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

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

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the ***Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG*** on ***Wednesday, 17th September, 2014*** at ***7.00 pm***.

BUSINESS

(i) Apologies

1 DECLARATIONS OF INTEREST

To receive Declarations of Interest, from Members, on items contained within this agenda.

2 MINUTES

(Pages 5 - 10)

To agree as a correct record, the minutes of the meeting held on 16 July, 2014

3 MAYOR'S ANNOUNCEMENTS

4 CHANGES TO COMMITTEE MEMBERSHIP

(Pages 11 - 14)

5 TREASURY MANAGEMENT ANNUAL REPORT

(Pages 15 - 26)

6 COUNCIL PLAN 2014-16

(Pages 27 - 48)

7 MATTERS ALREADY CONSIDERED BUT REQUIRING RATIFICATION BY THE COUNCIL

(Pages 49 - 76)

Draft Policy on the Licensing of Sex Establishments

8 STATEMENT OF THE LEADER OF THE COUNCIL

(Pages 77 - 78)

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

9 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES

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

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

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

10 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES (Pages 79 - 82)

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

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

11 MOTIONS OF MEMBERS

A notice of motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council.

12 RECEIPT OF PETITIONS

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

13 STANDING ORDER 18 - URGENT BUSINESS

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

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. M.', is written over a horizontal line. The signature is stylized and cursive.

Chief Executive

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs. Do not stop to collect personal belongings, do not use the lifts.

Fire exits are to be found either side of the rear of the Council Chamber and at the rear of the Public Gallery.

On exiting the building Members, Officers and the Public must assemble at the car park at the rear of the Aspire Housing Office opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Attendance Record

Please sign the Attendance Record sheet, which will be circulating around the Council Chamber. Please ensure that the sheet is signed before leaving the meeting.

3. Mobile Phones

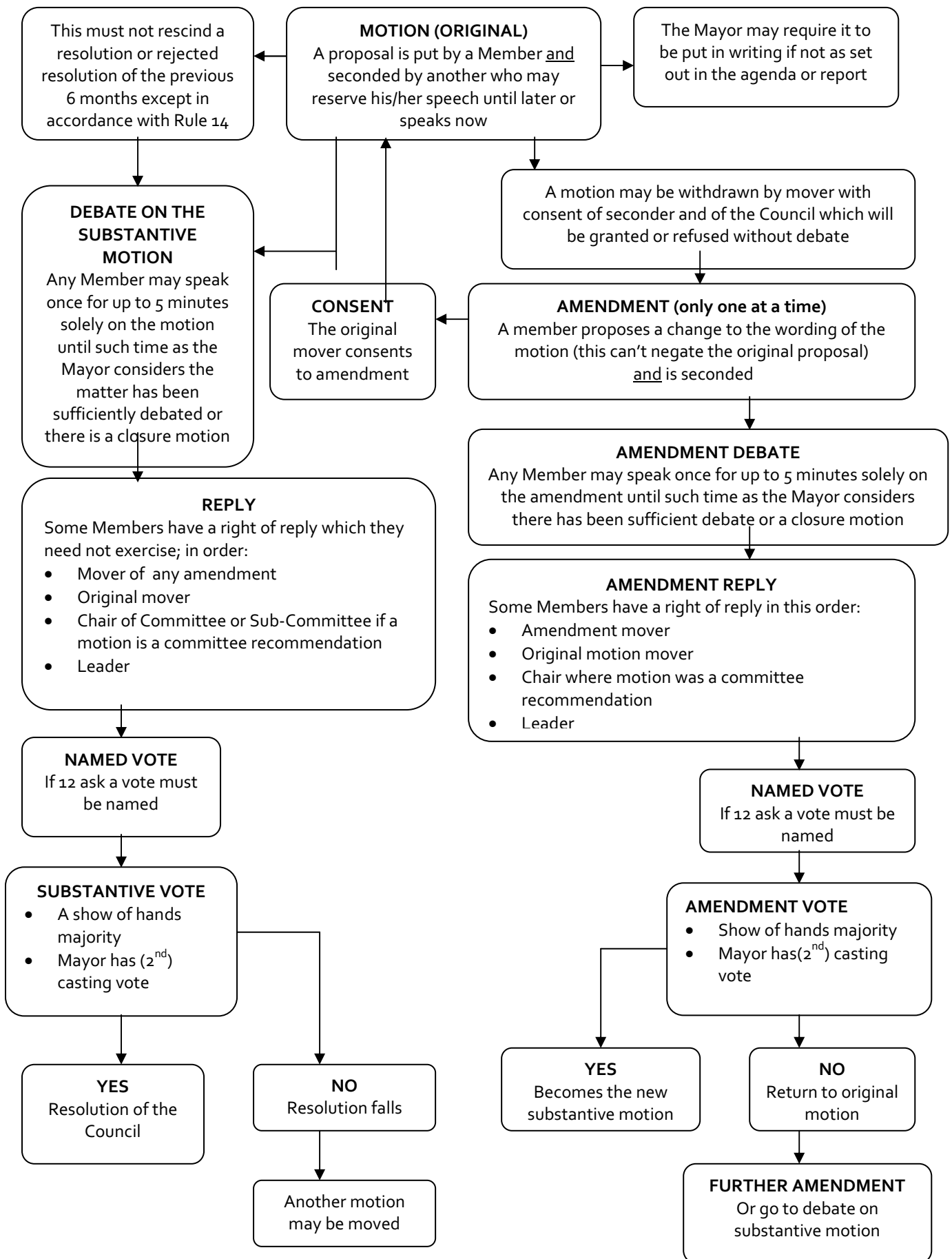
Please switch off all mobile phones before entering the Council Chamber.

4. Tea/Coffee

Refreshments will be available at the conclusion of the meeting, or in the event of a break occurring, during that break.

5. Notice of Motion

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



COUNCIL

Wednesday, 16th July, 2014

Present:- Cllr Mrs Hailstones in the Chair

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

1. **APOLOGIES**

Apologies were received from Cllr Wemyss, Cllr Peers and Cllr Olszewski.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES**

Resolved: That the minutes of the meeting held on Wednesday 4th June be agreed as a correct record.

4. **MAYOR'S ANNOUNCEMENTS**

The Mayor thanked everyone who had come out on 25th June to support the Parade by C Company, The Mercian Regiment (Staffords).

5. **BUDGET 2014/15 - VIREMENT REQUEST**

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

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

6. **CHANGES TO COMMITTEE MEMBERSHIP AND AMENDMENT TO THE SIZE OF THE AUDIT AND RISK COMMITTEE**

A report was submitted requesting that Council increase the number of members of the Audit and Risk Committee from five members (plus an independent member) to seven members (plus an independent member).

The report also requested that Council agree to the requested changes to the Membership of the Health and Wellbeing Scrutiny Committee; the Cleaner, Greener and Safer Communities Scrutiny Committee; and the Finance, Resources and Partnerships Scrutiny Committee.

Resolved: a) That the size of the Audit and Risk Committee be increased to seven elected members (plus one independent member – Mr Phil Butters).

b) That, due to the increase in membership, Cllr Sweeney be appointed to the Audit and Risk Committee

c) That the appointment to the labour vacancy on the Audit and Risk Committee be dealt with under Appendix 4 of the Council's Constitution (Scheme of Delegation), Section (22) which states that the Chief Executive in consultation with the appropriate political group can make appointments to all committees other than the Cabinet to give effect to the rule of political balance.

c) That the following changes in membership of committees are agreed as follows:

- i) That Cllr Kyle Robinson replaces Cllr David Allport on the Cleaner, Greener and Safer Communities Scrutiny Committee
- ii) That Cllr David Allport replaces Cllr Kyle Robinson on the Health and Wellbeing Scrutiny Committee.
- iii) That Cllr Amelia Rout is appointed to the Finance, Resources and Partnerships Scrutiny Committee.

7. **REVISED FINANCIAL REGULATIONS**

A report was submitted requesting Council to approve the revised Financial Regulations and Procedures. The Council's Financial Regulations and Procedures needed to be reviewed regularly and revised where necessary so that they reflected the current structures and requirements of the Council.

Resolved: That the revised Financial Regulations and Procedures be approved.

8. **OUTSIDE BODIES**

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

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

Resolved:

- a) That the changes proposed to the 'List of Outside Bodies' (found at Appendix A) be approved.
- b) That no additional bodies should be added to the list unless they meet the criteria set out in this report.
- c) That the issues raised in the report, especially in relation to those outside bodies identified in the report be noted.
- d) That the nominations listed on pages 5 and 6 of the second supplementary agenda be agreed.

9. COMMITTEE SUBSTITUTES

Resolved: That the following substitutes be agreed:

	LABOUR	CONSERVATIVE	LIB DEM	UKIP
Audit & Risk		Mark Holland	Marion Reddish	
Employees Consultative	Bert Proctor	David Loades	Marion Reddish	
	Sylvia Burgess	Mark Holland		
Staffing Committee	Bert Proctor	David Loades	Nigel Jones	
	Paul Waring			
Grants Assessment	Hilda Johnson	David Loades	Marion Reddish	
	Colin Eastwood	Mark Holland		
	Billy Welsh			
Joint Parking	Amelia Rout	Stephen Sweeney		Eileen Braithwaite
Licensing	Dave Stringer	David Loades	Marion Reddish	
		Stephen Sweeney		
Member Development	Kyle Robinson	Mark Holland	Nigel Jones	
	Dave Stringer			
	Tony Kearon			
Conservation Advisory	Kyle Robinson	Stephen Sweeney		
	Sylvia Burgess			
Public Protection	Joan Winfield	Stephen Sweeney	Nigel Jones	
	Tony Kearon	Gillian Heesom		
	Billy Welsh	David Loades		
Standards Committee	Elsie Bates	Stephen Sweeney	Nigel Jones	

	Sophia Baker	David Loades		
Health & Well Being Scrutiny	Gill Williams	Stephen Sweeney	Marion Reddish	
	Bert Proctor	Mark Holland		
Active & Cohesive Communities SC	Joan Winfield	Stephen Sweeney	Marion Reddish	
	Rob Wallace	David Loades, Mark Holland		
Cleaner, Greener & Safer Communities SC	Hilda Johnson	Julie Cooper	Nigel Jones	
	Dave Allport	David Loades Stephen Sweeney		
Economic Development & Enterprise SC	Glyn Plant	Stephen Sweeney	Nigel Jones	
		Andrew Fear Paul Northcote		
Finance, Resources and Partnerships SC	Sylvia Burgess	David Loades	Marion Reddish	
	Elsie Bates	Mark Holland		

10. **THISTLEBERRY PARKWAY CYCLE PATH AND LIGHTING**

A report was submitted to seek approval of the masterplan for the Thistleberry Parkway Neighbourhood Park drawn up as a result of a consultation exercise undertaken with the local community and other stakeholders.

