Excellence Standard' best practice along with the latest industry guidelines.

**Resolved: a)** That Cabinet approve the Customer Service and Access Strategy and Customer Promise.

**b)** That a timetable for implementation of the strategy across the Council is submitted to the Portfolio Holder by 1<sup>st</sup> December 2014.

**c)** That any required changes to the Council's communications policies are implemented following consideration by the relevant portfolio holders in conjunction with the Head of Communications and the Head of Customer Services and ICT.

**8. REVIEW OF ALLOTMENTS SERVICE**

A report was submitted to report the outcome of the consultation on the draft Allotments Strategy and to request that Cabinet formally adopts the Strategy.

**Resolved:**

a) That the responses received during the consultation are noted

b) That the minor changes to the Allotments Strategy, arising from the consultation, as detailed in this report, are approved.

c) That the Allotments Strategy 2014-2020 is formally adopted and Officers are authorised to implement the actions set out in the Action Plan.

**9. ASSET DISPOSALS**

Cllr Jones and Cllr Tagg had submitted representations in relation to the agenda item. Cllr Jones and Cllr Tagg highlighted the main areas listed in their representations.

Cllr Jones' highlighted the main area of concern for the public as being the effect of the disposal on the Whitfield Community Centre which had been using one of the sites listed. Cllr Jones also disputed whether the car parking space would be increased to 33 spaces as stated in the report.

Cllr Tagg highlighted the concerns listed in his representation regarding the land at Sandy Lane including the fact that the space was used by local people for recreation, that it soaked up rain water that could otherwise lead to flooding and that it was situated near a busy roundabout which would make any development difficult to access.

The Portfolio Holder for Planning and Assets responded to the questions and representations.

Desk top assessments (including a mining report) had been produced in respect of all sites which had brought to light any significant technical constraints (which could inhibit alternative use or development). In relation to the Wedgewood Avenue Site, The Portfolio Holder was satisfied that a robust consultation had been undertaken regarding this and all of the sites listed and urged the Cabinet to accept the recommendations.

The Portfolio Holder further highlighted that elected members and members of the public would have a further ability to become involved in the process when it reached the planning application stage.

Cllr Turner considered the options available and agreed that the recommendations were the best way forward for the council in comparison to other possibilities such as borrowing money.

**Resolved:**

a) That Members approve (with the exception of the sites at Church Lane, Knutton and Gallowstree Lane, Westlands) the disposal of the tranche 2 sites, subject to having first secured an appropriate outline planning permission for each parcel of land.

(b) That Members approve the procurement of 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 and the associated costs.

(c) That members agree to add the cost of procuring the specialist consultants referred to in recommendation (b) to the current capital programme in accordance with the Council's Financial Regulations.

10. **COUNCIL RESPONSE TO NEWCASTLE-UNDER-LYME AND STOKE-ON-TRENT JOINT LOCAL PLAN- CALL FOR SITES**

A representation had been submitted by Cllr Mark Holland. Cllr Holland outlined his representation which focused on concerns of the residents of the Westlands Ward regarding the in principal earmarking of green spaces for development.

Cllr Naylor had also submitted 2 questions in relation to this agenda item. Cllr Naylor put her questions to the Cabinet. Cllr Naylor requested information regarding where the master plan could be viewed and what was the likely timescale

Cllr Williams stated that there was currently not a master plan and that the report to Cabinet only recommended that that officers be authorised to proceed in consultation with the relevant portfolio holder, to agree the principles of a brief with appropriate land owners.

Cllr Kearon requested confirmation that there were currently no brownfields sites available in the Borough. The Executive Director responded that there were none available for development at the moment and highlighted the current situation relating to the main brownfield sites in the Borough which were all already earmarked for future development in some way. Cllr Kearon requested clarity that by having a Joint Plan with Stoke, the brownfield sites available in the City would be taken into consideration prior to the green spaces in the Borough. The Executive Director stated a brownfield first policy was hoped to be included in the Joint Local Plan.

**Resolved:**

- (a) That officers be authorised to complete and submit pro-forma responses to the local planning authority for all Borough Council owned sites listed in the appendix to this report.
- (b) That officers be authorised to incorporate the identified sites listed in the appendix in the scope of the proposed masterplan (around the former Keele Golf Course and western / southern fringes of urban Newcastle) and to proceed, in consultation with the relevant Portfolio Holder, to agree the principles of a brief with appropriate land owners.
- (c) That the financial implications arising from recommendation (b) be addressed through the 2015/16 budget setting process.
- (d) That the sites listed in the appendix to this report be used to inform the next and future Asset Management Strategies / Plans.
- (e) That officers bring forward at the earliest opportunity a further report identifying any additional sites which may be identified as appropriate for alternative use or development once key strategy documents have been finalised as described in the report.

**11. URGENT BUSINESS**

There was no urgent business.

**12. EXCLUSION RESOLUTION**

**Resolved:** That the public be excluded.

13. **HARDSHIP RELIEF - BUSINESS RATES**

**Resolved:** That the application be refused.

14. **QUESTION FROM MR TONY COX**

A question had been submitted in accordance with the Council's Constitution by Mr Tony Cox.

Mr Cox asked the Cabinet if they would be willing to engage in real consultation, as was undertaken in 2011 by the previous administration, and would they make a determined effort to include more brownfield sites in the development and disposal plans in order to save more of our much loved green spaces.

The Leader of the Council responded to Mr Cox's question. The Leader stated that he was in full agreement that brownfield sites should be used for housing but that this had to be balanced alongside the need for economic regeneration in the Borough. The Council as Land Owner currently had few if any Brownfield Sites suitable for building within its portfolio.

In relation to Keele Golf Course the Leader confirmed that the Council were engaging with the local community regarding the future of the site, the Golf Course was included in a Keele Master Planning exercise which would give the Authority more scope to investigate sustainable developments in keeping with the green areas around Keele.

**COUNCILLOR MIKE STUBBS**  
**Chair**



## CABINET

Wednesday, 15th October, 2014

**Present:-** Councillor Mike Stubbs – in the Chair

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

### 1. APOLOGIES

There were no apologies.

### 2. MINUTES OF THE PREVIOUS MEETING

**Resolved:** (a) That the minutes of the previous meeting held on 10<sup>th</sup> September 2014 be agreed as a correct record.

(b) That the briefing note relating to the Better Care Fund be distributed with the minutes.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. MEDIUM TERM FINANCIAL STRATEGY

A report was submitted to provide the background on the financial strategy for the Council over the next five years in the light of the national and local financial situation and taking account of the Council's priorities.

The Medium Term Financial Strategy underpinned the whole financial planning structure of the Authority. It was closely aligned to the Council's Council Plan and focused on targeting its financial resources in line with its stated aims and objectives.

The Portfolio Holder for Finance and Resources passed on Members thanks for the well written and clear nature of the report.

The Strategy would be considered by the Finance, Resources and Partnerships Scrutiny Committee and all options would be brought back to Cabinet for consideration.

The Leader highlighted the importance of member involvement in the budget setting process at events such as the Budget Scrutiny Café and requested all members to send comments to the Finance team as soon as possible for consideration.

**Resolved:**

(a) That the Medium Term Financial Strategy for 2015/16 to 2019/20 be approved.

(b) That the report be referred to the Finance Resources and Partnerships Scrutiny Committee for comment.

**5. FUNDING THE COUNCIL'S CAPITAL PROGRAMME**

Cabinet was requested to review the options for funding the capital investment required over the next four years (2015/16 to 2018/19) and means of providing a continuing sustainable funding flow into the future.

The Council had significant investment needs over the next four years (and beyond) whilst the resources available to fund this investment fell considerably short of what was required. It was necessary, therefore, to consider options for meeting this shortfall and propose the most effective means to achieve this to a future Cabinet meeting for approval. Because of the size of the shortfall and the early need to fund investment, this needed to be done as soon as practicable.

**Resolved:**

(a) That the contents of the report be noted;

(b) That Cabinet agrees with the principle that the Council, as a first resort, will seek to fund its future known capital programme needs through the annual asset management planning process by the identification of land or property in its ownership that is capable of, and appropriate for, disposal;

(c) That officers report back to the next Cabinet meeting with a list of potential development sites to be used as the basis for a formal response by the Council as a land owner to the local planning authority's "call for sites" (as part of the Local Plan process) and used as a basis for programming future land/property disposals through annual Asset Management planning, beginning with the Asset Management Strategy 2015/16;

(d) That the principle of engaging a development partner to bring forward the larger sites be agreed.

**6. NEWCASTLE PARTNERSHIP REVIEW**

A report was submitted to inform Members of the review of the Newcastle Partnership which had now been completed. The areas covered by the review were outlined in the report. The report also summarised the key recommendations from the review, which included changes to the way in which the Partnership worked and also the resources dedicated to delivering the ambitions of the Partnership.

The Leader highlighted the importance of having achievable specific goals and this piece of work achieved that ambition. The Leader thanked the Head of Business Improvements, Central Services and Partnerships, the Partnerships Manager and her team and the partner organisations that had been involved in the review.

**Resolved:**

That Cabinet

- (a) Note the report and its contents, including the background to the Partnership review; the work already done in changing the Partnership since 2010 and the factors informing the 2014 review of the Partnership
- (b) Approve the recommendations set out in this report including developing the Partnership in order to deliver the appropriate actions set out in the Borough Council's Health and Well-Being Strategy and Economic Development Strategy and to develop closer links with countywide bodies such as the Local Enterprise Partnership (LEP) and the Staffordshire Health and Well Being Board
- (c) Approve the continued development of the Partnership Hub, located in the Civic Offices in Newcastle under Lyme and involving a number of Borough Council officers from across different departments
- (d) Approve the inclusion of the Borough Council's Third Sector Commissioning budgets, where possible, within the pooled funding for the Partnership dedicated to delivering improvements in its key outcome areas

## **7. LOCALITY ACTION PARTNERSHIPS - FUTURE DEVELOPMENT**

A report was submitted to advise Cabinet of the development of LAPs and links to the Borough Council's Co-operative Strategy.

The report sought Cabinet approval for the further development of LAPs via establishing LAPs with the challenge of developing proactive and reactive projects/areas of work in relation to the three key strategic areas of the Borough Council and its partners, namely:

- Health and Well-Being
- Economic Development
- Stronger and Safer Communities

One of the Council's key corporate priorities was becoming a co-operative council. A key element of co-operative working was focused on locality working – recognising diversity of the Borough's different areas and working with these different communities in understanding their needs and issues and developing solutions to meet these needs and deal with these issues. In order to progress this, it was necessary to work closely with the Borough's nine Locality Action Partnerships (LAPs) to ensure they were working effectively and addressing the needs of the areas they covered in key strategic areas. This report set out an approach to doing this.

A query was raised regarding communicating any changes to the parish councils. The Portfolio Holder for Culture, Leisure and Localism stated that the Council would lead on this and ensure that the Parish Councils were kept informed at the regular Parish Council Forum meetings that the Council hosted.

Some concern was also raised regarding the fact that many people were unable to attend LAP meetings as they often met during the day. Members also noted that it

was imperative that LAPs and Parish/Town Councils were able to work together and the three priority areas listed above would hopefully provide them with a good steer. It was also stated that LAPs needed to become more representative of the communities that they served.

A request was made that the minutes from the Parish and Town Council Forum minutes be distributed to all Members.

**Resolved:**

That Cabinet:

- (a) Notes the content of the report;
- (b) Approves the approach outlined in the report of challenging LAPs to focus on the key strategic issues facing the Borough Council and its partners, namely health and well-being; economic development; and stronger and safer communities and to further challenge LAPs to develop projects/areas of work in each of these areas;
- (c) Requests that each of the Borough's nine LAPs produce a progress report setting out performance in each of these areas of work for consideration by the Borough Council and its partners towards the end of the 2014/15 municipal year.
- (d) That the minutes from the Parish and Town Council Forum minutes be distributed to all Members.

**8. UPDATE ON THE ANTI-SOCIAL BEHAVIOUR, CRIME AND DISORDER ACT, 2014**

Cabinet received a report providing an overview of the changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The Anti-Social Behaviour, Crime and Policing Act (2014) provided new powers to local authorities and their partners, and placed a number of statutory obligations on councils when responding to incidents of anti-social behaviour (ASB).

The report also outlined the Borough Council's role in delivering appropriate responses to these changes, in particular, Part 6 (the 'Community Trigger').

The report also sought approval to amend the Councils scheme of delegation to enable the relevant provisions of the Act to be enforced.

Also requested was approval of the fixed penalty fees for non-compliance with a Community Protection Notice and a Public Spaces Protection Order including a maximum fee and discounted fee for early payment.

A question was raised regarding the Public Spaces Protection Orders and whether these would have an impact on the Council's current policy relating to Gypsy and Traveller Sites. The Leader confirmed that yes this existing policy would have to be revised and that it was crucial that all partners were aware of their responsibilities under the new legislation.

The Leader asked for confirmation that a system was in place that would ensure that when three complaints were received whether by the Council or a Partner organisation the 3 complaints trigger would be recognised. The Council would act as gatekeeper for this trigger but ultimate responsibility was with the office of the Police and Crime Commissioner.

**Resolved:**

That Cabinet notes the contents of the report and

- (a) Approves the proposed 'Community Trigger' threshold and mechanism for use in the Borough;
- (b) To recommend that Council approves the proposed changes to the Scheme of Delegation; and
- (c) To recommend that Council approves the proposed fixed penalty fees as set out in this report, with these fees to be approved by Council in the first instance and to delegate to Public Protection Committee any further alternations to these fees

**9. STATEMENT OF COMMUNITY INVOLVEMENT**

Cabinet was asked to consider the recommendations of the Planning Committee prior to considering for approval the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 for public consultation purposes and to seek authority to go out to consultation.

It was important to ensure the Newcastle-under-Lyme and Stoke-on-Trent Local Plan proceeded in accordance with the agreed timetable and to maintain an efficient and effective planning service which supported meaningful community engagement in planning policy and development management matters.

Members requested that thanks be passed onto all officers that had been involved in the production of the report and associated documentation.

**Resolved:**

- (a) That Cabinet agree to approve the Draft Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement 2014 for public consultation purposes.
- (b) That Officers in consultation with the portfolio holder for Planning and Assets be authorised to make minor editorial changes prior to the publication of the Statement of Community Involvement for public consultation purposes.
- (c) That Cabinet agree to receive a future report setting out the recommendations of the Planning Committee on the outcome of the public consultation before adoption of the SCI is considered.

**10. PLANNING PEER REVIEW**

A report was submitted to inform Members of the outcome of the recent Planning Peer Review process and to agree the Council's approach in responding to it. It was

important to ensure that Members were apprised of the Peer Review Team's findings and to agree how the Council should respond to it.

The Council had commissioned the national Planning Advisory Service to review its Planning Service with the aim of addressing perceived concerns about facets of the service to ensure that this important service was both effective and efficient.

Members considered that it was very important to engage with the public regarding the planning process and that communities needed to be assured that the planning process was open and fair to everyone. Concern was also raised regarding the public perception of planning enforcement and that it was important to manage the public expectations of the planning department.