The report also sought approval to proceed with the first phase of the proposals to improve the parkway.

Resolved: a) That the masterplan proposals for the parkway be approved.

b) That the first phase of the project, to improve the cycleway running through the park and provide lighting be approved.

c) That the Executive Director – Operational Services be authorised to seek tenders for the works and, in consultation with the Portfolio Holder for Environment and Recycling accept the lowest suitable tender within the available funding.

11. **STATEMENT OF THE LEADER OF THE COUNCIL**

A verbal statement was provided by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan. The Leader confirmed that a written copy of the statement would be distributed the next day and that a written report would be provided in writing prior to the meeting in the future.

Resolved: That the information be received.

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

Resolved: That the reports and information be received.

13. **REPORTS FROM THE CHAIRS OF THE REGULATORY COMMITTEES**

Resolved: That the reports and the information be received.

14. **QUESTIONS TO THE MAYOR, APPROPRIATE CABINET MEMBER OR COMMITTEE CHAIR**

No questions had been received.

15. **MOTIONS OF MEMBERS**

A motion had been submitted by Cllr Nigel Jones and seconded by Cllr Mrs Reddish in relation to the Council's Enforcement Policy.

Resolved: That under the provisions of Procedure Rule 12, as this matter was within the remit of the Public Protection Committee, the matter was referred to that Committee.

16. **RECEIPT OF PETITIONS**

No petitions were received.

17. **STANDING ORDER 18 - URGENT BUSINESS**

There was no urgent business.

CLLR MRS HAILSTONES
Chair

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

Purpose of the Report

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

Recommendations

- 1. That the following changes in membership of committees are agreed as follows:**
 - I. That Cllr Simon White stand down as Vice Chair of Economic Development and Enterprise Scrutiny Committee but remain as a member.**
 - II. That a Vice Chair of Economic Development and Enterprise Scrutiny Committee be appointed as soon as possible.**
 - III. That Cllr Mrs Sandra Hambleton be appointed to the Audit and Risk Committee.**
 - IV. That Cllr Billy Welsh replace Cllr Simon White on the Planning Committee.**
 - V. That Cllr Mrs Sandra Simpson be appointed to the Planning Committee.**
 - VI. That a Vice Chair be appointed to the Planning Committee (Nomination: Cllr Bert Proctor).**

Background

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

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

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

Issues

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

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

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

Economic Development and Enterprise Scrutiny Committee:

- Councillor Simon White stand down as Vice Chair of Economic Development and Enterprise Scrutiny Committee but remain as a member of that Committee.
- A Vice Chair of Economic Development and Enterprise Scrutiny Committee needs to be appointed as soon as possible.

Audit and Risk Committee:

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

Planning Committee

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

Legal and Statutory Implications

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

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

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

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

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

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

And at Appendix a 2(d);

‘Agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them subject to the Local Government (Committees and Political Groups)

Regulations 1990. In the event of changes to political balance, the Chief Executive shall have the authority to amend the appointments to comply with the rules of political balance in accordance with the wishes of the group leaders'

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO COUNCIL

Date 17 September 2014

1. **Treasury Management Annual Report 2013/14**

Submitted by: Head of Finance

Portfolio: Finance and Resources

Ward(s) affected: All indirectly

Purpose of the Report

To receive the Treasury Management Annual Report for 2013/14

Recommendations

- a) That the Treasury Management Annual Report for 2013/14 be received.
- b) That the Actual Prudential Indicators contained within the report be approved.

Reasons

It is a requirement of the CIPFA Treasury Management Code of Practice and its Prudential Code for Capital Finance that an Annual Report is made to the Council in respect of each year's Treasury Management activities.

1. **Background**

- 1.1 The Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice. This requires an Annual Report to be made to the Council concerning Treasury Management activities after the end of each year. In addition the Prudential Code for Capital Finance requires that the Actual Prudential Indicators for the year be reported to and approved by the Council.
- 1.2 The Audit and Risk Committee monitor and oversee the delivery of the Treasury Management Strategy. The Treasury Management Annual Report for 2013/14 has already been reviewed by the Audit and Risk Committee at their meeting on 21 July 2014.
- 1.3 Treasury Management operations are carried out by your Officers in accordance with policies laid down in the currently approved Treasury Policy Statement, backed up by approved Treasury Management Practices and Schedules thereto, and the Annual Treasury Management Strategy Report.

2. **Issues**

- 2.1 The Annual Report for 2013/14 is attached as Appendix 1 (paper). This contains information supplied by the Council's Treasury Management advisors, Sector, augmented by data provided by your Officers. As well as giving a summary of the Council's Treasury Management activities during 2013/14, the report provides an analysis of the economic markets and trends. It also details the Actual Prudential Indicators for 2013/14.

3. **Proposal**

- 3.1 That the Treasury Management Annual Report 2013/14 be received.

4. **Legal and Statutory Implications**

- 4.1 The Local Government Act 2003 and Regulations thereto require Local Authorities to comply with the Prudential Code.

5. **Equality Impact Assessment**

- 5.1 There are no equality issues arising from the Annual Report.

6. **Financial and Resource Implications**

- 6.1 There are no specific financial implications arising from the Annual Report.

7. **Major Risks**

- 7.1 Treasury Management is a major area of risk for the Council in that large amounts of money are dealt with on a daily basis and there are a number of limits and indicators, which must be complied with.
- 7.2 The overriding consideration in determining where to place the Council's surplus funds is to safeguard the Council's capital. Within this constraint the aim is to maximise the return on capital.

8. **Key Decision Information**

- 8.1 All wards are indirectly affected.

9. **Earlier Cabinet/Committee Resolutions**

- 9.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 was initially adopted by this Council on 24th February 2010.

10. **List of Appendices**

- 10.1 Appendix 1 - Treasury Management Annual Report 2013/14

11. **Background Papers**

- 11.1 CIPFA Treasury Management Code of Practice; Council's Treasury Management Strategy Statement 2013/14, CIPFA Prudential Code for Capital Finance in Local Authorities and guidance notes thereto, Local Government Act 2003, Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, Sector's Model Report for 2013/14 and Guidance on Local Authority Investments issued by ODPM in March 2004.

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ANNUAL TREASURY REPORT 2013/14

1. INTRODUCTION AND BACKGROUND

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2013/14. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 was adopted by this Council on 24 February 2010.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the Full Council of an annual treasury management strategy report (including the annual investment strategy) for the year ahead and an annual review report of the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of the treasury management strategy to a specific named body which in this Council is the Finance, Resources and Partnerships Scrutiny Committee.
6. Delegation by the Council of the role of scrutiny of treasury management performance to a specific named body which in this Council is the Audit and Risk Committee, a midyear and year end review report is received by this Committee.

Treasury management in this context is defined as:

"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks. "

The purpose of this report is to meet one of the above requirements of the CIPFA Code, namely the annual review report of treasury management activities, for the financial year 2013/14.

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council has complied with the requirement under the Code to give prior scrutiny to the annual review report by reporting this to the Audit and Risk Committee prior to it being reported to Full Council.

2. THIS ANNUAL TREASURY REPORT COVERS

- ❖ The Council's treasury position as at 31st March 2014;
- ❖ The strategy for 2013/14;
- ❖ The economy in 2013/14;
- ❖ Investment rates in 2013/14;
- ❖ Compliance with treasury limits and Prudential Indicators;
- ❖ Investment outturn for 2013/14;
- ❖ Involvement of Elected Members;
- ❖ Other issues.

3. TREASURY POSITION AS AT 31 MARCH 2014

The Council's investment position at the beginning and the end of the year was as follows:

	At 31/3/14	Return	Average Life (Days)	At 31/3/13	Return	Average Life (Days)
Total Debt	£0m	N/A	N/A	£0m	N/A	N/A
Total Investments	£3.55m	0.69%	8	£4.90m	0.99%	16

It should be noted that the above table is only a snapshot of the Total Investments as at 31 March. Large fluctuations in cash inflows and outflows that occur throughout the month can have an impact on the figure reported.

4. THE STRATEGY FOR 2013/14

The strategy agreed by Council on 27 February 2013 was that:

- The Council's Borrowing Need (Capital Financing Requirement) was estimated at £1,000,000 to allow for the possibility that the Council may need to borrow to finance capital expenditure which cannot be funded from other revenue or capital resources;
- Short term borrowing would be required in the event to cover any temporary shortfalls in revenue income or to temporarily fund capital expenditure during the interim period before a permanent means of finance became available;
- All borrowing would be kept absolutely within the Authorised Limit of £15m and would not normally exceed the Operational Boundary of £5m (although it could for short periods of time be permitted to rise to a figure between £5m and £15m due to variations in cash flow);
- Temporary surpluses which might arise would be invested, either in short term deposits with the Council's various deposit accounts or in money market investments (cash deposits) if the size warranted this and for an appropriate period in order that these sums would be available for use when required;
- The proportions of loans and investments to be at fixed or variable rates were: fixed rate loans to be between 0% and 100% of the total and variable rate to be between 0% and 100% of the total, thus enabling maximum flexibility to take advantage of interest rate trends;
- Long term investments to be permitted as follows: maturing beyond 31/03/14 £5m, maturing beyond 31/03/15 £5m, maturing beyond 31/03/16, £5m;

- The overriding consideration in determining where to place the Council's surplus funds was to safeguard the Council's capital. Within this constraint the aim was to maximise the return on capital; and,
- Forward commitment of funds for investment is permitted in respect of in house investments.

Changes in strategy and credit Policy during the year

There have been no changes to the Treasury Management Strategy during the year. As approved by Council on 27 February 2013 the Council used the creditworthiness service provided by the Council's treasury management advisors, Sector Treasury Services which uses a sophisticated modelling approach with credit ratings from all three rating agencies - Fitch, Moodys and Standard and Poors, forming the core element, supplemented by additional data (credit watches and outlooks, Credit Default Swap (CDS) spreads to give early warning of likely changes in credit ratings and Sovereign ratings to select counterparties from only the most creditworthy countries). This modelling approach results in a weighted scoring system providing a series of colour coded bands which indicate the relative creditworthiness of counterparties and a suggested maximum investment duration.

5. THE ECONOMY AND INTEREST RATES - narrative supplied by the Council's Treasury Management Advisors – Sector Treasury Services Limited

The financial year 2013/14 continued the challenging investment environment of previous years, namely low investment returns, although levels of counterparty risk had subsided somewhat. The original expectation was that Bank Rate would not rise during the year and for it only to start gently rising from quarter 1 2015. This forecast rise has now been pushed back to quarter 3 2015. Economic growth (GDP) in the UK was virtually flat during 2012/13 but surged strongly during 2013/14. Consequently there was no additional quantitative easing during 2013/14 and Bank Rate ended the year unchanged at 0.5% for the fifth successive year. While CPI inflation had remained stubbornly high and substantially above the 2% target during 2012, by January 2014 it had, at last, fallen below the target rate to 1.9% and then fell further to 1.7% in February. It is also expected to remain slightly below the target rate for most of the two years ahead.

Gilt yields were on a sharply rising trend during 2013 but volatility returned in the first quarter of 2014. The Funding for Lending Scheme, announced in July 2012, resulted in a flood of cheap credit being made available to banks which then resulted in money market investment rates falling drastically in the second half of that year and continuing into 2013/14. The part of the Scheme which supported the provision of credit for mortgages was terminated in the first quarter of 2014 as concerns rose over resurging house prices.

The UK Government maintained its tight fiscal policy stance but recent strong economic growth has led to a cumulative, (in the Autumn Statement and the March Budget), reduction in the forecasts for total borrowing, of £97bn over the next five years, culminating in a £5bn surplus in 2018-19.

The EU sovereign debt crisis subsided during the year and confidence in the ability of the Eurozone to remain intact increased substantially. Perceptions of counterparty risk improved after the ECB statement in July 2012 that it would do "whatever it takes" to support struggling Eurozone countries; this led to a return of confidence in its banking system which has continued into 2013/14 and led to a move away from only very short term investing. However, this is not to say that the problems of the Eurozone, or its banks, have ended as the zone faces the likelihood of weak growth over the next few years at a time when the total size of government debt for some nations is likely to continue rising. Upcoming stress tests of Eurozone banks could also reveal some areas of concern.

6. INVESTMENT RATES IN 2013/14 – narrative supplied by the Council's Treasury Management Advisors – Sector Treasury Services Limited

Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for five years. Market expectations as to the start of monetary tightening ended up unchanged at early 2015. The Funding for Lending Scheme resulted in deposit rates remaining depressed during the whole of the year, although the part of the scheme supporting provision of credit for mortgages came to an end in the first quarter of 2014.

7. COMPLIANCE WITH TREASURY LIMITS

During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Council's annual Treasury Strategy Statement. The outturn for the Prudential Indicators is shown in Annex 1.

8. INVESTMENT OUTTURN FOR 2013/14

Internally Managed Investments

The Council manages its investments in-house and invests with the institutions listed on the Council's approved lending list. The Council invested for a range of periods from overnight to up to three months dependent on the Council's cash flows, its interest rate view and the interest rates on offer. Four of the six fixed investments (excluding use of the Government's Debt Management Office Debt Management Account Deposit Facility) made in 2013/14 were for a period of three months, with the remaining two fixed investments being for less than three months.

The Council used the Government's Debt Management Office (DMO) Debt Management Account Deposit Facility (DMADF) on twelve occasions during the year with the longest deposit being made for fifteen days.

Aside from fixed investments and use of the DMO DMADF, the Council used its various deposit accounts on a frequent basis.

Investment Outturn for 2013/14

During 2013/14 an average rate of return of 0.69% was achieved on an average individual investment of £2.066m. This compared with the target of 0.70% included in the departmental service plan.

9. INVOLVEMENT OF ELECTED MEMBERS

Elected members have been involved in the treasury management process during 2013/14 including:

- Scrutiny of the treasury management strategy by the Transformation and Resources Overview and Scrutiny Committee prior to being submitted for approval by the Full Council.
- Scrutiny of treasury management performance by the Audit and Risk Committee through the receipt of a half yearly treasury management report.
- The Portfolio Holder for Finance and Resources received a monthly budget monitoring report which contains details of Treasury Management activity undertaken during the month; this is forwarded periodically to all Members.
- A quarterly budget monitoring and performance report is reported to Cabinet, this contains details of Treasury Management activity undertaken during the quarter.
- The Portfolio Holder for Finance and Resources was part of the interview process to appoint Treasury Management Advisors for a new contract commencing 1 April 2014. The

three year contract (with an option to extend for a further two years) was awarded to Sector Treasury Services for the three years until 31 March 2017.

10. HERITABLE BANK DEFAULTS

This authority currently has the following investment frozen in the Heritable Bank:

- Investment 5092, £2.5m, maturity date 14 September 2009.

Payments up to 31 March 2014 totalled £2,357,691 (94% return).

ANNEX 1: PRUDENTIAL INDICATORS

	Position/Prudential Indicator	2012/13 Actual	2013/14 Original Indicator	2013/14 Actual
1	Capital Expenditure	£2.533m	N/A	£3.283m
2	Capital Financing Requirement at 31 st March	(£0.197m)	(£0.350m)	(0.360m)
3	Treasury Position at 31 st March:			
	Borrowing	£0.0m	N/A	£0.0m
	Other long term liabilities	£0.5m	N/A	£0.3m
	Total Debt	£0.5m	N/A	£0.3m
	Investments	(£5.195m)	N/A	(£3.558m)
	Net Borrowing	(£4.695m)	N/A	(£3.258m)
4	Authorised Limit (against maximum position)	£0.0m	£15.0m	£2.75m
5	Operational Boundary (against maximum position)	£0.0m	£5.0m	£2.75m
6	Ratio of Financing Costs to Net Revenue Stream	(1.04%)	(0.02%)	(0.48%)
7	Upper Limits on Variable Interest Rates (against maximum position)			
	Loans	0%	100%	0%
	Investments	0%	100%	0%
8	Actual External Debt	£0.0m	N/A	£0.0m
9	Principal Funds Invested for Periods Longer than 364 days (against maximum position)	£0.0m	£5.0m	£0.0m

GLOSSARY

CPI – Consumer Price Index

The Consumer Price Index (CPI) is the main UK measure of inflation for macroeconomic purposes and forms the basis for the Government's inflation target. It is also used for international comparisons.

DMO and DMADF - Debt Management Office and Debt Management Account Deposit Facility

The DMO is an Executive Agency of Her Majesty's Treasury. The DMO provides the DMADF to support local authorities' cash management by providing a flexible and secure facility to supplement their existing range of investment options whilst saving interest costs for Central Government.

ECB – European Central Bank

The European Central Bank (ECB) is the central bank for the euro and administers the monetary policy of the EU member states which constitute the Eurozone, one of the largest currency areas in the world.

LIBID – London Interbank Bid Rate

Banks in the City of London tend to lend and borrow money from one another in the wholesale money markets. The rate at which a bank is willing to borrow money is called the London Interbank Bid Rate (LIBID).

LIBOR – London Interbank Offered Rate

This is the benchmark used by banks, securities houses and investors to gauge the cost of unsecured borrowing in the money markets. It is calculated each day by asking a panel of major banks what it would cost them to borrow funds for various periods of time and in various currencies, and then creating an average of the individual bank's figures.

MPC – Monetary Policy Committee

Interest rates are set by the Bank's Monetary Policy Committee (MPC). The MPC sets an interest rate it judges will enable the inflation target to be met. The Bank's MPC is made up of nine members – the Governor, the two Deputy Governors, the Bank's Chief Economist, the Executive Director for Markets and four external members appointed directly by the Chancellor. The appointment of external members is designed to ensure that the MPC benefits from thinking and expertise in addition to that gained inside the Bank of England.

PWLB – Public Works Loan Board

The Public Works Loan Board (PWLB) is a statutory body operating within the Debt Management Office and is responsible for lending money to local authorities and other prescribed bodies, as well as for collecting the repayments.

QE – Quantitative Easing

Quantitative Easing is an unconventional monetary policy used by central banks to stimulate the national economy when standard monetary policy has become ineffective. A central bank implements quantitative easing by buying financial assets from commercial banks and other private institutions, thus increasing the money supply by flooding financial institutions with capital, in an effort to promote increased lending and liquidity.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO COUNCIL

17th Sept 2014

COUNCIL PLAN 2014-16

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

Portfolio: Communications, Policy & Partnerships

Ward(s) affected: All

Purpose of the Report

To present, for consideration by Council, the proposed new Council Plan, covering the period 2014-16.

Recommendation

That Council approves and adopts the Council Plan for 2014-16 (found at Appendix xx) either in its current form or with suggested amendments (see options in Section 5).

Reasons

The attached Council Plan 2014-16 covers the 2014-15 financial/municipal year following Annual Council and goes on to also cover the period up to March 2016.

An outline of the Plan was presented to the Finance, Resources and Partnerships Scrutiny Committee (FRAPS) at its meeting on 17th June 2014. The draft Plan itself was then presented to Cabinet on 23rd July 2014. The (Cabinet) approved version of the Council Plan was finally presented again to FRAPS on 1st September 2014. Comments made at these meetings by Members have been, as far as possible, reflected in the version of the Plan presented to Council.