**Resolved:**

- a) That Members note the contents of the Peer Review Team's report and the recommendations therein.
- b) That Members agree with the proposal to prepare an Action Plan to address the said report's recommendations.
- c) That the Action Plan, referred to above, be reported to Cabinet for approval at the earliest opportunity.
- d) That officers write to the Peer Review Team thanking them for their report and confirming the Council's intended approach.

**11. STAFFORDSHIRE AND STOKE ON TRENT LOCAL ENTERPRISE PARTNERSHIP PLANNING CONCORDAT**

A report was submitted to inform Cabinet about the 'Planning Concordat' prepared by the Local Enterprise Partnership (LEP) which aimed to ensure that planning authorities were playing their part in promoting the LEP's growth agenda, and to provide Cabinet with the opportunity to decide whether or not to ratify and participate in the Concordat.

The aim of the concordat was improve the effectiveness of the planning system and to demonstrate that it was designed and operated to promote and support appropriate development.

**Resolved:**

- (a) That the Cabinet ratify and enter into the Planning Concordat
- (b) That the portfolio holders for Planning and Assets and Economic Regeneration, Business and Town Centres be authorised to agree on behalf of the Council actions with respect to their portfolios which the Council will take to deliver its contribution to the Planning Concordat, and that such agreed actions be reported to the Planning Committee
- (c) That Cabinet, and the Planning Committee, receives a further report after the first annual review of actions and outcomes envisaged by the Planning Concordat

**12. DUTY TO COOPERATE**

A report was submitted to advise Members, that the Council had agreed and signed a Memorandum of Understanding (MoU) between the Borough council, Stoke-on-Trent City Council and Cheshire East Borough Council, demonstrating the duty to cooperate, pursuant to section 33A of the Planning and Compulsory Purchase Act, 2004, for submission to the Examination in Public of Cheshire East Council's Local Plan Strategy.

The MoU had been submitted to Cheshire East Borough Council to form part of the evidence supporting the Submission version of the "Local Plan Strategy" (Cheshire East Local Plan) Examination in Public (which opened on 16 September 2014). There was insufficient time between officers agreeing the substantive content of the MoU and the start of the Examination in Public to bring a report for formal Cabinet approval; hence the reason why the MoU was signed by the relevant officer and Portfolio Holder in accordance with the provisions of the Council's Scheme of Delegation.

The matter did not make or change policy and therefore in accordance with the Council's Scheme of Delegation (appendix 4 of the Constitution relating to Matters of Urgency) any action taken as a 'matter of urgency,' should be reported to the next available committee.

**Resolved:**

- (a) That Cabinet note the action taken.

**13. TOWN CENTRE CAR PARKING**

A report was submitted to review the progress of town centre parking initiatives which had been introduced in an attempt to generate greater footfall in the town centre with the express aim of improving its economic fortunes and to consider extending the pilot schemes in order that they are reviewed annually as part of the annual fees and charges setting.

In the previous year the Council had reviewed a range of options as part of the town centre car parking management regime with the aim of increasing footfall in the town centre for reasons of economic well-being. A range of proposals were approved including pilot schemes, Scrutiny had reviewed progress and recommended ways to take forward the schemes with the Town Centre Partnership

**Resolved:**

- (a) That Members note the delivery of the Nipper Parking and the planned introduction of cashless parking including the automatic number plate recognition in a number of our car parks.
- (b) That the Just The Ticket refund scheme continues to be supported.
- (c) That Members note the decision to offer free town centre parking after 3pm for the 5.4 weeks prior to Christmas and the use of the free parking day by the Town Centre Partnership for the Christmas Lights Switch on.

(d) That the enhanced free parking days of 5 days to support town centre events and Christmas free parking equivalent to 5.5 weeks after 3pm are included in the calculation for the fees and charges for 2015/16 and budget setting process.

**14. FREEHOLD DISPOSAL - THE SQUARE, HIGH STREET, NEWCASTLE UNDER LYME**

A report was submitted for Cabinet to consider the disposal of the Council's freehold interest in The Square, High Street, Newcastle.

This would allow the Council to realise a capital receipt that reflected "best consideration" and would contribute to known demands within the Council's Capital Programme. The loss of annual rental income would however need to be mitigated and whilst it was not a consideration for the Council in terms of its land disposal process ("best consideration" judgement) it was worth noting that the prospective purchaser's investment plans should benefit the wider town centre economy.

**Resolved:**

- (a) That officers be authorised to take the necessary actions to dispose of the Council's freehold interest of The Square complex and car park on the terms as set out in the confidential report (at Part II of your agenda).
- (b) That steps be taken as part of the future budget-setting and MTFs processes to address the loss of annual rental income from the property.

**15. FREEHOLD DISPOSAL OF HASSELL STREET SHOPS & OFFICES AND BRUNSWICK STREET SHOPS & OFFICES**

A report was submitted requesting Cabinet to consider the disposal of no's 2 – 10 Hassell Street, which comprises four tenanted, ground floor retail units no's 4-10 Hassell Street and vacant first and second floor former offices no. 2 Hassell Street.

The report also requested consideration of the disposal of no's 15 -21 Brunswick Street, comprising 3 tenanted, ground floor retail units no's 15-19 Brunswick Street, small first floor office suite, no. 17a Hanover Street and vacant, first and second floor former offices, situated above, no's 17a and 21 Brunswick Street.

The Council would realise capital receipts which represented best consideration and would not have to pay for essential repair and on-going maintenance works to the properties. The upper floors of these two buildings could then be brought back into productive use at no cost to the Council, thereby achieving regeneration objectives.

**Resolved:**

- (a) That the Council dispose of the Council's freehold interest of 2-10 Hassell Street and 15-21 Brunswick Street (Including 17a Hanover Street), Newcastle subject to the offers being at values representing 'best consideration'.



- (b) That If no offers are received in response to the current marketing exercise or the offers are not considered to achieve 'best consideration', that your Officers are authorised to continue marketing the premises.
- (c) That subject to the outcome of recommendation 2 that officers, in consultation with the Portfolio Holder of Economic Regeneration, Business and Town Centres, be authorised to accept a future offer so long as this represents best consideration.
- (d) That steps be taken as part of the future budget-setting and MTFS processes to address the loss of annual rental income from the properties.

**16. URGENT BUSINESS**

There was no urgent business.

**COUNCILLOR MIKE STUBBS**  
**Chair**

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE  
CABINET COMMITTEE**

**10 December 2014**

1. **REPORT TITLE** Implementation of the Community Centre Review
- Submitted by:** Executive Director of Operations, Dave Adams
- Portfolio:** Planning and Assets
- Ward(s) affected:** All

**Purpose of the Report**

To update members on progress in implementing the Community Centre Review and seek direction for future options in relation to specific Community Centre premises.

**Recommendations**

**That Cabinet:**

- a) **Establish a Cabinet Panel with delegated decision making powers to progress the review and specifically the options identified in this report.**
- b) **Receive a further report on the implementation of the review, within 6 months.**

**Reasons**

There is a need for the Council to take a strategic approach to the management of its built assets and have a clear plan for reducing the financial liabilities associated with maintaining the buildings that it provides for community use.

The Council's Medium Term Financial Strategy (MTFS) requires efficiency savings of approximately £4.7m through to 2020. Savings targets for Community Centres are set at £70,000 over this period, to be delivered at approximately £14,000pa from 2015/16.

The proposals outlined in this report focus on moving forward improved delivery models for community centres that will ensure that the centres which are provided are sustainable, able to meet local need and contribute to the health and wellbeing of the Borough.

1. **Background**

- 1.1 The review was undertaken to address a number of issues in relation to the management and provision of community centres, in order to protect them as community assets, improve their viability/ sustainability, make them more attractive places to visit and at the same time less reliant on financial support from the Council.
- 1.2 Proposals for the future of the Council's 15 community centres have been developed within the context of best practice, national policy and guidance obtained from Community Matters. These have been developed through a joint working party of Members and Officers and in consultation with the individual chairs of a number of community centres

- 1.3 The principal outcomes of the review have been:
- The development of a management hand book to assist in the day to day management of community centres,
  - The introduction of a single point of contact at the Council for community centres,
  - A review of utility charges and suppliers,
  - A review of each centres audited accounts,
  - Networking opportunities between community centre management committees,
  - The delivery of training for community centre management committees.
- 1.4 In addition a programme of works has been prepared and work has being undertaken at certain community centres, within available resources, to both address health and safety concerns and reduce future maintenance liabilities. The above work programme was developed to prepare all management committees to be in a position to give serious consideration to taking on a lease on their respective community centre. This lease initially being an internal repairing lease but moving to a full repairing lease in time.
- 1.5 Draft Heads of Terms have recently been sent to six community centre committees for their consideration and a model lease is being prepared.

## 2. Issues

- 2.1 Clearly the move to leasing a community centre is a big step for most of the management committees, who have concerns over their potential financial and legal responsibilities. The Council needs to be sensitive about these issues and remain supportive of management committees through this process.
- 2.2 The Review outlined the position of each of the 15 community centres, and raises options for both our immediate and future support which can now be considered on a centre by centre basis.
- 2.3 In summary six community centres are considering working towards leases (Audley, Bradwell Lodge, Harriet Higgins, Ramsey Road, Red Street and Wye Road), of which some are in partnership with other organisations. Of the remaining, five do not feel in a position to commit yet (Butt Lane, Clayton, Knutton, Marsh Hall and Whitfield).
- 2.4 The others either do not have sufficient volunteers to constitute a full management committee, or are not well supported by the community. Officers will continue to support these community centre management committees, and in line with the recommendations reported to Cabinet in January 2014 will explore how improved community centre facilities may be provided more sustainably in the future by entering into discussions with local strategic partners
- 2.5 The review has highlighted a number of other arrangements that require action, so that all community centres are treated equally. As they were at some point in their recent history handed back to the Council on dissolution of their management committees, the Council became responsible for the NNDR at the Holly Road and Butt Lane Community Centres.
- 2.6 The responsibility for NNDR should now pass back to the community centres with discretionary rate relief applied. Similarly where trade waste contracts are in place but paid by the Council, this responsibility should pass to the respective management committee.

- 2.7 The review has also highlighted a number of employment issues in community centres and some potentially commercial operations taking place now or planned in the future. The former will be addressed through the new governance arrangements specified in the hand book. The latter are being discussed on an individual basis with the centres concerned, so that a view can be reached over, amongst other things, procurement and the implications for discretionary rate relief
- 2.8 It should be noted that one of the community centres has recently developed structural issues, which has limited access to some of their facilities.

3. **Options Considered**

- 3.1 To take forward discussions with the six community centres that have expressed an interest in entering into an appropriate short, medium or long-term lease, reducing the Council's liability as appropriate.
- 3.2 To support the five community centres not yet able to commit to a lease, to get them to that point, or to allow them to continue but with a reducing level of support.
- 3.3 To reduce financial support or seek to relocate the activities in two of the three community centres who do not have properly constituted committees. In the case of Chesterton Community Centre, obtain further clarification, from property services, on the nature of the use of the building.
- 3.4 To make safe the structure at Silverdale Community Centre by demolishing the annex on the grounds of health and safety.
- 3.5 To transfer the NNDR and trade waste responsibility where this remains with the Council to the respective community centres. These arrangements were previously agreed as short term support to get new management committees up and running in cases where the previous management committee had dissolved and the community centres returned to the Council.
- 3.6 To investigate further employment issues and potentially commercial activity within identified community centres.

4. **Proposal**

- 4.1 That the options highlighted above be implemented, through the establishment of a Cabinet Panel. In particular to continue discussions with those community centres who have expressed their interest in leasing their buildings to achieve in the first instance an internal repairing lease and that these arrangements are monitored by the Head of Leisure and Cultural Services and progress made towards full repairing leases as appropriate.
- 4.2 Members of the Cabinet Panel to work with officers and with the five community centres that are not yet ready to commit, with a view to preparing them to take on an internal repairing lease.
- 4.3 For the community centres that do not have properly constituted committees, support is continued to be provided by officers, or that alternative venues are sought for their community activities. Where there are business activities in community centres that these are formalised on a commercial basis
- 4.4 The future of these community centres be considered under the Council's Asset Management Plan if they become vacant. In the meantime, however, if members of the

community come forward and progress can be made in forming a properly constituted management committee, the Cabinet Panel and officers will work with them to get them into a position of taking on an internal repairing lease.

- 4.5 That in relation to Silverdale Community Centre, subject to the affordability of the works, part of the structure be demolished to make it safe. This would enable the venue to continue for dance but limit other community activities, as the centre is used primarily for dance rather than other community use.
- 4.6 That the Council relinquishes responsibility for NNDR and trade waste where these costs are being borne by the Council.
- 4.7 To refresh the stock condition surveys for all community centres and assess the implication for the Council's Capital Programme and Repairs and Renewal Fund in view of the fact that, since the review commenced the following improvements have been undertaken
  - Red Street has undergone a refurbishment at a cost of £75,000;
  - Clayton has had a new heating system and windows installed at a cost of £12,013
  - Wye Road has had new windows installed at a cost of £7,395

#### **Cabinet Panel**

- 4.8 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.
- 4.9 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 Deputy Leader and Portfolio Holder for Finance and Resources to make decisions in relation to the following areas:
  - To develop and agree the detail of the leases to be offered.
  - The programme of support to community centre management committees
  - To review the stock condition surveys, asset values, and use of community centres
  - As appropriate to make local area assessments and recommendations to place the right activities in the right venues for the right people
  - To oversee other issues that arise throughout the implementation of the review
- 4.10 The Deputy Leader and Portfolio Holder for Finance and Resources will be the Chair of the Cabinet Panel and the rules of political proportionality will apply
- 4.11 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.

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

#### 5. **Reasons for Preferred Solution**

5.1 The Council's MTFs requires efficiency savings of approximately £4.7m through to 2020. Savings targets for Community Centres are set at £70,000 over this period to be delivered at approximately at £14,000pa from 2015/16.

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

6.1 The proposals outlined in this report focus on moving forward improved delivery models for community centres that will ensure that the centres which continue to be provided are sustainable, able to meet local need and contribute to the health and wellbeing of the Borough.

#### 7. **Legal and Statutory Implications**

7.1 None directly. The proposals are aimed at improving quality and introducing best practice.

#### 8. **Equality Impact Assessment**

8.1 The implications of the Equalities Act 2010 are covered in the Community Centres Handbook and associated training.

#### 9. **Financial and Resource Implications**

9.1 In terms of the revenue programme, £70,000 will be saved over the next five years by moving to part and/or full repair leases with the management committees, using the staggered approach outlined in the report. The saving has been profiled around £14,000 per annum.

The approach of reducing the grant payment, passing over NNDR responsibility in the case of Holly Road and Butt Lane and trade waste where this is paid by the Council, will achieve the 2015/16 saving.

In terms of the capital programme, the Cabinet Panel will need to consider the cost pressures that will arise from building repairs over the next 5 years. These figures have been brought up to date to reflect work carried out over the last few months and other known changes to the condition of the building stock. Currently it is estimated that repairs and maintenance expenditure pressures amount to £744,000.

#### 10. **Major Risks**

10.1 The major risks are around maintaining a suitable and sustainable community centre infrastructure in the face of public sector funding challenges. This is managed by planning resource allocation through the MTFs.

- 10.2 Failure to get the agreement of community centre management committees to take on part and/or full repair leases.
- 10.3 In some cases the condition of certain community centres could deteriorate to the point of uneconomic repair.
- 10.4 If in the longer term some of the management committees cannot meet their obligations and repudiate the lease, these centres would then close if no alternative occupant could be found

11. **Sustainability and Climate Change Implications**

- 11.1 Environmental management issues are considered in the Handbook.

12. **Key Decision Information**

- 12.1 A key decision on the basis that the review affects more than one ward.

13. **Previous Cabinet Decisions**

- 13.1 15 January 2014, 19 September 2012 and 20 June 2012

14. **List of Appendices**

- 14.1 None

15. **Background Papers**

- 15.1 None

14. **Management Sign-Off**

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

	Signed	Dated
<b>Financial Implications Discussed and Agreed</b>		
<b>Risk Implications Discussed and Agreed</b>		
<b>Legal Implications Discussed and Agreed</b>		
<b>Equalities Implications Discussed and Agreed</b>		
<b>H.R. Implications Discussed and Agreed</b>		
<b>ICT Implications Discussed</b>		



<b>and Agreed</b>		
<b>Report Agreed by: Executive Director/ Head of Service</b>		

This page is intentionally left blank

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

NOVEMBER 2014

1. **REPORT TITLE:** GREEN SPACE STRATEGY REVIEW 2014
- Submitted by:** Head of Operations – Roger Tait
- Portfolio:** Planning and Assets  
Environment and Recycling
- Ward(s) affected:** All Wards of the Borough

#### **Purpose of the Report**

To inform Cabinet of the current situation in relation to the Urban North Staffordshire Green Space Strategy and the plan to review / update the strategy in line with 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 approval is granted to review the Green Space Strategy in line with the National Planning Policy Framework and that cost of the review is met from the provision made in the general fund revenue programme for the preparation of the joint Local Plan.

#### **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 strategy remains fit for purpose and a robust evidence base for the emerging joint Local Plan.

### 1.0 **Background**

- 1.1 The Urban North Staffs Green Space Strategy, which was produced jointly with Stoke on Trent City Council, was adopted by the Borough Council in 2009. The strategy was developed to ensure that green space fulfils its potential to deliver a wide range of environmental, economic and social benefits through a strategic approach to planning and management of public open spaces. The strategy was developed in line with the national Planning Policy and Guidance (PPG) and Planning Policy Statements (PPS) that was current at the time of writing, mainly PPS1 ~ Delivering Sustainable Development and PPG17 ~ Planning for Open Space, Sport and Recreation. PPS25 ~ Development and Flood Risk and PPS9 ~

Biodiversity and Geological Conservation were also relevant guidance at the time of writing the strategy.

- 1.2 PPG17 provided structured guidance on the methodologies involved in producing Green Space Strategies, to ensure that there is a balance between quantity and quality of accessible open space of a range of typologies. Working to this guidance ensured that the emerging document was robust and could be used as a sound evidence base to the local plan (saved policies) and the Core Spatial Strategy. The adoption of the 2007 Green Space Strategy document ensured that it assisted in the delivery of sustainability as per PPS1, and started to create a balance between built and green environments, as well as providing opportunities for biodiversity and recreation.
- 1.3 In March 2012, the Department for Communities and Local Government launched the National Planning Policy Framework, a document which sets out the Governments planning policies for England and how it expects them to be applied. The document supersedes all previous PPS and PPG's, and puts sustainable development at the forefront of the planning system. Sustainable development has three dimensions: economic, social and environmental; none of which should be taken in isolation as they are all mutually dependant.
- 1.4 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.

#### NPPF Paragraph 73

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from assessments should be used to determine what open space, sports and recreational provision are required”.

#### NPPF Paragraph 74

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by the equivalent or better provision in terms of quantity or quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss”.

- 1.5 The NPPF also highlights the importance of maintaining and enhancing public rights of way and access by linking existing networks, planning for biodiversity and ensuring that local ecological networks are considered within planning policy.

## 2.0 **Issues**

- 2.1 An up to date and robust Green Space Strategy is considered necessary as part of a suite of supporting evidence documents for the new joint Local Plan. The evidence for the existing Green Space Strategy is in planning terms considered to be in need of updating. Other related evidence documents will include an updated Playing Pitch Strategy; Allotments Strategy; Urban Forest Strategy and Policy for Unsupervised Children's Playgrounds. A table showing the hierarchy of these documents is attached to this report at Appendix 1.
- 2.2 However, the Green Space Strategy is also an operational delivery document in its own right, which guides how the council manages its 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. Without this, the Council will continue to incur potentially unnecessary costs of maintaining open space that is not required to meet the needs of the community.
- 2.3 Your officers have carried out a scoping exercise to determine how such a review of the Green Space Strategy would be carried out, in the absence of any detailed guidance following the cancellation of PPG17, what outcomes it would be necessary to achieve and what financial and resource implications are likely to arise from the review. This has involved discussions with officers at Stoke on Trent City Council, who have decided to review their part of the strategy and have agreed that there is a need to ensure that there is a robust and consistent evidence base for the emerging Joint Local Plan.
- 2.4 A methodology for the reassessment of the sites has been drafted and agreed with officers at both Councils to ensure that any emerging documents are consistent with each other and provide a robust evidence base. (attached to this report at Appendix 2) This will entail reviewing and updating the existing datasets, in line with the agreed typologies, and reviewing the quantity, accessibility and quality of the sites. An updated community needs assessment will also be required, including high level consultation with appropriate stakeholder groups. Once this has been completed it would be possible to make decisions/recommendations on strategic greenspace in the borough.
- 2.5 The review of the Green Space Strategy will establish hierarchies, and connectivity; establish local standards and potentially identify land which is not required as open space to meet the needs of the residents. Strategic level consultation, as well as demographic analysis and value assessments would all form part of the revised strategy and action plan, as well as methods for funding the proposed action plan. The proposed review will address both the urban and rural parts of the borough.
- 2.6 Your officers have considered whether it is feasible to carry out part of the assessment works in house, but currently there are insufficient resources to enable this to take place within reasonable timeframes. The current estimated costs of

reviewing the existing data and strategy is £65,000 and this figure will be refined as the brief is developed.

- 2.7 The cost of the preparation of the Joint Local Plan and accompanying evidence base studies is accommodated for in the Medium Term Financial Strategy. However, the original estimated cost of preparing the Joint Local Plan as reported to Cabinet in October 2013, did not include the cost of preparing a new Green Space Strategy as it was envisaged at that time that the Strategy not need to be reviewed. However, as a result of the changes to the national planning framework, detailed in section 1 of this report, it is now apparent that this Strategy also needs to be reviewed to complete the suite of strategies and policies required for the preparation of the joint Local Plan.
- 2.8 Your Officers will explore a range of options available for carrying out the work, including the potential secondment of staff from other local authorities.
- 2.9 Reviewing the strategy and local standards could potentially identify further land for alternative uses, where there is an over provision in green space terms. This could potentially generate further capital receipts if the land was to be sold or the land could also be considered for community transfer, where appropriate. By reducing overall land assets, where they are not required for open space provision, this would have a positive impact on future revenue budgets and capacity moving forward for the borough.

The council is also currently reviewing and updating its Playing Pitch Strategy, and this document will sit under the Green Space Strategy as a detailed evidence base in relation to the outdoor sports typology. The main issues in relation to the Playing Pitch Strategy will be reported when this document is completed.

### 3.0 **Options Considered**

- 3.1 Proceed with 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.
- 3.2 To continue with the delivery of the current Green Space Strategy and potentially fail to provide a sufficiently robust evidence base for the emerging local plan; risk being unable to rationalise the council's green space assets and continue to incur costs for potentially unnecessary provision of green space land and services.

### 4.0 **Proposal**

- 4.1 It is proposed to review the Green Space Strategy in line with the jointly agreed methodology and to develop a revised strategy based on national planning policy requirements, to ensure that a robust evidence base for joint local plan is compiled and that the borough's green spaces are rationalised and managed effectively and efficiently.

### 5.0 **Reasons for Preferred Solution**

- 5.1 To ensure that the green space asset base in the Borough 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 a reviewed and updated Green Space Strategy will have a positive impact on equality issues.

## 9.0 **Financial and Resource Implications**

- 9.1 The cost of reviewing the existing data and producing a new Green Space Strategy based on the items referred to in 2.6 has been estimated at £65,000
- 9.2 This cost estimate will be refined as the brief is developed
- 9.3 It is envisaged that the cost of the work will be accommodated from the overall provision made in the General Fund Revenue Programme allocation for the preparation of the joint Local Plan.

## 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: 23 July 2014 – Item No. 12

## 12.0 **List of Appendices**

- 12.1 Appendix 1: Document Hierarchy
- 12.2 Appendix 2: Draft Assessment Methodology

## 13.0 **Background Papers**

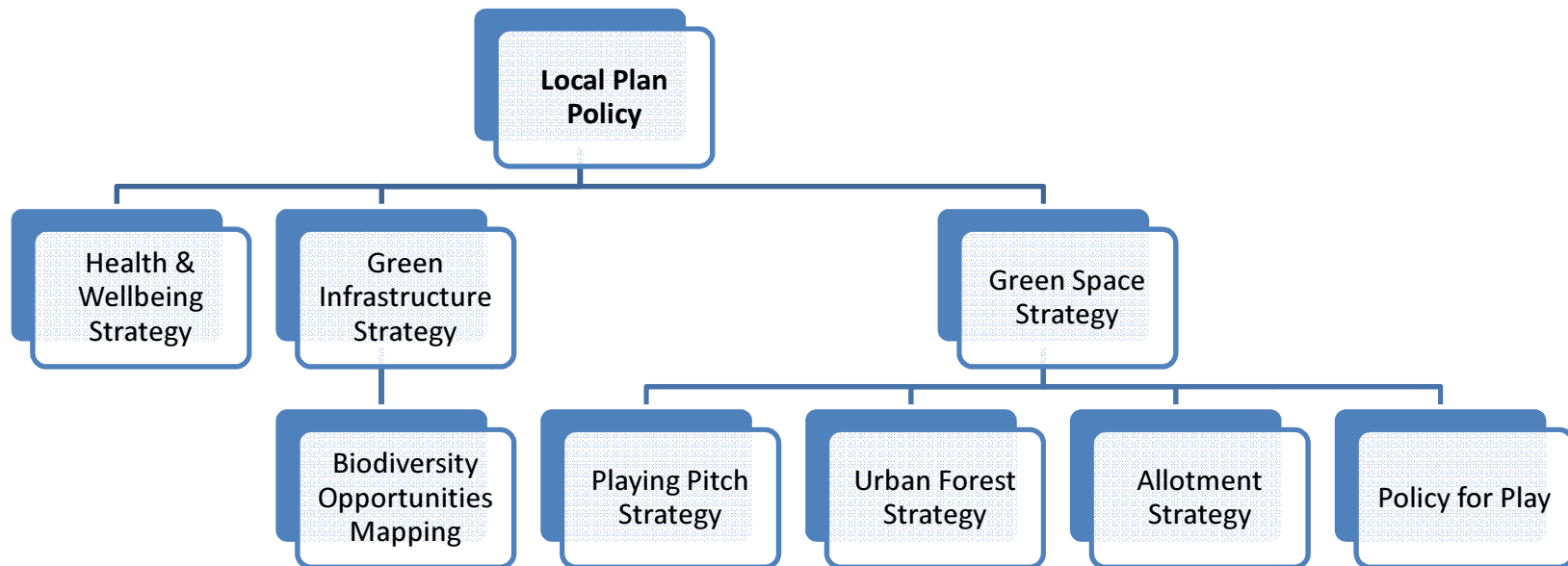
- 13.1 Urban North Staffordshire Green Space Strategy.
- 13.2 National Planning Policy Framework

14.0 **Management Sign Off**

	<b>Signed</b>	<b>Dated</b>
<b>Financial Implications Discussed and Agreed</b> <i>Lead Officer – Dave Roberts</i>		
<b>Risk Implications Discussed and Agreed</b> <i>Lead Officer –Annette Vacquier</i>		
<b>Legal Implications Discussed and Agreed</b> <i>Lead Officer – Mark Bailey</i>		
<b>Equalities Implications Discussed and Agreed</b> <i>Lead Officer – Jane Sheldon</i>		
<b>H.R. Implications Discussed and Agreed</b> <i>Lead Officer – Sarah Taylor</i>		
<b>ICT Implications Discussed and Agreed</b> <i>Lead Officer – Jeanette Hilton</i>		
<b>Sustainability and Climate Change Implications Discussed and Agreed</b> <i>Lead Officer – Joanne Halliday</i>		
<b>Report Agreed by: Executive Director/ Head of Service</b>		



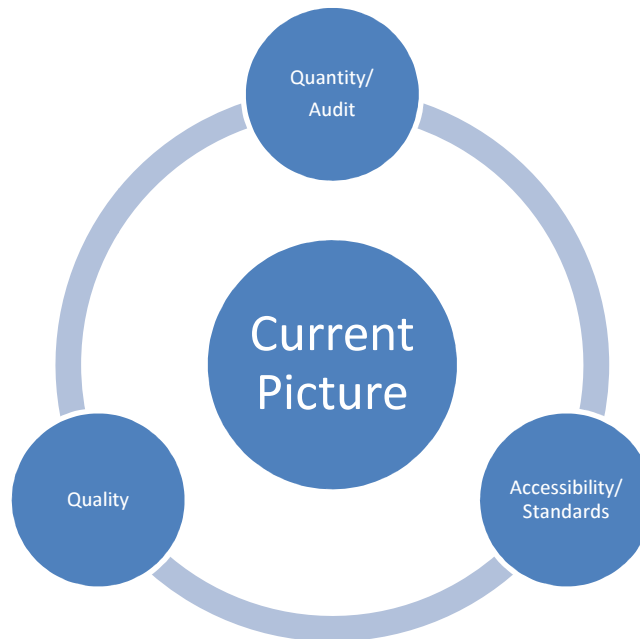
Appendix 1:



This page is intentionally left blank

## Greenspace Methodology

### Stage 1 – Establishing the current picture/ baseline of Greenspace



The typologies we include and discount are:-

Include	Discount
<input type="checkbox"/> Amenity Space*	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Green Corridor	<input type="checkbox"/> Allotments
<input type="checkbox"/> Park	<input type="checkbox"/> Churchyard/Cemetery
<input type="checkbox"/> Semi-Natural**	<input type="checkbox"/> Garden
<input type="checkbox"/> Local Wildlife Sites	<input type="checkbox"/> Industrial Heritage
<input type="checkbox"/> Playground	<input type="checkbox"/> Institutional
	<input type="checkbox"/> Operational/Derelict
	<input type="checkbox"/> Outdoor Sports