1. Background/Key Areas of Focus

- 1.1 A Council Plan (formerly the Corporate Plan) for Newcastle-under-Lyme Borough was developed for 2013-14 to reflect changes in the political and economic environment and the work undertaken to replace the former Corporate Plan document.
- 1.2 The Council Plan for 2014-16 builds on the previous version of the Plan and has two main sections. The second section details the measures and activities in order to monitor the Plan's progress.
- 1.3 The first section includes the vision and corporate priorities for the Borough Council and is outlined here.
- 1.4 The vision/corporate priorities remain unchanged from the previous Plan and are:
 - To create a borough that is prosperous, clean, healthy and safe (the vision)
 - A clean, safe and sustainable borough,
 - A borough of opportunity,

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

1.5 The purpose of the Council Plan for 2014-16, is to do the following:

- Provide a strategic policy framework for service and financial planning for 2014/16
- Update the challenges facing the Council (financial and otherwise)
- Set out the key activities of the Council under each priority heading
- Review whether local need is being addressed by the Council
- Ensure that the Council's various strategies (which feed into the Council Plan) are still relevant and are reflected in the Council Plan
- Develop outcomes that are relevant to the actions and activities of both Borough Council services and the services provided by our key partners (e.g. Police, Fire, County Council)
- Include SMART indicators and well-developed project plans so that key actions can be undertaken and it can be seen when work is completed and when it is not and also to be able to measure progress against identified outcomes

2. Development of the Council Plan

- 2.1 The Council Plan has been developed by examining its content and layout, taking into consideration information from previous work undertaken and the need for the council to be in a strong position to establish and progress its plans.
- 2.2 The Plan retains the existing vision for the Council - "to create a Borough that is prosperous, clean, healthy and safe" and, as already said, its four priorities.
- 2.3 The Plan also contains a new set of twelve outcomes with accompanying measures and activities to measure and monitor the impact of the Council's work (whether alone or in partnership with others) on these outcomes.
- 2.4 The previous version of the Council Plan identified seventeen outcomes which have now been reduced to twelve. The outcomes detailed in the Council Plan 2014-16 are:

Priority: A Clean, Safe and Sustainable Borough

Our Borough will be safer
Our Borough will be cleaner
Our Borough will be sustainable

A Borough of Opportunity

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

A healthy and active community

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

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

The council is efficient, open and innovative in its work
Services are designed and delivered co-operatively
Communities is strong and well supported

- 2.5 These outcomes have been identified as meeting the needs of the communities of the Borough.
- 2.6 In addition, the Plan's development is aided by communication with key stakeholders to ensure that the Plan remains fit for purpose, including the work done by Communications around the annual budget consultation process. Service satisfaction surveys have also been included in the plan's development.

3. Timetable for delivery

- 3.1 The Council Plan has been developed with the involvement of elected Members and officers with the aim of cementing priorities for the current financial year (to accord with approved service and financial plans/budgets). More importantly, the Plan will provide the strategic policy context for the service and financial planning for 2014-16.
- 3.2 In contrast to previous years, a more timely approach is being adopted in terms of production of the Plan to reflect the realities of the municipal/financial year, one which will inform the service and financial planning processes accordingly. Scrutiny of the Plan's development and delivery will also be undertaken throughout the year.
- 3.3 As has been reported previously, therefore, the Council Plan has been developed along the following timetable, thereby presenting opportunities for comments and feedback as part of this process at the outset of the financial year:
- Outline of plan to Finance, Resources & Partnerships Scrutiny Committee presented 17 June 2014
 - Draft version for approval from Cabinet 23 July 2014
 - Approved version to Finance, Resources & Partnerships Scrutiny Committee 1 Sept 2014
 - Cabinet response to Scrutiny comments 10 Sept 2014
 - Final version to Council 17 Sept 2014
 - Implementation from 1st October 2014

4 Constraints

- 4.1 One of the main constraints to consider in the development of the Plan for Newcastle Borough Council is that, like other authorities, balancing reductions in funding with the provision of quality services and increases in demand is a major challenge and potentially limits the ability of the Council to deliver against its plans generally.
- 4.2 The financial picture for 2014/15 and how the council plans to deliver identified savings are detailed in the Revenue & Capital Budgets 2014-15 and Medium Term Financial Strategy. These activities will be monitored regularly and considered in service planning and other planned activities to ensure the savings are realised.
- 4.3 By adopting the revised approach the Council will be better able to align resource allocation with the agreed strategic priorities

5 Options, Proposal and Reasons for Preferred Solution

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

- 5.2 The Council Plan 2014-16 will be a transitional plan, whereby preparation and planning will be undertaken in order to effectively prepare the Council to meet the longer term demands and challenges to service delivery in the borough (as part of the 2020 Vision work).
- 5.3 Faced with the likely financial restraints leading up to 2020, decisions and planning for the next Council Plan (2016 onwards) will commence at the beginning of 2015-16 with a timetable of activities to ensure the council is in a good position to meet expected and unexpected challenges.
- 5.4 Members are asked to consider the Plan and this covering report which was approved by Cabinet at the meeting 23rd July 2014 and endorsed by FRAPS on 1st September 2014. It is recommended that it now be formally adopted by Council.
- 5.5 In considering the Plan/report, Members can: -

Option A: Accept and approve the adoption of the new style Council Plan 2014-16 and its contents as provided

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

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

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

6. Legal and Statutory Implications

- 6.1 Officers have drafted this Plan in line with current codes and legislation.

7. Equality impact

- 7.1 There are no differential impacts in this report.

8. Financial and Resource Implications

- 8.1 The Plan will form the basis of the implementation of the overall Budget Strategy of the Council for 2015/16.

9. Major risks

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

10. Key Decision information

- 10.1 This report is in the Forward Plan.

11. List of Appendices

- 11.1 Final version presented to Cabinet (July 2014) and FRAPS (September 2014) (Appendix A)

12. Background Papers

12.1 Working papers held by officers in 'Council Plan 2014-16' files

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Newcastle-under-Lyme Borough Council Plan

2014 -16



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Message

from the Leader of the Council

Councillor Mike Stubbs



**Councillor
Mike Stubbs**
Leader of the Council

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

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

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

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

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

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

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

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

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

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

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

Welcome

from the Chief Executive



John Sellgren
Chief Executive

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

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

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

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

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

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

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

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

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

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

Working towards 2020



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

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

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

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

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

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

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





What does this mean?

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

The council and its services will need to be:-

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

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

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



Preparation in 2013-14

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

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

Our Vision

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

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



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

A healthy and active community

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

Priorities

A clean, safe and sustainable borough

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



A borough of opportunity

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

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

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



“ Newcastle is a co-operative council ”

What is a co-operative council?

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

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

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

fair, inclusive, open and transparent.

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

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

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

Working with our communities

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

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

Our values

We will . . .

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

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

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

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

The changing landscape

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



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

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

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

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

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

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

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

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

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

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

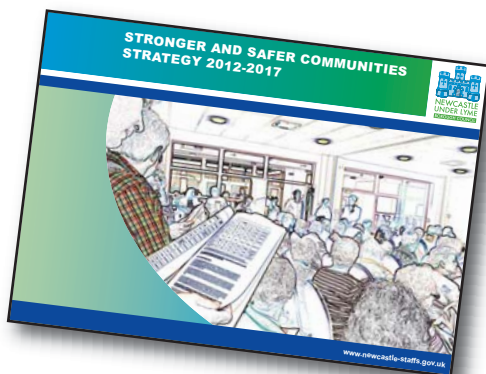
Priorities in Newcastle include tackling health inequalities, alcohol-related hospital admissions, the ageing population and long-term conditions.

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

Local Strategies

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

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



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

Local Growth Strategy

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

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

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

Newcastle Partnership

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

Newcastle communities together, securing a prosperous future

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

- Improving economic growth
- Tackling vulnerability

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

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

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

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



Priority 1:

A clean, safe and sustainable borough

Key activities for delivery in 2014-16:-

Recycling & Waste Strategy 2016

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

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



Partnership Development

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

The Partnership in 2014 onwards will:-

- Work with the Office of the Police and Crime Commissioner to maximise future funding opportunities and the development of services for the borough including the delivery of objectives within the Local Police and Crime Plan;
- Progress and improve the opportunities with co-location of services;
- Work with the County Council to actively assist in the further development of the Building Resilient Families and Communities (BRFC) project;
- Work with the Public Health team to co-ordinate a gap analysis of Health and Wellbeing services/activities available in the borough;
- Work with partners to co-ordinate Safer Nights activities in the Town Centres;
- Streamline and strengthen the Locality Action Partnerships and provide additional support in order to allow them to govern their own work programmes and commission work effectively;

Outcomes:-

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



- Co-ordinate the Purple Flag submission to the ACTM and associated activity;
- Work towards achieving the Co-operative Council vision of the Borough Council in conjunction with partners and communities.

Local Environmental Quality in the Borough

Streetscene activities are key to ensuring the borough is clean, safe and sustainable. The teams work 364 days per year to keep streets clean, bins emptied and parks, open spaces and verges maintained. Surveys are undertaken throughout the year to monitor the Local Environmental Quality and the service aim is to ensure the high performance levels achieved are sustained in 2014-16. In addition, the community in 2013-14 gave over 8000 hours of voluntary effort to make the borough clean and attractive and the intention is to continue to develop and expand the scheme for 2014-16.

Priority 2:

A borough of opportunity

Key activities for delivery in 2014-16:-

Ryecroft development

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

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

Disposal of surplus land and assets

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

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

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

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

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

Keele Golf Centre Development

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

Outcomes:-

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

Local Plan

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

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

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

Priority 3:

A healthy and active community

Key activities for delivery in 2014-16:-

Allotment Policy Consultation

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

Community Centre Review

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

Sports and Physical Activity Strategy

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

Kidsgrove Sports centre

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

Outcomes:-

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

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



Priority 4:

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

Key activities for delivery in 2014-16:-

Medium Term Financial Strategy (MTFS)

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

Delivery of the procurement (strategic) work plan

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

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

Asset Management Strategy 2014-17

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

Shared Apprenticeship Scheme

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

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

Outcomes:-

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

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

Delivery of the Localism Bill

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

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

Newcastle-under-Lyme Borough Council Plan

2014-16



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1. **DRAFT POLICY IN RELATION TO THE LICENSING OF SEX ESTABLISHMENTS**

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

Portfolio: Leisure, Culture and Localism

Ward(s) affected: All

Purpose of the Report

For Members to consider the attached draft policy in relation to the licensing of sex establishments as recommended by the Licensing Committee at its meeting on 27 August 2014.