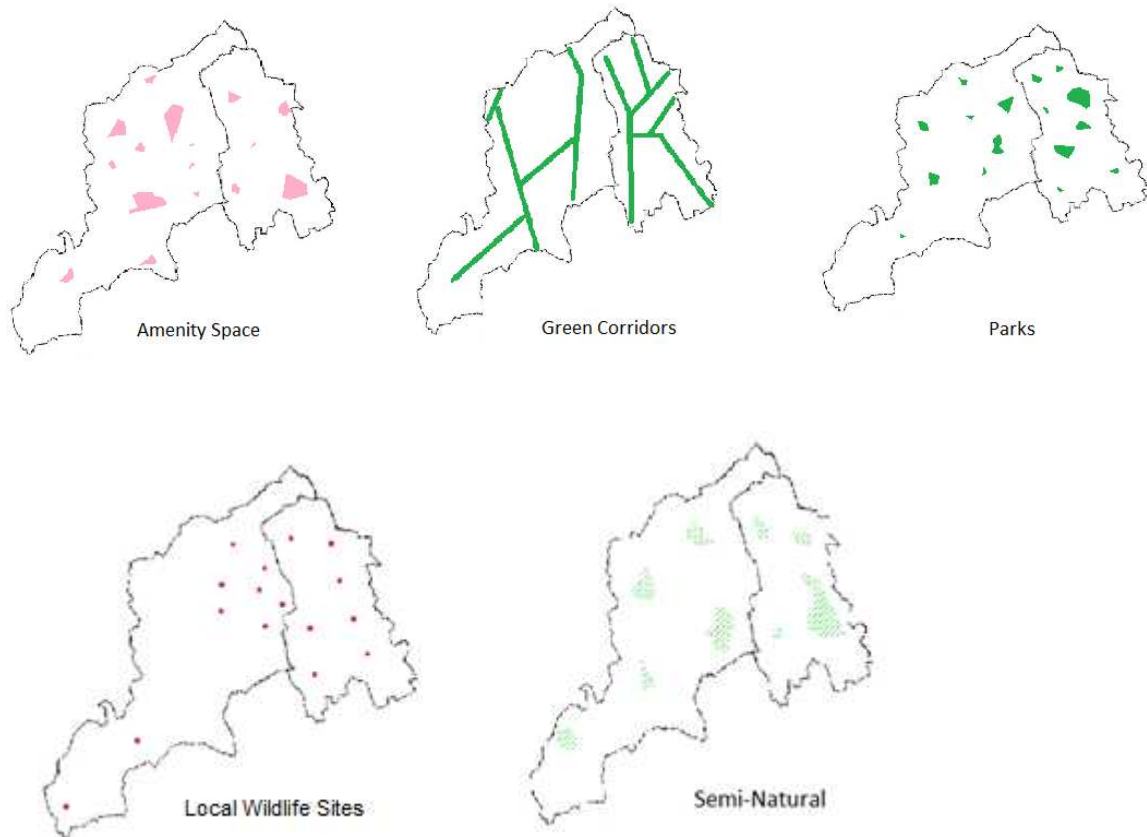
\* Over 0.5ha in size

\*\*Inaccessible/Accessible

The discounted typologies are either not strictly relevant and/or will be covered in other strategies (e.g. allotments, playing pitches).

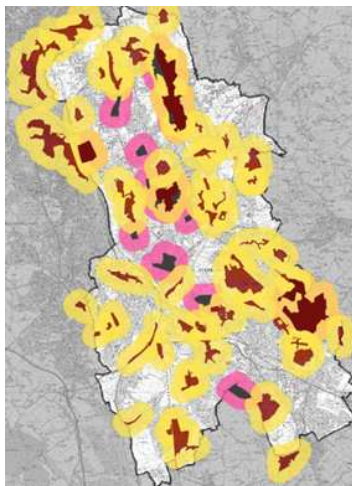
A- Quantity / Audit

Using our GIS and 2005 urban audit data and rural data, we map/plot relevant typologies to understand the extent of green space across the plan area:-



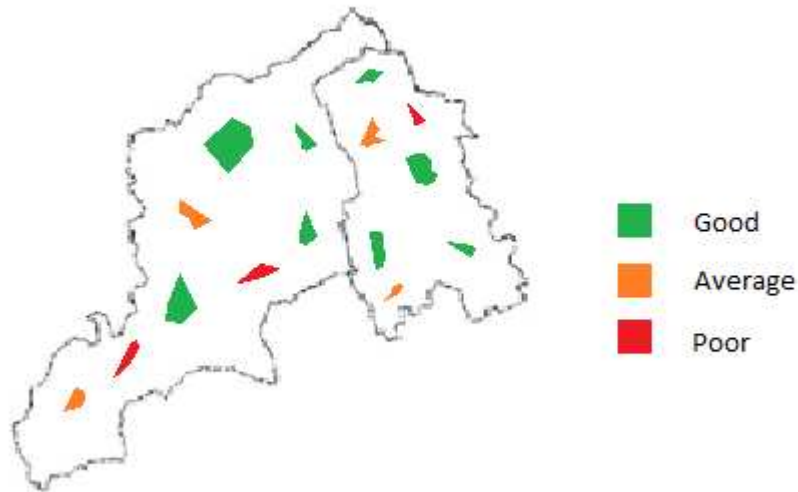
B- Accessibility

For each typology we would use the GIS to plot each greenspace and appropriate buffers (based on relevant national standards where appropriate) around each site to reflect how accessible the space would be. This would then give us a clear picture of coverage of greenspace across the area showing where we have too much, enough and a deficit. It may look something like this map:-



C- Quality

After assessing existing provision and accessibility we would then assess quality. We would use nationally prescribed standards (e.g. Green Flag Criteria) relevant to each typology to provide a picture of quality of greenspace across the board. It may be portrayed spatially like this for each typology:-



Once the three items above have been completed, it should enable the development of a robust Green Space Strategy.

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE**  
**CABINET**

**December 2014**

1. **REPORT TITLE** Sport and Active Lifestyle Strategy Development
- Submitted by:** Executive Director - Operational Services
- Portfolio:** Leisure, Culture and Localism
- Ward(s) affected:** All

**Purpose of the Report**

To seek cabinet's approval for the development of a Sport and Active Lifestyles Strategy (SALS) for the Borough.

**Recommendations**

**That Cabinet :**

- a) **Acknowledge that physical inactivity is a high risk factor in many of the Borough's communities, as identified in the Borough Health and Wellbeing Strategy.**
- b) **Recognise the many benefits for health and wellbeing of physical activity and promote increased levels of physical activity.**
- c) **Agree to the establishment of an officer project group to develop the Sport and Active Lifestyles Strategy (SALS) for the Borough, which will provide regular progress reports to the Portfolio Holder for Leisure, Culture and Localism.**

**Reasons**

The development of a SALS is required to influence the strategic development and provision of opportunities for residents to lead healthy and active lifestyles, identified as a key intervention within the councils Health and Well Being Strategy.

The strategy will help the Council to inform and prioritise its current and future funding considerations.

The council also needs to have a comprehensive and robust Strategy in place to guide and influence work on sport and recreation provision within the local development framework (LDF) and to inform future land use requirements and developer contributions.

1. **Background**

- 1.1 The main drivers for developing a Sport and Active Lifestyles Strategy comes from the change to national planning guidance in 2012 and the adoption of the Borough Health and Wellbeing Strategy, which recognises the importance of physical activity and exercise in producing long term health benefits.
- 1.2 Previous planning guidance was set out within Planning Policy Guidance PPG 17 – covering Open Space, Sport and Recreation, which along with an accompanying companion guide

gave guidance on undertaking needs assessments. The last Leisure Needs Assessment for the Borough was undertaken in 2006.

- 1.3 The NHS Five Year Forward View recognises that a radical upgrade in prevention and public health is needed to tackle existing variable standards in quality of care, widespread preventable illness and deep-rooted health inequalities. The NHS now back hard hitting national action on obesity, smoking, alcohol and other major health risks.
- 1.4 Public Health England has recently published its seven priorities for improving the health of the nation as follows:
  1. Tackling obesity
  2. Reducing smoking
  3. Reducing harmful drinking
  4. Ensuring every child has the best start in life
  5. Reducing dementia risk
  6. Tackling antimicrobial resistance
  7. Reducing tuberculosis
- 1.5 Public Health England has also published 'Everybody active, every day', an evidence based approach to physical activity, looking at the evidence base and recently published guidance on physical activity. They recognise the limited opportunity for new investment and the need to maximise the potential of the many assets we already have as well as the need to think differently about how public services are planned and commissioned.
- 1.6 In addition Sport England seeks to ensure that communities have access to sufficient, high quality sports facilities that are fit for purpose. Using evidence and advocacy, they can help to guide investment into new facilities and the expansion of existing ones to meet new demands that cannot be met by existing provision.
2. **Issues**
  - 2.1 If we are to be successful in delivering our objectives for health and wellbeing aligning to the principles above through forward planning and development management, having a strategy for meeting identified needs will be key to our success and at the core of the Assessment of Need for the Borough.
  - 2.2 Establishing a clear picture of supply of facilities within the Borough and a clear understanding of what the current and future demand for facilities is will require using a range of tools, research & consultation to gather information relevant to the scope.
  - 2.3 On the supply side, the audit needs to cover quantity; how many facilities there are, quality; general condition/standard of play, accessibility; where they are and availability; when are they available to use – schools/programming and also any barriers e.g. membership requirements etc. It is important that all facilities are included – not just council owned. Any planned facilities need to be included too, so it is important to assemble a project group from the appropriate local and regional organisations.
  - 2.4 On the demand side, the local population profile will be considered along with sports participation data both nationally and locally and by balancing national and local sources of data and information. From a national perspective, this involves use of the Active People Survey data, Experian Market Segmentation analysis to understand the local sport profile actual levels of use at facilities, intelligence from the national governing bodies of sport, local activity priorities as well as unmet, latent, displaced and future demand.



- 2.5 The next stage is about using the information and data collected above to come to logical conclusions and develop key findings under the key elements of:

Quantity – Is there enough?

Quality - Are facilities fit for purpose, provide for the required level of play, meet user expectations?

Accessibility – Are facilities broadly in the right location?

Availability – Are facilities available to users who wish to use them, when they wish to use them?

- 2.6 There are a number of planning tools and datasets for sports facilities and sport participation that can be useful with assessing needs. In particular, the Active People power database and Sport England's Facilities Planning Model. These can help to provide an analytical, measurable and quantifiable understanding of the balance between supply and demand in a given area. Making the best use of such tools is therefore an important part of assessing supply and demand.
- 2.7 At this stage, key findings that meet the requirements of National Planning Policy Framework in identifying specific needs and quantitative and qualitative deficits or surpluses will have been identified. For these to be used in different settings, the assessments will be incorporated into the Sport and Active Lifestyles Strategy to articulate required actions to address specific issues
- 2.8 There is a growing body of scientific evidence of the benefits of physical activity on health and wellbeing, focusing particularly on the prevention of non-communicable diseases (NCDs – also often referred to as chronic diseases) and strong links with improved mental health. Through this strategy the Council has the opportunity to identify and present case studies of 'what works' in different settings and contexts.
- 2.9 The benefits of physical activity have been shown to be effective across the lifespan, among young and old alike. Physical activity has been shown to improve educational attainment in children as well as prevent obesity. Among older adults, whilst physical activity tends to decline substantially with age, engagement in routine exercise on a regular basis leads to improved functional abilities such as mobility, and is related to increased longevity..
- 2.10 Despite the large body of evidence that support the benefits of being physically active, the majority of adults and children in the Borough do not meet the recommended level.

### 3. **Options Considered**

- 3.1 Do not develop the Strategy - The strategy is required as an evidence base for the core strategy. Cabinet could decide not to develop the strategy, which would result in there being limited evidence to support this element of the core strategy and could have a detrimental impact when negotiating future land requirements and developer contributions.
- 3.2 Develop the Strategy - The strategy is seen as a driver for participation in sport and physical activity, which supports the outcomes of the Health and Well Being Strategy of a healthier and happier community, better quality of life, reduced treatment costs and better mental health.

### 4. **Proposal**

- 4.1 It is proposed to develop a Sport and Active Lifestyles Strategy for the Borough to promote the benefits of physical activity on health and wellbeing, maximise investment in sport through the planning process and inform the joint Local Plan.

5. **Reasons for Preferred Solution**

- 5.1 The council needs to have a comprehensive and robust Strategy in place to guide and influence work on leisure provision within the joint Local Plan., inform future land use requirements and developer contributions. The right provision, in the right place will increase physical activity levels and have a positive influence on health and wellbeing.

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

- 6.1 The approach outlined directly supports two of the Council's key strategies of Economic Regeneration and Health and Wellbeing and has an indirect beneficial consequence for the Safer Communities Strategy in terms of providing for and promoting positive diversionary activities.

- 6.2 It will also support our role as a service provider in dealing better with those who have complex health needs or impairments.

7. **Legal and Statutory Implications**

- 7.1 There are no legal implications arising from this report.

8. **Equality Impact Assessment**

- 8.1 The strategy will use available data to ascertain gaps in provision and levels of participation and set out a clear rationale for delivery to meet the needs of target groups and to tackle associated inequalities. It will also be subject to consultation with stakeholders.

- 8.2 In embedding physical activity into the everyday activities of our communities, the Strategy will require the development of projects and initiatives to support under-represented groups such as those with disabilities, women in sport or engaging older residents through inter-generational projects.

9. **Financial and Resource Implications**

- 9.1 The strategy will prioritise future land use requirements and developer contributions. This does not mean that the Council will take responsibility for the direct provision of more facilities than it has at present. Neither is it assumed that the council will make funds available to assist other bodies to provide new or improved facilities.

However, the Council will have a significant advisory and facilitator role in assisting local and regional organisations plan for and provide opportunities for local residents.

It is anticipated that the Strategy will be developed using current staff resources, therefore avoiding placing an additional revenue or capital funding pressure on the Councils budgets.

10. **Major Risks**

- 10.1 The strategy is required in order to provide evidence for the need for projects to be funded. Without such evidence there is the potential for the Borough to miss out on the opportunity to improve its provision of leisure facilities and fail to maximise the opportunity to secure external funding.

10.2 There is no guarantee that funding for identified projects will be available. Careful communication will be required with local organisations in order to manage expectations. There is no guarantee that any projects will take place and there is no commitment from the Council to fund projects directly.

12. **Key Decision Information**

12.1 This is a key decision and is 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

14. **Management Sign-Off**

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

	Signed	Dated
<b>Financial Implications Discussed and Agreed</b>		
<b>Risk Implications Discussed and Agreed</b>		
<b>Legal Implications Discussed and Agreed</b>		
<b>Equalities Implications Discussed and Agreed</b>		
<b>H.R. Implications Discussed and Agreed</b>		
<b>ICT Implications Discussed and Agreed</b>		
<b>Report Agreed by: Executive Director/ Head of Service</b>		



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE**  
**CABINET COMMITTEE**

**December 2014**

1. **REPORT TITLE** Kidsgrove Sports Centre
- Submitted by:** Executive Director of Operations - Dave Adams.
- Portfolio:** Leisure, Culture and Localism
- Ward(s) affected:** All, especially Kidsgrove Wards

**Purpose of the Report**

To update Cabinet on the work of the Active and Cohesive Scrutiny Committee in developing a Feasibility Report into the delivery of a Sports Centre for Kidsgrove and surrounding locality.

**Recommendations**

**That Cabinet:**

- a) **Receive the Feasibility Report from the Chairman of the Active and Cohesive Scrutiny Committee.**
- b) **Endorse the Committee's recommendations and confirms its support for replacement sports facilities for the Kidsgrove area.**
- c) **That the funding implications are noted and consideration be given to adding the scheme to a future Capital Programme through the process of prioritisation agreed as part of the Newcastle Capital Investment Programme.**
- d) **That discussions take place with potential funding partners to identify sources of external match funding that would contribute to the cost of the project.**

**Reasons**

The Active and Cohesive Scrutiny Committee are satisfied that the scheme is desirable and viable, and that therefore the Council should take the decision to proceed.