Recommendation

That the attached Draft Sex Establishment Policy be adopted by the Borough Council.

1. **Background**

- 1.1 The Borough Council adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (Appendix A) on 31st March 2010 and this came into effect on 3rd August 2010. A copy of the report submitted to Council is attached (at Appendix B).
- 1.2 The adoption of the schedule means that the Council can control and regulate the operation of certain kinds of sex establishment within its area.
- 1.3 Following an initial consultation and subsequent adoption by the Borough Council on 23rd February 2011, the current policy for the licensing of sex establishments, which ran for 3 years, has been found to be fit for purpose.
- 1.4 The Policy was again sent out for consultation in April 2014 and the only response which related to the policy was considered by the Licensing Committee at its meeting on 27 August 2014.

2. **Issues**

- 2.1 The Licensing Committee discussed the following issues when considering the draft policy:
 - The minimum age when customers should be required to provide proof of their age before being allowed access to the sex establishment; and
 - The time limit for CCTV recordings to be produced following a request by a police officer or an authorised officer of the Council

3. **Options Considered**

3.1 The amended policy is attached at Appendix C.

4. **Proposal**

4.1 That the amended Sex Establishment Policy be adopted by the Borough Council

5. **Reasons for Preferred Solution**

5.1 The Policy has been recommended by the Licensing Committee following consultation with all interested parties.

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

This Policy links to the Borough Council's corporate priorities of a clean, safe and sustainable borough; and the Sustainable Community Strategy of protecting vulnerable people.

7. **Legal and Statutory Implications**

7.1 The Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 31st March 2010, and this came into effect on 3rd August 2010.

8. **Equality Impact Assessment**

No differential impact has been identified.

9. **Financial and Resource Implications**

None at the present time.

10. **Major Risks**

None identified at present.

11. **Key Decision Information**

There are none.

12. **Earlier Cabinet/Committee Resolutions**

None

13. **List of Appendices**

Appendix A - Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Appendix B - Copy of the report submitted to Council regarding adoption of Schedule 3 (31st March 2010).

Appendix C - **Recommended** Policy in relation to the Licensing of Sex Establishments.

14. **Background Papers**

None

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APPENDIX A
(CREAM PAPER)*Local Government (Miscellaneous Provisions) Act 1982 c. 30*

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4. For Part I of the Schedule to that Act there shall be substituted the following—

SCH. 2

"PART I

ADOPTING AND LICENSING AUTHORITIES

Area	Authority which may adopt this Act	Licensing authority
A district.	The council of the district.	The council of the district.
A London borough.	The Greater London Council acting with the consent of the council of the borough.	The Greater London Council.
The City of London.	The Greater London Council acting with the consent of the Common Council.	The Greater London Council.
The Isles of Scilly.	The Council of the Isles of Scilly.	The Council of the Isles of Scilly".

Licensing Act 1964 (c. 26)

5. In section 79(1) of the Licensing Act 1964 (licensing authority's certificate of suitability of club premises for music and dancing) for the words from "and which are" to "those regulations" there shall be substituted the words "the licensing authority under the statutory regulations for music and dancing".

6. In section 204(1) of that Act for the words after the word "means" in the definition of "statutory regulations for music and dancing" there shall be substituted—

- "(i) Schedule 12 to the London Government Act 1963; or 1963 c. 33.
(ii) Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;".

SCHEDULE 3

Section 2.

CONTROL OF SEX ESTABLISHMENTS

Saving for existing law

1. Nothing in this Schedule—

(a) shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Schedule; or

(b) shall be taken into account in any way—

(i) at a trial for such an offence; or

(ii) in proceedings for forfeiture under section 3 of the Obscene Publications Act 1959 or section 5 of the 1959 c. 66.
Protection of Children Act 1978; or 1978 c. 37.

(iii) in proceedings for condemnation under Schedule 3 to the Customs and Excise Management Act 1979 of 1979 c. 2.
goods which section 42 of the Customs Consolidation Act 1876 c. 36.
1876 prohibits to be imported or brought into the United Kingdom as being indecent or obscene; or

- SCH. 3 (c) shall in any way limit the other powers exercisable under any of those Acts.

Meaning of "sex establishment"

2. In this Schedule "sex establishment" means a sex cinema or a sex shop.

Meaning of "sex cinema"

3.—(1) In this Schedule, "sex cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
- (i) sexual activity ; or
 - (ii) acts of force or restraint which are associated with sexual activity ; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

- (2) No premises shall be treated as a sex cinema by reason only—
- 1909 c. 30. (a) if they are licensed under the Cinematograph Act 1909, of their use for a purpose for which a licence under that Act is required ; or
- 1952 c. 68. (b) of their use for an exempted exhibition as defined in section 5 of the Cinematograph Act 1952 (which relates to exemptions from the requirements of that Act for non-commercial organisations) by an exempted organisation within the meaning of section 5(4) of that Act.

Meaning of "sex shop" and "sex article"

4.—(1) In this Schedule "sex shop" means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles ; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
- (i) sexual activity ; or
 - (ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

- (3) In this Schedule "sex article" means—
- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
- (i) sexual activity ; or

- (ii) acts of force or restraint which are associated with sexual activity ; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies—
 - (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article ; and
 - (b) to any recording of vision or sound, which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity ; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Miscellaneous definitions

- 5.—(1) In this Schedule—
- “the appropriate authority” means, in relation to any area for which a resolution has been passed under section 2 above, the local authority who passed it ;
 - “the chief officer of police”, in relation to any locality, means the chief officer of police for the police area in which the locality is situated ; and
 - “vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.
- (2) This Schedule applies to hovercraft as it applies to vessels.

Requirement for licences for sex establishments

6.—(1) Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.

(2) Sub-paragraph (1) above does not apply to the sale, supply or demonstration of articles which—

- (a) are manufactured for use primarily for the purposes of birth control ; or
- (b) primarily relate to birth control.

7.—(1) Any person who—

- (a) uses any premises, vehicle, vessel or stall as a sex establishment ; or
 - (b) proposes to do so,
- may apply to the appropriate authority for them to waive the requirement of a licence.

SCH. 3

(2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.

(3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 10(2) to (5) below and such particulars as the appropriate authority may reasonably require in addition.

(4) The appropriate authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.

(5) A waiver may be for such period as the appropriate authority think fit.

(6) Where the appropriate authority grant an application for a waiver, they shall give the applicant for the waiver notice that they have granted his application.

(7) The appropriate authority may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

Grant, renewal and transfer of licences for sex establishments

8. Subject to paragraph 12(1) below, the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.

9.—(1) Subject to paragraphs 11 and 27 below, any licence under this Schedule shall, unless previously cancelled under paragraph 16 or revoked under paragraph 17(1) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.

(2) Where a licence under this Schedule has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person.

10.—(1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.

(2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—

- (a) the full name of the applicant ;
- (b) his permanent address ; and
- (c) his age.

(3) An application made by a body corporate or an unincorporated body shall state—

- (a) the full name of the body ;

- (b) the address of its registered or principal office ; and
- (c) the full names and private addresses of the directors or other persons responsible for its management.

(4) An application relating to premises shall state the full address of the premises.

(5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

(6) Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.

(7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.

(8) Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.

(9) The publication shall not be later than 7 days after the date of the application.

(10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.

(11) Every notice under this paragraph which relates to premises shall identify the premises.

(12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

(13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.

(14) An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.

(15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.

(16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.

(17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.

(18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any

Sch. 3 observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.

(19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—

- (a) before refusing to grant a licence, to the applicant ;
- (b) before refusing to renew a licence, to the holder ; and
- (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.

(20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall, if required to do so by the applicant or holder of the licence, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

11.—(1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.

(2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

Refusal of licences

12.—(1) A licence under this Schedule shall not be granted—

- (a) to a person under the age of 18 ; or
- (b) to a person who is for the time being disqualified under paragraph 17(3) below ; or
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made ; or
- (d) to a body corporate which is not incorporated in the United Kingdom ; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

(2) Subject to paragraph 27 below, the appropriate authority may refuse—

- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below ;

- SCH. 3
- (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason ;
- (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself ;
- (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality ;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
- (i) to the character of the relevant locality ; or
- (ii) to the use to which any premises in the vicinity are put ; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.
- (5) In this paragraph “ the relevant locality ” means—
- (a) in relation to premises, the locality where they are situated ; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

Power to prescribe standard conditions

13.—(1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred by them.

(2) Regulations under sub-paragraph (1) above may make different provision—

- (a) for sex cinemas and sex shops ; and
- (b) for different kinds of sex cinemas and sex shops.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—

- (a) the hours of opening and closing of sex establishments ;
- (b) displays or advertisements on or in such establishments ;

SCH. 3

(c) the visibility of the interior of sex establishments to passers-by ; and

(d) any change of a sex cinema to a sex shop or a sex shop to a sex cinema.

(4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.

(5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.

(6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

Copies of licences and standard conditions

14.—(1) The holder of a licence under this Schedule shall keep exhibited in a suitable place to be specified in the licence a copy of the licence and any regulations made under paragraph 13(1) above which prescribe standard conditions subject to which the licence is held.

(2) The appropriate authority shall send a copy of any licence granted under this Schedule to the chief officer of police for the area where the sex establishment is situated.

Transmission and cancellation of licences

15.—In the event of the death of the holder of a licence granted under this Schedule, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death and shall then expire ; but the appropriate authority may from time to time, on the application of those representatives, extend or further extend the period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

16. The appropriate authority may, at the written request of the holder of a licence, cancel the licence.

Revocation of licences

17.—(1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence—

(a) on any ground specified in sub-paragraph (1) of paragraph 12 above ; or

- (b) on either of the grounds specified in sub-paragraph (3)(a) and (b) of that paragraph.

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(2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

(3) Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

Variation of licences

18.—(1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority—

- (a) may make the variation specified in the application ; or
- (b) may make such variations as they think fit ; or
- (c) may refuse the application.

(3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

Fees

19. An applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Enforcement

20.—(1) A person who—

- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above ; or
- (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence ; or
- (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence ; or
- (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence,

shall be guilty of an offence.

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21. Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.

22.—(1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to a fine not exceeding £10,000.

(2) A person who, being the holder of a licence under this Schedule, fails without reasonable excuse to comply with paragraph 14(1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Offences relating to persons under 18

23.—(1) A person who, being the holder of a licence for a sex establishment—

- (a) without reasonable excuse knowingly permits a person under 18 years of age to enter the establishment ; or
- (b) employs a person known to him to be under 18 years of age in the business of the establishment,

shall be guilty of an offence.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding £10,000.

Powers of constables and local authority officers

24. If a constable has reasonable cause to suspect that a person has committed an offence under paragraph 20 or 23 above, he may require him to give his name and address, and if that person refuses or fails to do so, or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.

25.—(1) A constable may, at any reasonable time, enter and inspect any sex establishment in respect of which a licence under this Schedule is for the time being in force, with a view to seeing—

- (i) whether the terms, conditions or restrictions on or subject to which the licence is held are complied with ;
- (ii) whether any person employed in the business of the establishment is disqualified from holding a licence under this Schedule ;
- (iii) whether any person under 18 years of age is in the establishment ; and
- (iv) whether any person under that age is employed in the business of the establishment.

(2) Subject to sub-paragraph (4) below, a constable may enter and inspect a sex establishment if he has reason to suspect that an offence

SCH. 3

21. Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.

22.—(1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to a fine not exceeding £10,000.

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- (i) whether the terms, conditions or restrictions on or subject to which the licence is held are complied with ;
- (ii) whether any person employed in the business of the establishment is disqualified from holding a licence under this Schedule ;
- (iii) whether any person under 18 years of age is in the establishment ; and
- (iv) whether any person under that age is employed in the business of the establishment.

(2) Subject to sub-paragraph (4) below, a constable may enter and inspect a sex establishment if he has reason to suspect that an offence

SCH. 3

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.

(4) In this paragraph—

“the relevant area” means—

(a) in relation to premises, the petty sessions area in which they are situated; and

(b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment; and

“the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

1981 c. 54.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words “or the Gaming Act 1968” there shall be substituted the words “, the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982”.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—

(a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and

(b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where—

SCH. 3

- (a) the holder of a licence makes an application under paragraph 18 above ; and
- (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,

the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

Provisions relating to existing premises

28.—(1) Without prejudice to any other enactment it shall be lawful for any person who—

- (a) was using any premises, vehicle, vessel or stall as a sex establishment immediately before the date of the first publication under subsection (2) of section 2 above of a notice of the passing of a resolution under that section by the local authority for the area ; and
- (b) had before the appointed day duly applied to the appropriate authority for a licence for the establishment,

to continue to use the premises, vehicle, vessel or stall as a sex establishment until the determination of his application.

(2) In this paragraph and paragraph 29 below “the appointed day”, in relation to any area, means the day specified in the resolution passed under section 2 above as the date upon which this Schedule is to come into force in that area.

29.—(1) This paragraph applies to an application for the grant of a licence under this Schedule made before the appointed day.

(2) A local authority shall not consider any application to which this paragraph applies before the appointed day.

(3) A local authority shall not grant any application to which this paragraph applies until they have considered all such applications.

(4) In considering which of several applications to which this paragraph applies should be granted a local authority shall give preference over other applicants to any applicant who satisfies them—

- (a) that he is using the premises, vehicle, vessel or stall to which the application relates as a sex establishment ; and
- (b) that some person was using the premises, vehicle, vessel or stall as a sex establishment on 22nd December 1981 ; and
- (c) that—
 - (i) he is that person ; or
 - (ii) he is a successor of that person in the business or activity which was being carried on there on that date.

SCH. 3

Commencement of Schedule

30.—(1) So far as it relates to sex cinemas, this Schedule shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and accordingly, until the day so appointed, this Schedule shall have effect—

- (a) with the omission—
 - (i) of paragraph 3 above ; and
 - (ii) of paragraph 13(3)(d) above ;
- (b) as if any reference to a sex establishment were a reference only to a sex shop ; and
- (c) as if for paragraphs (a) and (b) of paragraph 13(2) above there were substituted the words “for different kinds of sex shops”.

(2) Subject to sub-paragraph (1) above, this Schedule shall come into force on the day on which this Act is passed.

(3) Where, in relation to any area, the day appointed under sub-paragraph (1) above falls after the day specified in a resolution passed under section 2 above as the day upon which this Schedule is to come into force in that area, the day so appointed shall, for the purposes of paragraphs 28 and 29 above, be the appointed day in relation to sex cinemas in the area.

Section 3.

SCHEDULE 4

STREET TRADING

Interpretation

1.—(1) In this Schedule—

“consent street” means a street in which street trading is prohibited without the consent of the district council ;

“licence street” means a street in which street trading is prohibited without a licence granted by the district council ;

“principal terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below ;

“prohibited street” means a street in which street trading is prohibited ;

“street” includes—

(a) any road, footway, beach or other area to which the public have access without payment ; and

(b) a service area as defined in section 329 of the Highways Act 1980,

and also includes any part of a street ;

“street trading” means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street ; and

“subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

1980 c. 66.

ADOPTION OF SCHEDULE 3 LOCAL GOVERNMENT [MISCELLANEOUS PROVISIONS] ACT 1982**Submitted by:** Head of Central Services - Paul Clisby**Portfolio:** Culture and Active Communities**Ward(s) affected:** All Wards**Purpose of the Report**

To propose that the Council adopts Schedule 3 of The Local Government [Miscellaneous Provisions] Act 1982 ---The control of Sex Establishments within the boundaries of Newcastle under Lyme

Recommendation

That the Council adopts Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Reasons

In order to have control over Sex establishments.

1. **Background**

1.1 The forthcoming Policing and Crime Act 2009 will have the effect of inserting new paragraphs into Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982. This will provide for a new category of Sex Establishment – The New category is a “Sexual Entertainment Venue”. This type of entertainment provided at such a venue may take the form of a live performance or live display of nudity and must be of such a nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience – in essence lap dancing and pole dancing.

2. **Issues**

2.1 Failure to adopt Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 will have the effect that Section 27 of the Policing and Crime Act cannot be inserted to Schedule 3 and as a result the Council will have no control of “Sexual Entertainment Venues”. The Council will be unable to prevent this type of premise from operating and would not be able to impose any conditions on the operation of the Venue.

2.2 Should the Council adopt aforesaid Schedule 3, the Council would be in a position to set criteria it deems appropriate such as the setting of fees, having a Policy which restricts the locations of such Venues, and to impose a restriction on the numbers of such Venues.

3. **Options Considered**

The options are as above

4. **Proposal**

4.1 To adopt the act as shown in the recommendation above.

5. **Reasons for Preferred Solution**

5.1 As highlighted earlier in Issues

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

6.1 Indirectly relevant to:-

6.2 Creating a cleaner, safer and sustainable Borough

7. **Legal and Statutory Implications**

7.1 These have been shown in the report.

8. **Equality Impact Assessment**

There are no equality issues with the proposal.

9. **Financial and Resource Implications**

There are no implications

10. **Major Risks**

10.1 Failure to adopt the act may lead to unlicensed sex venues.

11. **Key Decision Information**

(Whether it is a decision involving significant expenditure or savings, or will impact on 2 or more wards and whether it has/has not been included in the Forward Plan)

12. **Earlier Cabinet/Committee Resolutions**

Not a key decision

13. **List of Appendices**

Appendix 'A' - Schedule 3 of the L.G.M.PA.1982)

Appendix 'B' - Section 27 of the Police and Crime Act 2009.

14. **Background Papers**

Refer to the appendices

Licensing of Sex Establishments

Contents

1. Introduction
2. Period of Licensing Policy
3. Review of Licensing Policy
4. Exercise of Responsibilities
5. Definitions
6. Requirement for a licence
7. The Application Process
8. Mandatory Grounds for Refusal
9. Discretionary Grounds for Refusal
10. Relevant Locality
11. Duration of Licences
12. Hours of opening
13. Fitness of applicant

1. Introduction

This document sets out the policy of Newcastle under Lyme Borough Council on the Regulation of Sex Establishments and the procedure relating to applications for Sex Establishment Licences.

The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') introduced a licensing regime to control sex establishments. The Council adopted schedule 3 of the Act on the 31st March 2010 and the schedule took effect on the 3rd August 2010. This means the Council can control and regulate the operation of certain kinds of sex establishments within its area. No sex establishment can operate unless it has obtained a licence from the Council. Any licence may contain conditions that will restrict how that sex establishment may trade.

2. Period of Licensing Policy

- 2.1 The Statement of Licensing Policy will be used by the Council in the administration and enforcement of its duties under the Act. It will remain in force for a period of three years from the and will be reviewed and subject to further consultation before the end of the three year period.
- 2.2 A new Statement of Licensing Policy will be prepared to come into operation at the expiration of the current Policy.

3. Review of Licensing Policy

3. During the currency of any Statement of Licensing Policy the Council will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the Policy subject to appropriate consultation.

4. Exercise of Responsibilities

- 4.1 In exercising its duties and responsibilities under the terms of the Act the Council will have regard to this Statement of Licensing Policy and to guidance issued by the Home Office.

4.2 Subject to 4.1 the Council will not follow this policy inflexibly but shall take all relevant factors into consideration in determining an application. Each case will be decided on its merits.