1. **Background**

- 1.1 In July 2014, The Active and Cohesive Scrutiny Committee was appointed by Cabinet to produce a feasibility report on the future of Kidsgrove Sports Centre which was to be presented to the Council's Cabinet to inform a future detailed business case for the replacement or refurbishment of the Centre.
- 1.2 The Active and Cohesive Scrutiny Committee's feasibility report is appended and should be read in conjunction with this report.

2. **Issues**

- 2.1 The condition of the existing facilities at Kidsgrove Sports Centre is a significant concern for the Borough Council as operator. Linked to previous condition survey work and reactive maintenance, the Borough Council and Clough Hall School have a constant need to maintain the building and mitigate age related issues. This relates to building fabric, mechanical and electrical elements as well as the general decoration and appearance of the dated facility.
- 2.2 The current joint use agreement expires in March 2016 and the new school (currently subject of a planning application) is anticipated to be ready for occupation for September 2016 and therefore beyond the latter of these dates the current contribution (£65,000 per year) made by the school to the Council for the management of the centre is understood to cease. If the Council continues to operate the centre beyond that date the costs could fall to the Council as an additional financial burden.
- 2.3 The recently submitted planning application for the replacement of Clough Hall School has given rise to concerns in respect of the impact the new school development will have on the sports centre and how this will impact on the community. Similar concerns have been raised by Sport England who has recommended a range of conditions to be attached to any planning consent to the new school.
- 2.4 The Active and Cohesive Scrutiny Committee have met the Head and Chair of Governors at the school, in order to inform their recommendations and fulfil their brief.
- 2.5 Their work assessed the options for refurbishment or replacement of Kidsgrove Sports Centre using facility mix options identified in relation to a number of potential locations. They also considered cost, procurement and financing options before making recommendation and outlining next steps. The Committee has met six times in addition to making site visits. A brief summary of their work is highlighted below:

#### **The Demand**

- 2.6 The Committee considered Sport England Facility Planning Model Reports in making a strategic assessment of need in relation to swimming pools, sports halls and artificial grass pitches. They looked at current levels of demand and future demand, up to 2024 based on projected population growth. Their conclusions are summarised below:

#### Swimming Pools

- 2.7 There is currently an under provision of water space in the Borough following the closure of NCHS pool and therefore the loss of the pools at Kidsgrove would result in a significant level of under provision. Given the recent closure of pools in neighbouring authorities we are unable to export this demand out of the Borough. The minimum requirement for Kidsgrove therefore is a 6 lane 25m pool, ideally with teaching pool.

#### Sports Halls

- 2.8 There are currently sufficient sports halls to meet demand now and through to 2024. The concern is that as the sports hall stock gets older it will cost more to run and be less appealing. The committee welcome therefore the provision of a new sports hall as part of the school development and if this goes ahead see no need to provide a sports hall as part of sports centre. The committee note that the current plan is for a three court sports hall at the school and would ideally like to see a four court sports hall with community use.

### Artificial Grass Pitches

- 2.9 There are currently sufficient artificial grass pitches to meet demand now and through to 2024. The concern is that as the pitches become older they will cost more to maintain and become less appealing. The committee therefore see no need to provide pitches as part of the re provision of Kidsgrove Sports Centre but would like to see the school or County Council refurbish and possibly extend (the width to full size) the existing artificial grass pitches at Clough Hall.

### **The Facility Mix**

- 2.10 The Committee conclude that the needs of the community would be met by the following facilities:
- 25m six lane swimming pool
  - Teaching pool
  - 50 station gym
  - Flexible space to divide into 2/3 studios
- 2.11 To cater for existing users, if space and budget became available, the addition of:
- A health suite (sauna and steam)
  - A climbing wall

### **Site Evaluation**

- 2.12 The Committee considered in some detail eight potential sites. Site visits were also undertaken and advice sought from both planning and environmental health officers. A process of site options appraisal and selection was undertaken by the Committee. The long list of sites considered were:
- Liverpool Road/Kidsgrove Bank
  - Heathcote Street
  - Clough Hall School
  - Station Road
  - Birchenwood (Bowling Green, Tennis Courts and Pavilion)
  - Birchenwood (Mount Road)
  - Clough Hall Park
  - Hardingswood Road
- 2.13 Unfortunately only the sites at Birchenwood offered the potential for a sports centre to be provided (and thereby funded) as part of a larger redevelopment, but their location in the green belt meant that the sites would need to re-designated through the revised core strategy and there would need to be additional evidence demonstrating that there was no suitable town centre site. Current planning policy identifies the town centre the best location for the development of a sports centre.
- 2.14 Only Heathcote Street falls with the defined town centre area, but investigations revealed that this land was being transferred to the County Council for the development of sheltered housing.
- 2.15 Clough Hall Park was the other site ruled out as access is narrow and it would entail the loss of the current playing field.

- 2.16 The remaining sites all have the potential to accommodate a new sports centre, but given its proximity to the town centre, the Committee favours Hardingswood Road. Whilst the Council do not own the majority of the site, subject to negotiations with the current owners there is a possibility that sufficient additional land may be available on this site.
- 2.17 Whilst the Committee considered that there was still potential to develop on Station Road as part of a proposed transport hub, with the Council's intentions having been made known to the County Council for consideration as they develop their proposals, subsequent information is pointing towards there being insufficient land available in that location once existing restrictions are provided for and future transport hub requirements are met
- 2.18 Barring site constraints Liverpool Road could also accommodate a new sports centre.
- 2.19 Redevelopment on the existing site at Clough Hall School is also felt to be a strong option, particularly in terms of planning consent, known ground conditions, and the best site for securing a commitment from the County Council and opportunities for the community to enjoy a wide range of sports facilities on one campus.

### **The Costs**

- 2.20 The committee have considered three cost options. The first is to refurbish and remodel the existing sports centre, excluding the sports hall and artificial grass pitches, for the reasons outlined above. The cost of this, including fees is around £5m.
- 2.21 The second option is to build a new centre, based on the essential facility mix referred to above. This has been calculated by Sport England using their national database containing information on the cost of new build sports facilities. The construction costs here would be around £7.7m with fees and site acquisition costs resulting in a total budget of around £9m.
- 2.22 As this figure is unlikely to be affordable for the foreseeable future, the Committee are therefore keen to understand what new facilities could be provided for within a broad cost envelope of say a similar figure to the estimated cost of the refurbishment option of £5m and what the compromises would need to be in terms of design, finishes, specification, lifespan etc. to provide a facility within this figure.

### **Funding**

- 2.23 The Committee have looked at all potential sources of funding and concluded that there is no single source of funding that will fund a new sports centre in its entirety. It is likely that a package of funding, including for example, grants, partner contributions, capitalising revenue savings, reserves, capital receipts, precepts and an amount of borrowing and/or private sector investment will be required to procure the project. The Committee recommend this as 'next steps'. 'Invest to Save' funding opportunities may also exist.

A further opportunity may arise to secure funding through a strategic property partner route where an element of cross subsidy funding could be secured as a contribution to the costs.

### **3. Options Considered**

- 3.1 In all eight sites were considered and these have been narrowed down to three preferred sites (Clough Hall School, Hardingswood Road and Station Road). The sites offer three potential models for development: A new build to Sport England specification with a construction cost of £7.7m; refurbishment of the existing site with a construction cost of £4.5m or the development of a hybrid type centre with a broad cost envelope of £5m.



4. **Proposal**

4.1 The recommendation is that Cabinet considers and seeks to refine site options and facility mix and following this focuses on an affordable funding solution linked to the procurement of a replacement sports centre for Kidsgrove.

4.2 In the time available the Committee have narrowed the site options down to identify their favoured sites and other potential options, if circumstances change over time. The Committee incurred only the absolute minimum costs to reach their conclusions, but to gain a full understanding of the implications for the development on any particular site would involve commissioning fuller professional services reports. Similarly to ensure that the desired facility mix would fit on to a particular site requires an element of professional design work and for the facility mix to be refined in terms of storage requirements, pool profile, type of changing provision (village or single sex), staff and ancillary accommodation etc.

However, before these costs are incurred the Committee recommends that further work is undertaken to look at the possible funding solutions identified in paragraph 2.23 above. The Committee does not underestimate this challenge but recognises that without the required level of funding in place the procurement of a replacement sports centre for Kidsgrove cannot happen.

5. **Reasons for Preferred Solution**

5.1 The Active and Cohesive Scrutiny Committee are satisfied that the scheme is desirable and viable, and that therefore the Council should take the decision to proceed.

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

6.1 The provision of modern and fit for purpose sports facilities is a key determinant in achieving a healthy and active community.

7. **Legal and Statutory Implications**

7.1 The Council has the general power to provide sport and recreation facilities.

8. **Equality Impact Assessment**

8.1 The development of existing or new facilities and the service they provide is for the benefit of the local Kidsgrove and wider communities and the improvement of participation in sport and physical activity.

9. **Financial and Resource Implications**

9.1 The financial and resource implications, both capital and revenue are outlined in the Feasibility Report. The Active and Cohesive Scrutiny Committee also point out in their report that accepting the Feasibility Report does not represent a final commitment to the scheme; indeed it identifies a significant funding gap.

That funding gap, dependant on the final option chosen currently ranges from £5m to £9m. It is therefore clear that the future availability of funding will determine whether the project is deliverable, and if so, the timescale for progression.

9.2 At the Cabinet meeting in October 2014, Cabinet agreed with the principle that the Council, as a first resort, will seek to fund its future known capital programme needs through the

annual asset management planning process by the identification of land or property in its ownership that is capable of, and appropriate for, disposal.

9.3 That report summarised that the Capital Investment Programme 2015/19 capital requirements over the next 4 years was nearly £19m. Cabinet has identified further high priority projects over and above those schemes set out in the Newcastle Capital Investment Programme which will require significant capital expenditure. In short this may mean a capital programme expenditure requirement around £30m over the next four years or so. This included the re-provision of the leisure facilities at Kidsgrove which will require considerable capital investment to realise revenue cost savings.

9.4 Cabinet also considered a report at its meeting in February 2014 on the Newcastle Capital Investment Programme (NCIP) and agreed an approach to strategies and actions that are required for dealing with the possible shortfall of resources to meet the cost of the projected capital expenditure

It is therefore recommended by your officers that funding for the scheme be considered through the NCIP process with a view to funding being secured as a first resort through the asset management planning process which is the Councils agreed mechanism for releasing capital receipts from assets that the Council no longer requires.

10. **Major Risks**

10.1 The major risks relate to the failure of some part of the existing facilities, interruption to the operation during the construction of the school, increased costs on occupation of the new school and a risk that finance, both increased revenue and capital may not be available or secured. Any combination of which could lead to the closure of Kidsgrove Sports Centre.

11. **Sustainability and Climate Change Implications**

11.1 The existing centre will continue to deteriorate and become less efficient in energy use.

12. **Key Decision Information**

12.1 This is a key decision, affecting more than one ward and requiring significant resources.

13. **Earlier Cabinet/Committee Resolutions**

13.1 14 November 2012

13.2 23 July 2014

14. **List of Appendices**

14.1 Feasibility Report into the delivery of a Sports Centre for Kidsgrove and surrounding locality

15. **Background Papers**

15.1 Papers of the Active and Cohesive Scrutiny Committee – Kidsgrove Sports Centre Task and Finish Group (available on moderngov).

14. **Management Sign-Off**

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

	<b>Signed</b>	<b>Dated</b>
<b>Financial Implications Discussed and Agreed</b>		
<b>Risk Implications Discussed and Agreed</b>		
<b>Legal Implications Discussed and Agreed</b>		
<b>Equalities Implications Discussed and Agreed</b>		
<b>H.R. Implications Discussed and Agreed</b>		
<b>ICT Implications Discussed and Agreed</b>		
<b>Report Agreed by: Executive Director/ Head of Service</b>		

This page is intentionally left blank

# Feasibility Report into the delivery of a Sports Centre for Kidsgrove and surrounding locality

## Background

1. In July 2014, The Active and Cohesive Scrutiny Committee was appointed by Cabinet to produce a feasibility report on the future of Kidsgrove Sports Centre which will be presented to the Council's Cabinet and inform a future detailed business case for the replacement or refurbishment of the Centre.

2. The Committee addressed the following key questions:

- What facility mix does Kidsgrove need?
- How much will development options cost to build and then operate?
- Which sites are most suitable for re-provision linked to a development solution?
- What designs will work for each facility mix and site option?
- Is refurbishment a viable option and how does it compare to the redevelopment options?
- How can the re-provision of the Sports Centre be procured and what are the timescales?
- How could the re-provision be financed?
- What should the Council do next in order to progress the project?

3. This report does not represent a final commitment to the scheme; indeed it identifies a significant funding gap. If the Council wish to proceed further, it does represent the point at which some levels of expenditure will need to be incurred to take the project forward, as the next steps will require a range of professional services, site investigations and surveys, etc.

4. The Active and Cohesive Scrutiny Committee are satisfied that the scheme is desirable and viable, and that therefore the Council should take the decision to proceed.

### ***What facility mix does Kidsgrove need?***

5. The Council's ambition is to re-provide the leisure facilities at Kidsgrove Sports Centre, taking account of future need, changes in population and demographics and supply of facilities within the Kidsgrove catchment.

6. The findings from the needs analysis and supply and demand analysis have confirmed that a more focused facility mix would still meet the needs of the majority of residents in Kidsgrove.

7. The current core facility mix was developed in the 1970's and subsequently converted over time but it fails to make optimum use of space and as such the Committee is of the view that the current facility is larger than it needs to be to meet current and future need.

8. The needs analysis and supply and demand analysis has informed two facility mix options for further exploration, Options A and B. Option B to be accommodated within a refurbishment of the existing Centre.

9. Option A (new build) is based on what the Committee’s analysis shows is the minimum provision and as such does reduce some elements of the current facility mix. It increases health and fitness provision and uses flexible space to meet modern requirements. It features a six lane swimming pool plus learner pool. It relies on the school providing a three (or four) court sports hall and outdoor synthetic and grass pitches, for joint-use by both the school and community. This reflects Kidsgrove’s actual needs now and in the future, taking account future population growth.

10. Option B (refurbishment) is based on the analysis but takes into account the requirements of current stakeholders and users. This is a refurbishment of the existing facility, but would require closure for up to 20 months. A new build on the current site (Option A) has also been explored and would result in the demolition of the existing centre.

***Which sites are most suitable for re-provision linked to a development solution?***

11. Out of eight sites evaluated, the current site, scored highest in a review by the Committee in relation to access, transport issues, planning and environmental factors. The Hardingswood Road site had more issues, but still could accommodate a new sports centre. No sites considered offered development potential that could contribute to funding the sports centre.