5. Definitions

The Term	The Meaning
The Council	Newcastle under Lyme Borough Council
The Act	The Local Government (Miscellaneous Provisions) Act 1982 as amended
Licensed Premises	any premises, vehicle or stall licensed under the Act
Licence Holder	a person who is the holder of a Sex Establishment Licence
Permitted Hours	The hours during which the licensed premises are permitted to be open to the public
Sex Establishment Licence	A licence granted pursuant to Schedule 3 of the Act (as amended)
Relevant Locality	the Borough of Newcastle under Lyme
Inappropriate Proximity	a minimum distance of 100 metres in direct line of sight between the proposed establishment or more in the case of the proposed establishment being in proximity to a primary school
Sex Establishment	Sex Cinema, Sex Shop or Sexual Entertainment Venue
Sex Cinema	Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which: <ul style="list-style-type: none"> • Are concerned primarily with the portrayal of or primarily deal with or relate to, or are intended to stimulate or encourage: <ul style="list-style-type: none"> i) sexual activity ii) acts of force or restraint which are associated with sexual activity • are concerned primarily with the portrayal of , or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling house to which the public is not admitted
Sex Shop	Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating – <ul style="list-style-type: none"> a) sex articles; b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:- <ul style="list-style-type: none"> i) sexual activity ii) acts of force or restraint which are associated with sexual activity
Sex Article	Anything made for use in connection with, or for the purpose of stimulating or encouraging <ul style="list-style-type: none"> a) sexual activity or b) acts of force or restraint which are associated with sexual activity; and <ul style="list-style-type: none"> • anything containing or embodying matter to be read or looked at or anything intended to be used either alone or as one of a set, for the reproduction

	<p>or manufacture or any such article and</p> <ul style="list-style-type: none"> • to any recording of vision or sound which:- <ol style="list-style-type: none"> 1. is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or 2. is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs or urinary or excretory functions.
Sexual Entertainment Venue	<p>Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.</p> <p>Relevant Entertainment means:-</p> <ol style="list-style-type: none"> a) any live performance; or b) any live display of nudity; <p>which is of such a nature that ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)</p>

6. Requirement for a Licence

- (a) The Act provides that no person shall in any area in which the Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the Schedule by the authority.
- (b) The Council may waive the requirement for a licence for such period as the Council deems fit in any case where they consider that to require a licence would be unreasonable or inappropriate

7. The Application Process

- (a) Individuals, limited companies and firms may apply for a licence. (b) The application form and relevant documentation for the new licence, transfer or renewal must be completed and returned with the appropriate fee as set out in the Council's fees and charges.
- (c) A copy of the application form and supporting documentation must be forwarded to the Chief Officer of Police within seven days.
- (d) A notice of the application will need to be advertised both on or near to the sex establishment and no later than seven days after the application is made in a newspaper circulating within the area of the Sex Establishment. The notice must identify the sex establishment to which it relates and remain in place for 21 days beginning on the date of the application.
- (e) The Council will consult with the Police, Fire and Rescue Service, Council Ward Members, Environmental Health and the Local Planning Authority.
- (f) Objections to the application shall be in writing stating the terms of the objection no later than 28 days after the date of the application.(g) Where objections are received the Council will give notice in writing to the applicant of the general nature of the objection before it is given due consideration.

8. Mandatory Ground for Refusal

8.1 The Act imposes a duty on the Council to refuse to grant a licence to a:-

- (a) Person under the age of 18; or
- (b) Person who is for the time being disqualified following the revocation of a licence; or
- (c) Person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) Body corporate which is not incorporate in the United Kingdom; or
- (e) Person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence of the sex establishment, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9. Discretionary Grounds for Refusal

9.1 The Act allows the Council to refuse to grant or renew a licence on the grounds that:

- (a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; or
- (b) If the licence were to granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, or transfer of such a licence if he made the application himself, or
- (c) The number of sex establishments in the relevant locality at the time the application is made or determined is equal to or exceeds the number which the Authority consider is appropriate for that locality; or
- (d) The grant or renewal of the licence would be inappropriate, having regard:-
 - (i) To the character of the relevant locality; or
 - (ii) To the use to which any sex establishment in the vicinity are put;
 - (iii) To the layout, character or condition of the sex establishment, vehicle, vessel or stall in respect of which the application is made
- (e) The Act provides that the appropriate number under 6.1(c) may be nil. This policy sets the appropriate number of premises at 1 (one)
- (f) The Council cannot have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter which can be considered.

10. Relevant Locality

10.1 The Council has determined that it is appropriate to consider the Borough of Newcastle under Lyme as the relevant locality.

10.2 The Council is of the view that it is not appropriate to have a sex establishment situated within inappropriate proximity to:-

- (a) Purely or primarily residential accommodation
- (b) Schools, play areas, nurseries, children's centres or similar premises
- (c) Places of worship
- (d) Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs, and sheltered housing
- (e) Historic buildings or tourist attractions.

- 10.3 The Council is of the view that it may be appropriate to grant a licence in a commercial area where there are no residential premises, such as on a business park.
- 10.4 In considering all applications for the grant of new licences the Council will take into account paragraphs 10.1- 10.3 and the potential impact of the licensed activity on
- (a) Crime and disorder
 - (b) Public nuisance
 - (c) Public safety
 - (d) Protecting children from harm

11. Duration of licences

- 11.1 Licences will generally be issued on an annual basis but can be issued for a shorter term if deemed appropriate.

12. Hours of opening

- 12.1 The Council does not prescribe hours of opening. Hours will be considered on a case by case basis.

13. Fitness of applicant

- 13.1 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:-
- (a) Previous knowledge and experience of the applicant;
 - (b) Any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other borough;
 - (c) Any report about the applicant and management of the Sex Establishment received from statutory objectors/responsible authorities
 - (d) Any criminal convictions or cautions of the applicants

14. Determination of Applications

- 14.1 Each application will be considered on its own merits following the appropriate consultation and in accordance with this Policy.
- 14.2 Any licence may be granted subject to conditions imposed by the Council, therefore an application should not be refused if conditions could adequately address any area of concern
- 14.3 All licences will be subject to the Council's Standard Conditions for Sex Establishments in addition to any conditions that the Licensing Committee may impose
- 14.4 All applications for the grant of a new licence will be determined at a public hearing by the Licensing Committee.
- 14.5 All applications for a renewal of an existing licence where no objections are received will be considered by the Licensing Committee
- 14.5 All applications for a transfer of an existing licence will be referred to the Licensing Committee or a Licensing Sub-Committee to be determined at a public hearing.

15. Standard conditions

- (1) The sex establishment shall be closed throughout Good Friday, Christmas Day and every Sunday.
- (2) A copy of the Sex Establishment Licence and the conditions made by the authority must be kept exhibited in the public area of the sex establishment.
- (3) No person under the age of 18 years is to enter the sex establishment.
- (4) All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the sex establishment.
- (5) No person under the age of 18 years is to be employed in the business of the sex establishment.
- (6) At all entrances there shall be prominently displayed (so as to be visible at all times to persons approaching the sex establishment) a notice prohibiting entry to all persons under 18 years of age.
- (7) The licensee of the sex establishment shall ensure that all persons employed by the sex establishment are aware of the age restriction on customers and that they exclude or remove from the sex establishment any person attempting to evade the restriction.
- (8) The licensee shall not display outside, near to, or within the sex establishment any advertising material, sign or pictorial display referring to the licensed sex establishment or the goods, articles or services provided by the Sex Establishment, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the licensee, any notice indicating the times of opening of the premise or required by statute, regulation or bylaw applicable to the sex establishment or business carried thereon.
- (9) The sex establishment shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed sex establishment and the displays of articles sold at the sex establishment shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices.
- (10) A police officer or an authorised officer of the Council or the Police may at any reasonable time enter and inspect the sex establishment in respect of which a sex establishment licence is in force or an application for the grant of a new licence has been served.
- (11) All refuse produced by the sex establishment and materials, goods and articles discarded for any reason shall be securely stored within the sex establishment and delivered in closed containers to the refuse collection service.
- (12) The licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the sex establishment so that they are received directly into the sex establishment or packaged such that they are not identifiable.
- (13) The licensee or some responsible person nominated by him/her in writing for the purpose and approved by the Council shall be in charge of and upon the

licensed sex establishment during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.

- (14) No part of the sex establishment shall be used for the purposes of prostitution.
- (15) The licensee shall ensure that no employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation or marketing material identifying the sex establishment.
- (16) A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.
- (17) A CCTV system shall be installed in the sex establishment to the satisfaction of the Police Architectural Liaison Officer or in their absence the Police Licensing Officer. The system shall efficiently record the operation of the sex establishment and automatically indicate the time and date of events recorded to a standard that would be acceptable as evidence in Court. All recordings shall be securely maintained for a minimum of 28 days and shall be made available at the sex establishment for inspection within 24 hours by a police officer or an authorised officer of the Council or the Police.

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Classification: NULBC UNCLASSIFIED

Leaders Report

It's been an incredibly busy period of time since we last met together on the 16th July, and this Administration continues to push forward meeting its Election Manifest promises alongside reacting to ever raising situations.

The month started with me having the pleasure of meeting with the Judge (unfortunately only one arrived) who had toured the Authority assessing our parks and open spaces with regard to the Heart of England, Britain in Bloom competition who commended the Authority, its staff but most importantly, the volunteers who give up hundreds of hours a year to help the Authority achieve its Corporate Priorities.

This visit also coincided with the delivery of a Silver Award Royal at the Horticultural Society's national flower bed competition at Tatton Park flower show. My thanks to Dave Adams, Roger Tate and their extensive teams who represented the Authority with distinction and we should all be very proud of their efforts.

Away from the Civic Centre I was pleased to add my signature to the Stoke and Staffordshire Local enterprise Partnership's new Regulatory agreement which seeks to harmonise all the district's and upper tiers responses with regard to regulatory services, a huge amount of effort went into aligning Authorities and this work in part also has created a new Regulatory Document here at the Borough Council which clearly states the help available from our Departments be it Environmental or Licensing. The work completed by Nesta Barker and her team whilst laborious, will give this Authority a clear steer when dealing with the General Public.

During the Month I've also met with various Leaders and Chief Executives from places as diverse as Staffordshire County Council, Staffordshire Moorlands and Stoke on Trent to discuss matters of mutual interest ranging from HS2, the Local Plan, Shared Services and future Leisure Facilities provision in Kidsgrove. As well as Public Sector Partners, I have also met with Private and Third Sector Partners on a regular basis, including representatives from VAST, Aspire and Staffordshire Police.

Economic Development within the Borough goes from strength to strength and I'm pleased to report that a major investment has been announced at the Lymelight Boulevard (formerly The Square) which could equate to several million pounds over the lifetime of the Lease. All of the empty units within the complex will be brought back into use, office space, never used since the building was opened to the public, will be made available and hundreds of jobs will be created not only by the opening of the units but Reel Cinema and other companies have already been lined up to bring new jobs into the Town Centre. This is just one example of the good work that the Economic Development Team and Newcastle Town Centre Partnership continue to deliver on this Authority's behalf.

Again in the Town Centre, the Authority was pleased to welcome Assessors from the Association of Town & City Management who undertook an accreditation process similar to Green Flag Award for parks and Blue Flag for beaches. It leads to Purple Flag status for town centres that meet or surpass the standards of excellence in managing the evening and night-time economy. We still await the official results of the Assessment but I'm quietly confident that the work that Sarah Moore and her

team, alongside a wide array of partners, put in to this project, will provide us with another reason to be proud of the Town Centre which has transformed over the last couple of years.

I was pleased to confirm and expand on several new policies over the last two months. During August I met with Stella Creasy MP to announce a Borough wide Financial Inclusion Project that will culminate with the removal of all Pay Day Lenders / High Interest Lenders from Newcastle-under-Lyme Borough. These companies have no place in our High Street and with educational support from the Staffordshire Financial Inclusion Group, and practical support with the presence of both Staffordshire Credit Union and Moneywise (A local social lender) I'm confident that the Borough's dependence on high interest borrowing will be a thing of the past.

Work on the Pilot Landlords Accreditation Scheme continues on the Miners Estate in Kidsgrove and when this is proven to be successful it is my attention to target areas of concern with similar schemes to reinvigorate areas that suffered decline due to social economic factors in the last several years.

My commitment to the people of Kidsgrove with regard to a new leisure facility continues and a working group has been formed to establish need, preferred locations and potential funding options. This building is critical in the eyes of this administration and the Cabinet and I will ensure that not only that we take the lead on this project, but other partners such as the County Council honour not only their commitment of the District Deal, but more simply, the people of Kidsgrove who deserve better than the run down facility they currently suffer.

One final meeting I held this month was a meeting with Nigel Eggleton, of First Limited, known as Potteries Buses locally, to discuss their timetable changes. These discussions will be long but important as they affect thousands of our residents and first signs are that First Limited is very receptive to constructive dialogue. Nigel is due to attend a Public Meeting on the 17th September where I hope he will announce a solution to a problem in Talke but can I ask that all Councillors with time table alterations to contact me with any concerns and I will pass them on.

Chairs Report of the Public Protection Committee - 04/08/2014

Food Safety Service Plan 2014/15

The committee received the Food Safety Service Plan 2014/15. This report is produced to inform members of the work carried out by the Food and Safety team, in accordance with the food standards agency framework agreement on official controls by local authorities.

The Council have a statutory duty to ensure a Food Safety Service Plan is in place to comply with the Food Standards Agency requirements.

Members noted that a high number of premises in the Borough have a very good Food Hygiene rating. Only 42 premises out of 700 need improvement or urgent attention. This is a considerable achievement and shows that most premises serving food are delivering at a high standard.

Officers were thanked by the committee for the thorough and in depth report. If you require a copy of the Food Safety Service Plan 2014/15, please contact head of environmental health services, Nesta Henshaw.

Local Air Quality Management – Progress Report 2014

The committee received a statutory progress report for 2014 in respect of air quality in the Borough and the work required as a result of the findings of poor air quality in areas of the Borough.

During the chairs meeting and the Public Protection committee meeting, several questions were raised regarding air quality and the possible areas suffering with high levels of pollutants. What are we doing to monitor air quality and how will we tackle issue?

These questions were addressed by the Team Leader of Environmental Protection, Darren Walters. Please see below:

What are we doing to monitor air quality?

We are currently monitoring for compliance against the statutory nitrogen dioxide annual mean objective across 38 locations across the Borough using passive diffusion tubes. These are positioned according to technical guidance and in the majority of cases will be representative of worst case exposure at relevant facades of properties (dwellings, schools etc.) These are used to provide a screening tool to show if further detailed investigations are required. The tubes not positioned on relevant facades form part of the national monitoring network. We also have an air quality monitoring station at Queens Gardens which monitors nitrogen dioxide and particulate matter. Real-time and historic data for this site can be found on <http://www.ukairquality.net/> The latest progress report gives trends across these locations since 2007 and also shows in which years exceedances have occurred. Our earlier reports can also be found at www.newcastle-staffs.gov.uk/laqm

Where exceedances of the statutory objectives are identified or predicted, the authority is required to undertake a further detailed assessment and this was reported to Public Protection in December 2013. Attached with this email is the earlier public protection report which discusses the findings of a Detailed and Further Assessment of air quality in four areas of the Borough which were found to exceed the legally acceptable levels. Appendices 3 to 6 will give you a non-technical summary of the issues in the areas of exceedance.

Improving the air quality in the exceedance locations

We are about to embark on a formal consultation exercise concerning the required Air Quality Management Area Boundaries (AQMA's), which are required to be declared by law, these also cover the locations which are referred to in your report for consideration on the 4th August 2014. We are in the process of drafting information leaflets concerning this and these will contain details of the maps giving the boundaries of the proposed AQMA's. We hope to have the leaflets and letters available for distribution by mid-August.

The consultation exercise is planned to run from the 1st September 2014 through to the 12th October 2014 and will involve the following:

- 1st September to 12th October 2014 (6 weeks)
 - **Newcastle Town Centre (3rd September 7-9pm Council Chamber)**
 - Newcastle Town Centre AQMA stakeholders meeting (TRL to facilitate with Borough Council Staff). (Invitees – Council Leader, Portfolio Holder, Elected members for Town/Maybank/Porthill/ Wolstanton Ward, County Councillor, Staffordshire Highways, Staffordshire County Public Health Lead, Stoke on Trent City Council AQ officer, Town Centre Business Forum, Town Centre Businesses. GP Surgeries in the area, Local Planning Authority Committee Chair, Head of Planning, Staffordshire and Stoke on Trent LEP chair. Local bus operators / TAXI association, Keele University, Planning Policy officers from Stoke and Newcastle
 - Newcastle Town Centre AQMA public road show – Market day, Morrison's / Sainsbury's. (Borough Council) Will need materials to help deliver the message in an easy to understand format.
 - Each property / business in affected area or which may have a role to play in developing AQAP to receive leaflet.
 - **May Bank Wolstanton Porthill (3rd September 7-9pm Council Chamber)**
 - Maybank Wolstanton Porthill AQMA stakeholders meeting (TRL to facilitate with Borough Council Staff). (Invitees – Council Leader, Portfolio Holder, Elected members for Town/Maybank/Porthill/ Wolstanton Ward, County Councillor, Staffordshire Highways, Staffordshire County Public Health Lead, Stoke on Trent City Council AQ officer, Highways Agency, Stoke on Trent Highways. Town Centre Business Forum, Wolstanton Chamber of Trade Businesses. GP Surgeries in the area, Local Planning Authority Committee Chair, Head of Planning, Staffordshire and Stoke on Trent LEP chair. Local Bus operators
 - AQMA public roadshow – ASDA Morris Square / Porthill Library / (Borough Council) Will need materials to help deliver the message in an easy to understand format.
 - **Kidsgrove (5th September Victoria Hall)**
 - Maybank Wolstanton Porthill AQMA stakeholders meeting (TRL to facilitate with Borough Council Staff). (Invitees – Council Leader, Portfolio Holder, Elected members for Kidsgrove Ward, Kidsgrove Town Council, County Councillor, Staffordshire Highways, Staffordshire County Public Health Lead, Stoke on Trent City Council AQ officer, Highways Agency, Stoke on Trent Highways. Town Centre Business Forum, Wolstanton Chamber of Trade Businesses. GP Surgeries in the area, Local Planning Authority Committee Chair, Head of Planning, Staffordshire and Stoke on Trent LEP chair, local bus operators

- AQMA public roadshow – ASDA Morris Square / Porthill Library / (Borough Council) will need materials to help deliver the message in an easy to understand format.
 - Kidgrove Town Council meeting
- Madeley (single address)
 - Proposed personal letter to householder and owner, meeting with Keele ward member (Green Party Member), Consultation letter to LPA / County / Councillors / Highways Agency / Public Health.

We will also be going out to meet the public in shopping areas and supermarkets to seek their views as well as providing a website which will give further information and to enable comments to be made. The dates will be published in the leaflets. We are hoping to have these available for issue in the next two weeks. All feedback received will be taken into account and we hope to take a report to the 22nd December Public Protection Committee to formally declare the Air Quality Management Areas.

Public awareness will also be raised through an article in the Reporter (scheduled for distribution between the 25th August to the 31st August), and a local press release. Both the local Sentinel and Radio Stoke have shown an interest in this issue in the recent past.

Improving air quality

Once we have the AQMA's in place, we will then be in a position to develop air quality action plans which are designed to identify projects which can be achieved to improve air quality This is something which will need to be developed in partnership with others such as the highways agency, county highways, colleagues within the city, local planning authority.

We also plan to develop an air quality strategy for the borough which is intended to safeguard and improve air quality and again this will be developed in consultation.

Planning and Air Quality

All planning applications are screened for their impacts on air quality or to assess how existing air quality will impact upon the development and we have an established Local Planning Validation List which gives advice to developers on this subject. Where considered appropriate to do so, developers are required to submit air quality assessments with their applications; these typically explore traffic impacts and construction impacts on air quality.

Once we have the AQMA's in place, air quality in these areas will become a material consideration in determining a planning application in accordance with the NPPF. We are looking to develop guidance / polices to achieve improvements in air quality and not to increase exposure

We are also raising the issue with Planning Colleagues to assist in the development of the joint Local Plan and to achieve policies which support us on air quality.

The M6 Motorway and air quality

We have only identified one property affected by air quality which exceeds legal levels which is Collingwood, adjacent to the motorway bridge at Madeley. This is exceeding the annual mean air quality objective for nitrogen dioxide by a very narrow margin. We hope to engage with the Highways Agency to see improvements and will request that they take air quality along this route into account in developing any highway schemes.

It is considered that traffic related emissions will see an overall reduction as time moves on due to improvements in engine technology and pollution control measures driven by European legislation. The results obtained at this site do not identify any risk of exceeding the short term hourly objective for nitrogen dioxide (as one may expect to see if traffic is queuing or is heavily congested).

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