<b>Table 1: SWOT Analysis</b>				
<b>Site</b>	<b>Strengths</b>	<b>Weaknesses</b>	<b>Opportunities</b>	<b>Threats</b>
Liverpool Road	Close to town centre. In Council ownership.	Site constraints make the development difficult. In particular the topography and trees.	The development would have a positive impact on the town centre economy.	Abnormal groundwork costs may be prohibitive
Heathcote Street	Town Centre location	The site is on a steep hill	Access to existing car parking	Site allocated for sheltered housing
Clough Hall School	Existing centre established on site.	Out of town centre	Joint use of school facilities to enhance offer	There would be no provision for a time, during construction works.
Station Road	Excellent Transport links and	Possible need to strengthen	Develop as part of Transport Hub	Insufficient space for sports centre

	parking	Bridge for construction traffic		and transport hub
Birchenwood (Bowling Green, Tennis Courts and Pavilion)	In Council ownership. Location linked with existing outdoor sports provision (tennis and bowls)	Green belt. It will take until at least 2018 for Local Plan review to consider possibility of moving out of green belt. Former land use/filled land.	None	Abnormal groundwork costs may be prohibitive.
Birchenwood (Mount Road)	In Council ownership. Location linked with existing outdoor sports pitches.	Green belt. It will take until at least 2018 for Local Plan review to consider possibility of moving out of green belt. Former land use/filled land.	None	Abnormal groundwork costs may be prohibitive.
Clough Hall Park	In Council ownership	Poor access, site constraints mean it is not suitable.	None	Loss of playing field.
Hardingswood Road	Close to town centre and public transport routes.	Council would need to procure the site and in so doing probably relocate the Working Men's Club.	The development would have a positive impact on the town centre economy.	A number of ground conditions need further investigation.

***How much will development options cost to build and operate?***

12. Table 2 shows the construction cost and development cost on potential sites at today's prices (which takes account of professional fees / any demolition costs etc.). Three options are presented: The cost of refurbishing the existing centre, the cost of building a new centre to meet Sport England

specification and a proposal to develop a new centre with a broad budget envelope of £5m – the same cost as the refurbishment. This ‘value’ option has been added as there is concern that the refurbishment option gives a 12 year lifespan, compared to a 25 to 40 year lifespan for a new build and the Committee are keen therefore to explore an alternative to the cheaper option.

<b>Table 2: Cost of Construction and Development Option</b>	<b>Construction Cost</b>	<b>Total Development Cost</b>
Refurbishment of KSC	£4,500,000 (excluding sports hall and astroturf pitches)	£5,040,000
New Build on existing	£7,700,000	£8,781,000 including demolition costs (to be met by County)
New Build on Hardingswood Road	£7,700,000	£8,850,000 + land purchase anticipated to be £250,000
Value Build		£5m Broad cost envelope.

13 Officers have undertaken some detailed business planning for each of the options and a summary of the projected revenue performance can be seen in Table 3.

14. Table 3 shows the surplus/deficit projected for the Base Year and 5 years respectively, for each of the options, both excluding and including lifecycle costs (which feature the on-going costs of maintenance and repair). Please note these figures do not include inflation.

	<b>Option A</b>	<b>Option B</b>
<b>Base Year</b>		
Income	£580,752	£510,541
Expenditure	£840,318	£752,228
Surplus/ Deficit – Excluding lifecycle	£232,066	£209,812
Surplus/ Deficit – Including lifecycle	£259,566	£241,687
<b>5 Years</b>		
Income	£3,516,686	£3,063,311
Expenditure	£4,385,972	£3,925,389
Surplus/ Deficit – Excluding lifecycle	£731,787	£710,703



Surplus/ Deficit – Including lifecycle	£869,287	£870,078
--	----------	----------

15. The refurbishment figures (Option B) assume that the income is retained for the sports hall and all weather pitches, circa £60,000 pa. Dependant on the arrangements post March 2016, when the current joint use agreement expires this may or may not still be the case. The refurbishment cost would give a twelve year lifespan, whereas the new build would give a 25 year operation before the need to refurbish.

***What designs will work for each facility mix and site option?***

16. The Committee explored the sites that met minimum requirements and were potential locations for Options A and B. At this point no site has been explored in detail, but potential sites for more detailed evaluation have been identified. The minimum requirements can be fully accommodated on the sites considered.

17. Example designs for the refurbishment (Option B) have been considered and Option A would be based on Sport England’s Optimum Swimming Pool Design.

***How can the re-provision of the Sports Centre be procured and what are the timescales?***

18. The re-provision of Kidsgrove Sports Centre can be procured in a variety of ways – these include, through the Council developing the re-provision itself through a main contractor or as an integrated element of a management contract which would need to be established. Alternatively there are a number of companies that have developed leisure facilities and leased them back to the local authority for them (or their Trust) to operate.

***How could the re-provision be financed?***

19. The sites considered do not present any obvious opportunity for any other development other than the sports centre. The assessments therefore have failed to indicate any significant contributions arising from the sale / redevelopment of existing Council owned land. No potential developer contributions have been identified through the planning process. Site analysis has not identified any major contributions from the disposal of existing council owned land. However negotiations are taking place over the disposal of Gloucester Road, for residential use and this could generate up to £180,000. In addition there is potential to dispose of Liverpool Road, but as part of the site is currently in green belt, the prospect is a minimum of five years hence.

20. The Council has modest financial reserves, but currently none of this is allocated to support contributions for the re-provision.

21. The Council could look to use Prudential Borrowing over a 25 year period. The amount raised would be dependent on the overall savings available against the current operating costs allowed for in the MTFs which would be

influenced by which option was selected, savings on repairs and maintenance which are currently being spent on the existing Sports Centre.

22. It is likely that some partnership and grant funding would be available; the amounts dependent on the option chosen but at this stage it would be prudent to assume that this may still leave the majority of the costs to be found by the Council.

23. From the above high level analysis, due to considerable uncertainty, there is a significant funding gap at present which would need to be explored in greater detail through a business case and procurement strategy for Members' consideration, to include the use of private sector capital.

***What should the Council do next in order to progress the project?***

24. The choice of site and facility mix is ultimately one for Elected Members and a report is being prepared for December Cabinet so this is to happen in the near future. This will facilitate officers to look at a number of other factors, including links to the Joint Core Strategy, further consultation with partners and the timing of any planning applications from developers and disposal of assets by the Council.

25. The recommendation is that the Cabinet considers and seeks to refine site options and facility mix and following this focuses on an affordable funding solution linked to the procurement of a replacement sports centre for Kidsgrove.

26. Summary of financing options:

The projected costs:           Option A (new build) is £8.5m to £9.0m  
  Option B (Refurbishment) is £5m  
  Option C (Budget) £5m

Potential funding contributions:

- Newcastle Borough Council Capital Programme: Subject to there being funding available through the disposal of surplus land assets, a contribution could be considered against other pressures and priorities.
- Sport England: Dependant on compliance with Sport England standards, a grant may be secured from one of their programmes of up to £500,000. (NB Jubilee2 was awarded £400,000)
- Staffordshire County Council: The District Deal between Staffordshire County Council and Newcastle Borough Council provides the two organisations the opportunity to work together on the provision of suitable leisure and educational facilities. Discussions with Staffordshire County Council taken place with an expectation around £1m.
- Public Health: Following the transfer of public health responsibilities to SCC, a request to support the project to a similar value of that made to Jubilee2 (£500,000) could be made. However it is likely that Public Health are not able to offer capital grants
- Prudential Borrowing: Consideration of prudential borrowing would represent a change in the Council's current policy.

- Private sector lease back: This option could be explored in more detail, but overall the financial terms would be less favourable than Council borrowing.

4 November 2014

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM REPORT TO CABINET**

**Date: 10<sup>th</sup> December 2014**

**Title** Living Wage Accreditation

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

**Portfolio:** Finance & Resources

**Wards Affected:** Not Applicable

**Purpose of the Report**

To obtain approval from Cabinet on the final phase of the Living Wage implementation process.

**Recommendations**

- (a) That Cabinet notes the contents of this report;
- (b) That Cabinet agrees to the Council completing the final stages in becoming an accredited 'Living Wage Employer'; and
- (b) That Cabinet agrees to the requirements linked to the milestones included as part of the accreditation process (schedule 3, page 9 of the Accreditation License Agreement, information appended to this report)

**Reasons**

This report sets out the work done in preparing the Council to become a Living Wage Employer and also identifies the final stages in this process. The report and its recommendations support the Cabinet's endorsement of the 'Living Wage Initiative' report submitted to Cabinet in January 2013.

**1. Background**

- 1.1 The UK Living Wage Campaign was launched by members of *London Citizens* in 2001. The Living Wage Foundation, which is part of *Citizens UK*, is responsible for promoting, supporting and administering the formal accreditation of Living Wage employers. Once accredited, organisations can display and use the Living Wage Employers' Mark.
- 1.2 The Living Wage calculation takes into account the Joseph Rowntree Foundation Minimum Income Standard research in which members of the public identify what is needed for a minimum standard of living. This analysis is then combined with an analysis of the actual cost of living including essentials like rent, council tax, childcare and transport to produce the Living Wage figure.

- 1.3 Under the terms of the Living Wage initiative, employers commit to ensuring contracted workers - who work on their premises for two or more hours per week in any given day in a week and for eight or more consecutive weeks in a year - are paid the 'living wage' (£7.85 per hour). This not only includes individuals who are employed directly but also, by reviewing procurement processes, those who work for sub-contractors, although individuals on recognised apprenticeships are not included.
- 1.4 The accreditation process does not require a council to intervene and amend existing contracts. Using typical commissioning and procurement processes, a council would need to review the requirements for integrating a Living Wage as contracts came up for renewal. In addition, a monitoring framework would need to be put in place to ensure that progress is maintained and monitored and benefits identified.
- 1.5 The Living Wage, being an hourly rate of pay, is set independently and updated annually. It was announced on 3<sup>rd</sup> November 2014 that the UK Living Wage has increased by 2.61% from £7.65 to £7.85 per hour. The national figure is calculated by the Centre for Research in Social Policy at Loughborough University (previous annual increases all being approx. £0.20 per/hour). Based on a full-time employee working 37 hours per week, the Living Wage equates to about £15,013 per annum (excluding on-costs).
- 1.6 Members will recall that a report on the Living Wage was presented to Cabinet in January 2013 and recommended "that arrangement is 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". This recommendation was agreed by Cabinet at that meeting.

*Impact on Current Employee Contracts*

- 1.7 The Borough Council intends to continue to pay the Living Wage as a 'supplement' to employees in the following posts:

Cleaners	16
Casual Mini Soccer Assistants	10
Casual Fitness Trainers	4
Casual Visitor Services Assistants	5
Casual Learning Assistants	3

*Impact on Third Party Service Contracts*

- 1.8 A review of existing Borough Council service contracts has been undertaken and proposals agreed on how the Living Wage (in line with the guidance published by the Living Wage Foundation) should be introduced. The following points describe this process in different areas of Council activity.
  - 1.8.1 **Kerbside Collection of Dry Recyclables (Waste and Recycling)** - this contract is due to expire in 2016. The Council is currently reviewing its options on future service delivery which may involve internalising the service with an intention of paying the Council's standard rates of pay which currently exceed the Living Wage rate. Estimated costs in paying the Living Wage immediately based on the current Living Wage rate (but excluding on-costs) would be £72,654pa;

- 1.8.2 **Grounds Maintenance Contract (Bereavement Service)** – this contract is due to expire in 2018 at which time the Council intends to review the service options available taking into consideration the Living Wage. Estimated costs in paying the Living Wage immediately for the bereavement services contract, based on the current Living Wage rate (but excluding on-costs) would be £23,810pa;
- 1.8.3 **Café Operation (Jubilee 2)** – this is a concessions contract that officers will review annually (as part of ongoing contract management and a review of financial performance with the service provider); an outcome being an intention by officers to assess the opportunity to align pay rates to the Living Wage. The estimated loss of income in paying the Living Wage immediately based on the current Living Wage rate (but excluding on-costs) would be £15,217pa;
- 1.8.4 **Cleaning Service (Jubilee 2; Museum; Crematoria and Cemetery)** – a new contract has recently (September 2014) been awarded based on payment of the Living Wage the impact on the authority being a cost of £21,300 over the (2 year) life of the contract.

#### *Procurement*

- 1.9 Officers as part of (and prior to) any future procurement for service contracts will need to:
  - 1.9.1 Consider staffing arrangements in the delivery of the contract i.e. “the Licensee shall ensure to the extent permitted by law that any of its contractors which supply an employee (other than an apprentice or intern) who provides a service to or on behalf of the Licensee involving two or more hours of work in any given day in a week and for eight or more consecutive weeks in a year” pay the Living Wage;
  - 1.9.2 Consider the budget implications in delivering the Living Wage;
  - 1.9.3 Consider the implications on the market for the provision of such services and the potential to have a disproportionate impact on small organisations wishing to bid for contracts; and
  - 1.9.4 Consider the practical approach to promoting a Living Wage through procurement policy

#### *Application Process*

- 1.10 The application pack sets out the accreditation process:
  - 1.10.1 The Living Wage Employer Mark is awarded by a signed licence agreement between the employer and the Living Wage Foundation. The licence commits the employer to pay all staff, including regular contracted staff such as cleaners and catering staff, the Living Wage. The licence is a legally binding document;
  - 1.10.2 Schedule 3 – milestones are relevant for employers who are intending to undertaking a phased implementation. A phased implementation means an employer is rolling the Living Wage out across contracts as they come up for renewal. Narrative has been added to schedule 3 of the application and will need to be approved by EMT and Cabinet prior to submission to the Living Wage Foundation.

- 1.10.3 Schedule 4 – Living Wage Impact Monitoring requires the Council to provide information on the “impact on directly employed staff” and “impact on third party contracted and subcontracted staff”;
  - 1.10.4 As previously indicated, the Living Wage rate is reviewed annually in November of each year and employers have six months from the date of the announcement to implement any increase in the rate; and
  - 1.10.5 There is a fee for accreditation which varies according to the size of organisation. The cost to NULBC would be circa £400 p.a.
- 1.11 A copy of the license agreement is appended to this report and is ready for submission following approval by Cabinet. Should Cabinet approve the agreement, then it will be submitted in December 2014, and accreditation should be secured sometime in January 2015.

## **2. Issues**

- 2.1 Issues linked to current employee contracts will be addressed by the payment of an ongoing supplement.
- 2.2 Issues linked to current third party service contracts will be addressed by a mixture of ongoing contractual reviews and/or the integration by the Borough Council of the Living Wage as identified contracts come up for renewal.
- 2.3 As part of the introduction of any future service contracts, officers will be required to consider the budgetary and market implications prior to commencing any procurement process.

## **3. Options considered**

- 3.1 This report highlights the final stages of accreditation as previously approved by Cabinet.

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

- 4.1 The initiative complements the Sustainable Community Strategy in providing and improving economic wellbeing.

## **5. Legal and Statutory Implications**

- 5.1 There are no legal or statutory requirements for employers to pay the Living Wage.

## **6. Equality Impact Implications**

- 6.1 The Living Wage is applied to all employees whose current hourly wage rate is less than £7.85 per hour. The additional amount payable will be shown as a separate ‘Living Wage Supplement’ so that the integrity of the Council’s pay and grading structure is not compromised.

## **7. Financial and Resource Implications**

- 7.1 The annual cost linked to paying the supplement to employees identified in paragraph 1.7 for 2014/15 based on the new Living Wage rate is £11,075 (including employer’s on-cost), with an appropriate provision being made in the budget.



- 7.2 One new contract has been awarded based on the payment of the Living Wage to staff delivering the services, the cost impacts were raised at the time of seeking approval from Cabinet for the award of the contract, these costs being an additional £21,300 over the two year contract. This cost includes Living Wage rate increases over the period of the contract.
- 7.3 The total cost if the Council were to apply the Living Wage immediately to those contracts identified in para 1.8.1 to 1.8.3 would be £111,681 (albeit £15,217 of this total would be a loss of income linked to the concessions contract at Jubilee 2). However as the accreditation process does not require a council to intervene and amend existing contracts the council needs to review the requirements for integrating a Living Wage as each contract comes up for renewal.
- 7.4 No budget provision currently exists for the items outlined in paragraph 7.3. If the Council were to apply the Living Wage to those contracts the usual budgetary approval processes would have to be followed.
- 7.5 There will be an ongoing annual cost of circa £400 to maintain the licence agreement.

**8. Major Risks**

- 8.1 It is not anticipated that the implementation would result in any equal pay challenges or job evaluation related issues, provided the additional payments are shown distinctly as a separate 'Living Wage Supplement'.

**9. List of Appendices**

Accreditation License Agreement Information (Appendix " ")

**10. Background Papers**

'Living Wage Initiative' - report to Cabinet (16<sup>th</sup> January 2013)

**11. Management sign off**

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

	Signed	Dated
Financial Implications Discussed and Agreed		
Risk Implications Discussed and Agreed		
Legal Implications Discussed and Agreed		
H.R. Implications Discussed and		

Agreed		
ICT Implications Discussed and Agreed		
Report Agreed by: Executive Director/ Head of Service		



**UK Living Wage Employer  
Accreditation Licence**

Please complete the sections on page 1, page 8, page 9 (if relevant), page 10 and page 11.

AGREEMENT INFORMATION	
Agreement between:	
1. Centre for Civil Society Limited registered company in England (Company Number: 07333734) whose registered office is at 112 Cavell Street, London, E1 2JA ("Licensor")	
2.	Borough Council of Newcastle-under-Lyme
Incorporated and registered in	England
With company/charity number	Not applicable
Whose registered office is at	Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire
("Licensee")	

## Background

Centre for Civil Society Limited is a wholly owned subsidiary of Citizens UK Charity (a charity registered in England) which is responsible for the programme under which employers can apply for Living Wage Employer Accreditation to indicate that the company has adopted an equitable employment policy in relation to its staff in accordance with the minimum standards set out in this Agreement.

### 1. Interpretation

---

#### 1.1 “the Agreement Date”

*the date on which both parties have signed this Agreement;*

---

#### 1.2 “Branding Guidelines”

*the Licensor’s branding guidelines in relation to the Trade Mark and/or the Programme as amended from time to time;*

---

#### 1.3 “Employee”

*all employees of the Licensee excluding apprentices or interns;*

---

#### 1.4 “Fee”

*the applicable fee payable by the Licensee according to the fee structure in Schedule 2;*

---

#### 1.5 “UK Living Wage”

*the UK Living Wage as set by the Living Wage Foundation or any successor body;*

---

#### 1.6 “London Living Wage”

*the London Living Wage as set by the Greater London Authority or any successor body;*

---

#### 1.7 “Programme”

*the Living Wage employer accreditation programme run by the Licensor as outlined in this Agreement;*

1.8 “Trade Mark”

*the trade mark set out in Schedule 1 and any marks which incorporate or are confusingly similar to them;*

---

1.9 “Term”

*the term commencing on the Agreement Date and continuing until termination under clause 6;*

---

1.10 “Greater London”

*the 32 London Boroughs and the City of London.*

---

**2. Licence**

- 2.1 In consideration of the Fee and the Licensee’s obligations under this Agreement the Licensor provides the Licensee with a non-exclusive, non-transferable license to use the Trade Mark for the Term to promote its adherence to the Programme.
- 2.2 The Licensee agrees and acknowledges that all intellectual property rights in the Trade Marks and/or in any mark or phrase produced in furtherance of the terms of this Agreement belong to the Licensor.
- 2.3 The Licensee shall not use any other trade marks confusingly similar to the Trade Marks and shall not use the Trade Marks as part of its publicity and/or corporate trading name except as authorised under this Agreement.
- 2.4 The Licensee shall comply strictly with any Branding Guidelines and all other reasonable directions of the Licensor regarding the form and manner and application of the Trade Marks.
- 2.5 The Licensee shall not do anything that brings the Licensor, the Programme or the Trade Marks into disrepute.
- 2.6 The Licensor warrants that:
- 2.6.1 it owns the rights in the Trade Mark, is free to enter into this Agreement and has the right to grant the Licensee the rights granted in it; and
  - 2.6.2 the Licensee’s use of the Trade Mark as contemplated under this Agreement will not infringe the rights of any third party.

### 3. Fee

- 3.1 The Licensee shall pay the Fee in accordance with Schedule 2 and this clause 3.
- 3.2 The Fee shall be paid annually and will be payable within 28 days of receiving a VAT invoice from the Licensor.

### 4. Licensee's Obligations

- 4.1 The Licensee shall meet the milestones set out in Schedule 3.

#### ***Employees In Greater London***

- 4.2 From the date of this Agreement, and subject to any amendments made to these conditions by the Licensor from time to time, the Licensee shall for Employees based in London Boroughs:
  - 4.2.1 pay all Employees aged 18 or over not less than the London Living Wage; and
  - 4.2.2 increase the amount which it pays to affected Employees by the same amount as any increase to the London Living Wage, within 6 months of the date on which any increase in the London Living Wage is officially announced; and
  - 4.2.3 notify all affected Employees of the date of the next increase within one month of the official announcement, unless the Employees have been previously notified about the date on which they will receive at least the increase in the Living Wage.

#### ***Employees In the United Kingdom (Outside Greater London)***

- 4.3 From the date of this Agreement, and subject to any amendments made to these conditions by the Licensor from time to time, the Licensee shall for Employees based in the United Kingdom, outside Greater London:
  - 4.3.1 pay all Employees aged 18 or over not less than the UK Living Wage; and
  - 4.3.2 increase the amount which it pays to affected Employees by the same amount as any increase to the UK Living Wage, within 6 months of the date on which any increase in the UK Living Wage is officially announced; and
  - 4.3.3 notify all affected Employees of the date of the next increase within one month of the official announcement, unless the Employees have been previously notified about the date on which they will receive at least the increase in the Living Wage.

### **Contractors**

4.4 The Licensee shall ensure to the extent permitted by law that any of its contractors which supply an employee (other than an apprentice or intern) who provides a service to or on behalf of the Licensee involving 2 or more hours of work in any given day in a week, for 8 or more consecutive weeks in a year on:

4.4.1 the Licensee's premises; and/or

4.4.2 property owned or occupied by the Licensee (including where the Licensee is a tenant and is provided building-related services through a Lease); and/or

4.4.3 land which the Licensee is responsible for maintaining or on which it is required to work

shall adopt the measures set out in clause 4.2 and 4.3 in relation to such individuals as if they were the Licensee's employees in respect of that employee's work for the Licensee.

### **Sub-Contractors**

4.5 The Licensee shall ensure to the extent permitted by law that any of its contractors which supply a sub-contracted employee who provides a service that falls within the parameters of clause 4.4, adopt the measures set out in clauses 4.2 and 4.3 in relation to such individuals as if they were the Licensee's employees in respect of that employee's work for the Licensee.

## **5. Records and Compliance**

5.1 The Licensee undertakes to provide the Licensor on reasonable request all information necessary for the Licensor to confirm that the Licensee is complying with its obligations under clause 4.

5.2 If the Licensor is not satisfied with the information provided by the Licensee under clause 5.1 or has good reason to doubt whether the Licensee is complying with its obligations under clause 4 the Licensor shall be entitled to:

5.2.1 Require that the Licensee provides reasonable evidence that clauses 4.2 and 4.3 are enforceable under all contracts of employment of directly employed staff (other than an apprentice or intern) and implemented by any Contractor to which clauses 4.4 and 4.5 apply.

5.2.2 Contact and meet with any trade unions representing the Licensee's or its contractor's employees in order to establish that the Licensee and/or its contractors have complied with the obligations in clause 4; and

5.2.3 Contact and meet with the Licensee's employees and/or contractors in order to establish that the Licensee and/or its Contractors have complied with the obligations in Clause 4.

## 6. Termination

- 6.1 Either party may terminate this Agreement upon written notice effective immediately if the other party has committed a material breach of this Agreement and where such a breach is capable of remedy the other has failed to remedy such breach within 28 working days of receiving notice specifying the breach.
- 6.2 The Licensor may terminate this Agreement upon written notice effective immediately if:
- 6.2.1 the Licensee ceases or threatens to cease complying with Clause 4 or such other terms as the Licensor may reasonably stipulate from time to time as applying to all licensees of the Living Wage Employer mark;
  - 6.2.2 the Licensor and/or the trustees of the Licensor in their sole discretion considers that any action taken by the Licensee brings or may bring the Licensor and/or any of its affiliates, members or group organisations, the Programme or the Trade Marks into disrepute;
  - 6.2.3 the Programme ceases or is withdrawn or modified.
- 6.3 Either party may terminate this Agreement without cause at any time upon 3 month's written notice.

## 7. Consequences of Termination

- 7.1 On termination of this Agreement under clause 6.3 or by the Licensee under clause 6.1 the Licensee shall:
- 7.1.1 within one month cease to use the Trade Mark on any materials in electronic form including on any websites.
  - 7.1.2 within six months of the termination date cease all other use of the Trade Mark including on printed materials and at the request of the Licensee either return or destroy all the materials bearing the Trade Mark;
  - 7.1.3 immediately cease to print any materials bearing the Trade Mark; and
- 7.2 The Licensor shall refund the Fee pro-rata in respect of the period of time in which the Licensee is no longer entitled to use the Trade Mark.
- 7.3 On termination of this Agreement by the Licensor under clause 6.1 or 6.2 by the Licensor the Licensee shall:
- 7.3.1 within one month cease to use the Trade Mark; and
  - 7.3.2 at the request of the Licensee either return or destroy all the materials bearing the Trade Mark.



8. **Assigning and Sub-Licensing**

The Licensee shall not assign charge licence sub-licence or otherwise part with possession of the benefit or burden of this Agreement without the prior written consent of the Licensor.

9. **Non-Waiver**

No failure or delay on the part of either party to exercise any right or remedy under this Agreement shall be a waiver of such right or remedy.

10. **Variation**

This Agreement may only be amended in writing signed by authorised representatives of the Licensor and Licensee.

11. **Entire Agreement**

This Agreement represents the entire agreement between the parties concerning the subject matter of this Agreement, and supersedes all prior agreements, arrangements, negotiations and/or understandings between the parties.

12. **Jurisdiction**

The validity, construction and performance of this Agreement shall be governed by the laws of England and Wales and shall be subject to the exclusive jurisdiction of the English Courts.

**Schedule 1**

**Trade Mark**



**Schedule 2**

FEE (please tick where applicable)			
Organisation type	Size of organisation *	Annual Charge	
Private sector	≥ 501	£1,000	<input type="checkbox"/>
	251 ≤ 500	£400	<input type="checkbox"/>
	51 ≤ 250	£200	<input type="checkbox"/>
	11 ≤ 50	£100	<input type="checkbox"/>
	≤ 10	£50	<input type="checkbox"/>
Charities and Public Sector	≥ 251	£400	<input checked="" type="checkbox"/>
	51 ≤ 250	£200	<input type="checkbox"/>
	11 ≤ 50	£100	<input type="checkbox"/>
	≤ 10	£50	<input type="checkbox"/>

\* Employees based in United Kingdom. All fees stated above are exclusive of VAT

We will provide an invoice for the relevant charge +VAT upon receipt of your licence.

### Schedule 3

#### Milestones

This section is relevant for employers who are undertaking phased implementation. Phased implementation means an employer is rolling the Living Wage out across contracts as they come up for renewal.

	Milestone	Target Date Using Reasonable Endeavours	Final Delivery Date
	<b><u>Cleaning Contract:</u></b> <i>Living Wage to be awarded as part of a new cleaning contract linked to Newcastle-under-Lyme Borough Council's (NULBC): Jubilee2 leisure facility; Museum; Crematoria and Cemetery. Impacts on 9 part time staff (albeit to maintain differentials in pay rates there will be an impact on one additional part time staff member).</i>	September 2014	September 2014
	<b><u>Collection of Dry Recyclables:</u></b> <i>As the service for 'Curbside - 'Dry Recyclable' collection may be delivered by Newcastle-under-Lyme Borough Council from July 2016, staff transferring under TUPE will be paid established and existing hourly rates as per Council salary bands which exceed the current Living Wage rate of £7.85. This is likely to impact on approximately 22 full time staff transferring to the internalized service. To maintain differentials in pay rates between roles there will be a positive salary impact on a further 11 full time staff at time of transfer.</i>	July 2016	August 2016
	<b><u>Grounds Maintenance – Bereavement Services:</u></b> <i>As this contract is not due to expire until 2018 the Council's intention would be to review the service provision and options available to the Council at the time taking into consideration the Living Wage.</i>	April 2018	April 2018
	<b><u>Café Facility:</u></b> <i>The Council's intention is for officers, as part of ongoing contract and financial management with the existing provider of this concessions contract to establish and agree the earliest opportunity to align rates of pay to those of the Living Wage. The cost implications have been identified and annual discussions will take place with a review of a phased delivery of the Living Wage over a 3 year period. (This impacts on 4 full time and 1 part time staff).</i>	May 2017	May 2017



#### Schedule 4

#### Living Wage Impact Monitoring

It is important for us to be able to measure the impact of the Living Wage.

Each November we work with academic partners to release figures that highlight how many employees have benefited from the Living Wage and how much money has been put into the pockets of low paid workers. This section of the licence helps us gather this data. This information will always be anonymised.

General questions		
1.	How many directly employed staff members does your organisation have across the UK?	<b>579</b>
2.	When did you implement the Living Wage for all directly employed staff?	<b>1 April 2013</b>

Impact on directly employed staff			
3.	How many full time directly employed staff members have had their wages increased as a result of the decision to implement the:		
UK Living Wage rate?	<b>0</b>	London Living Wage rate?	<b>N/a</b>
4.	How many part time directly employed staff members have had their wages increased as a result of the decision to implement the:		
UK Living Wage rate?	<b>15 Part time 22 Casual as at 04.08.14</b>	London Living Wage rate?	<b>N/a</b>
5.	Before implementing the Living Wage what was the lowest hourly rate of pay for these staff members?		
UK employees	<b>£6.90</b>	London employees	

Impact on third party contracted and subcontracted staff			
6.	How many contracted or subcontracted staff members have had or will have their wages increased as a result of the decision to implement the:		
<b>UK Living Wage?</b>			
Full time staff members	<b>34</b>	Part time staff members	<b>14</b>
<b>London Living Wage?</b>			
Full time staff members	<b>N/a</b>	Part time staff members	<b>N/a</b>
7.	Before implementing the Living Wage what was the lowest hourly rate of pay for these staff members?		
UK employees	<b>£6.10</b>	London employees	<b>N/a</b>

## Schedule 5

CONTACT DETAILS			
Please provide details of the primary contact in your organisation. We will send this person confirmation of your accreditation and your invoice. This person will also receive news and updates from us. We will not share your details with anybody else.			
Title	Mr <input type="checkbox"/>	Ms <input type="checkbox"/>	Miss <input type="checkbox"/>
	Mrs <input checked="" type="checkbox"/>	Other (please specify)	
Name	Sarah Taylor		
Job title	Acting Head of Human Resources		
Address	Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire,		
Postcode	ST5 2AG	Region	West Midlands
Phone number	01782 742261	Email address	<a href="mailto:Sarah.taylor@newcastle-staffs.gov.uk">Sarah.taylor@newcastle-staffs.gov.uk</a>
Do you have an office in London? If so, in which borough?		No	
Do you have more than one office in the UK?		Yes	
How should your organisation's name appear on any public lists:		The Borough Council of Newcastle-under-Lyme	

PLEASE SIGN THE LICENCE BELOW			
Signed			
Print name	John Sellgren		
Job title	Chief Executive		
On behalf of	The Borough Council of Newcastle-under-Lyme	Date	

HEAD OF YOUR ORGANISATION	
Please provide contact details for the Head of your organisation here, if different from above. We will use this for communications from the Director of the Foundation and invitations to events.	
Name	John Sellgren
Job title	Chief Executive
Email	<a href="mailto:John.sellgren@newcastle-staffs.gov.uk">John.sellgren@newcastle-staffs.gov.uk</a>
Phone number	01782 742100

FINANCE/RENEWALS	
Please provide contact details for the person we should contact about the renewal of your accreditation in 12 months' time, if different from above.	
Name	Dave Roberts
Job title	Head of Finance
Email	<a href="mailto:dave.roberts@newcastle-staffs.gov.uk">dave.roberts@newcastle-staffs.gov.uk</a>
Phone number	01782 742111

YOUR COMPANY LOGO

Please return a high resolution .jpg version of your logo with this licence. We will add the .jpg to the Employers section of our

website and use it to order your Living Wage Employer plaque.



## Checklist

Please complete the following checklist before returning your Employer Accreditation Licence.

Items	Yes	No
1. All directly employed staff are paid the Living Wage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Any contracted and subcontracted staff covered by the scope of the accreditation are paid the Living Wage <b>Yes: go to item 4</b> <b>No: go to item 3</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. There is a plan in place for all contracted and subcontracted staff covered by the scope of the accreditation to be paid the Living Wage and this plan is included in this Licence [Schedule 3] or attached as a separate schedule. This plan should include dated milestones where there are future steps to take, i.e. renewing contracts in the future and embedding this into procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The front page of the Licence has been completed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The size of organisation information has been completed [Schedule 2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. The Impact Monitoring information section has been completed [Schedule 4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. The relevant contact details have been entered [Schedule 5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. The Licence has been signed [Schedule 5] [Electronic signatures displaying a person's name written in a distinctive way as a form of identification can be used]	<input type="checkbox"/>	<input type="checkbox"/>
9. You have your logo ready to submit with your completed Licence [If you do not have a logo we will be in touch to make other arrangements]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please return your completed Employer Accreditation Licence to your contact at the Living Wage Foundation. Completed Licence Agreements can be submitted by post or by email. You will receive notification when your Licence Agreement has been received.

This page is intentionally left blank



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET**

**10<sup>th</sup> December 2014**

Report Title: Ryecroft Developer Nomination

Submitted by: Neale Clifton, Executive Director, Regeneration and Development

Principal author: Simon Smith

Portfolio: Economic Development, Town Centres, Business and Customer Service

Ward(s) affected: Town / All

**Purpose of the Report**

To consider the bids received from developers shortlisted to take forward the redevelopment of the Ryecroft site in Newcastle Town Centre and to nominate a preferred development partner to work up detailed proposals leading to a Development Agreement.

**Recommendations**

1. That, taking account of the commercially sensitive and confidential information contained in the Part 2 report, the selection of Developer A as preferred development partner for the Ryecroft scheme be agreed and the other two shortlisted bidders be formally notified of this decision and thanked for their interest and proposals.
2. That officers be instructed to enter into a Co-operation agreement' with Developer A, as described more fully in the body of the reports during which detailed scheme proposals can be progressed in conjunction with the negotiation of a development agreement.
3. That the relevant Portfolio Holder be authorised to sign the formal and full version of the Co-operation Agreement at the earliest opportunity.
4. That officers be authorised to continue working with County Council colleagues regarding preparation of the full business case for the re-provision of Civic Offices on the basis set out in the report.

**Reasons for the above recommendations**

1. To enable the preferred development partner (Developer A) to progress meaningful discussions with prospective occupiers, the two local authorities and other key stakeholders, to develop further its design ideas and to explore opportunities with contractors for refining scheme costs.

2. To provide Developer A with the confidence to invest their time and resources on developing their scheme further 'at risk'. In addition their nomination will also provide potential tenants with the confidence that they are being engaged by the selected development partner.
3. To ensure that Members have the necessary information to make an informed decision.
4. To enable effective modelling and costing of options to re-provide office accommodation.

1. Background and context

- 1.1 For some time the Council has been concerned about the trading performance of Newcastle Town centre resulting from the long term drift away from custom and spending in traditional town centres toward out of centre retail parks. To illustrate the point, the latest report on retail leakage prepared by the retail monitoring group CACI shows that over 28% of retail spending from Newcastle's catchment population now takes place in out of town retail parks, one of which alone, Festival Park, has now overtaken local spending in Newcastle Town Centre itself. (CACI Retail Leakage Report 2014). The Council's engaged retail consultants, Cushman and Wakefield, advise that

*“In the absence of carefully planned inward investment, the town will struggle to return to previous levels and maintain healthy growth rates once market conditions improve. The situation is further exacerbated by the planned strengthening of competing centres and additional pressure imposed by emerging off-centre retail proposals.”*

- 1.2 For this reason, and, as Members are aware, for some time now the Borough and County Councils have been working toward bringing forward a significant retail-led / mixed use development in the northern part of Newcastle town centre, known as 'Ryecroft'. The 'Ryecroft' site is centred on the Civic Offices site and the former Sainsbury's site along with a small proportion of adjoining land currently under third party ownership. Officers of the two Councils have been working closely with retail development consultants, Cushman & Wakefield (C&W) to this end and to reach this stage a good deal of preparatory work has been carried out to establish:-

- the optimal location in the town centre for such a scheme (prior to settling on the Ryecroft site),
- the optimal size of investment necessary in order to give the town the required 'shot in the arm' it needs to attract significantly greater patronage and spending,
- the broad content of such a scheme, given planning objectives, economic impact, likely demand, local catchment and commercial viability considerations, and
- the means by which any scheme might best link with the existing town centre and so enable the rest of the town centre to share in the benefit of increased numbers of people visiting the town.

- 1.3 Members will be aware that the County Council is also working closely with this Council in planning for and designing more cost effective replacement office accommodation which the two Councils will need in the event that the Ryecroft scheme goes ahead.
2. The Competitive Bidding Process
  - 2.1 Until the opportunity was put to the market to draw out firm developer interest, all the work undertaken so far could only serve as preparatory work to establish what the town needed and the role that the site might be able to play in meeting this. The UK retail market is dynamic (as we have seen with the recent turbulence in the trading performance of the 'big four' major supermarkets), so, to test developers' appetite for investing in Newcastle Town Centre, a competitive bidding process was drawn up. As a result of this, earlier this year, Cabinet approved the launch of a marketing campaign to attract developer interest in carrying out a retail-led mixed use development to an agreed brief. Three developers were shortlisted from this process and invited to work up an indicative scheme layout and design, with an indicative schedule of uses and unit sizes, target occupiers, a breakdown of estimated costs, values and rents and a financial offer.
  - 2.2 A summary of the three bids is contained in Part 2 of this report which, for reasons of commercial sensitivity, is not included in the public part of your agenda. The bid submitted by Developer A is deemed to provide the highest total financial consideration taking into account the probability and level of overage offered. This bid is recommended to you, and the key elements of the bid and outline scheme are set out in Part 2 of this report.
  - 2.3 In addition to putting forward the strongest financial offer, C&W's and your officers' evaluation of the shortlisted bids placed Developer A's scheme and offer above the other two for a combination of reasons. One of the bids received fell well below the Councils' expectations of financial return and would not have enabled the two authorities to fund the re-provision of new Civic Offices (thereby raising affordability / deliverability issues). The third bid was considered satisfactory in financial terms (although not as high as Developer A when considered by virtue of the total consideration likely to be achieved) but its form and layout was not sufficiently well integrated to the town centre and it was considered that this scheme would function as much as a *competing* centre to the town as a strengthening of the town centre's retail offer. Additionally the scheme was less comprehensive in terms of the land-use mix (thereby less likely to deliver added value to the town centre economy).
3. Financial considerations
  - 3.1 Part 2 of the report sets out Developer A's financial offer together with its proposal for overage. This is the Councils' share in any additional receipt which would arise if value assumptions realised are higher or cost assumptions lower than originally assumed. These figures would be subjected to a full 'open book' accounting to ensure that the two councils received their due share.
  - 3.2 The figures contained in Part 2 of the report do not represent the actual offer, however, they are indicative of the best judgement of what the Councils might

reasonably expect to receive throughout the lifespan of project by way of total consideration based upon current market assumptions. It is proposed that Developer A will now enter into more serious negotiations with occupiers (to agree leases and rental levels), with contractors (to review budget costings) and other stakeholders (e.g. to seek assurances on lettings) etc.

4. Next steps

- 4.1 Developer A is recommended as the preferred development partner and it is proposed, subject to Cabinet approval, to provide the developer with a six month exclusivity period by way of a 'Co-operation Agreement'. This would allow the developer to enter into discussions with prospective occupiers with the status and confidence of 'preferred developer' status. The developer will also be using this time to refine the design of its scheme and have more detailed discussions with contractors about the price of construction contracts. The combined effect of these should be that by the time the Councils are in a position to sign a Development Agreement with the developer, likely by next Summer, its financial appraisal (and resultant offer) will have been crystallised and the names of the occupiers will be known with greater certainty. For more information about the nature of such an agreement Members should refer to the confidential Appendix 2 attached to the Part 2 Report.

5. Timetable hereon in

If the additional third party land required to implement the end scheme can be acquired by private treaty (avoiding the need for CPO), and subject to Councils' approval at each stage, the estimated timetable for undertaking the scheme is estimated as follows:

- Developer A and the Councils sign Co-operation Agreement – Dec 2014/Jan 2015
- Developer A and the Councils sign Development Agreement - June 2015
- Planning application submitted - October 2015
- Planning permission granted - January 2016
- Start on site - mid 2016
- Completion of development – late 2018

6. The New Civic Hub

- 6.1 Plans for the proposed Civic Hub will be the subject of a separate and detailed report which should be available around mid-2015 to align with the completion of work on Ryecroft. Nevertheless it is important at this stage to highlight the fact that each of the three shortlisted developers had incorporated the site of the current Civic Offices in order to facilitate a comprehensive scheme. As Members are aware the Council's preparedness to vacate the said site is predicated upon having an affordable and otherwise satisfactory relocation option. It is intended that a full business case in this regard will be worked up in conjunction with the Ryecroft proposals such that they will both be available to consider by the time that the preferred developer has completed

all the necessary preliminary work and is in a position to sign a Development Agreement.

6.2 With regards to vacating the Civic Offices, the report to Council on 27.11.2013, made reference to the need to explore a range of options including one of relocation into other (vacant) freehold council owned offices. Since that time several of the properties under consideration have either been successfully let or agreed for sale. Thus it is no longer feasible to progress development of a business case in respect of this option. It is therefore considered appropriate to proceed with modelling a detailed business case in respect of two options:-

- Remain in the current Civic Offices undertaking essential works only to provide a weather-tight building with a reasonable life-span (i.e. do minimum) and;
- Vacate the Civic Offices and relocate into a new building, with this being constructed on the (preferred) site of the former St Giles & St Georges School, Barracks Road.

6.3 As part of the preliminary modelling, the borough council's spatial accommodation requirements have been reviewed following the recent relocation of staff for reasons of operational efficiency (Environmental & Landscape teams) to the Knutton depot. This review together with informed advice derived by our County Council partners in respect of their Staffordshire Place operational experience indicates there is opportunity to enhance space utilisation both in terms of the average occupational densities (space per person and numbers of workstations allocated), taking account of flexible and agile working patterns.

6.4 The effect of adopting more modest ratios is that the net internal office floor space requirement for the Borough Council would reduce (potentially significantly) with consequential construction cost savings derived along with reduced ongoing revenue costs.

## 7. Financial Implications

7.1 At this stage there would be no further significant financial implications arising from the substantive content of this report or its recommendations. It is intended that the next significant stage of the process will address the overall affordability and financial implications of the two projects (i.e. Ryecroft development and Civic Offices re-provision) taking account of both capital and revenue.

7.2 For the sake of completeness officers can report that the Council's budgetary allocations to support the project at this preliminary stage have been adequate. The £50k capital funding provision for the demolition / remediation works has been slightly underspent whilst the revenue contribution should be sufficient to meet the likely expenditure arising from preparation of the full business case for the re-provision of the Civic Offices.

## 8. Major Risks

8.1 The key step here being recommended for your approval is the nomination of a preferred developer and entering into an exclusivity agreement which identifies Developer A as the developer that the two Councils wish to now work with. This

does not, in itself, obligate the Councils to a contract with the said party or agree the scheme itself. The only notable risk associated with this step is that the Councils would be deciding to not pursue any further the interest from the other two parties. However, if the Ryecroft project is to move forward, this is a decision which must be taken at this juncture. Once Developer A is granted preferred developer status, Members should be able to see tangible progress on firming up the financial offer, the scheme design and the identification of occupiers.

- 8.2 Our jointly-commissioned consultants, C&W advise that the 'do nothing' approach would be prejudicial to the future vitality and viability of the town centre. The scheme proposals identified by Developer A will enable the town to provide new retail and leisure entrants and increase the overall footfall to reinvigorate the town centre. The full extent of any socio-economic impacts can be fully assessed as part of the next stage of the process.
- 8.3 The major risks relating to the Civic Offices re-provision relate to the construction/related costs and the apportionment of costs with potential partners. These will have been addressed as part of the full business plan preparation.

9. Earlier Cabinet Resolutions

- 9.1 Report to Council 28.07.2010, 'Freehold acquisition of land & property, no's 10 – 16 Liverpool Road, Newcastle (Sainsbury's)'
- 9.2 Report to Council 23.03.2011 – Strategic site acquisition and Town Centre Regeneration Partnership
- 9.3 Report to Council 29.06.2011 – 'The freehold acquisition of the former Sainsbury's site at 10-16 Liverpool Road, Newcastle.'
- 9.4 Report to Cabinet 14.03.2012 - Progress report regarding the Ryecroft scheme and appointment of Retail Specialist Consultants
- 9.5 Report to Full Council 27.11.2013

10. Background Documents

- 10.1 Confidential advice prepared by Cushman and Wakefield following stage 2 of the developer nomination process.
- 10.2 Part 2 report on this agenda and the appendices therewith.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank